

**BIRMINGHAM CITY COUNCIL**

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

**16 NOVEMBER 2022**  
**ALL WARDS**

**Hackney Carriage and Private Hire Policy**

1 **Summary**

- 1.1 In July 2020 the Department for Transport published the Statutory Taxi and Private Hire Vehicle Standards document, issued by the Secretary of State for Transport under powers conferred by the Policing and Crime Act 2017
- 1.2 The guidance seeks to provide common core minimum standards to better regulate the taxi and private hire sector.
- 1.3 The guidance requires a comprehensive standalone overarching policy document for hackney carriage and private hire matters.
- 1.4 This policy will be referred for Cabinet approval on 14 February 2023.

2. **Recommendations**

- 2.1 Members are invited to make any suggestions or comments regarding the policy which will be considered for inclusion prior to being put forward for consideration by Cabinet.
- 2.2 The report be noted and commended to the Cabinet.

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### 3. Background

- 3.1 In July 2020 the Department for Transport published the Statutory Taxi and Private Hire Vehicle Standards document.
- 3.2 The 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.
- 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.” (emphasis added)
- 3.4 One of the main recommendations is the implementation of a standalone policy document 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 have been incorporated into the body of the Policies Procedures and Delegations report, which is presented to your 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 draft Policy 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 final Policy, once agreed will be published on the website and will be subject to regular review.
- 4.4 Following the “Request for Policy Amendments to Facilitate the Licensing of Fully Electric Hackney Carriage Vehicle Conversions” report presented to your 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 This is proposed 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 in relation to internal and external appearance:
- 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 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. Comments
- 5.1 The Policy will be presented to Cabinet in February 2023. Members are invited to make any suggestions or comments regarding the policy which can be included within the final version to be considered by Cabinet.

## 6. Consultation

- 6.1 As stated above, the draft policy consolidates existing policies and makes the necessary updates to ensure compliance with the statutory guidance, recent legislation.
- 6.2 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.
- 6.3 As the proposal at 4.4 is a permissive change which will not have a detrimental impact on the trade or the public, it was not deemed necessary to consult on the change.
- 6.4 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.

## 7. Implications for Resources

- 7.1 The cost of administering the licensing service is recovered in full, from licence fees.
- 7.2 It is not therefore expected to have any significant effect on income or expenditure.

## 8. Implications for Policy Priorities

- 8.1 The content of this report Birmingham is compatible with the Council Priorities:
- Birmingham, an entrepreneurial city to work and invest in
  - Birmingham, a great city to live in
  - Birmingham a city that takes a leading role in tackling climate change

## 9. Public Sector Equality Duty

- 9.1 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.

- 9.2 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.
- 9.3 For the reasons set out in paragraph 4, it is considered an initial Equality Analysis is not deemed appropriate or necessary.

## **DIRECTOR OF REGULATION AND ENFORCEMENT**