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

Responsible Cabinet Member - Councillor David Lyonette, Transport Portfolio

Responsible Director - Richard Alty, Director of Economic Growth

SUMMARY REPORT

Purpose of the Report

1. To invite Members to approve an amendment to the Council's current Private Hire and Hackney Carriage Licensing Policy to permanently transfer the testing arrangements for hackney carriages and private hire vehicles to the Council's in-house testing facilities.

Summary

2. This report provides information for Members in relation to the current interim arrangements for the testing of hackney carriage and private hire vehicles and proposals to introduce permanent vehicle testing arrangements after 31 March 2014.
3. It is now proposed to conclude the interim arrangements and transfer this function to the Council in-house testing facility.

Recommendation

4. It is recommended that Members approve a variation to the Council's Private Hire and Hackney Carriage Licensing Policy to move the testing of vehicles to the Council's in-house testing facilities and introduce revised testing arrangements as detailed at paragraph 15 of this report.

Reason

5. To provide a robust testing regime by qualified MOT vehicle examiners directly controlled by the Council.

**Richard Alty
Director of Economic Growth**

Background Papers

- (i) The Town Police Clauses Act 1847
- (ii) The Local Government (Miscellaneous Provisions) Act 1976
- (iii) The Council's Private Hire and Hackney Carriage Licensing Policy
- (iv) The Council report on the interim testing arrangements for hackney carriages and private hire vehicles 21 March 2013

Appendix 1 - Section 86 of the Proposed Private Hire and Hackney Carriage Licensing Policy

Appendix 2 - Proposed Private Hire and Hackney Carriage Licensing Policy

Julie Richings : Extension 2559

S17 Crime and Disorder	There are no issues which this report needs to address
Health and Well Being	This report specifically relates to the provision of safe and comfortable travel for the borough of Darlington
Carbon Impact	There are no issues which this report needs to address
Diversity	This report does not impact on the Council's diversity programme
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 a key decision
Urgent Decision	This is not an urgent decision
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
Efficiency	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

6. Currently, a mixture of primary legislation, byelaws, council policies and licence conditions control the licensing of hackney carriages and private hire vehicles.
7. 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:
 - (a) suitable in type, size and design for use as a private hire vehicle;
 - (b) not of such a design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - (c) in a suitable mechanical condition;
 - (d) safe; and
 - (e) Comfortable”
9. Section 57 of the 1976 Act permits a council to require any applicant for a licence (hackney carriage or private hire driver or vehicle and private hire operator) 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 50 of the 1976 Act permits the council to require a licensed vehicle proprietor of any hackney carriage or private hire vehicle to:-

“present such hackney carriage or private hire vehicle for inspection and testing by or on behalf of the council within such period and at such place within the area of the council as they may by notice reasonably require”
11. 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

12. In approximately August 2000 Darlington Borough Council signed an agreement with the Vehicle and Operator Services Agency (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.

13. VOSA carried out testing of all vehicles licensed for private hire or as hackney carriages and all vehicles applying for licences in excess of 10 years, however, 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.
14. 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 would commence from 1 April 2013, however Members will be aware that at that stage planning was taking place for the relocation of the Depot and this date was not viable. VOSA advised officers that the period for testing could not be extended beyond 31 March 2013.
16. Given the fact that the Council could not grant a licence unless satisfied that the vehicle was in a suitable mechanical condition, an interim measure was proposed in that Licensing Officers would conduct the cosmetic testing of all licensed vehicles and a current MOT certificate would be required to ensure the vehicle was mechanically safe and roadworthy.
17. Following consultation with the Licensing Committee a report was prepared for full Council on 21 March 2013 to seek Members' approval of the proposal. Members approved the interim measure with an understanding that once the Council's in-house facilities were ready, a further report would be submitted for full Council to approve the transfer of testing to the Council's own in-house testing facility.
18. It is now understood that the Council's in-house testing facilities will be available from 01 April 2014 and Members are invited to approve the transfer of the function to the Council's Testing station from that date.
19. In the event that the testing station is not operational on that date it is further proposed that Licensing Officers will continue to conduct the cosmetic testing of vehicles with an MOT certificate until such time as the Testing Station is operational.
20. The Council's Private Hire and Hackney Carriage Licensing Policy has been amended at Section 86 to outline the Council procedure in relation to vehicle testing. A copy of the amended Section as attached at **Appendix 1** and a copy of the revised Policy is attached at **Appendix 2**.

Consultation with the Trade

21. Following the approval of the interim and long-term testing arrangements, a letter was sent to all licensed vehicle proprietors advising them of the decision. The letter

also advised of the intention to transfer vehicle testing to the Council's testing station once it was operational. Proprietors were also given the opportunity to attend one of three presentations at the Town Hall, which also explained the long and short-term arrangements and answer any queries.

22. These arrangements have also been discussed at regular Taxi Liaison Meetings held between officers and the trade.

Consultation with the Licensing Committee

23. On 11 February 2014, a report for information in respect of the proposals contained within this report was presented to the Council's Licensing Committee and Members gave their support to the proposals.

Equalities Impact Assessment

24. 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

25. 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 proposals contained within this report will ensure that vehicles licensed by Darlington Borough Council are safe, comfortable and fit for use as licensed vehicles.