

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING COMMITTEE

24 OCTOBER 2017

REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES

HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE TESTING POLICY

1. Purpose of Report.

1.1 The purpose of the report is to:

- Consider the risk to public safety presented by the current testing regime for hackney carriage and private hire vehicles;
- Obtain members' approval to consult with the local taxi trade and the public to amend the vehicle testing policy.

1.2 The proposed policy amendments are part of a wider piece of work and as such this report should be read in conjunction with the Hackney Carriage/Private Hire Vehicle Age Policy Guidelines report.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 The proposals are necessary to enable the Council to discharge its functions as a taxi licensing authority.

3. Background.

3.1 The Council is the licensing authority for hackney carriage and private hire vehicles by virtue of the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The Authority sets licence conditions that must be complied with for a licence to be granted. Conditions include the age at which a vehicle can be presented for first time licensing and, once licensed, the frequency at which it must be presented for testing. For routine testing this may be up to a maximum of 3 tests a year, as specified in the Local Government (Miscellaneous Provisions) Act 1976.

3.2 As part of the licensing regime, vehicles are tested to ensure that they meet the standards required by Bridgend County Borough Council (CBC).

3.3 It is an offence under the Road Traffic Act 1988 to use a vehicle without a Ministry of Transport (MOT) certificate on a public road. However, there is an allowance for hackney carriage or private hire vehicles to be exempt from the MOT testing regime. The rationale for this being that the Licensing Authority has direct control over the condition of its fleet and as such can impose their own testing regime and issue an MOT test exemption certificate.

3.4 The Driver and Vehicle Standards Agency (DVSA) are responsible for administering the MOT scheme on behalf of the UK government. To become an MOT tester,

applicants must be qualified as a mechanic with at least 4 years' full-time employment servicing and repairing vehicles. They must also have no unspent convictions for offences connected with the motor trade or MOT testing and be 'of good repute' (as decided by the Driver and Vehicle Standards Agency). Eligible applicants must then successfully complete a course before being authorised by the DVSA as an MOT tester. Once they become a tester, they must also undertake continual professional development (CPD) to maintain their competencies.

- 3.5 To help ensure the MOT testing scheme is robust, the DVSA carry out investigations on MOT testers and testing stations if they have reason to believe that tests are not being carried out satisfactorily. This can result in a tester or testing station being removed from the scheme for up to 5 years.
- 3.6 All MOT test results are logged electronically on a national database and are publically accessible on the Government website.

4. Current situation / proposal.

- 4.1 The current policy is for hackney carriage and private hire vehicles to be tested at the Council's testing facility at the Fleet Services Division, Newlands Avenue, Bridgend.
- 4.2 Vehicles are currently tested in accordance with the requirements of Bridgend County Borough Council and are issued with an Exemption Test Certificate. This test is of no lesser standard than an MOT test and also includes additional items that are specific to licensed vehicles, for example the function of a vehicle's door locks. A copy of the Bridgend Exemption Test Certificate is detailed in Appendix A.
- 4.3 At present, the frequency of the test depends on the age of the vehicle. Vehicles under 5 years old (from date of first registration) are tested bi-annually, any vehicle older than this is tested tri-annually.
- 4.4 It is proposed that hackney carriage and private hire vehicles will be tested in accordance with the MOT regime administered by the DVSA.
- 4.5 Alongside the MOT test, hackney carriage and private hire vehicles will also be required to undertake an additional compliance test. This is an enhanced test in accordance with the Hackney Carriage and Private Hire Vehicles National Inspection Standards, produced by the Freight Transport Association, that are in use by many authorities throughout the UK. A draft copy of the proposed compliance test is detailed at Appendix B.
- 4.6 It is proposed that all vehicles up to 10 years old will be tested bi-annually. Vehicles 10 years or older will be tested tri-annually.
- 4.7 Should the policy be implemented, the current testing policy will be withdrawn and vehicles will no longer be issued with an MOT Exemption Test Certificate. Vehicle's will instead be issued with an MOT certificate and a copy of the completed compliance test results.
- 4.8 It is envisaged that the proposed testing regime will provide the following benefits:

- A robust complaints procedure will be in place, administered by the DVSA, in the event of an unsatisfactory test;
- The DVSA will have the power to remove the testing station's ability to carry out MOT tests;
- As the results of each MOT test are published online, it provides an easily accessible digital record for the Licensing department
- Licensed vehicles are less likely to be stopped by the police for failing to have a valid MOT and having to produce their exemption certificate.

4.9 A request for information was sent out to all Welsh local authority Licensing departments to ask whether they currently require an MOT test and if so, whether their authority carries out the MOT in-house at their own Council testing station. The responses provided data for 15 Welsh local authorities. 12 of the 15 authorities currently require an MOT certificate for Hackney Carriage and Private Hire Vehicles. The responses received are detailed in Appendix C.

4.10 The vehicle proprietors will still be required to use Council's testing facility at the Fleet Services Division, Newlands Avenue, Bridgend.

4.11 If approved, a public consultation will be carried out and a letter sent to all vehicle proprietors inviting their comments.

5. Effect upon Policy Framework & Procedure Rules.

5.1 None

6. Equality Impact Assessment

6.1 There are no equality implications arising from this report.

7. Financial Implications.

7.1 Fees for taxi tests are recharged to the Licensing Section by Joint Fleet Services and recovered by the Licensing service through the licence fee. The Joint Fleet Services Manager has been involved with the initial discussions regarding these proposals, but the potential for a decrease in income arising from the changes in test frequency will be discussed in more detail with Joint Fleet Services as part of this consultation.

8. Recommendation.

8.1 It is recommended that the Licensing Committee approve that a consultation exercise be conducted with the public and the local taxi trade on the proposals to amend the testing requirements in respect of hackney carriage and private hire vehicles

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Background documents

The Driver and Vehicle Standards Agency MOT Testing Guide