



Walsall Council

REPORT OF THE INTERIM REGULATORY MANAGER
TO A MEETING OF THE LICENSING AND SAFETY COMMITTEE

WEDNESDAY 15 JANUARY 2014

VEHICLE LICENSING FOLLOWING COUNCIL TESTING COMPLIANCE

1.0 Summary of report

- 1.1 To provide information to the committee following a request made by the private hire association and also to advise Members of the time limits permitted by neighbouring authorities, when issuing licences to vehicles following MOT examination/compliance testing.

2.0 Recommendations

- 2.1 For members of the committee to consider the information contained in the report and to determine the maximum time permitted to licence or relicence a vehicle following MOT examination/ compliance testing.
- 2.2 If members resolve to amend the timescale for licensing following vehicle testing, the same provision be carried across to the licensing of hackney carriage vehicles.

3.0 Background information

- 3.1 Following a request made by the Walsall Private Hire Association at a meeting of the Taxi/Private Hire Liaison group on the 13 November 2013, the Chairman of the group asked for a report to be presented to the Licensing and Safety Committee in order to consider whether vehicles should be allowed to be licensed or relicensed at any time following successful vehicle testing. That is, obtaining an MOT test certificate and an additional compliance test.
- 3.2 The hackney carriage representative did not raise any undue concerns over the current council policy on this matter from his members.

3.3 Current guidelines state that 'A vehicle must not be used for private hire purposes after testing, until the licence has been issued. A vehicle must be licensed within 5 working days of successfully passing a vehicle test otherwise the vehicle will not be accepted for licensing.

3.4 Enquiries made to neighbouring authorities show their current policy on this particular issue:-

Birmingham – allow owners 10 weeks after the MOT test to licence a vehicle.

Wolverhampton – allow 10 working days.

Sandwell – no time limit. They were asked whether they would licence a vehicle with an MOT that had been conducted over a month ago, they indicated that they would.

Dudley – no time limit same as Sandwell.

Cannock – no time limit but officers at Cannock are responsible for booking MOTs **and** licensing appointments. Therefore they will usually book a licence appointment within a maximum of three weeks from the date of the test.

3.5 This particular licensing condition has never been perceived or noted to be a problem by the licensing unit and the vast majority of vehicle owners are aware of this requirement and are compliant.

3.6 Members must have regard to section 4.2 of the report.

3.7 It is possible that if the time limit is extended further, licensed vehicles that are under 3 years of age may not have a current M.O.T. in place even though there is a vehicle licence in force and exhibited on the vehicle. Vehicles of this age are tested annually.

3.8 Vehicles over 3 years of age are tested every 6 months. Therefore, the scenario in 3.7 would not arise.

4.0 Resource considerations

4.1 **Financial:** Licence fee is payable on grant.

4.2 **Legal:** 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:

(1) Subject to the provisions of this part of this Act, 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.

(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary, including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

The cost of any appeal to a magistrate's court by any person aggrieved by the decision of the council in respect of any conditions set by the authority as permitted under the legislation.

5.0 Citizen impact

5.1 None.

6.0 Community Safety

6.1 The Council can require by law that any licensed vehicle be tested up to 3 times/year at their designated testing station.

7.0 Environmental impact

7.1 None.

8.0 Performance and risk management issues

8.1 None.

9.0 Equality implications

9.1 None.

10.0 Consultation

10.1 Taxi/Private Hire Liaison Group. Neighbouring Authorities.

11.0 Contact Officer

11.1. Steven Knapper – Principal Licensing Officer. 01922 653073