



# Walsall Council

---

---

## REPORT OF THE HEAD OF PUBLIC PROTECTION

### TO A MEETING OF THE LICENSING AND SAFETY COMMITTEE

WEDNESDAY 13<sup>TH</sup> SEPTEMBER 2006

### REPORT ON PROPOSED CHANGES TO LICENSING AND TESTING OF PRIVATE HIRE / HACKNEY CARRIAGE VEHICLES

#### **1. PURPOSE OF REPORT**

- 1.1 To place before Committee a report on proposed improvements to the testing procedures and licensing of both hackney carriage and private hire vehicles.

#### **2. RECOMMENDATION**

- 2.1 Members are recommended to consider the report and approve the amendments for implementation.

#### **3. FINANCIAL IMPLICATIONS.**

- 3.1 Within budget: Yes.

#### **4. POLICY IMPLICATIONS.**

- 4.1 Within Council Policy: Not applicable.

#### **5. LEGAL IMPLICATIONS.**

- 5.1 The Local Government (Miscellaneous Provisions) Act 1976 permits the council to set conditions as may be considered reasonably necessary.
- 5.2 Section 47 of the Act permits the council to set conditions in respect of Hackney Carriage Vehicles.
- 5.3 Section 48 of the Act permits the council to set conditions in respect of Private hire Vehicles.
- 5.4 Section 50 of the Act permits the council to test both Hackney Carriage and Private Hire vehicles up to a maximum 3 times in any 12 month period.

5.5 Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates court.

**6. EQUAL OPPORTUNITIES IMPLICATIONS.**

6.1 All applications are treated on merit.

**7. ENVIRONMENTAL IMPACT.**

7.1 The regular testing of private hire and hackney carriage vehicles is necessary to control emissions and vehicle standards.

**8. WARD(S) AFFECTED.**

8.1 All.

**9. CONSULTEES.**

9.1 Council MOT Testing Station.  
Taxi Liaison Group

**10. CONTACT OFFICER.**

10.1. Bruce Corlett, Extn. 2682.

**11. BACKGROUND**

11.1 The Taxi Licensing Office was originally based at the Council's Garage at Norfolk Place, Walsall where the testing of the private hire and hackney carriage vehicles was undertaken.

11.2 The licensing system was designed to operate from those premises so that a vehicle was seen by the Licensing Office immediately after the test and the licence then issued.

11.3 The Licensing Office in moving from that location lost the immediate contact essential for the system to work effectively. This system is still in place and causes problems for both the Garage and the Licensing Office with no continuity for testing and licensing.

11.4 There is a need to update the system to:-

- a. Streamline and improve the procedures
- b. Ensure continuity
- c. Removing the problems of unlicensed vehicles in the period between test and licence renewal
- d. Remove the problem of uninsured vehicles
- e. Maintain control of the licensed fleet
- f. Remove onus from garage staff to issue date and time of next licence
- g. Instigate a more formal dating procedure for the issue of licences in line with driver's licences.
- h. Give drivers/operators more responsibility in line with legislative requirements.

- i. Encourage drivers/operators to maintain and service vehicles before presenting for test.
- j. Reduce number of missed appointments.

**12.0 PROPOSED SYSTEM FOR ALLOCATING GARAGE RESPONSIBILITIES AND TESTING OF VEHICLES**

12.1 Private hire and Hackney Carriage vehicles undergo a much more rigorous and extensive check than privately owned vehicles. Apart from the standard MOT a further check list examination on items such as body work, internal fittings, seats etc. has to be carefully carried out. The extra time spent and work carried out by the MOT examiner in checking the vehicle does incur extra costs.

12.2 It is proposed to clearly identify the two separate test criteria by using a checklist against a vehicle each time it is presented for testing (**copy of checklist appended at Appendix A**).

12.3 On each occasion of testing (both 4 monthly and 12 monthly) a new MOT along with a pass sheet for the extra works will be given to the driver once the examination is completed and the vehicle passes. If the vehicle fails then a sheet will be given highlighting all the failures.

12.4 The proposed costs are:

MOT (standard MOT charge)	£30.00
Extra checks for PH/HC vehicles	£15.00
TOTAL	£45.00

12.5 The Taxi Licensing Office is working with the Council's Fleet Service to draw up a Service Level Agreement for the testing of Hackney Carriage and private hire vehicles. The Service Level Agreement will support the new proposals for the changes in the testing procedures.

12.6 There has been a high level of non attendance for pre-booked tests that has adversely impacted on the efficiency of the Council MOT test centre. Consequently it is proposed that when a vehicle successfully passes the MOT test a booking fee of 33% of the next test fee will be required at the time of booking to encourage the driver/vehicle to attend. This will be deducted from the test fee, but will be forfeit if the vehicle does not attend or the test is cancelled less than 5 working days before the due test date. This will be a condition of Licensing.

12.7 For the new system to work efficiently the MOT staff should be given the authority to suspend a vehicle when failing a test because the licence will still be valid. At the present moment there is no such Authority in place. There will be a need to delegate this Authority to the Garage Manager.

12.8 There will also be a need to issued MOT vehicle examiners with a private hire/hackney carriage licence and badge for them to comply with the legislation to enable them to road test vehicles. This badge will only be issued for testing and will clearly reflect that.

### **13.0 AMENDMENTS/CHANGES TO CONDITIONS**

- 13.1 New Conditions agreed by Members of the Licensing Committee and implemented in January 2006 place a greater demand on the Operators of Bases and drivers to keep up to date records and duplicate documents such as copies of licences and insurance.
- 13.2 These documents can be inspected at any reasonable time by Enforcement Officers or Police Officers. Any infringements of the Conditions or the Acts governing the licensing can result in prosecution or report and the possible suspension or revocation of the licence(s).
- 13.3 Vehicles can also be stopped and inspected on an ad hoc basis and also during planned exercises. On all these occasions documents can be demanded for production.

### **14.0 COMPARISON OF THE PROPOSED CHANGES AGAINST PRESENT SYSTEM**

- 14.1 A chart is set out in appendix B which shows a comparison of the present testing and licensing system and the proposed system with benefits and problems identified. **(Appendix B appended)**.
- 14.2 Some amendments to the Conditions attached to the grant of licences for Hackney Carriage / private hire vehicles, drivers and operators will need to be considered and approved if these new procedures are accepted and adopted.
- 14.3 A separate report in respect of these changes is also presented for consideration by this Group.

**Taxi and Private Hire vehicles testing items which  
are additional to the Vehicle and Operators Services  
Agency MOT testing criteria.**

1. DOOR, STEP & INTERIOR LIGHTS
2. DRIVE SHAFTS, CONSTANT VELOCITY JOINTS, PROP SHAFTS.
3. SPARE WHEEL & TYRE – SIZE, CONDITION AND SECURITY
4. AIR BAG SYSTEMS INC. WARNING LAMPS AND NON APPROVED SEAT COVERS
5. ALL REAR VIEW MIRRORS
6. GLAZING INC. OPERATION, ADDITIONAL TINTING
7. SPEEDOMETER, ODOMETER, OPERATION AND ILLUMINATION
8. OIL LEAKS
9. CONDITION & OPERATION DOORS / ARCHES / HINGES
10. RADIO INC. SECURITY AND WIRING
11. INTERIOR TRIM/ FIXTURES SPEAKER COVERS – SECURITY & CONDITION
12. EXTERIOR TRIM/ FIXTURES AND BODY MOULDINGS
13. INTERIOR CLEANLINESS AND CONDITION
14. EXTERIOR CLEANLINESS AND CONDITION
15. BODYWORK/ PAINTWORK- CONDITION, DENTS, INFERIOR REPAIRS & RUST
16. OVERALL APPEARANCE INC WHEEL TRIMS
17. FIRE EXTINGUISHER AND FIRST AID KIT
18. ALL LICENSING IDENTIFICATION- SECURITY, POSITION AND CLARITY
19. EMERGENCY EXIT SIGNS AND ACCESS
20. FARE CARD DISPLAYED (H.C.)
21. HACKNEY CARRIAGE NUMBER DISPLAYED IN PASSENGER COMPARTMENT
22. ROAD TEST AND METER DISTANCE CHECK

## APPENDIX B.

PRESENT SYSTEM	PROPOSED SYSTEM
<p>Existing licensed vehicle has a licence plate that shows a time and date of the next test at the council garage issued by the garage. No communication with Licensing Office prior to the issue of that date.</p>	<p>New Licence plate will show date of expiry of licence only.</p>
<p><u>Procedure for issue</u></p>	<p><u>Procedure for issue</u></p>
<p>Licensed Vehicle is presented for test;</p> <p>(i) if vehicle fails test, licence plate removed by garage. Vehicle unlicensed.</p> <p>(ii) Vehicle re-presented for test – passes test – pass sheet and yellow sheet with time and date of next test given to driver.</p> <p>(iii) Driver arrives at the licensing office without an appointment. Has to provide proof of continuous insurance from date of last test, as well as pass sheet and yellow sheet with time and date on.</p> <p>(iv) Licence issued with expiry time and date of next test shown that is also the expiry time/date of the licence.</p>	<p>(i) Letter sent out by Licensing Office (28 days before date of expiry of licence) to operator/driver to remind them of the time and date of next test (if test has been pre-booked) and expiry of licence. Advised in letter to ensure test is at least 7 working days before expiry date of licence.</p> <p>(ii) Vehicle brought to garage for test. Vehicle – fails. Licence plate removed and suspension notice fixed. Date given for re-test. Council still has control over vehicle (although suspended it is still licensed.)</p> <p>(iii) Vehicle re-presented for test - passes. Pass sheet given. Suspension lifted, plate replaced. Date of next test given by garage and up front deposit taken by garage to offset impact of vehicles failing to turn up for test.</p> <p>(iv) Driver contacts licensing office for time and date to attend licensing office to get vehicle re-licensed. (before licence expires)</p> <p>(v) Driver attends Licensing Office at appointed time and date. Produces vehicle pass sheet and current insurance.</p> <p>(vi) Vehicle licensed: for vehicle less than 3 years old 12 month licence. for vehicle older than 3 years 4 month licence.</p> <p>(vii) Driver fails to attend Licensing Office. Licence expires. Vehicle will have to go through complete new application process to get licensed, and pay appropriate fees.</p> <p>(viii) One month before licence due to expire letter reminder letter sent.</p>
<p><u>Problems</u></p>	
<ol style="list-style-type: none"> <li>1. No letter sent as reminder. Vehicle fails to turn up for test - fees lost and gap in testing time.</li> <li>2. Vehicle turns up – fails test. Now Unlicensed. Garage removes plate. No control over vehicle.</li> <li>3. Vehicle returns for testing puts pressure on garage to fit in with test times already allocated. Can be arguments.</li> <li>4. Driver attends licensing office – can be stuck in queue at office.</li> <li>5. Sometimes vehicle re-test cannot be carried out until late in day - licensing office can be closed.</li> <li>6. Driver losing revenue – unable to work and driver may be tempted to work unlicensed.</li> </ol>	