

Birmingham City Council

Report to Cabinet

14 February 2023



Subject: Hackney Carriage and Private Hire Policy

Report of: Mark Wiltshire, Interim Strategic Director of City Operations

Relevant Cabinet Member: Councillor Liz Clements, Transportation

Relevant O &S Chair(s): Councillor Akhlaq Ahmed -, Resources Overview and Scrutiny Committee

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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 010701/2023		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

1. Executive Summary

- 1.1 The Department for Transport Statutory Taxi and Private Hire Vehicle Standards require the City Council to publish a standalone Hackney Carriage and Private Hire Policy.
- 1.2 This Policy is the result of a consolidation of existing policies and a regularisation of those policies with the statutory requirements.

2. Recommendations

- 2.1 That Cabinet consider and approve the Policy, including the new paragraph, as outlined in paragraph 4.4 below.

3. Background

- 3.1 In July 2020 the Department for Transport published the Statutory Taxi and Private Hire Vehicle Standards document.
- 3.2 The document sets out certain standards which Licensing Authorities are expected to comply with. These standards have been drawn up as a result of discussions with the trade, regulators and safety campaign groups. They focus on protecting children and vulnerable adults.
- 3.3 Paragraph 1.3 of the document clearly states: “The Department...expects these recommendations to be implemented unless there is a compelling reason not to do so.”
- 3.4 One of the main recommendations is the implementation of a standalone policy which can be subject to regular review. Other recommendations have required a change in internal processes within the licensing service and others will require amendments to licence conditions.
- 3.5 In previous years, policies regarding hackney carriage and private hire matters have been incorporated into the body of the Policies Procedures and Delegations report, which is presented to Licensing and Public Protection Committee annually.

4. The Policy

- 4.1 This draft policy (Appendix 1) has been produced by consolidating the pre-existing policies into a single document, incorporating links to the relevant web pages and other information to provide a practical and useful means of demonstrating the Council's approach to the licensing of the hackney carriage and private hire trade.
- 4.2 The document consolidates existing policies and makes the necessary updates to ensure compliance with the statutory guidance, recent legislation and to reflect the new licensing system.
- 4.3 Incorporating this information into a single document allows for greater transparency and clarity for the trade and the public. The document will be published on the website and will be subject to regular review.
- 4.4 Following the '*Electric Hackney Carriage Vehicle Conversions*' report presented to Licensing and Public Protection Committee on 21 September 2022, an additional paragraph to section 3.11 of the policy is proposed to address these issues:

TX type hackney carriage full conversions (complete power-train replacement to fully electric) will be licensed up to a maximum of 18 years from the date of conversion (rather than date of first registration)

- 4.5 In recognition of the significant cost incurred, and the inherent longevity of design of the vehicles, in cases where a purpose built (TX type) hackney carriage vehicle has had a complete replacement power-train to become a fully electric vehicle, the vehicle age will be taken to be that of its conversion rather than the date of first registration.
- 4.6 The MOT and supplementary tests are designed to address any issues concerning mechanical and cosmetic standards.
- 4.7 The supplementary test includes (but is not limited to) the following reasons for failure:
- Corrosion or damage to the vehicle body or structure, which adversely affects the appearance and / or safety of the vehicle.
 - Generally poor damaged paintwork to the vehicle.
 - Two-tone paintwork, which is not to manufacturers specification.
 - Paintwork dirty/dull/ /faded/mismatched/crazed/
 - Peeling or badly re-sprayed
 - Visible rust/bubbled paintwork
 - Visible dents/creasing/scratches
 - Unrepaired, or poorly repaired damage
 - Exterior trim missing, damaged or mismatched

 - Upholstery dirty/stained/badly worn
 - Upholstery holed/ripped/poorly repaired
 - Carpets/mats improperly fitted/loose/danger of trip hazard
 - Carpets/mats dirty/stained/ badly worn
 - Carpets/mats holed/ripped/poorly repaired
 - Headlining holed/ripped/poorly repaired
 - Headlining dirty/stained
 - Arm rests missing/damaged/mismatched
 - Interior trim/door panels missing/damaged/mismatched
 - Evidence of damp or strong, or unpleasant odours
 - Faulty interior light fitting, faulty interior light switch, or faulty door switch
- 4.8 As this amendment relates to a fully electric replacement power train it will have no detrimental impact on the Clean Air Zone.
- 4.9 The final version of the Policy document will be formatted in a manner suitable for online publication, with appropriate links to appendices rather than reproducing the documents in their entirety within the document.

5.0 Consultation

- 5.1 As stated above, the draft document consolidates existing policies and makes the necessary updates to ensure compliance with the statutory guidance, recent legislation.

- 5.2 In Spring 2022 a consultation was carried out via Be Heard on the changes required to bring policies in line with the DfT Statutory Guidance. This consultation presented no compelling reasons to deviate from the statutory requirements.
- 5.3 Future amendments will require further reports to be brought before the Committee, Cabinet Member or to City Council and will be subject to appropriate consultation.
- 5.4 The draft policy was presented to Licensing and Public Protection Committee on 17th November 2022 for consideration and noting. No amendments were proposed.

6. Risk Management

- 6.1 In July 2020 the Department for Transport published the Statutory Taxi and Private Hire Vehicle Standards document.
- 6.2 This Statutory Guidance sets out certain standards which Licensing Authorities are expected to comply with. These standards have been drawn up as a result of discussions with the trade, regulators, and safety campaign groups. They focus on protecting children and vulnerable adults.
- 6.3 Paragraph 1.3 of the document clearly states: “The Department...expects these recommendations to be implemented unless there is a compelling reason not to do so.” (emphasis added).
- 6.4 Failure to implement the Statutory Guidance could lead to challenge to the existing policies in place.

7.0 Compliance Issues

- 7.1 How are the recommended decisions consistent with the Council’s policies, plans and strategies?

7.1.1 Council Plan

- 7.1.2 The Council’s vision is that we will help make Birmingham **a city where all citizens share in the creation and benefits of sustainable economic growth and can live longer, healthier, and happier lives.**

This vision underpins everything we do, whether that’s setting our priorities, making decisions or delivering services. There are five outcomes to achieve that vision.

- *A Bold Prosperous Birmingham*
- *A Bold Inclusive Birmingham*

- *A Bold Safe Birmingham*
- *A Bold Healthy Birmingham*
- *A Bold Green Birmingham*

7.1.3 The provision of hackney carriage and private hire transport offers reduced personal car use and employment of people who support delivery of this service. Use of hackney carriages and private hires increases the safety of lone travelers especially at night. This policy therefore contributes to a bold prosperous, safe, healthy and green Birmingham.

7.2 Legal Implications

7.2.1 As per paragraph 8 above, failure to implement the Statutory Guidance could lead to challenge to the existing policies in place

7.3 Financial Implications

7.3.1 There are no financial implications for the Council. The work is undertaken by existing officer resource and no additional budget is required for this. The cost of administering the hackney carriage and private hire licence service is funded through licence fee income on a cost recovery basis.

7.4 Procurement Implications

7.4.1 No procurement issues have been identified

7.5 Human Resources Implications

7.5.1 All human resource issues will be within existing officer resource.

7.6 Public Sector Equality Duty

7.6.1 Under the Duty we must have regard to the need to:

- Eliminate unlawful discrimination, harassment, and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

7.6.2 The recommendations contained in this report will not have any effect on any of our duties under the Equality Act 2010. Any future changes to policy will be subject to separate consideration of this duty.

7.6.3 For the reasons set out in paragraph 4, it is considered an initial Equality Analysis is not deemed appropriate or necessary.

Appendices

Appendix 1 – Draft Policy Document

Appendix 2 - Environment and Sustainability Assessment

Appendix 3 – EIA