

**CONSIDERATION OF THE DELEGATION OF DECISION MAKING IN RESPECT OF CERTAIN HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE APPLICATIONS**

|                            |   |
|----------------------------|---|
| Relevant Portfolio Holder  | Councillor N Nazir  |
| Portfolio Holder Consulted | No  |
| Relevant Head of Service   | Simon Wilkes – Head of Worcestershire Regulatory Services |
| Wards Affected             | All Wards   |
| Ward Councillor Consulted  | N/A   |
| Non-Key Decision           |   |

**1. SUMMARY OF PROPOSALS**

Currently any application to grant or renew a licence a vehicle as a hackney carriage or private hire vehicle where the vehicle does not meet the Council's requirements in respect of its age, has to be determined at a Licensing Sub-Committee meeting. This report provides an opportunity for Members to consider whether they wish to delegate such decision making powers to officers instead.

**2. RECOMMENDATIONS**

**That Members RESOLVE whether or not to carry out consultation on delegating authority to officers to determine applications for licences to use vehicles as hackney carriages or private hire vehicles where the vehicle does not meet the Council's required criteria in respect of the age of the vehicle.**

**3. KEY ISSUES**

**Financial Implications**

- 3.1 The costs of carrying out any consultation exercise would be met from existing budgets held by Worcestershire Regulatory Services.

**Legal Implications**

- 3.2 Appropriate consultation on any proposals to amend the Council's policies minimises the risk of legal challenge if the proposals are subsequently implemented.

- 3.3 Any proposed changes to the scheme of delegations will need to be approved by the Constitutional Review Working Party and recommended to Council.

**Service / Operational Implications**

- 3.4 On 21<sup>st</sup> March 2022 the Licensing Committee approved a new Hackney Carriage and Private Hire Vehicle Licensing Policy which took effect on 1<sup>st</sup> September 2022. A copy of the policy can be seen at **Appendix 1**.

- 3.5 The new policy sets out the criteria that must be met by vehicles that are licensed as hackney carriage and private hire vehicles including requirements in respect of the age of the vehicle.

- 3.6 These new vehicle age requirements for hackney carriage and private hire vehicles took effect immediately on 21<sup>st</sup> March 2022 in accordance with the decision taken by the Licensing Committee on that date.

- 3.7 Section 3.12 of the new policy sets out how the Council will deal with applications to licence vehicles that do not meet the required criteria. The policy says:

*This section applies where an application is received for the grant or renewal of a licence to use a vehicle as a hackney carriage or a private hire vehicle and the vehicle concerned does not meet the required criteria detailed in this policy.*

*The application cannot be determined by officers under delegated powers, but the applicant can request that the application is determined at a hearing of the Council's Licensing Sub-Committee.*

- 3.8 A considerable number of applications are made each year that require determination by a Licensing Sub-Committee because of the vehicle not complying with the Council's criteria in respect of its age.
- 3.9 It is recognised that arranging and attending Licensing Sub-Committees to determine applications for vehicles that do not meet the required criteria on account of their age, is time consuming and expensive for both Members and officers.
- 3.10 During the coronavirus pandemic, when restrictions were in place that prevented meetings from taking place in person, emergency delegations were put in place to authorise officers to determine applications for vehicles which did not meet the age criteria.

- 3.11 Processes and procedures were put in place by officers that appear to have worked well and allowed good quality decisions to be made professionally and efficiently.
- 3.12 Once the coronavirus restrictions were lifted and face-to-face Council meetings resumed, these emergency delegations were removed and decision making on such applications returned to Licensing Sub-Committees with the first such Sub-Committee taking place in November 2021.
- 3.13 Since then 36 applications have required determination by Licensing Sub-Committees
- 3.14 Given the high demand placed on Members and officers as a result of the requirement for these applications to be determined by Licensing Sub-Committees, officers believe that Members ought to give consideration to delegating authority to officers to determine applications for licences to use vehicles as hackney carriage or private hire vehicles, where the vehicle does not meet the required criteria by reason of its age.
- 3.15 If Members were minded to put in place such delegated authority, this would require an amendment to be made to the policy shown at **Appendix 1**.
- 3.16 The policy states at paragraph 1.9:
- The Council has also carried out consultation at a local level before adopting the policies and licence conditions detailed in this document. The Council will always consult on proposed changes in licensing rules that may have a significant impact on passengers and / or the trade.*
- 3.17 In light of this, it is necessary to carry out an appropriate consultation exercise before any decisions are taken in respect of this matter.
- 3.18 Therefore Members are asked to give consideration to whether they wish to carry out consultation on delegating authority to officers to determine applications for licences to use vehicles as hackney carriages or private hire vehicles where the vehicle does not meet the Council's required criteria in respect of the age of the vehicle.
- 3.19 If a consultation exercise were undertaken, the results of this would be reported back to the Licensing Committee and would need to be given appropriate consideration before any decision is taken.

3.20 If, having considered the results of the consultation exercise, the Licensing Committee decided it wanted to delegate these decisions, a recommendation would need to be made to this effect to the Council's Constitutional Working Group for consideration.

**4. RISK MANAGEMENT**

4.1 Proper consultation on any proposals to amend the Council's policies minimises the risk of legal challenge if the proposals are subsequently implemented.

**5. APPENDICES**

Appendix 1 - Hackney Carriage and Private Hire Licensing Policy

**AUTHOR OF REPORT**

Name: Dave Etheridge – Principal Officer (Licensing)  
Worcestershire Regulatory Services

E Mail: [dave.etheridge@worcsregservices.gov.uk](mailto:dave.etheridge@worcsregservices.gov.uk)

Tel: (01905) 822799