

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

11th November 2024

RENEWAL OF LICENCES FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES THAT HAVE PREVIOUSLY BEEN WRITTEN OFF
RESULTS OF CONSULTATION ON AMENDING POLICY

Relevant Portfolio Holder	Councillor K 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 have previously direct officers to carry out a short, targeted consultation exercise with a view to resolving 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 1st September 2022.

The results of this consultation exercise now need to be considered and decision taken about making minor amendments to the Policy.

2. RECOMMENDATIONS

- 2.1 **That the Licensing Committee RESOLVES to approve the draft revised Hackney Carriage and Private Hire Licensing Policy shown at Appendix 4 to take effect from 12th November 2024.**

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, which was later amended with effect from 1st 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 believed 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 was therefore drafted and can be seen at **Appendix 2**.
- 3.12 Officers believed 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 The Licensing Committee considered this matter on 22nd July 2024 and directed officers to carry out a short and targeted consultation exercise in relation to 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 consultation exercise took place between 13th August 2024 and 27th September 2024. As well as being sent to licence holders by email, the details of the consultation exercise were also sent to:
- West Mercia Police
 - Police and Crime Commissioner
 - Worcestershire County Council – School Transport
 - Community Safety
 - Bromsgrove Depot Management
 - National Taxi and Private Hire Trade Associations
- 3.15 The consultation was undertaken using an online survey tool. The background to the consultation exercise was set out and then two short questions were asked. The questions asked and the responses received are summarised in **Appendix 3**.
- 3.16 Responses were received from a variety of respondents including licensed drivers, Councillors and members of the public. Responses were also received from the Police and the National Private Hire and Taxi Association (NPHTA).
- 3.17 The majority of those who responded (78.6%) agreed with the Council 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**.
- 3.18 Officers recognise the concerns raised by one respondent in respect of the licensing of vehicles that have previously been written off in category C or S. The amended wording would still make clear that no new licences will be issued to vehicles in these categories, but that those that are already licensed will continue to be able to be licensed until they are no longer eligible to be licensed for other reasons.
- 3.19 Bromsgrove District Council licensed hackney carriage and private hire trades are experiencing an increasingly difficult trading environment with a reduction in passenger numbers due in part to cost of living pressures and also due to the increased prevalence of private hire vehicles and drivers licensed elsewhere undertaking work in the area. This is having a significant impact on the income they are able to obtain from taxi and private hire work.

- 3.20 The need to change their vehicle, particularly if this needed to be done earlier than they had anticipated when first licensing it, would be a significant additional financial burden for a licence holder that may mean they are not able to continue providing a service locally.
- 3.21 Against this challenging backdrop, Officers believe the proposed amendments to the wording in the policy provides a balanced and proportionate way for the Council to achieve its policy aims over the medium term without creating an unintended “cliff edge” scenario for those licence holders who have held licences for vehicles that have previously been written off in category C or S since before the policy was implemented in September 2022.
- 3.22 Therefore the Licensing Committee are now asked to approve the draft revised Hackney Carriage and Private Hire Licensing Policy shown at **Appendix 4** to take effect on 12th November 2024.

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 3.3.11 and 3.4.11 of the policy
- Appendix 3 - Consultation questions and summary of responses
- Appendix 4 - Draft Revised Hackney Carriage and Private Hire Licensing Policy

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