



5.3 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 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 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.

5.4 (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.

5.5 Section 50 of the Act states:

(1) Without prejudice to the provisions of section 68 of this Act, the proprietor of any hackney carriage or of any private hire vehicle licensed by a district council shall present such hackney carriage or private hire vehicle for inspection and testing by or on behalf of the council within such period and at such place within the area of the council as they may by notice reasonably require:

Provided that a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.

## 6. EQUAL OPPORTUNITIES

6.1 None.

## 7. WARD(S) AFFECTED

7.1 All.

## 8. CONSULTEES

8.1 Walsall Private Hire Association.

## 9. CONTACT OFFICER

9.1 Bruce Corlett – Licensing and Enforcement Officer. Ext. 2682

## 10. BACKGROUND

10.1 The Walsall Private Hire Association has submitted a letter following a decision by this Committee concerning the testing of private hire and hackney carriage vehicles.

10.2 The letter has two parts.

10.3 **The first part** refers to recommendations made at the Taxi Liaison Group meeting of the 15<sup>th</sup> August 2006 concerning the number of tests for licensed vehicles, when Committee resolved that all vehicles:-

1. under 3 years of age be tested once a year

10.4 The Council rules of procedure in the Council Constitution specify that the decision made by the Committee on the 15<sup>th</sup> August 2006 cannot be re-considered until a time period of six months has elapsed. Accordingly, the Association's concerns about the committee resolution cannot be discussed at this time.

10.5 **The second part** of the letter relates to a Committee decision made initially in 1997 and fully endorsed by other Committees since which concerns the colour of vehicles (**copy of reports and Committee decision appended**).

10.6 The issue is in respect of the colour of vehicles that are similar in shape, size or appearance to Hackney Carriages and would lead any person to believe that the vehicle was a Hackney Carriage (**see Legal Implications in report**).

10.7 The history of the acceptance of these vehicles follows a Government recommendation in February 1996 that there should be no restriction on the type of vehicles registered as Hackney Carriage providing the design features meet the requirements of the regulations.

- 10.8 On 22<sup>nd</sup> January 1997 the Licensing Committee were shown a Fiat Scudo conversion. The vehicle was presented for consideration of acceptance as a Hackney Carriage Vehicle. The Committee agreed to accept the vehicle for Licensing as a Hackney Carriage but also accepted the trades request that the vehicle also be considered for private hire work. This was agreed by Members.
- 10.9 Members were concerned that the public should be able to clearly differentiate between the two and resolved that these vehicles would be black in colour for hackney carriage and white in colour for private hire purposes. This would make them clearly identifiable.
- 10.10 Following that meeting the business undertaking the conversions stated that other similar vehicles by different manufacturers were also being converted for use within the trade.
- 10.11 A further report was then submitted to the Committee on 17<sup>th</sup> September 1997 concerning those conversions. It was decided at that meeting that those converted vehicles be accepted for use for both Hackney Carriage and private hire licences. Since that time a number of other vehicles have all been added to the Euro conversions list including:-
1. Volkswagen MPV
  2. Volkswagen Sharan
  3. Peugeot Euro
  4. Peugeot 807
  5. Peugeot 806
  6. Peugeot E7
  8. Citroen Dispatch
  9. Volkswagen Shuttle
  10. Fiat Ducato
  11. Fiat Doblo
  12. Citroen Cynergie
  13. Nissan Serea
- 10.12 This list is not exhaustive. Manufacturers are adapting new models on a regular basis and all can be used for either work, providing they meet the colour criteria.
- 10.13 Each vehicle, when presented for licensing, is considered in line with the requirements of the Act and Committee's decision.
- 10.14 Mr. Khan is incorrect in his letter when he says that the decision is wrong and not justified. It has been held to be a reasonable decision based on Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.
- 10.15 The Licensing Department in Walsall, when making recommendations to the Committee, always tries to be flexible in its attitude in considering the overall needs of the trade but has to work within the framework of the Legislation.

- 10.16 The Department when making the recommendations must consider the safety and security of the public and their requirement to easily differentiate between the two types of vehicles.
- 10.17 Mr. Khan is incorrect in his letter when he says that the decision is wrong and not justified. It has been held to be a reasonable decision based on Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.
- 10.18 The Guide recommends that as many different **types** of vehicles are specified as possible for use within the trade. However the overriding facture has to be that the public can clearly differentiate between the two types of vehicles for obvious safety reasons.
- 10.19 This Authority was well ahead of the issue of the safety and security of the public were able to easily differentiate between the two types of vehicles.
- 10.20 There are a great number of vehicles on the market that are suitable and could be used for private hire work that in no way look like or resemble these 'Euro Style' vehicles. These would normally be acceptable in any colour.
- 10.21 The Committees decision concerning the restriction of colour on certain vehicles supports the Government guidelines on best practice and does not in any way causes hardship to Licensed Operators.