

**BIRMINGHAM CITY COUNCIL**

**REPORT OF THE DIRECTOR OF REGULATORY SERVICES  
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

**19 SEPTEMBER 2019**  
**ALL WARDS**

**CONDITIONS OF LICENCE FOR  
HACKNEY CARRIAGE VEHICLES**

1. Summary

- 1.1 Following a report to this committee in December 2017 proposing the introduction of a new set of conditions to be attached to the licences issued in respect of hackney carriage vehicles (Appendix 1). The proposed conditions were consulted on in May and June of this year.
- 1.2 This report outlines the results of that consultation and proposes a new set of conditions to be attached the hackney carriage vehicles on renewal of the vehicle licence.
- 1.3 This will bring HCV conditions up to date and the wording in line with the conditions specifically relating to private hire vehicles to ensure consistency across both trades.

2. Recommendation

- 2.1 That the Committee approve the proposed conditions for Hackney Carriage Vehicles and these are introduced with effect from Monday 24<sup>th</sup> September for both new and renewed vehicle licences.

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### 3. Background

- 3.1 A report to this committee in January 2016 regarding the Implications of the Casey Report on Child Sexual Exploitation in Rotherham set out an action plan “...to improve our systems and to minimise the risk...”
- 3.2 This review of conditions for Drivers and Vehicles completes part of that action plan.
- 3.3 This review of Hackney Carriage Vehicle conditions also brings those conditions in line with those of the private hire trade which have already been approved by Committee.

### 4 Conditions

- 4.1 Sections 47 of the Local Government (Miscellaneous Provisions) Act 1976, which relate to the issue of licenses for hackney carriage vehicles states:

“A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary “.
- 4.2 The purpose of attaching conditions to these licences is to be able to regulate a large variety of matters relating to the way proprietors and drivers conduct themselves and the use of their vehicles. Conditions can prescribe the ways in which activities are conducted, the sort of documentation proprietors and drivers must maintain and how vehicles are to display their plates and signage.
- 4.3 The conditions are used to deal with issues that require regulating and are drafted to stipulate the exact manner in which activities are to be undertaken. Failing to comply with conditions may result in enforcement action being taken. This may include referral to a Licensing Sub Committee for them to consider whether the licensee is “fit and proper” and if not whether their licence should be suspended or revoked. For example, a complaint from members of the public about a drivers’ behaviour.
- 4.4 The current conditions for hackney carriage vehicles were last reviewed and/or amended on the 15/09/2010, with an additional amendment in February 2015 to account for the changes to the Equalities Act.
- 4.5 We have moved office since the current set of conditions were introduced; Condition 1. Referred specifically to our old office address.
- 4.6 The current conditions contain policy details, such as the type of vehicle that can be licensed. These have been removed from the proposed conditions as if it is the policy of the City Council not to approve a certain type of vehicle as a Hackney Carriage there is no need for it to also be a condition of licence.

- 4.7 The Licensing Enforcement Team deal with numerous complaints about the activities of licensees and undertake various exercises throughout the year including the stop checking of vehicles and drivers and the inspection of records and documentation retained at operator's bases. These conditions are used to measure the licensee's compliance and deal with such complaints.

## 5. Issue of Conditions of Licence

- 5.1 Conditions of licence can only be issued upon the grant of a licence. Thus if committee approves them, they will be issued on the grant or renewal of licence applications from Monday 24<sup>th</sup> September 2018.
- 5.2 This will mean that we will be enforcing two sets of conditions for up to 12 months following the proposed introduction of new conditions.
- 5.3 Any individual aggrieved by the conditions of licence may make an application for exemption from them and attend a hearing before a Licensing Sub Committee. Alternatively, they can appeal to a Magistrates Court within 21 days of the service of the licence upon them.

## 6. Summary of Key Changes

- 6.4 The following points highlight the key changes from the original conditions to the final draft of the proposed conditions. The list does not include every minor variation to wording.
- Changes to the way the meter test is carried out
  - Duplication of policy removed
  - Legal obligations removed
  - Additional reporting requirements
  - Office address and typographical errors removed or corrected
- 6.5 A copy of the current conditions with a narrative *in italics after each condition* explaining the changes is attached at Appendix 4.

## 7. Consultation

- 7.1 The initial draft of the proposed conditions was subject to a consultation for 6 weeks from 14/05/2018 – 24/06/2018 by way of a survey on the Birmingham Be Heard website.
- 7.2 There were a total of 23 respondents to the survey; 1 identified as a licensed operator, 8 as drivers, 5 as vehicle owners and 9 as members of the public. A summary of their responses are attached at Appendix 2 and where written response to questions were required these are attached at Appendix 3
- 7.3 In response to the proposal to give the responsibility for testing the meter to the owner/driver of the vehicle this was rejected as an idea by 14:9 saying it would be better if the Council continued to test the vehicles.

- 7.4 Concerns were also raised by this Committee at the December meeting and by the Enforcement team regarding this proposal.
- 7.5 This condition has therefore been changed back to the current condition to reflect this, with testing remaining the responsibility of the City Council to organise.
- 7.6 It should be noted however that one response suggested that a separate survey by another organisation had been carried out and that survey overwhelmingly supported the idea proposed by the City Council of owner vehicle testing. However no specific details of that particular survey were available prior to writing this report.
- 7.7 There were also various responses to questions regarding the introduction, removal or amendment of conditions although the majority of the issues raised revolved around Council Policies rather than being condition specific; such as rear loading vehicles; credit card payments; and the use of the front seat for passengers.
- 7.8 Where possible these responses have been addressed by way of further reports to come before this committee; directly to the person on the survey or accommodated where possible.
8. Implications for Resources
- 8.1 This work will be undertaken within the resources available from within those funds generated by the licence fee structure.
9. Implications for Policy Priorities
- 9.1 The contents of this report are consistent with the Regulation and Enforcement Mission Statement - locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors.
10. Implications for Equality and Diversity
- 10.1 No specific implications have been identified.

## **DIRECTOR OF REGULATORY SERVICES**

Background Papers: Current Hackney Carriage vehicle conditions