

BIRMINGHAM CITY COUNCIL

**REPORT OF THE INTERIM ASSISTANT DIRECTOR OF
REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

10 MARCH 2021
ALL WARDS

**REQUEST FOR AN EXTENSION TO THE LIMITED EXEMPTION FROM THE
MORATORIUM ON THE ISSUE OF NEW HACKNEY CARRIAGE PLATE
LICENCES**

1. Summary

- 1.1 In June 2019, the Licensing and Public Protection Committee agreed a limited exemption for hackney carriage proprietors, from the moratorium on the issue of new hackney carriage vehicle licences. The moratorium has been in place since 2008 and has been renewed regularly, following regular demand surveys. The last survey was conducted in 2017 and another was due during 2020 but has been delayed because of the ongoing pandemic.
- 1.2 Although the exemption agreed in June 2019 was intended to mitigate against the anticipated effects of the Clean Air Zone (CAZ), it has proven to be of immense benefit to proprietors unable to replace vehicles during the ongoing pandemic.
- 1.3 This proposal, if adopted, would extend the provision allowing a vehicle proprietor to take out a new licence within two years of giving up an existing licence, subject to compliance with the requirements laid out in the report, until the end of 2025.

2. Recommendation

- 2.1 The Committee approve the proposal to extend the limited exemption from the requirements of the moratorium, for those vehicle proprietors meeting the criteria detailed at 5.3, until 1 January 2024.
- 2.2 The parameters and requirements set out at paragraphs 5.2 to 5.4 in this report be approved.

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3. Background

- 3.1 The limited exemption to the moratorium on issuing new hackney carriage vehicle plates was agreed in June 2019, it allowed any proprietor who surrendered a hackney carriage vehicle licence or allowed one to expire, between 1 January 2019 and 1 January 2021, to take out a new plate for a suitable vehicle at any time within two years of the date on which the original plate ceased to be valid.
- 3.2 This was intended to assist drivers/proprietors struggling to replace expensive vehicles in anticipation of the introduction of a Clean Air Zone (CAZ) in Birmingham, without increasing the number of plates in circulation. Whilst the CAZ has yet to be implemented, the availability of the exemption has provided a lifeline to proprietors struggling to obtain suitable replacement vehicles during the ongoing Covid19 pandemic.
- 3.3 The closing of the qualifying window, effective on 1 January 2021, means that proprietors struggling to find suitable replacement vehicles now, either because of physical restrictions on travel, availability of vehicles, or because of financial difficulties attributable to the ongoing pandemic, no longer qualify for the exemption and may simply lose their plate and with it their livelihood.
- 3.4 With no immediate end to the pandemic in sight officers are still receiving enquiries about the exemption, which cannot be applied for any licence which ceased after 1 January this year.

4. Proposal

- 4.1 The proposal seeks to extend the exemption allowing existing licensees who are unable to replace a vehicle within a reasonable time, the opportunity to return to the hackney carriage trade and obtain a new hackney carriage vehicle licence at a later date, but only within a specific set of criteria and without increasing the number of existing licences beyond those which were already in circulation on 1 January 2019.
- 4.2 The purpose of the extended exemption is to allow more time for existing plate licence holders to find a suitable replacement vehicles, and to lessen the impact of the pandemic on a trade which has been affected by a significant decrease in available work and a proportionately higher than average risk of infection. Both of which have impacted individual driver's abilities to earn a living. As advised in the earlier report, this proposal will neither increase the number of plates already in circulation, nor will it provide a loophole to avoid or delay the effects of policies previously agreed by your Committee.

5 Suggested Extension to Policy

- 5.1 If after due consideration, members agree the proposal has merit and should be pursued, officers make the following recommendations:

5.2 The qualifying period for the limited exemption for proprietors of hackney carriage vehicles who surrender or allow their vehicle licence to expire between 1 January 2019 and 1 January 2021, should be extended to 1 January 2024. This would allow proprietors adversely affected by the pandemic in addition to those who may be affected by the future introduction of a CAZ to apply for the grant of a new hackney carriage vehicle licence irrespective of any moratorium requirement, so long as the applicant meets all of the qualifying criteria at 5.3 i to iii. The vehicle must be of a suitable type and all licensing prerequisites applicable at the time of licensing must be complied with as detailed at 5.3 iv to vi.

5.3 Qualifying Criteria:

- i. The applicant must be a hackney carriage proprietor who held a current, valid hackney carriage vehicle licence between 1 January 2019 and 1 January 2024. Entitlement to request a new issue hackney carriage plate cannot be transferred to any other party.
- ii. The licence in question must have expired or been surrendered between those dates. There will be no entitlement to request issue of a new licence if the original vehicle was sold and/or the licence was transferred to another proprietor.
- iii. The transaction must be completed within 24 calendar months to the day of the surrender or expiry of the original licence. Any attempt to obtain a licence after that period, will be treated as a normal grant request and dealt with according to the normal requirements of a grant application, including any restrictions on the issue of new plates applicable at the time of the new application.

5.4 Issue Requirements

- iv. A new issue hackney carriage vehicle licence can be issued for a suitable vehicle qualifying as a replacement for the last vehicle associated with the expired or surrendered licence, subject to compliance with the replacement vehicle policies and any requirements of the CAZ applicable at the time of application.
- v. The transaction will be a new licence application and the fees charged will be those appropriate to a new licence application at the time of the transaction.
- vi. All normal requirements for the issue of a licence will apply, including but not limited to MOT, insurance, log-book, age and emission standards applicable at the time of the transaction.

- 5.5 The date of 1 January 2024 is suggested, as the current standards in respect of emissions are scheduled to change during 2026, but a review will be conducted in 2024 to consider whether the intended changes will be practically achievable. Extending the moratorium to 2024, will extend the qualifying period by three years for a total qualifying period of five years.

6. Consultation

- 6.1 The proposal has not been subject to a public consultation exercise but is a response to the observed effect the availability of the exemption has had in mitigating the disruptive effects of the pandemic for qualifying vehicle proprietors. With no immediate end to the pandemic in sight and continued interest from proprietors still struggling to find suitable replacement vehicles, officers believe there would be genuine value in extending the exemption.

7. Implications for Resources

- 7.1 Eligibility criteria will have to be checked, which will have time implications. In most cases though, it is anticipated eligibility will have been established as part of a non-chargeable enquiry before the transaction takes place and as such will be absorbed into general operating costs. Administration of the exemption to date has not had any significant impact on service delivery.

8. Implications for Policy Priorities

- 8.1 The contents of this report contribute to the protection, safety and welfare of residents and visitors to the City by ensuring that licensed hackney carriage vehicles are compliant with required vehicle standards.

9. Public Sector Equality Duty

- 9.1 The majority of Birmingham drivers, hackney carriage or private hire are of Black, Asian or other ethnic minority origin, consequently these groups will be most affected by the impact of a CAZ on the hackney carriage trade. It has been these same groups who have been most detrimentally affected by the impact of Covid19 and it is hoped the measures contained in this report may go some small way towards helping offset the detrimental impact of the pandemic.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT
Background Papers: Nil