



**REPORT OF THE DIRECTOR OF PUBLIC HEALTH TO THE  
LICENSING AND SAFETY COMMITTEE**

**8<sup>th</sup> JANUARY 2020 at 6.00pm**

**WALSALL COUNCIL TAXI AND PRIVATE HIRE LICENCE  
APPLICATIONS**

**1.0 Summary of report**

- 1.1 This report provides the Licensing and Safety Committee with information relating to the numbers of applications for Licences regarding the Taxi and Private Hire Trade in Walsall.

**2.0 Recommendations**

- 2.1 The committee is asked to consider the information contained in the report.

**3.0 Background information**

- 3.1 On the 4<sup>th</sup> December 2019 members of the Taxi A Licensing Sub Committee requested that a report be brought to the main Licensing and Safety Committee. The concern raised was in relation to the decline in applications for taxi licences in Walsall and the significant increase in the numbers of local taxi drivers who are obtaining their licences from Wolverhampton City Council.
- 3.2 It is worth noting that the T&PH Licensing Regime changed quite significantly in 2015 due to the Deregulation Act. Up until that point private hire operators could only sub contract work to another operator licensed in the same Borough. The Deregulation Act enabled cross border subcontracting which has resulted in licensed operators obtaining a 'booking office' and a private hire operator licence in another borough. This means they can then 'sub-contract' work to their own company in another borough and dispatch drivers and vehicles licensed in the other borough. All of the larger operators licensed in Walsall also now hold licenses in other neighbouring boroughs, namely Wolverhampton and Sandwell, meaning they can dispatch drivers and

vehicles licensed in another borough to carry out jobs booked legitimately.

This has in turn led to a fall in driver applications as drivers can now apply to another borough and still work for the same company in Walsall in the guise of the other borough's licensed operator accepting the booking and dispatching a driver licensed elsewhere.

The table below sets out the number of new applications and the total number of applications for the Taxi and Private Hire (T&PH) trade in Walsall since 2015. The total number of all licences for the T&PH Trade is included for completeness although unfortunately the software system we use for Taxi Licensing has not been able to provide accurate figures for new applications for vehicles. This is a matter we will be reviewing to ensure in future we can provide this information.

Calendar Year	No of New Driver applications	Total number of driver licences	Total number of PH vehicle licences	Total number of HC vehicle licences	Total number of Base licences
2015	107	1444	828	130	56
2016	179	1598	1002	130	55
2017	85	1865	1100	132	57
2018	37	1800	1151	133	63
2019	47	1592	1129	113	61

### 3.3 Several inferences can be drawn from the information in the table.

- 1) Although the number of new driver applications is less in 2019 than it was in 2015 the total number of drivers is higher and consistent with the figures in 2016
- 2) In 2015-2017, we had an influx of applicants from Coventry in particular. The Team believe from anecdotal evidence that the majority of the applicants wanted to work for Uber. Uber was not a licensed Private hire operator in Coventry at that point, so they had to gain a driver licence in a borough that had Uber licensed. Due to the Deregulation Act they could then work in Coventry and never actually work in Walsall via Uber's App. Walsall was able to issue licences more quickly than many other local Councils and so they chose Walsall to process their application. Obviously, that surge was unsustainable over a long period but Uber also gained further Private hire operator licences in the driver's home boroughs and so applications and numbers of drivers have settled back to earlier levels.
- 3) Wolverhampton have recently built a reputation for dominating the licensing of the T&PH trade. They appear to have been open and honest with other authorities regarding their performance and have

met with the Black Country authorities and wider groups of regional authorities on a number of occasions to discuss taxi licensing. It is believed their success at least in part relates to several key issues.

- i. They developed an excellent on line application system making it far easier for applicants and licences holders to access their services.
- ii. They streamlined systems so that applicants carried out far more work themselves prior to contacting Licensing and therefore the number of visits to the Council was reduced and the issuing time of licences was drastically reduced. In fact applicants only have to attend the office at the end of the process to collect their licence.
- iii. Some of their Policy decisions make it more attractive to apply for a licence, this is discussed below at 3.4.
- iv. Cost does not appear to be a major driving force behind the move of applicants to Wolverhampton.

At the time of writing this report a request was made for comparative data to be shared. As part of Walsall Proud programme Walsall Council Licensing is implementing new systems to try and make the service offered as efficient as possible. This includes

- i. An new online payment system has been introduced and is now being used by the Trade saving them having to attend the office to pay for 'things'.
- ii. Working with ICT to create online forms to make it easier for applicants to apply/renew licences.
- iii. Updating and simplifying the Web Site
- iv. Development and 1<sup>st</sup> edition of a Taxi Licensing newsletter for the Trade to keep them up to date on current issues in the regime.

- 3.3 The table below sets out certain differences between Walsall Taxi Licensing and Wolverhampton Taxi Licensing that may account for differing levels of applications and licences.

Issue	Wolverhampton	Walsall
<b>Driver medical checks</b>	DVLA Group 2 Standard  Any GMC registered medical practitioner can carry out the	DVLA Group 2 Standard  Own GP must be used except in exceptional circumstances

	<p>medical</p> <p>Medical required on 1<sup>st</sup> Application</p> <p>Next Medical at age 45 and then every 5 years until age 65.</p> <p>Age 65 medical required annually</p>	<p>Medical required on 1<sup>st</sup> Application</p> <p>Medical required every 5 years until 65</p> <p>Age 65 medical required annually</p>
<b>Determination of applications</b>	The majority of decisions are delegated to officers and Committee predominantly deal with policy matters	Applications in line with Policy generally delegated to officers. Applications where refusal is recommended or likely and 'punishments' reserved for a Committee decision.
<b>MOT/Compliance check</b>	An approved list of green rated VOSA garages are used for MOT testing. Garages are checked and if failing to meet standards are removed from the list.	All vehicles must be tested at Walsall Councils Clean and Green Depot.
<b>Age Policy (PHV's)</b>	Newly licensed vehicles must be less than 10 years old.	Newly Licensed vehicles must be less than 5 years old
<b>Fees</b>		
HC driver 3 year licence	£140	£180
PH driver 3 year Licence	£140	£180
Dual Licence 3 year	£240	£190
Driver training course	£40	£50 DTC & £25 HC Knowledge test
HC practical driving	£79	£75

assessment		
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#### **4.0 Resource considerations**

- 4.1 **Financial:** The Licensing Service is wholly funded from the licence and other fees paid by the trade.
- 4.2 **Legal:** The Local Government (Miscellaneous Provisions) Act 1976 governs the issue and control of licences for private hire and hackney carriage vehicles, drivers and operators.

The Local Government (Miscellaneous Provisions) Act 1976 permits a Council to set conditions in respect of the issue and grant of licences relating to private hire and hackney carriage drivers, vehicles and operators.

**Section 48** of the Act states that a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied-

- (a) that the vehicle is:
  - (i) suitable in type, size and design for use as a private hire vehicle;
  - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
  - (iii) in a suitable mechanical condition;
  - (iv) safe;
  - (v) comfortable;
- (b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Act of 1972, (Road Traffic Act) and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.

**Section 51 (1)** of the Act states that a district council shall, on receipt of an application from any person for the grant to that person of a licence to drive Private Hire vehicles, grant to that person a driver's licence:-

Provided that a district council shall not grant a licence:

- (a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence or
- (b) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.

**Section 55 (1)** of the Act states that a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:

Provided that a district council shall not grant a licence unless they are satisfied that

- (a) the applicant is a fit and proper person to hold an operator's licence; and
- (b) if the applicant is an individual, that the applicant is not disqualified by reason of the applicant's immigration status from operating a private hire vehicle.

The case of *R.v Hyndburn Borough Council, ex parte Rauf and Kasim* established that a Council can impose standard conditions as a matter of policy. The Council cannot however, fetter its discretion and refuse without such consideration as is appropriate, any application that does not comply with its conditions. The local Authority can refuse an application in line with its policy so long as it does not "shut its ears" to any application, either considered individually or an application which amounted to an application to change the policy as a whole.

In the case of *McCool v Rushcliffe Borough Council* the court said,

*One must, as it seems to me, approach this case bearing in mind the objectives of this licensing regime which is plainly intended, among other things, to ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers.*

A district council may attach to the grant of a licence such conditions as they may consider reasonably necessary.

Any person aggrieved by:-

- (1) The refusal of the district council to grant a licence, or
- (2) Any conditions attached to the grant of a licence, may appeal to a Magistrates Court.

Any appeal must be made to the Magistrates Court within 21 days of notification of such a decision.

**5.0    Staffing:** Nothing arising from this report.

**6.0    Citizen impact**

6.1    Nothing arising from this report.

**7.0    Community safety**

7.1    The communities of Walsall may expect that licensed drivers act in accordance with their licence and the laws governing safe driving on the public highway. Where licensed drivers fall short of the standards set by Walsall Council Licence conditions or UK law these communities may expect that a decision with regard to issuing or continuance of the licence will be made following rigorous discussion and that the decision making is robust so as to protect their safety.

**8.0    Environmental impact**

8.1    Nothing arising from this report.

**9.0    Performance and risk management issues**

9.1    The Licensing service need to work in an effective and efficient manner so as to provide a reasonable service and costs to the trade but also to ensure the processes, tests and checks protect public safety.

**10.0   Equality implications**

10.1   None arising from this report

**11.0   Consultation**

11.1   None.

**12.0   Appendices**

12.1   None.

**13.0   Contact Officer:**

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