

19/10/2011.

Dear Chair and Members of the Licensing and Safety Committee

Further to the letter from Walsall Private Hire Association dated 21st September 2011, we would like to clarify some points from this letter

M.O.T TESTING

Under sections 1.14 of the Private Hire and 1.33 of the Hackney Carriage conditions it states that

“A proprietor / operator of a vehicle that has passed either an MOT or intermediate test shall pay to the garage the appropriate fee. A further deposit of 33% of the next booked test will be paid at the time. No date or time for the next test will be given unless the deposit is paid. The deposit will only be refunded if the test is cancelled more than 5 working days before the due date. The deposit will be offset against the booking test fee”

We are asking for this condition to be changed;

1, because the 33% deposit for the next test is hardly ever requested, but a £25 charge is made if a M.O.T test is cancelled within a 24 hour period, by an owner/operator not turning up for a test and even turning up late for a test by a few minutes. After this £25 payment is paid in person at the testing station, only then they will book another test for the owner/operator.

This £25 charge is the main cause of our concerns

1, whilst we appreciate that the council is empowered to charge for the cost of administering the licensing function, a £25 charge for an owner/operator not attending an appointment time in our opinion does not constitute ‘administration’. As you as a council are aware the licensing authority can only charge for the **cost of** such a licensing function; **and not make a profit.**

2, an owner/operator not turning up or cancelling a test will most likely mean that the vehicle in question is “off the road” and undergoing repairs. As you are aware a vehicle can develop a fault or mechanical breakdown at any time even on the day of the test, meaning the owner/operator is already financially burdened with these costs of repairing the vehicle in question.

Therefore we ask for this committee to change these conditions to the following,

To reduce the charge to a reasonable cost of administration.

That an owner/operator to give at least 90minutes notice to cancel a test before a charge is made.

Drivers not turning up and not giving a reasonable reason for not turning up for their test a charge remains.

The testing station to give a leeway of at least 15minutes after the booked time before cancelling the test and making the charge.

That anyone who has to pay this charge is able to book their next test by telephone and be able to pay the charge on such day of their test (maybe charged prior to testing the vehicle).

TINTED WINDOWS

The mini-bus conditions state that,

1.39 No vehicle with windows darkened or tinted by manufacture will be licensed if those windows affect public safety by virtue of the fact that visibility is restricted into the interior of the vehicle. No windows tinted after manufacture may be fitted.

The Hackney Carriage conditions state that,

1.24 No vehicle with windows darkened or tinted by manufacture will be licensed if those windows affect public safety by virtue of the fact that visibility is restricted into the interior of the vehicle.

We could not find in the latest conditions (updated July 2010) anything regarding tinted windows on Private Hire Cars.

It has come to our attention a number of owner/operators who have bought new or newer vehicles where the windows are tinted by the manufacturer are being asked to come to the licensing and safety committee before they are issued with a licence and subsequently being issued with a licence. As the committee must be aware by now that a large number of vehicles are being manufactured with rear/side tinted windows and are legal to be on the road and have already been licensed.

Therefore we are asking this committee to amend the above conditions regarding the tinted windows, So the vehicles can be licensed (as long as the tint is legal) without paying a visit to the licensing and safety committee and sometimes waiting for up to 2 months from date of purchase before a license is issued.

The Department of transports TAXI AND PRIVATE HIRE LICENSING: BEST PRACTICE GUIDE states

“30. The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.”

AGE RESTRICTIONS

Hackney Carriage conditions state

1.28 For the purposes of Hackney Carriage Vehicles, the London Style cab will not be licensed past 18 years from the registration date.

1.29 For the purposes of Hackney Carriage Vehicles, the Euro cab i.e. Mercedes, Peugeot and Fiat etc. will not be licensed past 12 years from the registration date.

Private Hire conditions state

1.12 When a saloon car/MPV is presented for licensing and that saloon car/MPV has not been licensed by Walsall MBC, or if it has previously been licensed by Walsall MBC and the licence allowed to expire for a period of more than 28 days other than by prior arrangement in writing with the Licensing Office, (from the then in each case the vehicle must be five years of age or under date of first registration or manufacture) depending, on which is earlier, in order for that vehicle to be licensed.

1.13 Once a saloon car/MPV has been licensed, it may continue to be licensed until it reaches ten years of age providing:

- a) That during the licence period the vehicle conforms to the Conditions of Licence set by Committee.
- b) That during the licence period, the licence is not allowed to lapse other than by prior arrangement with the Licensing Office.

Minibus conditions state

1.33 When a minibus is presented for licensing and that minibus has not been licensed by Walsall MBC, or if it has previously been licensed by Walsall MBC and the licence allowed to expire for a period of more than 28 days other than by prior arrangement in writing with the Licensing Office, then in each case the vehicle must be six years of age or under (from the date of first registration or manufacture whichever is earlier) in order for that vehicle to be licensed.

1.34 Once a minibus has been licensed, it may continue to be licensed until it reaches twelve years of age providing:

- a) That during the licence period the vehicle conforms to the Conditions of Licence set by Committee.
- b) That during the licence period, the licence is not allowed to lapse other than by prior arrangement with the Licensing Office.

LIMOUSINES & SPECIAL EVENT VEHICLES conditions state

1.6 The vehicle will not be subject to any age restriction for the purposes of licensing.

The Department of transports TAXI AND PRIVATE HIRE LICENSING: BEST PRACTICE GUIDE states

Age Limits. It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.

We ask this committee to amend the above conditions regarding Hackney Carriage, Private Hire and Mini-Bus vehicles and to remove the age restrictions.

Vehicles that that can pass the councils already stringent M.O.T tests and licensing conditions, can continue to be licensed as long as the vehicle is fit for purpose.

A licence has recently been issued to "stretched limousine type 7-seater Mercedes vehicle" which is already approximately 13 years old and the vehicle is being used as a normal every-day private hire vehicle. So if the this vehicle is fit to be licensed at the age of 13 years old and have no age restriction on it , what is the difference with a Hackney Carriage, private-hire or mini-bus which is doing exactly the same work?.

Private Hire operators also have concerns about the condition 1.12 where a vehicle presented for a licence for the first time must be less than five years old. We ask this committee to remove this restriction for replacing a licensed vehicle to bring it in line with the Hackney Carriage condition and that to be able to replace the vehicle with one that is newer than the existing vehicle.

If this condition is changed we believe that the private- hire trade will have a better quality of vehicles on their fleets as they will be able to change their vehicles more often.

A huge burden of financial costs of replacing vehicles with under five year old vehicles will also be lifted.

As always these vehicles will have to pass the M.O.T tests and licensing conditions.

In Wolverhampton Private-Hire vehicles can be presented for a new Licence up to 8 years old.

In Birmingham vehicles can be presented for a new Licence up to 8 years old and have no age restriction.

~~In Sandwell there is no age restriction as long as the vehicle is fit for purpose.~~

We urge this committee at the very least to lift the FIVE YEAR restriction to a higher age.

Mr M. Khalid (WALSALL HACKNEY CARRIAGE ASSOCIATION)

MR K. Hussain(WALSALL PRIVATE HIRE ASSOCIATION)