

LICENSING AND SAFETY COMMITTEE

Wednesday, 9th July, 2014 at 6.00 p.m.

In a Conference Room at the Council House, Walsall

Present

Councillor Sears (Chairman)
Councillor Clarke (Vice-Chairman)
Councillor Anson
Councillor Douglas-Maul
Councillor S. Fitzpatrick
Councillor D. Hazell
Councillor Hussain
Councillor Murray
Councillor Nawaz
Councillor Sarohi
Councillor D. Shires
Councillor Worrall

1584/14 **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Rochelle and Whyte.

1585/14 **Declarations of Interest**

There were no declarations of interest submitted.

1586/14 **Local Government (Access to Information) Act, 1985 (as amended)**

Resolved

That the public be excluded from the meeting during consideration of the items set out in the private agenda for the reasons as set out therein and Section 100A of the Local Government Act, 1972.

1587/14 **Age Policy : Upper Age Licensing Limits for Private Hire Vehicles**

The report of the Head of Communities and Public Protection was submitted:-

(see annexed)

The Principal Licensing Officer (Mr. Knapper) enlarged upon the report for the benefit of the Committee and stated that the request arose from the Walsall Private Hire Association asking that the upper age licensing limit for all types of private hire vehicles be increased from the existing 10 years for saloons/MPV's and 12 years for minibuses to 15 years for all vehicles from the date of first registration. He drew the Committee's attention to Paragraph 3.11 of the report which showed the current age profile of the private hire fleet and to Paragraph 3.16 which contained the policies of neighbouring local authorities regarding upper age limits.

Councillor Sarohi commented that as several neighbouring authorities had no upper age limit for vehicles he felt that increasing the upper age limit in Walsall to 15 years was acceptable.

Councillor Hussain referred to the fact that hackney carriage vehicles had an upper age limit of 15 years and as similar vehicles were used by private hire drivers (Mercedes, Peugeot E7's and Fiat Scudos) in the interest of equality the upper age limit for private hire vehicles should be raised to 15 years.

Councillor Murray referred to the fact that several neighbouring local authorities had no upper age limit for hackney carriage and private hire vehicles provided they passed the MOT and compliance tests. He asked if there were any 25 year old vehicles operating in the trade. Mr. Knapper replied that each local authority made its own decisions on age policy but he was not aware of any trade vehicles of that age.

Councillor Fitzpatrick felt the upper age limit should be set at 15 years and that vehicles between 10 and 15 years of age should be subjected to three MOT tests per annum.

Councillor Hazell asked if the MOT testing station would be able to cope with the increased demand generated if older vehicles were tested three times annually. Mr. Knapper replied that in the past hackney carriage and private hire vehicles over three years of age were tested three times per annum so the testing station should be able to cope with the demand.

Councillor Worrall asked why the hackney carriage and private hire vehicles were subject to different age limits. Mr. Knapper replied that the Licensing and Safety Committee had allowed hackney carriage vehicles to be licensed to 15 years of age.

Dominic Patouchas (Legal Services) reported that historically hackney carriages had been purpose built to cope with the rigours of the trade whilst private hire vehicles tended to be ordinary saloon cars or MPV's which tended to wear out more quickly. However, modern vehicles were more robust and stronger so they could be licensed for longer.

Members felt that provided a vehicle passed the MOT and compliance tests and was therefore safe for members of the public to use then an increase in the upper age limit was acceptable.

After further discussion it was:-

Resolved

That the upper age limit for private hire vehicles be increased to 15 years from the date of first registration.

1588/14 **Age Policy : Replacement private hire vehicles**

The report of the Head of Communities and Public Protection was submitted:-

(see annexed)

The Principal Licensing Officer (Mr. Knapper) enlarged upon the report for the benefit of the Committee and indicated that the report arose from Walsall Private Hire Association asking that the vehicle age policy for private hire vehicles be amended so that a vehicle of newer age than the vehicle being replaced be allowed, rather than a vehicle being under five years of age at the first time of licensing. He drew the Committee's attention to Paragraph 3.6 of the report which stated that hackney carriage proprietors could replace their current licensed vehicle with a vehicle of newer age from date of first registration. He added that the Private Hire Association were seeking parity with the Hackney Carriage conditions. Mr. Knapper continued that a breakdown of the present hackney carriage fleet showed that 123 vehicles (67%) were 10 years of age or older and 21% were 13 year of age or older.

Councillor Hazell asked about routine maintenance of private hire vehicles. Mr. Ali (Private Hire Association) replied that oil, water etc were checked daily and tyre pressures were checked on a weekly basis.

Councillor Hazell asked if vehicles were used by more than one driver so the vehicle was effectively used for 24 hours daily. Mr. Ali replied that this might have happened in the past but it was no longer viable now.

Councillor Hussain felt that in order for the private hire drivers to have parity with hackney carriage drivers the age policy for private hire vehicles should be amended to mirror that for hackney carriage vehicles. Councillor Nawaz concurred with Councillor Hussain's comments.

Mr. Knapper informed the meeting that 86% of the private hire fleet was made up of ordinary saloon/MPV type vehicles so replacing one of them was, in his opinion, cheaper than replacing a hackney carriage vehicle.

After further discussion it was:-

Resolved

That approval be given for a licensed private hire vehicle to be replaced at any time by a vehicle of newer age taken from the date of first registration.

Private Session

Exclusion of public

Resolved

That, during consideration of the remaining items on the agenda, the Committee considers that the items for consideration are exempt information for the reasons set out therein and Section 100A of the Local Government Act, 1972 and accordingly resolves to consider those items in private.

Summary of items considered in private session

Local Government (Miscellaneous Provisions) Act, 1976 – Street Trading Licence Applications

The Committee considered three applications and made decisions thereon

Licensing Act, 2003 Section 90 – Club Premises Certificate – Relevant information

The Committee considered the matter and made a decision thereon.

Termination of meeting

The meeting terminated at 8.05 p.m.