
**HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES
PROPOSED CHANGE TO VEHICLE TESTING ARRANGEMENTS**

**Responsible Cabinet Member – Councillor David Lyonette
Transport Portfolio**

Responsible Director – Richard Alty, Director of Place

SUMMARY REPORT

Purpose of the Report

1. To invite Members to consider an amendment to the Council's current Private Hire and Hackney Carriage Licensing Policy to provide an interim arrangement for the testing of hackney carriages and private hire vehicles in the light of the current testing arrangements with VOSA being terminated.

Summary

2. The Council's Private Hire and Hackney Carriage Licensing Policy requires vehicles to be tested by Vehicle and Operator Services Agency (VOSA). VOSA have notified the Council that this service will cease after 31 March 2013.
3. It had been hoped that the Council could take on the function currently carried out by VOSA but plans to do this have been put on hold pending the permanent relocation of the Council depot.
4. This report provides information for Members in relation to current arrangements for the testing of hackney carriage and private hire vehicles and proposals to put in place interim arrangements after 31 March 2013.

Recommendations

5. It is recommended that :-
 - (a) Members support the proposed interim testing regime detailed at paragraph 15 of this report to ensure continuity of testing and public safety pending the transfer of testing from VOSA to in house testing.
 - (b) The Council's Private Hire and Hackney Carriage Licensing Policy be varied accordingly.

Reason

6. To ensure the continuity of testing of private hire and hackney carriage vehicles after VOSA cease to provide this service.

Richard Alty, Director of Place

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Background Papers

- (i) The Town Police Clauses Act 1847
- (ii) The Local Government (Miscellaneous Provisions) Act 1976
- (iii) Private Hire and Hackney Carriage Licensing Policy

S17 Crime and Disorder	There are no issues which this report needs to address
Health and Wellbeing	This report specifically relates to the provision of safe and comfortable travel for the borough of Darlington
Efficiency	This report has no impact on the Council's Efficiency Programme.
Diversity	This report does not impact on the Council's diversity programme
Carbon Impact	There are no issues which this report needs to address
Wards Affected	The proposals affect all Wards
Groups Affected	The proposal affects all members of the travelling public
Budget and Policy Framework	This report represents a change to Policy
Key Decision	This is not an Executive function
Urgent Decision	This is not an Executive function
One Darlington: Perfectly Placed	The proposals contribute to the healthy Darlington theme by promoting and retaining safe transport for the residents of and visitors to Darlington

MAIN REPORT

The Legislation

7. Currently, hackney carriages and private hire are controlled by a mixture of primary legislation, council policies, licence conditions and byelaws. The Local Government (Miscellaneous Provisions) Act 1976 (The 1976 Act) permits the Council to attach conditions to the grant of Private Hire and Hackney Carriage Vehicle Licences "as it may consider reasonably necessary". Policies are umbrella requirements which often act as a pre-requirement to the making of an application.

8. Section 48 of the 1976 Act states that a district council shall **not** grant a private hire vehicle licence until they are satisfied that the vehicle is:
- (i) suitable in type, size and design for use as a private hire vehicle;*
 - (ii) not of such a design and appearance as to lead any person to believe that the vehicle is a hackney carriage;*
 - (iii) in a suitable mechanical condition;*
 - (iv) safe; and*
 - (v) Comfortable”*
9. Section 57 of the 1976 Act permits a council to require any applicant for a licence (hackney carriage driver or vehicle licence; private hire driver or vehicle licence and private hire operator licence) to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted.
10. Section 68 of the 1976 Act states that:

“Any authorised officer of the council in question or any constable shall have power at all reasonable times to inspect and test, for ascertaining its fitness, any hackney carriage or private hire vehicle licensed by a district council or any taximeter affixed to such a vehicle, and if he is not satisfied as to the fitness of the hackney carriage or private hire vehicle or as to the accuracy of its taximeter he may by notice in writing require the proprietor of the hackney carriage or private hire vehicle to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or constable is so satisfied.”

Background Information

11. In approximately August 2000 Darlington Borough Council signed an agreement with VOSA to transfer vehicle testing from the Council's own in house provision to VOSA at Darlington. Officers understand that one of the reasons for the transfer was that at that time the Council's own testing station was not an approved MOT testing station and therefore there was not an appeal provision for anyone dissatisfied with the outcome of a test. VOSA have carried out testing of all vehicles licensed for private hire or as hackney carriages and all vehicles applying for licences for the same functions for in excess of 10 years.
12. The Council's Private Hire and Hackney Carriage Licensing Policy relating to the taxi trade were last reviewed and approved by Council in January 2012. Section 86 of the policy, which specifically relates to the testing of vehicles and taximeters states:
- “All vehicles are required to undergo an inspection conducted by VOSA examiners prior to being licensed and every 6 months thereafter. Any vehicles failing this test will be required to have a retest and the licence will be suspended. Evidence of taxi meter testing is also required.*

13. The Policy at section 88 which relates to the application procedure for private hire vehicles and hackney carriages states that a vehicle test certificate showing that the vehicle has passed its test must be produced along with a current MOT certificate for the vehicle or legal equivalent.
14. In June 2012 VOSA gave formal notice to the Council that they would no longer be able to carry out this function on behalf of the Council after 31 March 2013 because of a change in the way VOSA nationally was to be operated. As a result Officers immediately entered into dialogue with the Council's own depot with a view that they would achieve MOT testing status and provide in house testing to the standard previously agreed with VOSA.
15. It was anticipated that the Council's own provision could commence from 01 April 2013 however Members will be aware that there have been issues in relation to the relocation of the Depot and this date is no longer viable. It is anticipated however that testing will be able to be carried out towards the end of 2013 at the latest. Officers approached VOSA to enquire whether they could extend the period for testing until such time as it could be returned to the Council but have recently been advised that this is not possible.
16. As an interim measure, officers liaised with Durham County Council's vehicle testing provision to enquire about the possibility of Darlington vehicles being tested there until Darlington could provide its own service. The cost quoted for each test however was £64.50 compared to the £60 charge levied by VOSA and in addition there would have been an approximate round journey distance of 22 miles for each proprietor. This was not therefore deemed to be a viable proposal. Although officers also liaised with other Tees Valley local authorities the distance required to travel was deemed to be too great.

The Interim Proposal for Vehicle Testing

17. Given the fact that the Council cannot grant a licence unless satisfied that, amongst other things, the vehicle is in a suitable mechanical condition and is safe and also that the Council's policy requires a further vehicle test at the half way point of the annual vehicle licence officers are proposing the following as an interim measure:
 - (a) When a vehicle test is due the vehicle shall be presented, at a pre-arranged time, to the Principal Licensing Officer and/or a Licensing Enforcement officer.
 - (b) A current MOT certificate shall be required to be produced regardless of the age of the vehicle
 - (c) Two officers will conduct an inspection of the vehicle based on the inspection currently carried out by officers for exceptionally maintained vehicles (internal and external) (**see Appendix A**) and also additional matters not covered by an MOT e.g. window tint testing etc. Members should note that the vehicle test that has been required by the Council is actually of a higher standard than an MOT e.g. to pass an MOT the tyre treads would need to be 1.6 mm whereas the Council requires the tread to be 2 mm minimum.

- (d) Should the vehicle fail the test for any mechanical reason the vehicle will be suspended and a further MOT certificate, undertaken after the date of the inspection shall be required to be produced.
- (e) Should the vehicle fail the test for any other reason the vehicle will be suspended until the faults are rectified.
- (f) It is proposed that for this interim period only there shall be no charge to the Taxi Trade for the actual inspection carried out by officers.

18. The Principal Licensing Officer has in the past attended a vehicle examiners course and the two licensing enforcement officers are awaiting a similar course, however since 2010 the two enforcement officers have been regularly attending VOSA and conducting most parts of the vehicle test which are in addition to the MOT test. Their level of competence to undertake this testing is therefore deemed to be satisfactory.

Informing the Taxi Trade

19. Subject to Council approving the proposals detailed in this report, representatives of hackney carriage and private hire vehicle proprietors shall be invited to attend a meeting with Licensing Officers where the new arrangements will be outlined to them.

Consultation with the Licensing Committee

20. On 05 March 2013 a report for information in respect of the proposals contained within this report was presented to the Council's Licensing Committee.

Additional Information

21. Given the timescale it has not been possible to consult with the Trade on the proposed interim arrangements however the fact that they will not have to fund the proposed arrangements will mean that there will be no detriment to the Trade. Subject to Council approving the proposals detailed in this report, representatives of hackney carriage and private hire vehicle proprietors shall be invited to attend a meeting with Licensing Officers where the new arrangements will be outlined to them.

22. Once a firm timetable for in house testing has been established and a possible commencement date identified a consultation exercise will be undertaken with all vehicle proprietors. A further report will be prepared for full Council to approve the transfer of testing permanently from VOSA to the Council's own in house testing.

Equalities Impact Assessment

23. The full policy was subject to an Equalities Impact Assessment when last reviewed in 2012 and there is nothing contained within this report that would adversely impact upon this assessment.

Conclusion

24. The primary purpose of the licensing regime is the protection of the travelling public. Without a robust testing provision there can be no guarantee as to the safety of hackney carriages and private hire vehicles. The interim proposals contained within this report will ensure the continuity of testing by way of an MOT certificate and officer inspection until such time that a more permanent solution can be provided.

VEHICLE CRITERIA FOR EXCEPTIONALLY WELL MAINTAINED EXTERIOR

1. All bodywork to be clean and sound, free from rust, dents, scrapes significant scratches or loose panels.
2. All paint work to be in first class condition – no “egg shell” finish, or different shades of colours on either external or interior areas, which are visible to the public.
3. All wheel trims to be fitted according to manufacturer’s specification and to match.
4. Aerials (where fitted) to be in good condition and free from rust.
5. Door or wing mirrors to be in good condition, no broken glass or surrounds.
6. No broken or missing glass or surrounds on all front and rear lights and indicators (including repeater indicators where fitted).
7. Front and rear number plates to be clean, clear and unbroken.
8. Front and rear bumpers to be in first class condition, no rust, dents, scrapes (including any over riders and end surrounds) and should be securely fitted.
9. Mud flaps (if fitted) should be maintained.
10. Radiator grills should be secure and of original specification.
11. Front and rear (where fitted) windscreen wiper heads and arms should be in good condition, no rust and properly fitted.
12. Door and boot locks should be fitted and in good working order.
13. Doors should be easily opened and closed from the outside and inside.
14. All door handles should be properly fitted, easily operated and of original colour specification.
15. A spare wheel, which conforms, to legal requirements should be provided and properly fitted in the vehicle.
16. All tyres should conform to legal requirements.
17. All road wheels to be clean and free from rust (where trims are not fitted).

VEHICLE CRITERIA FOR EXCEPTIONALLY WELL MAINTAINED INTERIOR

1. All seats to be manufacturer's original design (unless rotating seat fitted) – should all match, be securely fitted, no dirt, stains, holes or tears.
2. Front and rear seat belt should be clean, and in good working order. All anchorage point covers should be properly fitted and match original trim.
3. All panels should be clean, properly fitted and match original trim.
4. Carpets should be as manufacturer's original specification, clean with no stains or holes and securely fitted.
5. All instrument and accessory covers to be securely fitted and match original trim.
6. All ashtrays to be fitted and match original trim.
7. Headlining to be clean, free from stains, holes and tears and be as originally fitted.
8. All window winder handles to be as originally fitted, clean and easy to operate.
9. All door handles and arm rests to be secure, clean and as originally fitted.
10. Brake, clutch and accelerator pedal rubbers to be fitted and in good condition.
11. The inside of the vehicle should be free from loose or trailing wires.
12. The boot/luggage space should be tidy with a clean, unstained carpet/cover to manufacturer's specification. All panelling should be secure, clean and in good condition.
13. In hatchback vehicles the boot cover should be to original specifications, in good condition with both lifting straps fitted. A cargo guard should also be fitted in estate vehicles.
14. Gear levers gaiters (where fitted) should be to manufacturer's specification, in good condition and properly fitted.
15. A rear view mirror must be properly fitted and in good condition.
16. All manufacturers fittings should be as original (ie speaker covers etc).
17. All lights should be in proper working order with appropriate covers securely fitted.
18. Window locks and handles, where provided by the manufacturer should be in good working order.