

## Report to Environment and Licensing Committee

**Subject:** Removal of Hackney Carriage and Private Hire Vehicle Licence Condition 8 relating to vehicle re-test fees.

**Date:** 13 January 2026

**Author:** Director of Place

### Purpose

To seek approval to remove Hackney Carriage and Private Hire Vehicle Licence Condition 8.

### Recommendation(s)

**THAT:**

- 1) Members approve the removal of Condition 8 of the Hackney Carriage and Private Hire Vehicle Licence Conditions.

### 1 Background

1.1 Licence Condition 8 of the Hackney Carriage and Private Hire Vehicle Conditions currently states:

*“If, on inspection, the vehicle fails the technical test, the vehicle must be submitted for re-inspection within fourteen days. If the Proprietor fails to comply with this time limit an additional fee as set out in the Council’s Scale of Fees at the time, will be payable when the vehicle is finally inspected.”*

1.2 Following a complaint from a licensed driver regarding this condition Officers wish to clarify that the condition is applied as follows. If a vehicle fails the initial inspection and is brought back for re-inspection within fourteen days the re-test fee, as advertised is payable. Should the vehicle be presented outside of the fourteen days the inspection fee, as

advertised will be payable. This is the ‘additional fee’ referenced in Condition 8.

- 1.3 In reviewing the condition Officers are of the opinion that it relates to administrative matters concerning fees prior to the issue of a licence, as such this licence condition is not enforceable against any licence so does not need to be a condition of the licence.
- 1.4 The fee arrangements for inspections and re-tests are managed under the Council’s published fees and charges. These will be updated to clarify the position outlined in paragraph 1.2.

## **2      Proposal**

- 2.1 To remove Condition 8 from the Council’s standard Hackney Carriage and Private Hire Vehicle Conditions as it is an unenforceable condition and is more appropriately dealt with in the published fees and charges.

## **3      Alternative Options**

- 3.1 Retain Condition 8 in its current form. This is not recommended as would embed fee-related matters within licence conditions, which is not best practice as the condition is unenforceable.

## **4      Financial Implications**

- 4.1 Removal of Condition 8 will not result in any loss of income to the Council, as the re-test fees will continue to be charged at the reduced rate. The change is administrative and does not alter the existing fee structure.

## **5      Legal Implications**

- 5.1 The Local Government (Miscellaneous Provisions) Act 1976 (“the Act”) enables district councils to administer licences for Hackney Carriage and Private Hire vehicles and drivers. The Act provides that a district council may attach to the grant of a licence such conditions, as it may consider reasonably necessary.
- 5.2 Such conditions must be reasonable, proportionate and enforceable. Matters relating to fees are governed by the Council’s approved fees and charges and should not form part of the licence conditions.
- 5.3 Removal of the condition would be a minor administrative correction to ensure that the Council’s conditions are enforceable. There would be no significant impact on the trade as fees are governed by the published

fees and charges which are consulted on as and when changes are considered.

5.4 The Council's published fees and charges is the appropriate place for information regarding fees and charges to be set out and the discount available for a re-test within fourteen days will still apply as set out in the fees and charges schedule.

## **6 Equalities Implications**

6.1 The proposed change is administrative and does not alter the substantive requirements for vehicle licensing or access to services. It applies equally to all licensed vehicle proprietors and does not introduce any differential treatment based on protected characteristics under the Equality Act 2010. No adverse impact has been identified.

## **7 Carbon Reduction/Environmental Sustainability Implications**

7.1 While the change has minimal direct environmental impact, as it relates to administrative wording rather than operational requirement, the current fee structure indirectly supports environmental sustainability by encouraging timely re-inspections. Prompt compliance reduces the likelihood of vehicles operating for extended periods with unresolved defects, which could otherwise lead to increased emissions or reduced fuel efficiency. Ensuring vehicles meet technical standards contributes to maintaining cleaner, safer vehicles on the road, aligning with the Council's broader environmental objectives.

## **8 Appendices**

8.1 None

## **9 Background Papers**

9.1 None

### **Statutory Officer approval**

**Approved by:**

**Date:**

**On behalf of the Chief Financial Officer**

**Approved by:**

**Date:**

**On behalf of the Monitoring Officer**