

Taunton Deane Borough Council

Licensing Committee – 7 March 2012

Testing Regime for Hackney Carriages and Private Hire Vehicles

Report of the Licensing Manager

(This matter is the responsibility of Executive Councillor Ken Hayward)

1. Executive Summary

Members are asked to consider the Hackney Carriage and Private Hire Vehicle Testing Regime within Taunton Deane and the recommendations set out at section 11 of the report with regard to the Part 1 Test and MOT, the undertaking of the Part II test and the nomination of approved testing stations.

2. Background

- 2.1** The Department of Transport states within its Best Practice Guidance that the aim of local authority licensing of the taxi and private hire vehicle trades is to protect the public.
- 2.2** Taunton Deane Borough Council needs to be satisfied that the vehicles operating within its area are fit to do so (i.e. safe, in a suitable mechanical condition and comfortable). To enable this the Council uses the provisions of the Local Government (Miscellaneous Provisions) Act 1976 which gives the Council powers to require proprietors to present their vehicle for annual and occasional inspection and testing by or on behalf of the Council at such place within the area of the Council as they may reasonably require.
- 2.3** In order to make certain all vehicles meet the high standards the Council consider necessary to ensure licensed vehicles are safe, before a licence can be granted a vehicle is required, in addition to meeting the legal requirements for a domestic vehicle, to pass the following tests;
- Part I – this is a test which uses the same criteria as an MOT test and is undertaken by the Council's nominated testing station,
- Part II - this is a test currently undertaken by the Council's nominated testing station that covers all the additional items that the Council has determined are required for licensing purposes, such as physical condition of the vehicle, safety of wheelchair restraints, comfort and physical appearance of the vehicle.
- Meter test – this test assesses the legality and accuracy of taximeters fitted to vehicles and is currently undertaken by Licensing Officers.

- 2.4 As permitted under the Local Government (Miscellaneous Provisions) Act 1976 the Council has a nominated testing station which undertakes all Part I and Part II tests on behalf of the Licensing Service under the control of a Service Level Agreement. The nominated testing station is currently the Service and MOT Centre (formerly MJ Autos) who were appointed in 2007 following the cancellation of the service level agreement previously held with VOSA.
- 2.5 The Service Level Agreement covers not only the test criteria but also standards of customer service. It is monitored through a formal annual review and ad hoc meetings.
- 2.6 Research of other Somerset Authorities has shown that they do not have a separate Part I test equivalent and that an MOT test from any approved VOSA testing station is accepted. They do however all have nominated testing stations for the undertaking of the equivalent Part II testing of vehicles.
- 2.7 The Conditions for vehicle testing and Hackney Carriage and Private Hire Vehicle Test Criteria were last considered by this Committee when the Taxi Handbook was adopted in April 2009.
- 2.8 Following the receipt of a 39 signature petition a review of and consultation on the vehicle testing regime has been undertaken.
- 2.9 There was a response rate of 18% to the consultation and these have been broken down between Operators/Proprietors and Drivers to show how both elements of the trade considered the proposals. Overall there is support for the replacement of the Part I test with an MOT issued by any VOSA approved testing station and to increase the number of Council Nominated testing Stations. The responses to the consultation are set out at Appendix B.

3. Report

Part I test and MOT

- 3.1 One of the Council's current requirements for any vehicle to be licensed as a Hackney Carriage or Private Hire Vehicle is that it should hold a valid MOT (if the vehicle is over one year old) and pass the Council's Part I test undertaken by the Council's nominated testing station.
- 3.2 The Part I test is in practice carried out at the same time as the MOT inspection and the MOT Certificate from the nominated testing station takes the place of the part I compliance certificate. Vehicle proprietors could obtain an MOT certificate from elsewhere and then a Part I compliance certificate from the nominated testing station but in reality this would not make financial sense.
- 3.3 Members are asked to consider the following options with regard to the Part I test and the MOT. The question of suitability of having only one nominated testing station is presented for consideration later in this report.

- 3.4 Option 1.** The current position remains unchanged – proprietors will be able to obtain an MOT from a testing station of their choice but will still have to attend the nominated testing station to obtain compliance with the Council's Part I test, which will continue to be the equivalent of an MOT.
- 3.5** This option has the benefit of keeping down costs to the trade through the part I and part II tests being conducted on the same premises at the same time by the same member of staff. This option also brings advantages to vehicle proprietors in that they can receive an MOT certificate at no additional cost when securing compliance with the Part I test and through the Service Level Agreement the Council is able to offer them support in customer service issues and any disagreement that may arise with the nominated testing station.
- 3.6** However the retention of the part I test could be seen to be unnecessarily duplicating the MOT test and it could be suggested that the Council are not allowing proprietors choice in where an MOT is undertaken.
- 3.7 Option 2.** The Part I test is replaced by an MOT issued by any VOSA approved testing station, this could include the nominated testing station who would then be able to offer to undertake the MOT and Part II test as package deal .
- 3.8** This option would allow vehicle proprietors the freedom to choose where an MOT is undertaken and would remove the duplication of testing criteria that exists at present with the Part I test.
- 3.9** Although we have not undertaken market analysis for carrying out the part II test only, this option may however increase the costs to the trade as a testing station which is required to only undertake a part II test cannot benefit from any of the savings made through conducting both tests at the same time. Prices will need to be increased and consideration must be given as to the level of interest a garage may have in becoming a nominated testing station and conducting part II tests only.
- 3.10** An additional matter that will need to be considered is the question of acceptability of MOT certificates from testing stations that have an identifiable relationship with the vehicle proprietor. If public scrutiny of a relationship between a vehicle proprietor and the operator/owner of a testing station through personal or commercial links would raise reasonable doubt as to a conflict of interests then it is proposed that Licensing refuse to accept the certificate.
- 3.11 Option 3.** The Part I test is replaced by an MOT issued by a Council nominated testing station.
- 3.12** This option removes the duplication of the MOT and Part 1 tests that currently exists and may offer an opportunity for savings to proprietors through the nominated testing stations undertaking both MOT & Part II tests.

- 3.13** Under all three options vehicles will still require to achieve compliance with the Council's Part II test which will be undertaken at the nominated testing station.

Part II test

- 3.14** In addition to the Part I test the Council requires a further set of test criteria, the Part II test, be applied to Vehicles before a Hackney Carriage or Private Hire Vehicle Licence can be issued. A copy of the inspection sheet showing the areas that are examined is attached at Appendix A.
- 3.15** The matters to be examined require a judgement which includes safety and suitable mechanical condition and the Council therefore require the test to be undertaken by a suitably qualified vehicle mechanic. For reasons of consistency and customer service the Council further require that the test is undertaken by the nominated testing station.
- 3.16** Through the petition a request has been received that the Council's Licensing Officers undertake the Part II vehicle tests.
- 3.17** Because of the nature of the matters to be inspected it is not considered appropriate for the test to be undertaken by Licensing Officers who do not have the necessary knowledge or skills base and Members are asked to retain the requirement for the Part II test to be undertaken by a suitably qualified vehicle mechanic at a nominated testing station.

Nomination of Testing Station(s)

- 3.18** As set out earlier in the report the Council, as allowed through legislation, maintains a nominated testing station for reasons of control and customer support. The legislation further requires that the testing station is located within the administrative area of the Council
- 3.19** In addition to those reasons, the Council must also consider the suitability of a business's premises to inspect the range of vehicles that could be presented for licensing, as the legislation would permit the licensing of vehicles larger than domestic vehicles. The Council must also consider the ability of the business to meet the Council's required customer service standards (i.e. ensuring that an inspection can be carried out within five working days) and to produce data to assist in the monitoring and review of the Council's vehicle licensing regime.
- 3.20** The Council's current nominated testing station has to their credit provided an exemplary level of service since first entering the Agreement in 2007 and through that time expressions of support and very few formal complaints have been received by the Licensing Team regarding the service they have provided to the trade.
- 3.21** Members are asked to consider the following options that have been identified through the review process.
- 3.22** **Option 1.** Retain the current position – the Service and MOT Centre Taunton would remain as the Council's sole nominated testing station.

- 3.21** This option has advantages to the Council in that the quality of testing can be maintained. If a greater number of testing stations were introduced then there is the potential for discrepancies between testing standards to be introduced
- 3.23 Option 2.** Increase the number of nominated testing stations
- 3.24** Increasing of the number of testing stations particularly if spread across the district may offer advantages to those vehicle proprietors who do not live within Taunton. It may also offer savings to the trade through the pricing structures of individual testing stations. From the Council's perspective the appointment of at least one additional testing station provides for continuity of service if one testing station is unable to operate for a period of time.
- 3.25** Before any further testing stations can be appointed the Licensing Team will need to seek expressions of interest and produce a list of suitable testing stations for consideration with the Licensing Committee Chairman.
- 3.26** As discussed at 3.10 above if this option is approved the Council will need to have regard to excluding any testing station that has an identifiable personal or business relationship with the vehicle proprietor that could give the impression of a conflict of interest.

4. Finance Comments

By having both the part I & II tests undertaken at the same time by a single testing station the testing station may be able to offer a cost saving to vehicle proprietors. If the part II test were be conducted separately there will no longer be the opportunity for low costing through duality of staffing and resources at the testing station and on costs to the trade could be increased.

5. Legal Comments

All the options set out in this report would meet the requirements of the Local Government (Miscellaneous Provisions) Act1972.

6. Links to Corporate Aims

Although there are no direct links to the corporate aims the provision of an effective licensing regime benefits local businesses and the public alike in full accordance with the Council's Corporate Strategy.

7. Environmental and Community Safety Implications

None

8. Equalities Impact

No adverse equality impact identified.

9. Risk Management

No risk identified.

10. Partnership Implications (if any)

None

11. Recommendations

Part I test and MOT

11.1 That Members approve one of the three options set out within the report having considered the impact upon the trade and the obligations on the Council to protect the safety of the public using licensed Hackney Carriages or Private Hire Vehicles.

11.2 That Members delegate authority to exclude certificates from testing stations for the reasons set out in 11.1 above to the Licensing Manager and Licensing Committee Chairman.

Part II test

11.3 That members resolve to retain the requirement for the Part II test to be undertaken by a suitably qualified vehicle mechanic at a nominated testing station.

Nomination of Testing Station(s)

11.3 That members approve option 2 and delegate authority to the Licensing Manager and the Licensing Committee Chairman to ascertain suitability of interested businesses and appoint at least one additional nominated testing station.

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Part Two Test Inspection Form

Hackney Carriage & Private Hire Vehicles

Registration Mark:		Part Two Serial No.:		No. of Passenger Seats:			
Plate Number: HC/PH		Make & Model:		Date of Manufacture:			
VIN Number:		Mileage:		Colour:			
A. Item Tested	Ref.	Pass	Fail	Reasons for failure			
Exterior	Exterior	Exterior	Exterior	Exterior	Exterior	Exterior	Exterior
External plate	3.5						
Dents	9.1						
Scratches	10.1						
Colour consistency	11.1						
Door signs fitted	3.2						
Top hat fitted (* PH only)	3.4						
Interior	Interior	Interior	Interior	Interior	Interior	Interior	Interior
Internal plate	3.3						
Seats	7.1						
Head lining	7.1						
Carpet condition *	7.1						
Interior damp or dirty	7.1						
Exterior clean	7.1						
Engine bay condition	7.1						
Interior lights working *	7.1						
Ashtrays fitted or covered	7.2						
Demisters working	7.1						
Windows working	7.1						
Means of exit *	7.1						
Seat width and leg room	7.1						
First aid kit suitability	6.3						
Meter	1.2						
Wheelchair straps and	12.1						
Strap stowing and release	12.1						
Trip hazards & rough	12.1						
Smoke free signage	7.1						
Fire Extinguishers	Fire Extinguishers	Fire Extinguishers	Fire Extinguishers	Fire Extinguishers	Fire Extinguishers	Fire Extinguishers	Fire Extinguishers
Type and capacity *	5.1						
Labeled	5.2						
Fixed *	5.4						
Ramps	Ramps	Ramps	Ramps	Ramps	Ramps	Ramps	Ramps
Stowed in transit *	13.1						
In-use fixing method *	13.1						
Incline <12:1	13.1						
Permanently marked	13.1						
Rough edges/safety *	13.1						
Non-slip/raised edges *	13.1						
B. I certify that for the reasons shown above the vehicle has failed to comply with the statutory requirements.						Authentication Stamp:	
Signed:		Name (BLOCK CAPS):					
(Tester/Inspector)		Date:					
C. WARNING. In my opinion the vehicle is dangerous to drive because of the following defects:							
D. Comments:							

Responses to the Consultation

A total of 254 consultations were sent out to all licensed drivers, operators and vehicle proprietors. The consultation consisted of an explanatory document (attached at Appendix C) and a response sheet with the options as set out in the table below. The consultation period ran from 27th January to 14th February 2012

The Responses were as set out below.

Options	Responses		
	Overall	Operators/ Proprietors	Drivers
Total Responses Received	(45)	(28)	(17)
Part I test and MOT			
Current position remains unchanged – Vehicles are required to pass the Part I test at the Council’s nominated testing station	16	12	4
Part I test is replaced by an MOT issued by any VOSA approved testing station	29	16	13
Nomination of Testing Station(s)			
The Service and MOT Centre Taunton remain as the Council’s nominated testing station	11	10	2
The number of nominated testing stations is increased	31	17	14
No preferred option expressed regarding Nominated Testing Stations	2	1	1

Taunton Deane Borough Council Licensing Service

Testing Regime for Hackney Carriages and Private Hire Vehicles – Consultation Document January 2012

- 1.0 The Department of Transport states within its Best Practice Guidance that the aim of local authority licensing of the taxi and private hire vehicle trades is to protect the public.
- 1.1 Taunton Deane Borough Council needs to be satisfied that the vehicles operating within its area are fit to do so (i.e. safe, in a suitable mechanical condition and comfortable).
- 1.2 In order to make certain all vehicles meet the high standards the Council consider necessary to ensure licensed vehicles are safe, before a licence can be granted a vehicle is required, in addition to meeting the legal requirements for a domestic vehicle, to pass the following tests;
Part I – this is a test which uses the same criteria as an MOT test and is undertaken by the Council's nominated testing station,
Part II - this is a test currently undertaken by the Council's nominated testing station that covers all the additional items that the Council has determined are required for licensing purposes, such as physical condition of the vehicle, safety of wheelchair restraints, comfort and physical appearance of the vehicle.
Meter test – this test assesses the legality and accuracy of taximeters fitted to vehicles and is currently undertaken by Licensing Officers.
- 1.3 The Council has a nominated testing station which undertakes all Part I and Part II tests on behalf of the Licensing Service under the control of a Service Level Agreement. The nominated testing station is currently the 'Service and MOT Centre'.
- 1.4 The Service Level Agreement covers not only the test criteria but also standards of customer service.
- 1.5 Following the receipt of a 39 signature petition a review of the vehicle testing regime is being undertaken and this consultation forms part of that review. A report will be made to the Licensing Committee at its meeting on 7 March 2012 where Members will be informed of responses to this consultation.
- 2.0 **Part I test and MOT**
- 2.1 One of the Council's current requirements for any vehicle to be licensed as a Hackney Carriage or Private Hire Vehicle is that it should hold a valid MOT (if the vehicle is over one year old) and pass the Council's Part I test undertaken by the Council's nominated testing station.

- 2.2 The Part I test is in practice carried out at the same time as the MOT inspection and the MOT Certificate from the nominated testing station takes the place of the Part I compliance certificate. Vehicle proprietors could obtain an MOT certificate from elsewhere and then a Part I compliance certificate from the nominated testing station but in reality this would not make financial sense.
- 2.3 The Licensing Committee will be asked to consider the following options with regard to the Part I test and the MOT.
- 2.4 **Option 1.** The current position remains unchanged – proprietors will be able to obtain an MOT from a testing station of their choice but will still have to attend the nominated testing station to obtain compliance with the Council's Part I test.
- 2.5 This option has the benefit of keeping down costs to the trade through the part I and part II tests being conducted on the same premises at the same time by the same member of staff. This option also brings advantages to vehicle proprietors in that they can receive an MOT certificate at no additional cost when securing compliance with the part I test and through the Service Level Agreement the Council is able to offer them support in customer service issues.
- 2.6 However the retention of the part I test could be seen to be unnecessarily duplicating the MOT test and through the financial incentive of having tests done at the same time, the Council would not be offering any real choice in where an MOT is undertaken.
- 2.7 **Option 2.** The Part I test is replaced by an MOT issued by any VOSA approved testing station
- 2.8 This option would allow vehicle proprietors the freedom to choose where an MOT is undertaken and would remove the duplication of testing criteria that exists at present with the Part I. It would however undoubtedly increase the costs to the trade as a testing station which is required to only undertake a Part II test cannot benefit from any of the savings made through conducting both tests at the same time.
- 2.9 If the Committee resolve to approve option 2 an additional matter that members will be requested to consider is the exclusion of MOT certificates from testing stations where public scrutiny of the relationship between a vehicle proprietor and the operator/owner of a testing station through personal or commercial links would raise reasonable doubt as to a conflict of interests.
- 2.10 Under both options vehicles will still require to achieve compliance with the Council's Part II test which will be undertaken at the nominated testing station.
- 2.11 Your views are requested on whether option 1 or option 2 would be your preferred choice.
- 3.0 **Nomination of Testing Station(s)**

- 3.1 As set out earlier in the document the Council, as allowed through legislation, maintains a nominated testing station for reasons of control and customer support.
- 3.2 In addition to those reasons, the Council must also consider the suitability of a business's premises to inspect the range of vehicles that could be presented for licensing, as the legislation would permit the licensing of vehicles larger than domestic vehicles. The Council must also consider the ability of the business to meet the Council's required customer service standards (i.e. ensuring that an inspection can be carried out within five working days) and to produce data to assist in the monitoring and review of the Council's vehicle licensing regime.
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- 3.9 As discussed at 2.9 above if this option is approved the Council will need to have regard to excluding any testing station that has an identifiable personal or business relationship with the vehicle proprietor that could give the impression of a conflict of interest.
- 3.10 Your views are requested on whether option 1 or option 2 would be your preferred choice.
- 4.0 **For Information Only - Part II test**

- 4.1 In addition to the Part I test the Council requires a further set of test criteria, the Part II test, be applied to Vehicles before a Hackney Carriage or Private Hire Vehicle Licence can be issued.
- 4.2 Through the petition a request has been received that the Council's Licensing Officers undertake the Part II vehicle tests.
- 4.3 Because of the nature of the matters to be inspected it is not considered appropriate for the test to be undertaken by Licensing Officers who do not have the necessary knowledge or skills base and Members will be asked to retain the requirement for the Part II test to be undertaken by a suitably qualified vehicle mechanic at a nominated testing station.

- 5.0 Responding to the Consultation
- 5.1 The consultation is open to all licensed drivers and operators, vehicle proprietors and the Council's nominated testing station.
- 5.2 Please use the enclosed consultation response sheet and pre paid reply envelope to forward your responses to the consultation.
- 5.3 All responses should be received by the Council no later than **Tuesday 14 February 2012.**