

TAXI/PRIVATE HIRE LIAISON GROUP

Tuesday, 5 July, 2005 at 6.00 p.m.

In a Conference Room at the Council House, Walsall

Present

Councillor Cath Micklewright
Councillor Rob Robinson
Councillor John Rochelle
Councillor Carol Rose
Councillor Keith Sears

Sgt . Minton – West Midlands Police
Mr. B. Corlett, Environmental Health and Consumer Services
Mr. N. Owen– Transportation Services
Mr. M. Yaqoob, Walsall Taxi Federation
Mr. Z. Ali, Walsall Taxi Federation
Mr. M. Khan, Walsall Taxi Federation
Mr. K. Hussain, Private Hire Association
Mr. P. White, Private Hire Association

Mr. S. Johnson, Fleet Services
Mr. M. Pleadon. Fleet Services

Appointment of Chairman

It was **agreed**:-

That Councillor Sears be appointed Chairman of the Taxi/Private Hire Liaison Group for the 2005/06 Municipal Year.

Apologies

There were no apologies submitted for non-attendance.

Minutes

It was **agreed**:-

That the minutes of the last meeting held on 22 March 2005, a copy having previously been circulated to each Member of the Group, be approved by the Group as a correct record.

Update of Conditions attached to the grant of a Licence for Hackney Carriages and Private Hire Vehicles

The report of the Head of Public Protection was submitted:-

(see annexed)

Councillor Rose requested that, in future, pages of reports submitted to the Group be numbered to make it easier for Members to refer to the various paragraphs of reports.

Mr. Ali referred to the hackney carriage vehicle conditions attached as an appendix to the report. He said there were 36 conditions in total and there were 11 conditions he wished the Group to consider further.

The first of these were conditions 3 and 4:-

- “3. The licence holder shall ensure that a copy of these conditions is available for inspection by a hirer at all times;
4. Each licence holder must ensure that a copy of Hackney Carriage Byelaws, supplied by the Local Authority, is carried in the vehicle at all times and is available for inspection by any authorised officer.”

Mr. Ali said that drivers were already obliged to carry a number of items in their vehicles, for example, fire extinguisher, first-aid kit and this was another addition to the list. He was concerned that drivers could experience problems and inconvenience if Council Officers stopped them and they did not have their copy of the conditions readily to hand.

Mr. Corlett said that the rules and privileges in respect of hackney carriage vehicle drivers were set out clearly in the conditions and, if available, the driver could refer to these in the event of any dispute with passengers. It should be to the benefit of drivers to have a copy of the conditions to hand. It was intended to update conditions as appropriate and to publish them in a manageable booklet for issue to every licensed operator and driver. Drivers would be unable to claim they were unaware of any of the conditions if the booklet was carried in their vehicles for easy reference.

Councillor Rose said that an alternative might be to recommend to Licensing and Safety Committee that conditions 3 and 4 be deleted and that in their place every driver and operator at the time of issue be required to sign to confirm that they had received a copy of the conditions and had read, understood and accepted them.

Mr. Ali agreed that everyone should sign to confirm that they had received a copy of the conditions.

Mr. Ali then referred to condition 7, "the use of citizens band radio is prohibited." He queried why this was necessary and said that drivers needed to keep in contact with each other. There was no other means of contact with other drivers apart from mobile phones and these could be expensive to use.

As a point of information, Mr. Corlett said that the use of citizens band radios had been prohibited for both hackney carriage and private hire vehicle drivers for many years. He accepted that the Council had to "move with the times", but the use of citizens band radios was not easy to legislate and control. Drivers were allowed to have radios in their vehicles and the majority of drivers nowadays had proper radios fitted so that they could communicate with their bases.

Mr. Corlett said there was also the possibility that hackney carriage drivers using citizens band radios could have their calls to colleagues to pick up fares intercepted by an illegal vehicle. He believed citizens band radios could too easily be misused.

In answer to points raised, Mr. Corlett said that many authorities banned citizens band radios. This had been checked out by the Licensing Officer before its inclusion in Walsall's conditions.

It was **moved** by Councillor Robinson and duly **seconded**:-

That this condition (no. 7) be retained.

On being put to the vote, this was agreed by the Group.

Mr. Ali referred to the second page of the conditions, conditions 11 and 12, i.e.

- “11. All vehicles up to 3 years old shall be presented for testing by the Authority annually if a 12 month licence is issued;
- 12. All vehicles over 3 years old shall be presented for testing by the Authority every 4 months.”

He was also concerned about conditions 13, 14, 15 and 16 relating to the requirement for all new hackney carriage vehicles to be black; replacement vehicles having to be newer than the replaced vehicle and not less than 5 years old; London style cabs not being licensed past 15 years from the registration date and Euro cab vehicles not being licensed past 10 years from the registration date.

Mr. Ali said that he objected to condition 13 that all hackney carriage cabs were required to be black. He believed that a uniform colour had no effect on safety as London-style hackney cabs were easily recognisable and this condition gave no freedom of choice. He was, however, in agreement with Euro-style taxis being black.

Mr. Corlett said that the Licensing and Safety Committee had made a decision in 1998 that all new hackney carriage vehicles be black. The last 50 vehicles to be licensed had all been black. There were no more than 10 taxis in other colours that were licensed at the present time.

It was **moved** by Councillor Rochelle and duly **seconded** that condition 13 be retained:-

“All hackney carriage vehicles on application to be licensed must be brand new, black in colour and wheelchair accessible.”

On being put to the vote, the motion was declared **carried**; 3 Members voting in favour and 2 against.

It was **moved** by Councillor Rose and duly **seconded**:-

That the minutes and reports of all Taxi/Private Hire Liaison Group meetings for the past 12 months be made available to all Members of the Group.

On being put to the vote, the motion was declared **carried**.

Mr. Ali referred to conditions 14, 15 and 16 relating to the colour and age of replacement hackney carriage vehicles to be licensed. He said that condition 14 stated that replacement vehicles must be newer than the vehicle it replaces, black and less than 5 years old. He said that vehicles licensed up to Plate 50 had no restriction to be black. Further, the cost of a 5 year old London-style taxi cab could be up to £20,000. He very much wished to replace his own "K" registered vehicle, but was concerned about how much it would cost him to do this if the vehicle had to be less than 5 years old.

Mr. Corlett said that London-style cabs were not licensed past 15 years. It was Council's objective to improve the taxi fleet operating in Walsall. It was his view that the cost of a 3 or 4 year old London-style cab was more in the region of £14,000 and not £20,000. The cost of Euro-style taxis was approximately £21,000.

Mr. Ali said that his Members were in favour of improving the taxi fleet but the cost of replacing hackney carriage vehicles was very worrying for them if it meant that they would be forced to take out a loan to do so. Their income had decreased in recent years as there were now double the number of drivers for the same amount of work. He asked whether the condition could not be amended to any replacement vehicle must be newer than the vehicle it replaces and deleting the reference to less than 5 years old.

Mr. Johnson of Fleet Services said that older vehicles did wear out. The Council was trying to upgrade the taxi fleet and mileage did have an effect on a vehicle's roadworthiness and reliability. Further, older vehicles suffered from corrosion to their paintwork.

Councillor Rose queried the policy of other authorities on this issue.

Mr. Corlett said that many authorities required brand new replacement vehicles, some to be less than 5 years old and other less than 3 years. This was the reason for many second hand hackney carriage vehicles becoming available on the market.

Mr. Ali said that there were other proposed conditions that he wished to discuss with the group.

Councillor Rose suggested that, in view of Mr. Ali's concerns, further consideration of this matter be deferred to enable Mr. Corlett to have discussions with the representatives of the Walsall Taxi Federation and the Private Hire Drivers Association; the results of these discussions to be reported back to the next meeting.

There was general agreement with this suggestion.

It was, therefore, **agreed**:-

- (1) to recommend to Licensing and Safety Committee that in respect of proposed hackney carriage vehicle licence conditions attached to the grant of a licence:-
 - (a) That condition 7 “the use of citizens band radio is prohibited” be retained;
 - (b) that condition 13 “that all hackney carriage vehicles on application to be licensed must be brand new, black in colour and wheelchair accessible” be retained;
- (2) That the minutes and reports of all Taxi/Private Hire Liaison Group meetings for the past 12 months be made available to all Members of the Group;
- (3) That, subject to the foregoing decisions of the Group in respect of the proposed conditions attached to the grant of a licence for private hire vehicles and hackney carriage vehicles and the Group’s discussions relating to possible alternatives to conditions 3 and 4, further consideration of this matter be deferred to enable Mr. Corlett to hold discussions with the representatives of Walsall Taxi Federation and the Private Hire Drivers Association; the results of these discussions to be reported back to the next meeting of the Group.

Issues raised by Walsall Taxi Federation

(a) Private Hire Touting

Mr. Ali said that this matter had been discussed at the last meeting but he had asked for it to be also included on this agenda.

Mr. Ali said that the Council was now employing additional Enforcement Officers and his members wished to see increased enforcement against private hire drivers touting for business carried out. He believed that the extra staff needed to show their presence on Thursday, Friday and Saturday nights between the hours of 10.00 p.m. and 3.00 a.m. to prevent touting. He said that he had also raised this matter with the Police in the hope that they would be able to help in physically moving offenders on.

Mr. White said that, when young people had been for a night out in the town centre, they would use black cabs where they were available, but there was often a delay before they returned to the rank. He suggested that placards be made available in the town centre with private hire vehicle telephone numbers for them to use to call private hire vehicles rather than, in some cases, have them wandering around town threatening drivers to take them home.

The Chairman commented that most public houses and clubs advertised the telephone numbers of private hire companies. He suggested that Mr. White's members visit pubs and clubs in the town centre to distribute cards with this information.

Mr. Corlett said that additional Enforcement Officers could be made available but the trade would have to bear the cost of this. He said that there were 6-7,000 people out on the streets of Walsall town centre on weekend nights. Touting was investigated by the Police and Enforcement Officers and the Taxi Licensing Office had 30 prosecutions going through the courts at the present time, but their facilities were limited. The problem would not go away as Walsall was an "easy market"; private hire drivers from places such as Cannock and South Staffordshire came into Walsall touting for business. He believed that what was needed was an advertising campaign with some sort of portfolio issued to clubs and pubs to make them aware of the problem of these drivers touting for business. The public needed to be educated about the dangers of using these vehicles.

With regard to the number of Enforcement Officers, Mr. Corlett said that there were two Officers who both worked for more than 37 hours a week. They worked Thursday, Friday and Saturday evenings until 2.00 a.m. In addition, they had other complaints to deal with and to investigate, but they spent an enormous amount of time in Walsall town centre at weekends. To take offenders to court also involved a great deal of report writing and paperwork for them.

Sergeant Minton said that it might be possible to set up a joint operation with the Enforcement Officers. The Police could perhaps help with the paperwork to bring about prosecutions.

Mr. Corlett said that any assistance the Police could give would be very welcome.

(b) Taxi Ranks

Mr. Ali said that it had been with great difficulty that his members had managed to secure a temporary night taxi rank opposite the Council House.

Councillor Rochelle said that previously it had been agreed that there would be a temporary taxi rank on the right hand side of Lower Bridge Street, but this had had to be curtailed while the flats above the shops there were being renovated. Cabinet had, therefore, been unable to endorse Licensing and Safety Committee's original recommendations.

Mr. Owen said that there was a temporary taxi rank opposite the Council House for 6 vehicles between the hours of 11.30 p.m. and 4.00 a.m. when the Police operated their night-time closure of Walsall town centre. This had been agreed with Mr. Ali and the Police on 22 June 2005. The temporary rank there would cease when the scaffolding was removed in Lower Bridge Street.

Issues raised by Walsall Private Hire Association

(a) Private hire vehicles which resemble hackney vehicles

A copy letter from the licensing Officer dated 9 March 2005, to all bases was submitted:-

(see annexed)

Mr. Hussain said that the letter stated that no private hire vehicle that resembled a hackney carriage vehicle would be licensed unless it was white in colour. He queried the reason for this.

Mr. Corlett confirmed that any private hire vehicle resembling a hackney carriage must be white to prevent it being mistaken for a hackney carriage vehicle. He said that many authorities had banned the use of all vehicles resembling a hackney carriage as private hire vehicles. As a point of information, he said that Dudley had refused to licence any Euro cab-style as private hire vehicles. The letter to bases set out a list of examples of vehicles which fell into this category. The Licensing Officer had informed all bases that these vehicles would only be licensed for private hire if they were white in colour. The Act clearly stated that any vehicle resembling a hackney carriage should not be used as a private hire vehicle.

Mr. Hussain was unhappy with this and said that these type of vehicles had operated for private hire in colours other than white in Walsall for many years. He believed that, if there was a sign on the roof of the vehicle showing that it was a private hire vehicle, then there should not be a problem.

Mr. Corlett said that Licensing and Safety Committee had been very concerned about this issue which was why it had previously resolved that a clear distinction should be made relating to the use of these vehicles, i.e. hackney carriages to be black and private hire vehicles resembling hackney carriages to be white. He went on to say that the reason some private hire vehicles had "slipped through" was because the Licensing Officers had not been able to view the vehicles when their office was based at the Civic Centre. Vehicles could now be inspected at the new Licensing office. Owners of vehicles in other colours would be given 5 years to remove them from their fleet and to replace them with white vehicles. He believed this was a reasonable time limit to allow owners to comply with this requirement.

(b) Pre-plating inspection by Licensing Office

A copy letter of the Licensing Officer dated 9 March 2005, to all bases was submitted:-

(see annexed)

Mr. Hussain said that drivers could buy a vehicle, pay to have it tested and then take it to the Licensing Office to be told that it could not be licensed as a private hire vehicle. He said that this left operators in an impossible situation.

Mr. Corlett said that, if an operator was considering buying a particular vehicle, it was in their interest to ensure that it was acceptable to the Licensing Officers. If the vehicle was brought to the Licensing Office in the first instance and was deemed to be acceptable, arrangements could then be made for a MOT. Following testing, the vehicle could then be brought back to the office for licensing. This would avoid the problem of owners paying for tests for unsuitable vehicles and wasting money unnecessarily.

The purpose of this requirement related to the type of vehicles being taken to the garage for testing. Most testers knew which vehicles were unacceptable, but there had been instances of operators having their vehicles tested and passed and then going to the Licensing Office only to be told that their vehicles were unacceptable for licensing, for example, because they had blackened windows. The object of the letter had been to make operators aware of this potential problem. He said that the Licensing Officers must inspect the vehicles to ensure they complied with the law.

There was general agreement from Group Members with the contents of the Licensing Officer's letter to all private hire vehicle bases.

(c) Unacceptable delays at the MOT Station

Mr. White said that it often took up to 10 days for private hire vehicles to be tested.

Mr. Johnson said that Officers had carried out an analysis in respect of delays. One of the major causes for delay had been found to be vehicles booked in for tests and then failing to attend at the garage. Over a 3 month period, 53 working days, 91 vehicles had failed to arrive. This was a failure rate to attend of 1.72 vehicles for every working day.

Councillor Rose said that the Group had been informed of this problem last year. The Group had requested that, unless 24 hour notice was given to cancel a test, a fee should be charged to the operator. She asked why this request had not been implemented.

Mr. Corlett said that he understood that this request had been proposed by the Group but had never been to Committee for approval. He understood that the garage had been unable to prepare a report for Committee due to staff shortages.

The Chairman proposed that a report be submitted to Licensing and Safety Committee with the Group's recommendation that base operators and hackney vehicle operators be informed that, if they failed to give 24 hour notice to cancel a MOT test, they would be charged a fee by the garage. There was general agreement with this suggestion.

As a point of information, Mr. Corlett said that a letter to this effect had been sent previously to the Private Hire Drivers Association and Walsall Taxi Federation.

It was **agreed:-**

That a report be submitted to Licensing and Safety Committee in respect of the Group's recommendation that base operators and hackney carriage vehicle operators be informed that if they fail to give 24 hour notice to cancel a MOT test, they will be charged a fee by the garage.

Outstanding Issues

(a) MOT Pass Rate Performances

Mr. Johnson reported that new software had been installed with effect from 1 July 2005, for recording MOT Pass Rate Performances.

Mr. Pleadon of Fleet Services said that they were concerned at the high level of failure of vehicles, the majority purely for road safety reasons. In several instances, drivers had not been allowed to drive the vehicles away because they were in such a dangerous condition.

Mr. Ali asked that information on failure rates included on the data base be recorded separately for private hire and hackney carriage vehicles.

(b) Request for a reduction in the number of vehicle tests

Mr. Ali said that his members had asked for a reduction in the number of vehicle tests. He said that they had last raised this at the meeting on 22 March 2005, but no one from the garage had attended the meeting. They had, however, been requesting a reduction in the number of tests for the past twelve months.

Mr. Johnson said that, at the present time, the number of MOT failures was giving great cause for concern. The new software would give the garage the facility to accurately record the number of MOT failures for both private hire and hackney carriage vehicles. He would be in a position to give a detailed report on Pass Rate Performances in six months time.

Councillor Robinson suggested that this matter be considered further possibly in March 2006, when detailed information for six months was available from the new software. There was general agreement with this suggestion.

It was **agreed**:-

That the Private Hire Association's request for a reduction in the number of vehicle tests be considered further, possibly in March 2006, when detailed information for six months in respect of MOT Pass Rate Performance is available from the new software.

Date of Next Meeting

It was **agreed** that the date of the next meeting be arranged following consultation with the Chairman and the Members of the Group be notified accordingly.

Termination of Meeting

The meeting terminated at 8.15 p.m.