



GMB Intended Use Policy Forward

The GMB is supporting the condition of licensing for an 'Intended Use Policy' for hackney carriage taxis, private hire vehicles and Operators.

Since the 2015 Deregulation Act 'Cross-Border Hiring' has seen a huge increase in mainly private hire vehicles predominantly working in areas other than the actual area the vehicle and driver are licensed in.

This has had the effect of the total eradication of '**Local Licensing Control**' which was given to local authorities by Parliament under the 1976 Local Government Miscellaneous Act after many years of private hire vehicle never being licensed.

However, Local councils can now no longer be relied on to ensure the safety of passengers who are oblivious that the chances are that the private hire vehicle they are provided with is not locally licensed, and as such, not under the control of Local Licensing Enforcement and could in fact be licensed hundreds of miles away 'Out-of-Sight & Out-of-Mind' of the vehicle and the drivers own licensing authority.

Cross-Border Hiring has always taken place between adjoining local authorities. However up until the 2015 Deregulation Act it has not been to the extent of the ever increasing exploitation of Cross-Border Hiring where a vehicle licence is purposely sought in an area of lower requirements to predominantly work in an area of higher requirements.

This has not only undermined local authorities but is now having the effect of fewer local licences being applied for in areas of higher licensing requirements based on the principle of '*Why bother attaining a higher requirement for a licence in Area A when I can get a licence elsewhere much easier in Area B...and then predominantly work in Area A*'

This deprives a local authority of licensing fees in order to run an efficient Licensing Department unless local fees are increased to make up the loss.

The question has to be asked as to why Wolverhampton Council has issued some 15k private hire licences and as to how many of these actually work within the Wolverhampton local authority?

It must be made clear that with an 'Intended Use Policy' for hackney carriage taxis and private hire vehicles there is no intention to stop Cross-Border Hiring.

The only intention is to ensure that if a proprietor of a vehicle wishes to predominantly use it to work in a specific area then the vehicle must be a licence in that area attaining all the local requirements needed. *Any driver of that vehicle must then also be licensed accordingly.*

Under private hire licensing there is no restriction to do this. The only restriction is that an applicant of the vehicle must reach the required local standards which are open to everyone.

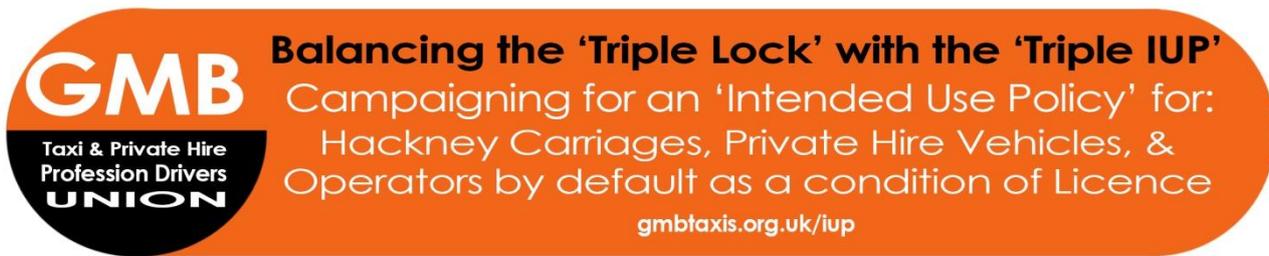
Such an 'Intended Use Policy' is currently available for any council to have as a condition of licensing for hackney carriage taxis and some councils already enforce this which ensures that these vehicles stay within local Licensing Enforcement Control.

There is no reason for this to not also apply to private hire vehicles.

An 'Intended Use Policy' as a condition of licence is not a restriction of trade but a requirement to ensure that Local Licensing Control is not undermined and can carry out its obligation of Enforcement Control for the safety of the public.

For further information see the full GMB 'Intended Use Policy' document gmbtaxi.org.uk/downloads/gmb-iup-v2.pdf

GMB National Organising Committee



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1: Introduction – 2015 Deregulation Act – Where it all went wrong

There is no intention here to bring up this old dust ball in fine detail. However it is abundantly clear that the changes to the taxi/private hire trade which may have been supported by MP's and those in power such as Baroness Kramer in good faith.. *or even possibly knowing the full and eventual outcome...* turned out to be a case of utter turmoil and strife to the trade and Local Licensing Authorities.

Putting aside the changes to the period of driver licenses issued from one year to three years and concentrating on the 'Triple Lock' the 'supposed' original intention was to lay down the conditions of where a licensed Operator passes a job to another licensed Operator thus ensuring the 'Triple Lock' was in place (*meaning where all three Licences from the same licensing authority must be in place for a private hire booking to be legal. These being the Driver... Vehicle and Operator Licence.*)

That was nice and simple in its basic terms as an Operator in 'Area A' taking a job in 'Area B' could then be confident that the whole process was legal when sub-contracting that job to the Operator in 'Area B' that used drivers and vehicles licensed in 'Area B' thus complying with the 'Triple Lock'.

It was not supposed to encourage the Operator in 'Area A' to intently place cars licensed in 'Area A' to predominantly work Area 'B' with the effect of eroding Local Licensing Control in 'Area B'.

However... this is what happened and was then fully exploited to the extreme by an international App that in the very early days it then initially sent thousands of London licensed TfL private hire cars all over the country and then once a job was allocated it was 'backfill-recorded' to the London Operator licence of that App.

Some claim that the actual process of the job 'First' being allocated to whichever 'App' car (*from whatever area*) that happens to be closest to the customer and only then 'Secondly' backfilled-recorded to the appropriate 'App' Operator licence to match up the driver and car was an illegal process.

For example a Wolverhampton driver/vehicle predominantly working in say Liverpool is matched up to a customer waiting outside 'The Cavern Club'. Once this 'First' stage is completed the job is then backfilled-recorded to the 'Apps' Wolverhampton Operator licence. However this of course has never been proved to be the case... or maybe the powers that be preferred not to go there.

Baroness Kramer and those who supported the all of this must be very proud of their work.....

This snowballed into that 'App' using the likes of Wolverhampton's mass confetti style issuing of private hire driver and vehicle licences (15k+ to date) where hardly any of these drivers had any intention of working within Wolverhampton but instead intently and predominantly outside of the city with the consequences of the total loss of Local Licensing Control for neighbouring licensing areas and much further way. *More on this further down.*

One terrible loss of this part of the Deregulation Act 2015 is that it took away the 'watchful-eyes' of the local cab trade who were previously easily alerted to bogus cabs roaming the streets with dubious intent. This is because many areas are now flooded with so many different private hire cars from so many different areas that it is now like going back to before the Local Government Miscellaneous Act 1976 where the then private hire drivers/vehicles could work wherever and however they wanted because they were unlicensed.

2: Cross- Border Hiring – Background

Now that the 2018 **'Task and Finish Group – Taxis and Private Hire Vehicle Licensing'** recommendations on the major abuse of cross-border hiring has been ignored by the government and excluded from the 2020 DfT **'Taxi & Private Hire Statutory Standards'** the GMB is now backing for a change in legislation to balance the 'Triple Lock' system.

It has been widespread in the taxi/private hire trade throughout the country that the **'Triple Lock'** has been highly abused and a major cause of the erosion of Local Licensing Control and a diminishment of Local Enforcement rendering it pointless.

The intention is to require all local authorities to be compelled to set a condition of licensing for all three core licenses being: Hackney Carriage Vehicles, Private Hire Vehicles and Private Hire Operators which will be known as the **'Triple Intended Use Policy' (Triple IUP)**.

This will compel Local Licensing Authorities to have in place a signed-for declaration for the proprietor for both the hackney carriage and private hire vehicle Licence applications that the vehicle will not be predominantly used and placed outside of the licensing area for the intention of being hired. Any vehicle used in such a way risks the revocation of the Licence.

For the Operator Licence a declaration will be in place that it will not purposely... intently and predominantly place vehicles under its control in an area where its vehicles are not licensed for the purpose of being hired.

There is no intention to stop natural transit hirings across differing Licensing Authorities commonly known as 'Cross-Border Hiring'.

3: Intended Use Policy for the two vehicle Licences - Explained

- a) **Licensed Vehicles:** To stop the loophole of a hackney carriage/private hire vehicle that has been licensed in area **'A'** (*with specific and relevant licensing conditions to its own area*) with the intent of purposely and predominantly being used in a completely different area of **'Z'** (*that has its own specific and relevant licensing conditions*) for the purpose of being hired out of sight and mind of its respective Licensing Enforcement and known as 'Predominant Out of Area Hiring'
- b) **Operators:** To stop the loophole of a licensed Operator licensed in area **'A'** intentionally placing a hackney carriage/private hire vehicle licensed in area **'A'** to predominantly work in area **'Z'** for the purpose of being hired known as 'Predominant Out of Area Hiring'
- c) **Cross-Border Hiring:** It is not the intention to hinder the natural transit of Cross-Border Hiring but to ensure that licensed vehicles do not predominantly work out of area for the purpose of being hired away from their respective Licensing Enforcement.
- d) **Local Licensing Enforcement:** The 'Triple IUP' will alleviate time in work hours and licensing funding on 'Predominant Out of Area Hiring' investigations. This works both ways for Local Licensing Authorities who will see for its Enforcement officers:
 - 1: The reduced need to travel to far away areas to check on their respective licensed vehicles that under the current system allows those vehicles to predominantly work remotely out-of-sight and away from their own Local Enforcement.
 - 2: To allow the full concentration on locally licensed hackney carriage/private hire vehicles/drivers and Operator Enforcement.

e) **Public Safety:** Currently where a vehicle predominantly works in a differing Licensing Authority area the Local Enforcement has no idea as to whether the vehicle:

- 1: Complies with its own specific and relevant licensing conditions.
- 2: That the driver of the vehicle is a genuine licensed driver.
- 3: That the vehicle is fully insured to predominantly work outside its respective licensing area
(see Section 15 Insurance Fraud)

4: Intended Use Policy Operator Licence - Explained

The third Licence to apply an 'Intended Use Policy' is on the Operator Licence as in principle it is the Operator that controls the use of a private hire vehicle (as well in some cases hackney carriage vehicles) and a local council can enforce any reasonable condition of licensing on an 'Operators Licence'

Under what is known as the '**Triple Lock**' system, all three licenses; the driver Licence, the vehicle Licence and the Operator Licence must be held and issued by the same authority. This allows for 'Cross-Border Hiring' to take place. This 'Triple Lock' legitimised what has always taken place under natural transit hiring, especially within neighbouring areas

However the mass abuse of 'Cross-Border Hiring' by an Operator encouraging vehicles to be licensed in one area and yet predominantly work hundreds of miles away has completely eroded 'Local Licensing Control' and infinitely more worryingly, "Public Safety". This is a very serious point that the DfT and Grant Shapps Secretary for State Transport has ignored in the recently published 'DfT Statutory Taxi & Private Hire Standards'

The DfT has now imposed six monthly enhanced DBS checks but where the vehicle works many miles away in different areas... even daily enhanced DSB checks are worthless as who is to know if the driver is the actual licensed driver of that vehicle?

Under an "**Intended Use Policy**" a driver could still carry out that return from an area that the private hire vehicle has just dropped in. But it would stop that vehicle from predominantly and purposely loitering or staying in that area for the purpose of being hired and defying local licensing control and being 'out-of-sight and out-of-mind' of the vehicles own local authority enforcement.

An '**Intended Use Policy**' equally applied to the Operator Licence would ensure that the full responsibility of the vehicles under the control of that Licence would **not be predominantly placed** and used out of area for the purpose of being hired but would still allow for the natural transit Cross-Border Hiring that has always taken place.

5: Licensed Vehicles 'Intended Use Policy' – Condition of Licence Wording Example

"A hackney carriage vehicle or private hire vehicle licensed in one local authority can be used to fulfil pre-booked hirings in another local authority.

However in order that the Council may retain local control over its own licensed vehicles applicants will be asked as part of the application process which area they intend to entirely or predominantly operate from for the purposes of fulfilling pre-booked hirings.

It will be incumbent upon the applicant to demonstrate to the council's satisfaction that they intend to predominantly undertake work with the councils licensed vehicle within the Local Authority area.

If the applicant indicates that they will not predominately use the councils licensed vehicle within the Licensing Authority area the applicant would normally be refused.

If the applicant is subsequently found to be predominately using the vehicle outside the Licensing Authority area the vehicle Licence could be revoked.

This section is not intended to act as a restraint of trade since applicants may make applications to any local authority in whichever area they intend to predominantly undertake work under whatever conditions may be applied.”

6: Licensed Operators ‘Intended Use Policy’ – Condition of Licence Wording Example

“An Operator licensed in one local authority can undertake to fulfil pre-booked hirings in another Local Authority providing the ‘Triple-Lock’ is in force of:

The Driver – The Vehicle – The Operator... all being licensed under one licensing authority

However in order that the Council may retain local control over those vehicles undertaking such work in another area on behalf of the Operator the applicants will be asked as part of the application process which area they intend to entirely or predominantly operate for the purposes of fulfilling pre-booked hirings and supplying vehicles licensed by the council

It will be incumbent upon the applicant to demonstrate to the Council’s satisfaction that they intend to predominantly only fulfil pre-booked hirings with vehicles licensed by the council within the Licensing Authority that the Operator holds the Licence.

If the applicant indicates that they will be predominately using vehicles licensed by the council outside the Local Authority area the application will normally be refused.

If the applicant is found to be placing and predominantly using vehicles licensed by the council to fulfil pre-booked hirings in another the Local Authority area the Operator Licence could be revoked.

This section is not intended to act as a restraint of trade since applicants may make applications to any local authority in whichever area they intend to predominantly undertake work under whatever conditions may be applied.”

7: Hackney Carriage Vehicles: Current ‘Intended Use Policy’ Facility

Under current legislation all Licensing Authorities can **already have** an ‘IUP’ for hackney carriage vehicles. This means that if a hackney carriage vehicle is predominantly used outside of its licensing authority that Licence could be revoked.

It has to be questioned as to why an ‘IUP’ has always been specifically available to local licensing authorities for hackney carriage vehicles and in some areas the condition is in force?

The principle answer to this is ‘**Local Licensing Control and Enforcement**’ which is presumed to have been recognised many years ago.

This is because when a hackney carriage vehicle is licensed in Local Authority ‘**A**’ but predominantly and works in Local Authority ‘**Z**’, which could be many miles away, ‘Local Licensing Control’ in Licensing Authority ‘**Z**’ is undermined and Local Authority ‘**A**’ is unable to fulfil its obligation to carry out ‘Local Licensing Enforcement’.

It is a statutory requirement that under ‘Model Bylaws for Hackney Carriages’ that a hackney carriage must return to the nearest available council stand (Taxi Rank) in its own area.

Model Byelaws for Hackney Carriages

BYELAWS Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the council of [name of council] with respect to hackney carriages in [name of district]

7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired

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(a) proceed with reasonable speed to one of the stands appointed by the Council;
(b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;'

However this apparently does not apply when a hackney carriage vehicle leaves its respective Licensing Authority in just the same way that a different rate can be charged by the driver of a hackney carriage vehicle other than that prescribed by the Licensing Authority that licensed that vehicle. This is presumed to be why local authorities have imposed an 'Intended Use Policy' to a hackney carriage vehicle.

It should be noted that a hackney carriage vehicle has always been allowed to be used to undertake private hire work whether within its respective Licensing Authority or outside of it although it remains a hackney carriage vehicle at all times.

So it is very clear that Local Licensing Authorities have always had complete control over its licensed hackney carriage vehicles by the use of an 'Intended Use Policy' as a condition of licensing on a vehicle Licence. However whether a Local Licensing Authority decides to impose an 'Intended Use Policy' has been up to each individual area.

Local Councils should now be applying an 'Intended Use Policy' all hackney carriages by default. This is especially important where a Local Authority has a policy of a restricted number of hackney carriages which for all intentions and purposes and by design are there to serve the streets and ranks.

Even before any possible change in Legislation to enforce an 'Intended Use Policy' for all three Licences it is now time for Local Licensing Authorities to be proactive and look at introducing an 'Intended Use Policy' for their Hackney Carriage Vehicles even though it may not be perceived as a current issue. This is because it sets the standard expected and also encourages neighbouring Local Licensing Authorities to also take action.

8: Private Hire Vehicles: Intended Use Policy – It is possible now!

Miscellaneous Provisions Act 1976 – Private Hire Vehicles – Conditions of Licensing

The 76 Act has always had provision to apply any condition of licensing that a local authority wishes to impose.

48 Licensing of private hire vehicles.

(2)A district council may attach to the grant of a Licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the Licence relates.

Knowsley V Delta 2018

In 2018 Knowsley Council made an error in applying an "Intended Use Policy" to the driver Licence and not the vehicle Licence and infamously lost the case on this basis with the defending barrister famously quoting 'Right to Roam'

Summary by Gerald Gouriet QC

*"However Although Delta and Uber were ad idem with regards to their primary contention that Knowsley's intended use policy was ultra vires, the two firms parted company on one potentially important issue – which, although it was academic in the instant case, the judge said might arise for decision in future litigation. **The issue surfaced in oral argument, which tested the limits of whether it would be lawful to import geographical considerations into PHV Licence conditions. Delta accepted that an appropriately worded condition which promotes the principle of local PHV licensing (as identified by the courts) is capable of being lawful; Uber, on the other hand, argued that such a condition would in all cases offend the principle in Padfield because it would curtail the 'right to roam' – which, it was Uber's contention, is fundamental to the legislative scheme for private hire vehicles given by the 1976 Act.***

Mr. Justice Kerr expressly demurred from deciding the point, but towards the end of his judgment he commented that he was "fortified" by what he had heard in thinking that a fit and proper person might, in principle, be required to abide by a condition (otherwise lawful) imposed in order to meet any perceived erosion of localism."

The interpretation of this was that an 'Intended Use Condition of Licence' could be applied to the vehicle which was conceded by Delta.

It is not known as to why Knowsley did not take this avenue later after the case after being given this hint and in effect did not do the national trade any favours it not only getting it wrong but for not correcting this error and taking forward again.

However the LGMP Act 1976 clearly states a clause that applies to a condition that may be applied to the actual licence:

"(2) A district council may attach to the grant of a Licence under this section such conditions as they may consider reasonably necessary....."

The rest of this section then refers to matters applying to the actual vehicle.

"... including without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the Licence relates."

This would refer to such things as compelling the display of Licence Plates/Repeater Licence Plates and disallowing roof signs etc.

So a condition of 'Intended Use' is there waiting to be enforced for a private hire vehicle Licence in exactly the same way as has always been available for hackney carriage vehicles.

However as yet no council is known to have used this legal right but with the chaos and mass interruption of local licensing control licensing authorities should now look at imposing a condition of licensing for an 'Intended Use Policy' for private hire vehicles using Section 48-2

9: Mass Increase of private hire Licences since 2015

The past five years has seen a massive increase of private hire vehicles/drivers being licensed in one area but working predominantly in a completely different area. A DfT report provided in September for the period 2018/19 showed a shocking increase in private hire vehicles in Lewes DC (91.6%) Aylesbury Vale (64.3%) Wolverhampton (62.3%) South Gloucestershire (54.5%) & Broadland (45%)

Table 3: The licensing authorities showing the largest percentage increases and decreases in licensed vehicles between 2018 and 2019, England (TAXI0104)

Local Authority	% increase	Local Authority	% decrease	Local level changes
Lewes	91.6	Rossendale	49.9	Large year on year changes can occur in a licensing authority for a number of reasons, such as a large operator moving in or out of a given licensing area, or significant changes in local licensing policy.
Aylesbury Vale	64.3	St Albans	37.5	
Wolverhampton	62.3	Telford and Wrekin	33.9	
South Gloucestershire	54.5	South Oxfordshire	23.6	
Broadland	45.0	Hertsmere	21.7	

The number of total licensed vehicles increased in just under half of the licensing authorities in England (142 out of 293 licensing authorities).

10: Wolverhampton Explosion of private hire vehicle and driver Licences

Unfortunately we have to mention Wolverhampton City Council again but that is the accolade that its licensing department must relish. However for a number of years now Wolverhampton has had a huge and disproportionate increase in the licensing of private hire vehicle and driver licences to the extent that it has recently been reported to have actually issued some 15000+ extra licenses to date. It is obvious that the vast majority of these Private Hire Vehicles are not working within Wolverhampton but instead are predominantly operating many miles away in other Licensing jurisdictions with reported grievances from these areas.

“Wolverhampton Council handed out a record 15,000 private hire Licences last year – raking in nearly £3.7 million in fees.

Yet only a small fraction of the new Licence holders are actually operating in the city of Wolverhampton, with some drivers working hundreds of miles away in areas all over the Country. Applications from as far away as Kilmarnock, Edinburgh, Perth and Kirkcaldy were received by Wolverhampton City Council last year, as the authority granted 15,171 Licences to extend its dominance over the British private hire market.

The data was provided in a Freedom of Information request. It showed that in 2019 a total of 11,461 applications to Wolverhampton Council came from drivers based in Birmingham, while there were 2,457 from Manchester, 1,926 from Coventry, 1,279 from Leicester, 1,102 from Nottingham and 432 from Telford.

In the last five years the city council has received applications from 325 miles away in Perth – a six-hour drive from the city, and 254 miles away in Truro, Cornwall, which takes almost five hours to get to by car. It has granted 35,035 private hire Licences since 2017, pumping £8.7m into the authority’s coffers. Source Express & Star January 11 2020

Wolverhampton Licensing continues to boast about streamlining its licensing system but it has to be questioned as to why so many prefer to be licensed by Wolverhampton and not licensed by the authority and local to them and/or in the area that they predominantly work in. Surely it can’t just be the super speedy process that Wolverhampton brags about? Such practice completely undermines ‘Local Licensing Control’ which was given to local councils under the Local Government Miscellaneous Provisions Act 1976.

No doubt the income to Wolverhampton licensing is a sure way of ensuring that the licensing department is continuously employed but is this to the detriment of those licensing departments in other areas which are then starved of potential licensing funding? Such licensing regimes elsewhere who are left up to pick the pieces of enforcement free of charge for Wolverhampton licensed private hire vehicles working remotely in their areas. Wolverhampton licensed private hire vehicles over which the “local” authority at the remote end has **NO** licensing control!

Could the future be that Wolverhampton will become the UK’s National Centre for Private Hire Vehicles & Drivers with no need for licensing departments elsewhere to even exist?

WOLVERHAMPTON CITY COUNCIL
UK National Centre For Private Hire Licensing

11: Shocking Possibility of Acute Danger to the Public Example

“STATS REVEAL SHOCKING STATE AND AGE OF SOME VEHICLES IN DERBYS TAXI FLEET” - PHTM August 2020

“Half of yellow hackney cabs inspected in Derby over a 12 month period from April 1, 2019 to March 31, 2020 were found to have serious defects and had their Licences suspended. Just two out of 102 inspected were found to be "satisfactory" - four less than the previous year - and 51 were identified as either having defective lights (11), brakes (13), steering (14), tyres (4) or suspension (8). The statistics are contained in a report which is going to the city council's licensing committee next Thursday (August 6).

They also show that 75 private hire vehicles were also inspected with 16 of them proving to be "satisfactory" - up four on the previous year - but 28 were found to have serious defects. Of the 28, 11 had problems with lights, six with brakes, steering (four), tyres (five) and there were four with suspension defects. A total of 25 of the private hire cars also had other problems also. The report says that a risk-based approach was used and licensing compliance and enforcement officers often identify vehicles to inspect that appear to fall below the council's standards for licensed vehicles”

It was and is possible for any one of these low standard licensed vehicles to be predominantly working outside of Derby and out of sight of Derby Licensing Enforcement. This one example alone should be enough to convince the national trade that an ‘Intended Use Policy’ backed by the GMB is now vitally important to have national support of all unions and trade organisations.

To be fair to the Derby taxi/private hire trade it has one of the very lowest council set tariffs in the UK which may be a reflection on the vehicle standards.

12: Lewes District Council – An example of erosion of Brighton & Hove Local Licensing

Lewes DC has been shown to have a massive 91.6% increase in issuing Licences with the vast majority of these vehicles working predominantly in Brighton & Hove.

Will Lewes DC be the next Wolverhampton, or the South of England equivalent?

Like every other area there is no restriction of the numbers of private hire vehicles/driver Licences issued by Brighton & Hove City Council. Yet it is painfully apparent that it is much more favourable to be issued Licences in Lewes DC and then work predominantly in Brighton & Hove. This again completely undermines ‘Local Licensing Control’ and almost amounts to wholesale licensing on a ‘Cash & Carry’ basis.

There is no doubt that this same scenario is repeated up and down the country.

The Brighton & Hove licensed trade has witnessed and reported a very high number of infringements of licensing conditions by Lewes DC private hire vehicles. These include adverse ‘Public Safety’ risks such as compulsory door livery/vehicle identification markings missing, rear Licence plates missing and/or a combination of both. This has been the result of allowing magnetic rear Licence Plates and door Repeater Licence plates to be used a practice which should be forbidden as these can easily be removed and used on cars pretending to be licensed private hire vehicles.

This clearly occurs because these vehicles are ‘out-of-sight and out-of-mind’ of Lewes DC Licensing Enforcement and the associated abuse(s) of ‘Cross-Border Hiring’. They are effectively being allowed to operate without being ‘under the radar’ of local enforcement.

It is widely noted and continuously reported that this is exactly what has... and is happening... within other local licensing authorities where the local licensing regime has no control on ‘Out of Town’ (OOT) private hire vehicles that are licensed in a completely different area yet predominantly operating locally in another area.

13: DfT Taxi and Private Hire Statutory Standards – Ignoring the obvious issue

The DfT recently published '**Taxi and Private Hire Statutory Standards**' document and celebrated by Grant Shapps boasts that it concentrates on 'Public Safety' with reminders of the painful **past failures of local authorities/police incompetence** that turned a blind eye to Child Sexual Exploitation (CSE).

It emphasises the need for regular checks on drivers which will now involve six monthly Enhanced DBS checks. However the DfT miserably failed to even look at or take account of the issues of 'Cross-Border Hiring'. The same cross border hiring that clearly represents an inherent danger locally with possibly hundreds of unmarked private hire vehicles working out of area and 'Out-of-sight and mind' of their respective Local Licensing Enforcement.

The DfT could effectively require **daily** Enhanced DBS checks for drivers but under their current blessing of the system of Cross Border Hiring and 'remote licensing' how can a local authority be sure that the driver of an 'OOT' private hire vehicle or hackney carriage is actually a 'bone fide' licensed driver in the first place?

The only way to minimise such a risk is for an '**Intended Use Policy**' to be a condition of licensing for hackney carriage and private hire vehicles as well as for Operator Licences.

14: No Intention to hinder natural transit 'Cross-Border Hiring'

Compulsory Intended Use Policy

It is made very clear that '**Triple Intended Use Policy**' will not stop the 'Cross-Border Hiring' and there is no intention of this being the case. This is because 'Cross-Border Hiring' has always taken place and is a natural form of transit especially within neighbouring Local Licensing Authorities.

Where an '**Intended Use Policy**' comes into play is where a Local Licensing Authority licensed vehicle is specifically licensed in one Local Licensing Authority but is purposely and predominantly used in a completely different Local Licensing Authority which is exactly what happens under Wolverhampton and Lewes DC licensing.

This type of spurious licensing also has safety implications with regard to vehicle 'Hire & Reward' insurance. This is in terms of many licensees having made a fraudulent declaration by way of omission in failing to declare where the vehicle is truly working, this clearly affects "risk" and some insurance companies have said leaves the "proposer" open to cancellation of cover.

15 : Hire & Reward Insurance Fraud

When a proprietor of a licensed vehicle seeks insurance cover it is usually the case that the broker or insurance company will ask where that vehicle is licensed. The purpose of this is to ascertain the premium based on local algorithms or crime/accidents and so on. However if that licensed vehicle then predominantly works in a completely different area then this can only be regarded as fraud and an insurance company would have every right not to cover an insurance claim. This is much the same as someone insuring a privately used car and giving the location of where the vehicle is registered in an area classed with less crime/accidents.

There is evidence available that in 2020 the 'Freeway' insurance company refused to pay for a claim under these circumstances much to the protest from the proprietor of the vehicle.

In fact the 'Freeway' has stated that they now **no longer provide cover** for Wolverhampton licensed vehicles which is sadly ironic.

How many private hire vehicles and even maybe hackney carriage vehicles have given fraudulent information in order to gain cheaper insurance cover is a question that needs to be urgently addressed by local licensing authorities. Even now there is no reason for Local Licensing Authorities to closely inspect insurance policies to ensure that the vehicle is covered to predominantly work out of area before any possible proposed changes to current legislation for the 'Intended Use Policy' to be put in place.

16: Insurance and the 'Intended Use Policy' Benefit

A further benefit for an 'Intended Use Policy' would also ensure that proprietors of private hire vehicles were clearly aware that licensing in one area and predominantly working in another area would invalidate the vehicles 'Hire & Reward' policy

Summary

It is not the intention to bring Cross-Bordering Hiring to an end.

It is the intention to stop a vehicle licensed in one area predominantly and intently working in a completely different area out of sight of its respective Local Licensing Enforcement.,

With the current '**Erosion of Local Licensing Control**' and the example of low standards of Derby licensed vehicles along with the mass of out of town vehicles predominantly working outside of their respective licensing authorities up and down the country being an encouraged to do so by the likes of Wolverhampton (that causes problems for other licensing authorities) the only way forward now is for full national support of the GMB campaign for an 'Intended Use Policy' for hackney carriages, private hire vehicles and Operators, from all Local Licensing Authority Councils, Unions, Trade Organisations/Associations. Licensed Drivers and Proprietors.

We have the 'Triple Lock' We now need the 'Triple "IUP' to balance this out.

Lastly... a reminder

The proposal from the GMB for an 'Intended Use Policy' is not intended to act as a restraint of trade since anyone can apply to any local authority for a private hire vehicle of Operator licence in whichever area they intend to predominantly undertake work under whatever conditions may be applied.

GMB National Organising Committee

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Download: gmbtaxi.org.uk/gmb-iup-v2.pdf

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