

**BROMSGROVE DISTRICT COUNCIL**

**LICENSING COMMITTEE**

**22<sup>nd</sup> July 2024**

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

Relevant Portfolio Holder	Councillor Taylor
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**

- 1.1 Members of the Licensing Committee are asked to consider an issue that has arisen for the hackney carriage and private hire trade in Bromsgrove since the Council adopted a new Hackney Carriage and Private Hire Licensing Policy on 1<sup>st</sup> September 2022. Members are asked to direct officers to carry out a short, targeted consultation exercise with a view to resolving this issue by making some minor alterations to the wording contained in part of the policy.

**2. RECOMMENDATIONS**

- 2.1 **That the Licensing Committee RESOLVES to direct officers to carry out a short, targeted consultation exercise on amending the wording of paragraphs 3.3.11 and 3.4.11 of the Council's Hackney Carriage and Private Hire Licensing Policy to the wording shown at Appendix 2.**

**3. KEY ISSUES**

**Financial Implications**

- 3.1 The costs incurred in carrying out the consultation exercise will be 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 1<sup>st</sup> September 2022, which was later amended with effect from 1<sup>st</sup> April 2023. The policy contains requirements in respect of the licensing of vehicles to be used as a hackney carriage or private hire vehicle. The relevant part of the current 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 3.1.10 and 3.2.10 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 also 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 3.3.11 and 3.4.11 of the policy are the relevant paragraphs in this respect.
- 3.8 The wording currently used in paragraphs 3.3.11 and 3.4.11 of the policy 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.
- 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 3.3.11 and 3.4.11 of the policy. Some proposed alternative wording has been 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 Officers are therefore recommending that a short and targeted consultation exercise take place on amending the wording contained in Paragraphs 3.3.11 and 3.4.11 of the Council's Hackney Carriage and Private Hire Vehicle Policy to that shown at **Appendix 2**.
- 3.14 The responses received during the consultation exercise would then be reported back to the Licensing Committee before a decision is taken regarding approving a revised version of the Hackney Carriage and Private Hire Vehicle Policy.

**4. RISK MANAGEMENT**

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

**5. APPENDICES**

- 5.1 Appendix 1 – Hackney Carriage and Private Hire Licensing Policy (extract)
- Appendix 2 - Proposed alternative wording for paragraphs 3.3.11 and 3.4.11 of the policy

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