

**Recommendations from the Constitutional Review Working Party**

Relevant Portfolio Holder	Councillor Jane Spilsbury	
Portfolio Holder Consulted	Yes	
Relevant Assistant Director	Claire Felton, Assistant Director of Legal, Democratic and Procurement Services	
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Wards Affected	No specific ward relevance	
Ward Councillor(s) consulted	N/A	
Relevant Council Priority	Supported Governance	
Non-Key Decision		
If you have any questions about this report, please contact the report author in advance of the meeting.		

**1. RECOMMENDATIONS**

**The Council is asked to RESOLVE that:-**

- 1) Authority be delegated to Licensing officers to determine renewal 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.**
- 2) The Officer Scheme of Delegations in respect of Regulatory Services be updated, as detailed at Appendix 4 to this report.**
- 3) The Council Procedure Rules be amended to introduce a time limit of one hour for the consideration of Motions on Notice at Council meetings, which may only be exceeded with the agreement of Council.**

**2. BACKGROUND**

2.1 A meeting of the Constitutional Review Working Party (CRWP) took place on 6<sup>th</sup> January 2026. This report details the recommendations that were proposed by Members at this meeting and which would result in changes to the Council's constitution.

2.2 Members are invited to consider the information provided in this report and to determine whether to support these recommendations.

**3. OPERATIONAL ISSUES**

**Taxi Licensing – Age Criteria Delegation**

3.1 On the 7<sup>th</sup> March 2024 the Constitutional Review Working Party (CRWP) made a recommendation to Council that, for a trial 12-month period officers had delegated authority to determine hackney carriage and private hire vehicle renewal applications that fell outside of the Council's age criteria policy.

3.2 On 20<sup>th</sup> May 2024 Council resolved that the delegation was given to officers for a 12-month period as recommended by the CRWP. The trial period of the delegation ended on the 31st July 2025.

3.3 At a meeting on July 14<sup>th</sup> 2025 the Licensing Committee considered and approved the undertaking of a six-week consultation with relevant stakeholders to determine whether to make this delegation permanent.

3.4 This consultation was conducted between 6<sup>th</sup> October 2025 and 17<sup>th</sup> November 2025. The consultation was undertaken using an online survey tool.

3.5 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 but not limited to:

- Relevant national trade bodies
- Worcestershire County Council
- West Mercia Police
- The Community Safety Team
- Relevant managers and staff at Crossgates Depot, Redditch

3.6 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*

**Council  
2026**

**26<sup>th</sup> January**

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3.7 In total, 47 people answered the main consultation question. The responses received were as follows:

	<b>No. of responses</b>	<b>%</b>
Councillors (on a Licensing Sub-Committee)	12	25.53
Licensing Officers	35	74.47

3.8 Respondents were also asked to explain and provide any reasons for their answer, and these are set out in Appendix 2. A total of 34 respondents provided their reasons for giving the answer that they did.

3.9 A further question was asked at the end of the survey to enable respondents to provide any extra comments. A total of 30 respondents provided further information. These comments are set out in Appendix 3.

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

Licensed Taxi / Private Hire Driver	39	82.98%
Licensed Private Hire Operator	9	19.15%
Councillor	2	4.26%
Member of the Public	4	8.51%
Other	0	0%

**Council  
2026**

**26<sup>th</sup> January**

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- 3.11 Members should note that if the Council decides to delegate decision making on these applications to officers, the process would remain identical to that of the 12 month trial. The inspection by officers would take place at Crossgates Depot at the same time that the vehicle is subject to its mechanical safety check and checked by both the licensing officer and a taxi engineer.
- 3.12 The proposal was discussed with relevant members of the team at Crossgates Depot who confirmed that they were happy for this to continue and have found the process has improved relationships with the trade.
- 3.13 At a meeting on 8<sup>th</sup> December 2025, Members of the Licensing Committee considered the responses received during the consultation exercise and decided they were content with officers to proceed with the actions that would be required to delegate authority to officers to determine renewal 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.
- 3.14 The first such action was to ask the CRWP to consider this matter and recommend to Council that the Council's constitution be amended to delegate authority to officers to determine renewal 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.
- 3.15 Should this proposal be agreed, the wording in part 3.12 of its Hackney Carriage and Private Hire Vehicle Licensing Policy would need to be amended to make clear that any renewal 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.
- 3.16 The Licensing Committee was informed on 8<sup>th</sup> December 2025 that the Hackney Carriage and Private Hire Vehicle Licensing Policy would need to be amended to state the following:

*"Where a vehicle does not meet council's criteria on age, the application will be determined by authorised officers under powers delegated to them by the Council."*

In this case the renewal application would be determined jointly by a Licensing Officer and a qualified Taxi Engineer.

3.17 At the meeting of the CRWP held on 6<sup>th</sup> January 2026, Members considered this proposal which had been referred by the Licensing Committee. Following a discussion of the report, the CRWP agreed unanimously to recommend that authority should be delegated to Worcestershire Regulatory Services officers to determine renewal 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.

**Scheme of Delegations - Licensing**

3.18 The Scheme of Delegations is the part of the Constitution that gives authority for certain decisions to be delegated from Council, the Executive Committee or other Committees to certain specified officers. It sets out the decisions which are delegated by Council to officers and the decisions which are delegated by the Executive Committee / Leader to officers. In relation to certain regulatory decisions, the delegation is from Council to the relevant Committee, namely Planning Committee or Licensing Committee.

3.19 At the CRWP meeting, a briefing note was presented for Members' consideration in respect of the Officer Scheme of Delegations for Regulatory Services. This briefing note highlighted differences in terms of the delegations and process listed in the Scheme of Delegations compared to the Taxi Licensing handbook, which sets out the relevant policies for the authority. In particular, the CRWP was informed that Officers had noticed that the new wording in the driver's handbook regarding revocation with immediate effect was not as clear as it could be in the Scheme of Delegations, and Officers suggested that changes were therefore needed to update the Scheme of Delegations.

3.20 To bring the Scheme of Delegations into line with the policies detailed in the Taxi handbook, amendments have been suggested to the Scheme, as detailed in Appendix 4. These changes would make it clear that:

- the primary remedy to consider in an emergency situation is revocation.
- that officers will not exercise the power to revoke without reference to Licensing Sub-Committee except in an emergency situation.
- That the emergency must meet one of the tests set out in paras (i) to (iii) in the Appendix.
- That the decision will be taken by the Head of Worcestershire Regulatory Services (WRS) in consultation with the Council's legal team.

- That the Chair/ Vice Chair of the committee will be notified as soon as reasonably practicable.
- That the incident will be reported to the next full meeting of the Licensing Committee.

3.21 By way of further explanation, the Statutory Taxi and Private Hire Vehicle Standards confirmed that if a period of suspension is imposed, it should not be extended or changed to revocation at a later date. It is unlikely the need to suspend would arise in an unforeseen way and it is for that reason that it is proposed that the word “suspension” be removed.

3.22 The sort of cases where a suspension might still apply is if a driver has failed a Class 2 medical assessment or a training need has been identified. Wherever possible officers would arrange for those cases to come before a hearing of the sub-committee. In the unlikely situation of a more urgent suspension being required, officers would retain the ability to do this under delegated powers. That said, it is not believed that this would arise very frequently.

3.23 In addition to the changes outlined above, officers are suggesting an amendment to some of the references to the legislation for licensing which had become out of date.

3.24 At the meeting held on 6<sup>th</sup> January 2026, the CRWP considered the proposal to amend the Scheme of Delegations for Regulatory Services in line with policies in the taxi handbook. Following a discussion, the CRWP agreed to recommend to Council that the proposed amendments be approved, as detailed in Appendix 4. This recommendation was agreed unanimously by the CRWP.

**Motions on Notice**

3.25 At a meeting of the CRWP held on 7<sup>th</sup> March 2024, Members discussed the process for consideration of Motions on Notice at Council meetings. During this meeting, it was noted that there was no time limit at present for the consideration of Motions on Notice at Council meetings and the suggestion was made that this should be reviewed further to ensure the smooth administration of Council business.

3.26 At the subsequent meeting of the CRWP held on 6<sup>th</sup> January 2026, Members further considered the fact that there is currently no time limit in place for consideration of Motions on Notice at Council meetings. To assist with these discussions, a table detailing the time limits in place at other Councils in Worcestershire, where applicable, was provided for Members’ consideration (Appendix 5).

3.27 The CRWP concluded that it would be sensible to introduce a time limit for the consideration of Motions on Notice at Council meetings. It was further proposed that this time limit should be set at one hour per meeting, with the potential to extend the time at each meeting with the agreement of all Members present. This timeframe was selected by the CRWP on the basis that this would be consistent with the approach already in place at Bromsgrove District Council, with which Redditch Borough Council shares many services, and would therefore provide helpful consistency for Officers. The proposal received unanimous support from the CRWP.

**4. FINANCIAL IMPLICATIONS**

4.1 The costs of carrying out the licensing consultation exercise were met from existing budgets held by Worcestershire Regulatory Services.

**5. LEGAL IMPLICATIONS**

5.1 Review and revision of the Constitution is governed by Article 15. The Scheme of Delegations is regularly altered and updated to reflect changes in the operation of the Council and changes to legislation. This includes an annual review of the Scheme of Delegations which is conducted at the Annual Council meeting.

5.2 Section 101 of the Local Government Act 1972 (as amended) gives a general power to local authorities to discharge functions through officers. Local Authorities are required by the same Act to maintain a list of these, which is referred to as the Scheme of Delegation. This sets out those powers of the Council which can be carried out by officers of the Council.

**6. OTHER - IMPLICATIONS**

**Local Government Reorganisation**

6.1 There are no specific implications for Local Government Reorganisation.

**Relevant Council Priority**

6.2 The proposals detailed in this report support the organisational priority of sustainable governance.

**Climate Change Implications**

6.3 No specific climate change implications have been identified.

**Equalities and Diversity Implications**

6.4 The licensing consultation that was undertaken in respect of the potential delegation for the age criteria for taxi licences was conducted using an online survey tool. This approach provided people completing the survey with the opportunity to use freely available online translation tools to translate the questions being asked into any language of their choosing.

**7. RISK MANAGEMENT**

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

**8. APPENDICES and BACKGROUND PAPERS**

**Appendices**

Appendix 1 – Relevant Extract from the minutes of the Licensing Committee meeting held on 8<sup>th</sup> December 2025.

Appendix 2 – Respondent Comments – Licensing Consultation

Appendix 3 – General Comments – Licensing Consultation

Appendix 4 – Amended Scheme of Delegations – Delegations to the Head of Worcestershire Regulatory Services

Appendix 5 – Motions on Notice – Time Limits at Worcestershire Councils

**Background Papers**

'Delegation of Hackney Carriage and Private Hire Vehicles outside of policy due to Age. Responses received to the 6 week consultation', Report to the Licensing Committee meeting held on 8<sup>th</sup> December 2025: [Agenda for Licensing, 08/12/2025](#)