
RENEWAL OF LICENCES FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES THAT HAVE PREVIOUSLY BEEN WRITTEN OFF

Relevant Portfolio Holder	Councillor L Harrison
Portfolio Holder Consulted	Yes
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

- 1.1 Members of the Licensing Committee are asked to consider the responses received during a short, targeted consultation exercise on making some minor alterations to the wording contained in part of the Council's Hackney Carriage and Private Hire Licensing Policy. These minor alterations are intended to resolve an issue that has arisen for the hackney carriage and private hire trade in Redditch since the Policy was adopted. Members are asked to approve a revised version of the Policy to take effect immediately.

2. RECOMMENDATIONS

- 2.1 **That the Licensing Committee consider the responses received during the consultation exercise and RESOLVES to approve the draft revised Hackney Carriage and Private Hire Licensing Policy at Appendix 4 to take effect immediately.**

3. KEY ISSUES

Financial Implications

- 3.1 The costs incurred in carrying out the consultation exercise were met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 In accordance with section 37 of the Town Police Clauses Act 1847, a district council may licence to ply for hire within the area of the district council, such number of hackney carriages or carriages of any kind or description adapted to the carriage of persons as they think fit.
- 3.3 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied—

- (a) That the vehicle is—
- (i) suitable in type, size and design for use as a private hire vehicle;
 - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - (iii) in a suitable mechanical condition;
 - (iv) safe; and
 - (v) comfortable;

Service / Operational Implications

- 3.4 The Council is responsible for the issuing of licences to authorise people to use vehicles as hackney carriages or private hire vehicles.
- 3.5 The Council implemented a new Hackney Carriage and Private Hire Vehicle Policy with effect from 1st September 2022. The new policy contained updated requirements in respect of the licensing of vehicles to be used as a hackney carriage or private hire vehicle. The relevant part of the Policy can be seen at **Appendix 1**.

- 3.6 One of the changes that the new policy introduced was a stipulation that the Council would no longer licence any vehicle to be used as either a hackney carriage or private hire vehicle if it has been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes. Paragraphs 3.2.13 and 3.3.8 of the policy set this out in respect of those vehicles being licensed by the Council to be used as a hackney carriage or private hire vehicle for the first occasion.
- 3.7 The new policy goes on to state that the Council will not renew any licence to use a vehicle as a hackney carriage if the vehicle has been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes. Paragraphs 3.4.4 and 3.5.4 of the policy are the relevant paragraphs in this respect.
- 3.8 The wording currently used in paragraphs 3.4.4 and 3.5.4 means that vehicles that were licensed before the new policy took effect and that had been previously graded as a Category A, Category B or Category C or Category S write-off no longer comply with the Council's policy, even though vehicle had been licensed for a number of years without any issues arising.
- 3.9 As the vehicles no longer comply with the Council's policy, officers have been unable to determine these renewal applications under delegated powers and have had to refer the applications to Licensing Sub-Committees to be determined. This has led to a large increase in the number of applications for renewal of vehicle licences that have had to be referred to Licensing Sub-Committees to be determined.
- 3.10 Officers believe that when approving the new Hackney Carriage and Private Hire Vehicle Policy, Members had in fact intended for there to be a gradual phasing out of the licensing of vehicles that have been graded as a Category A, Category B or Category C or Category S write-off rather than intending to stop licensing all such vehicles when the relevant licences were next due to be renewed.
- 3.11 Officers believe that this intention could be achieved by making minor amendments to the wording contained in paragraphs 3.4.4 and 3.5.4 of the policy. Some proposed alternative wording was drafted and can be seen at **Appendix 2**.

- 3.12 Officers believe this amended wording would mean that anyone that had licensed a vehicle prior to the implementation of the new policy would be able to continue using the vehicle as a hackney carriage or private hire vehicle for as long as it complied with the Council's other requirements, even if the vehicle was graded as a Category A, Category B or Category C or Category S write-off when it first became licensed.
- 3.13 On 5th October 2023, the Licensing Committee considered a report on this matter and resolved to direct officers to carry out a short, targeted consultation exercise on amending the wording of paragraphs 3.4.4 and 3.5.4 of the Council's Hackney Carriage and Private Hire Licensing Policy to the wording shown at **Appendix 2**.
- 3.14 This consultation exercise was undertaken over a period of four weeks between 6th October 2023 and 3rd November 2023. The consultation was undertaken using an online survey tool. A link to the online survey was sent to the following:
- Holders of hackney carriage and private hire licences
 - Relevant local and national trade bodies
 - Relevant local stakeholders
 - Elected Members of Redditch Borough Council.
- 3.15 A summary of the responses received during the consultation exercise can be seen at **Appendix 3**.
- 3.16 Whilst opinion was split, a small majority of respondents agreed with the Council amending the wording in the policy as proposed. Many of those who stated they did not agree with the proposal made comments that suggest they feel the Council should be going further and allowing additional vehicles to be licensed that have been categorised as category C or category S write offs rather than just allowing existing licensed vehicles to have their licences renewed.
- 3.17 The vast majority of those responding to the survey were licensed by the Council to drive hackney carriage or private hire vehicles, but responses were also received from other relevant stakeholders, including Councillors, members of the public and a national trade representative body.
- 3.18 Officers have considered the responses received and still believe that the wording currently used in paragraphs 3.4.4 and 3.5.4 of the Council's Hackney Carriage and Private Hire Licensing Policy should be amended to the wording shown at **Appendix 2**.

- 3.19 Officers remain of the opinion that the Council ought to be gradually phasing out the licensing of vehicles that have been written off and salvaged having suffered structural damage. Amending the wording as proposed would achieve this, whilst allowing those who already have a licence to use such a vehicle to continue to use it until it is time for it to be replaced.
- 3.20 Therefore, Members are asked to consider the responses received and to approve the draft revised Hackney Carriage and Private Hire Licensing Policy shown at **Appendix 4** to take immediate effect.

4. RISK MANAGEMENT

- 4.1 Carrying out consultation with relevant stakeholders when reviewing a policy minimises the risk of legal challenge.

5. APPENDICES

- Appendix 1 – Hackney Carriage and Private Hire Licensing Policy (extract)
- Appendix 2 – Proposed alternative wording for paragraphs 3.4.4 and 3.5.4 of the policy
- Appendix 3 – Summary of responses received during the consultation exercise
- Appendix 4 – Draft Revised Hackney Carriage and Private Hire Licensing Policy

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