

**4 September 2019**

**Planning and Licensing Committee**

**Uber in Brentwood**

**Report of:** Paul Adams – Joint Licensing Manager

**Wards Affected:** All

**This report is:** Public

**1. Executive Summary**

- 1.1 Over the last 2-3 years there has been a steady proliferation of the number of Uber vehicles operating in the area as they spread outside of London utilising their TFL licence, which is having a significant impact on the level of business for the local licensing Hackney Carriage and Private Hire trade. This report brings back the response from Uber following the Council's request to withdraw from Brentwood or to apply for an Operators Licence with Brentwood Borough Council.

**2. Recommendation(s)**

- 2.1 That the Planning and Licensing Committee considers the response from Uber.

**3. Introduction and Background**

- 3.1 Over the last 2 years there has been a steady proliferation of Uber vehicles operating in the area as they spread outside of London using their TFL Operators, vehicle and driver licences.
- 3.2 A report to this committee was brought on the 17 June 2019, which considered the views of the Brentwood Borough Taxi Drivers Association (BBTDA), the current legal position and actions already taken by officers. It was resolved that a letter to be sent to Uber asking them to withdraw from Brentwood or apply for an Operators licence with Brentwood Borough Council.

#### **4. Issue, Options and Analysis of Options**

- 4.1 Following the resolution, a letter to Uber was sent setting out the reasons for the Council's concerns requesting them withdraw from the area or apply for a licence with Brentwood Council. This letter is attached as **Appendix A**.
- 4.2 On the 19 July Uber responded in a letter which is attached as **Appendix B**. In summary they advise that they will not be making any significant changes to their business or applying for any new licences in the near future. They will wait for clarity of the Government's considerations around the reform of the national Taxi and Private Hire regulatory framework before making any further changes.
- 4.3 At this stage the options that are open to the council to force change are limited and come with significant financial risk. Any litigation to challenge the legal position would be extremely costly, and the opinion of Counsel, sought on behalf of Brentwood Councils does not support the view that any legal challenge would be successful, this opinion is attached as **Appendix C**.
- 4.4 Officers have responded in April 2019 to the Department of Transport consultation on proposed statutory guidance to taxi and private hire vehicle (PHV) licensing authorities on how to use their licensing powers to protect children and vulnerable adults, to date there has been no further update on the results of the consultation or any proposed implementation date of the published guidance.
- 4.5 Officers will continue to meet and work with Uber to keep abreast of Uber's safety features for riders, driver and other road users. And to ensure that any individual concerns are addressed appropriately.
- 4.6 As we have no enforcement powers over the TFL vehicles or drivers that are working in our borough, officers will continue to invite and work alongside TFL compliance teams on joint enforcement in the borough. Recent deployments were supported by Essex Police to assist the stop checking of vehicles.
- 4.7 We will also continue to work closely with other Essex Authorities that are affected by the same situation, whilst also monitoring any developments nationally.

4.8 Any consultations on or changes brought forward by the reform of the national Taxi and Private Hire regulatory framework will also be fully considered and responded to as appropriate, albeit there are no time scales for any future work known. If and where appropriate further reports will be brought to this committee.

4.9 Reports will follow this year, revising and updating Brentwood Taxi Licensing Policies, ensuring that they remain current and maintain the high standards that Brentwood Council requires from its licence holders, including consultation with stakeholders.

## **5. Reasons for Recommendation**

5.1 The cost of a high risk legal challenge to this matter is significant, and is not likely to be successful. It may also be surpassed by any changes brought about by the Governments consideration for the reform of the national Taxi and Private Hire regulatory framework.

## **6. Consultation**

6.1 There has been no consultation in relation to the matters contained in this report.

## **7. References to Corporate Plan**

7.1 None

## **8. Implications**

### **Financial Implications**

**Name & Title: Phoebe Barnes, Corporate Finance Manager**

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8.1 The Council has no budget provision for a legal challenge, any cost for a legal challenge would need to be met from reserves or working balances. It is recommended to not proceed with a legal challenge due to the likelihood of the challenge not being successful and therefore gaining no financial benefit to the Council.

### **Legal Implications**

**Name & Title: Surinder Atkar, Planning solicitor**

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8.2 The legal aspect of this report is detailed and sound.

**9. Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

**10. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

10.1 None

**11. Appendices to this report**

- Appendix A – Letter to Uber
- Appendix B – Response from Uber
- Appendix C – Legal opinion provided for Brentwood Council.

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