

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING COMMITTEE

22 NOVEMBER 2022

REPORT OF THE CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

BRIDGEND COUNTY BOROUGH COUNCIL TAXI TESTING REGIME

1. Purpose of report

- 1.1 The purpose of this report is to advise Members of a request from the taxi trade to review the current method of taxi testing and to consider whether they want Officers to undertake a feasibility study

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:

- **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

- 3.1 The Council is the licensing authority for the regulation of hackney carriage and private hire vehicles. The power to issue vehicle licences is controlled through the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976. Whilst the two pieces of legislation were enacted over one hundred years apart, the primary role of the Council is to ensure the safety of the public using taxis and private hire vehicles, prior to a licence being granted, and throughout the duration of the licence.
- 3.2 Fundamental to the process is the vehicle testing regime. The Council must be satisfied that a vehicle is in a suitable mechanical condition, safe and comfortable before issuing a licence.
- 3.3 Section 47 of the Road Traffic Act 1988 governs the testing of all motor vehicles and requires cars and minibuses to hold Ministry of Transport (MOT) Certificates. However, as passenger carrying vehicles, the current vehicle testing regime also involves elements which relate specifically to taxis and private hire vehicles and are based on the National Inspection Standards produced by the Freight Transport

Association. These standards are attached as **Appendix A**. A copy of the taxi test element of the testing regime is attached at **Appendix B**.

- 3.4 The age policy in respect of the first licensing of vehicles is also complimentary to the testing regime and aims for a balance between the affordability of vehicles for those who want to work in the taxi trade and a robust testing regime.
- 3.5 The Council currently uses its powers under Section 50 of the Local government (Miscellaneous Provisions) Act 1976 to require all vehicles to be presented to the Council's in-house MOT testing station at Ty Thomas Joint Vehicle Maintenance Facility, Newlands Avenue, Brackla Industrial Estate, Bridgend. There is a contractual arrangement in place to facilitate this requirement which comes to an end in 2024.
- 3.6 Under Section 50, the Council may serve notice on a vehicle proprietor to present the vehicle for testing up to three separate occasions during any one period of twelve months **within the area** of the Council. The current age policy determines that vehicles up to 10 years old are tested twice a year, and vehicles over 10 years old are tested three times per year.
- 3.7 The final element of public safety is covered through licence conditions which places the onus on the proprietor to maintain the vehicle to an acceptable standard through the course of a licence together with enforcement exercises carried out by licensing enforcement officers.
- 3.8 The current testing fee is £46.00 and a retest fee £20.00. The testing fees are collected by the Licensing Team on behalf of Ty Thomas and recharged on a quarterly basis. Test slots are booked in advance in Ty Thomas by the Licensing Team and when the test is completed satisfactorily the Licensing Team are advised and a vehicle licence issued.

4. Current situation/proposal

- 4.1 The Council has received representations from the taxi trade, through local Members and a petition of approximately 170 signatories, to open up taxi testing to other MOT garages.

The specific request in the petition is to allow for testing in any MOT testing station:

- 4.2 "We the undersigned, affix our signatures in support of this petition requesting that Bridgend County Borough Council pass a motion to adopt as policy (already used by Cardiff City Council). This is due to the fact that the present system of the Ty Richard Thomas facility (Brackla Industrial Estate) being the sole testing station for Hackney Carriage/Private Hire Vehicles in the borough has become unworkable. It geographically disadvantages many due to the location and causes unacceptable business disruption in the case of MOT failures and retests."
- 4.3 An internet based research exercise has been conducted to determine how other authorities in Wales conduct the taxi testing regime. The results are at **Appendix C** and show a variety of models adopted by Welsh Councils. These range from in-house testing only, to a combination of external MOT testing and in-house checks along with any MOT station being approved to carry out the work.

- 4.4 The principal duty of the licensing authority in relation to licensed vehicles is to ensure that the fleet is both safe and in a suitable condition to transport members of the public. The main advantage of having an in-house testing regime is that the local authority can have complete confidence in the adequacy of the tests being undertaken and retain tight regulatory and supervisory control of the process. This has to be weighed against the arguments that are being put forward by the taxi trade in relation to accessibility and convenience that are referred to in the petition that has been submitted.

Ty Thomas advises that during the period September 2021 to August 2022, the taxi test failure rate was 19%.

- 4.5 From a licensing perspective, it is crucial that whatever testing regime is in place ensures that both the best practice National Taxi standards and the standard MOT tests are complied with.
- 4.6 If Members wish Officers to explore alternative models of delivering the vehicle testing regime, we will need to undertake a feasibility study with relevant stakeholders in order to report back to the Committee with options for them to consider. The feasibility study will also take into account the current contractual arrangements that expire in 2024.

The feasibility study will draw from approaches taken by other Licensing Authorities and will consider the following four models:

- 4.7.1 Proprietors obtain a MOT Certificate from any MOT testing station in the County Borough, and that the same testing station undertakes the additional taxi compliance check;
- 4.7.2 Proprietors obtain a MOT Certificate from any MOT testing station in the County Borough but require a separate taxi compliance check to be undertaken in-house;
- 4.7.3 Select an approved number of MOT testing stations to conduct MOT testing and/or taxi compliance checks;
- 4.7.4 Retain the current in-house regime.

5. Effect upon policy framework and procedure rules

- 5.1 The report content has no direct effect upon the policy framework and procedure rules.

6. Equality Act 2010 implications

- 6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report. However, an Equality Impact assessment (EIA) screening/full EIA will be carried out as this policy is developed and Members receive a report back on the recommendations.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial implications

8.1 Income received in 2021-2022 by Ty Thomas through taxi test fees was £55,722. The feasibility study and consultation will encompass all financial implications of the options open to Members.

9. Recommendations

9.1 That Members note the contents of the report and decide if they wish to authorise Officers to undertake a feasibility study on alternative models of discharging our statutory duties in respect of the testing and licensing of hackney carriage and private hire vehicles.

9.2 If a decision is taken to authorise Officers to do so, that a report is brought to Committee in 2023 for consideration of the options available to them.

Kelly Watson

CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

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Background documents:

None