

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

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. Members have previously approved consultation on delegating such decision-making powers to officers instead. The results of this consultation are now being provided to Members for consideration.

**2. RECOMMENDATIONS**

**That Members RESOLVE whether they wish to proceed with the actions required to delegate 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 the consultation exercise were met from existing budgets held by Worcestershire Regulatory Services.

**Legal Implications**

- 3.2 Carrying out consultation on any proposals to amend the Council's policies has minimised the risk of a successful 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 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 On 17<sup>th</sup> October 2022, the Licensing Committee considered a report inviting them to consider whether to direct officers to carry out consultation on delegating authority to determine this type of application to officers.
- 3.14 After some debate as to the advantages and disadvantages of such an approach, Members resolved that consultation should be carried out on delegating authority to Officers to determine applications for licences to use vehicles as hackney carriages or private hire vehicles where the vehicle had not met the Council's required criteria in respect of the age of the vehicle.
- 3.15 This consultation was conducted between 21<sup>st</sup> October 2022 and 16<sup>th</sup> December 2022. The consultation was undertaken using an online survey tool in part so that people completing the survey would be able to use freely available online translation tools to translate the questions being asked into any language of their choosing.
- 3.16 A link to the online survey was sent to all licence holders and also to the Redditch Taxi Association. It was also sent to all Redditch Borough Councillors and other relevant stakeholders including:
- Relevant national trade bodies
  - Worcestershire County Council
  - Feckenham Parish Council
  - West Mercia Police
  - West Mercia Police and Crime Commissioner
  - Community Safety Team
  - Relevant managers and staff at Crossgates Depot, Redditch
- 3.17 The consultation asked respondents to answer the following question:
- Who do you think should be responsible for deciding whether or not to renew a licence to use a vehicle taxi or private hire vehicle, where that vehicle exceeds the maximum age limit set out in the Council's policy?*

*Councillors (on a Licensing Sub-Committee) or Licensing Officers*

3.18 In total, 121 responses were received to the main consultation question. The number of responses received were divided as follows:

	<b>Total Votes</b>	<b>%</b>
Councillors (on a Licensing Sub-Committee)	88	72.7
Licensing Officers	33	27.3

3.19 Respondents were also asked to explain their reasons for the answer they gave. A total of 51 respondents provided their reasons for giving the answer that they did. The reasons given by these respondents are shown at **Appendix 2**.

3.20 Respondents were also asked if they had any other comments to make in relation to this matter. A list of the comments received can be found at **Appendix 3**.

3.21 Finally the respondents were also asked to identify what capacity they were responding to the consultation in. The breakdown of the 119 responses received to this question was:

Licensed Taxi / Private Hire Driver	67	56.3%
Licensed Private Hire Operator	13	10.9%
Councillor	6	5.0%
Member of the Public	42	35.3%
Other	3	2.5%

3.22 Members will be aware that the results of this consultation were originally due to be considered by the Licensing Committee at a meeting scheduled to take place on 9<sup>th</sup> January 2023. However shortly before that meeting was due to begin, concerns were raised with officers that some respondents to the survey may have submitted multiple responses through the online survey tool.

- 3.23 An initial review of the consultation response data indicated the need for further analysis therefore this matter was deferred.
- 3.24 A closer analysis of the responses received undertaken since the Licensing Committee meeting on 9<sup>th</sup> January 2023, confirms that a significant number of the responses to the online survey originated from a small number of individual IP addresses that had each been used to submit more than one response.
- 3.25 An IP address is a unique address that identifies a device on the internet or a local network. IP stands for "Internet Protocol," which is the set of rules governing the format of data sent via the internet or local network. In essence, IP addresses are the identifier that allows information to be sent between devices on a network: they contain location information and make devices accessible for communication.
- 3.26 A table has been provided at **Appendix 4** to provide details of the number responses submitted where the IP address was used to submit more than one response to the online consultation survey.
- 3.27 This shows that of the 121 responses received to the consultation survey, 82 of these came from one of just 8 individual IP addresses with one IP address having been used to submit a total of 42 individual responses to the survey. Of the 82 responses received from these 8 IP addresses, 79 were in favour of Councillors making the relevant decisions and just 3 were in favour of officers making the relevant decisions.
- 3.28 Members are asked to have regard to the additional information provided above and in the table at **Appendix 4** when considering the results of the consultation exercise.
- 3.29 If the Council ultimately decided to delegate decision making on these applications to officers, it has been previously proposed that the inspection by officers could take place at Crossgates Depot at the same time that the vehicle is subject to its mechanical safety check.
- 3.30 Since the Licensing Committee meeting on 17<sup>th</sup> October 2022, this proposal has been discussed further with relevant members of the team at Crossgates Depot who have confirmed that this is a viable option and one that could be facilitated by them if relevant decision making powers were delegated to officers.

## REDDITCH BOROUGH COUNCIL

### **LICENSING COMMITTEE**

9<sup>th</sup> January 2023

- 3.31 ~~Members are now asked to consider the responses received during this consultation exercise and decide whether they wish officers to proceed with the actions that would be required to delegate 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.~~
- 3.32 Initially this would involve making a recommendation to the Council's Constitutional Working Group for consideration.
- 3.33 If such a recommendation were to be made and ultimately followed, the Council would also need to amend the wording in part 3.12 of its Hackney Carriage and Private Hire Vehicle Licensing Policy to make clear that any 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, will be determined by officers under delegated authority rather than by a Licensing Sub-Committee.

### **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
- Appendix 2 - Reasons Given for Answer to Principle Question
- Appendix 3 - Other Comments Received
- Appendix 4 - Table Showing IP Addresses Providing Multiple Responses

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