

Report of	Meeting	Date
Director of People and Places	Licensing and Public Safety Committee	19/3/14

REVIEW OF VEHICLE INSPECTION PROCESSES

PURPOSE OF REPORT

1. For the Licensing and Public Safety Committee to consider the current Private Hire / Hackney Carriage vehicle inspection process and alternative options available to the Council with regard to both the pre-inspection of vehicles and the Council's Taxi Test arrangements.

RECOMMENDATION(S)

2. That the Licensing and Public Safety Committee consider the contents of the report and any representation made or received and to advise officers of any changes to the existing pre-inspection arrangements as appropriate.
3. That the Licensing and Public Safety Committee determine whether there is 1) a need to review the Councils arrangements for the Testing of Private Hire / Hackney Carriage Vehicles and 2) whether it would be appropriate to consult with the Taxi trade and the Councils nominated Garages and any other relevant authority regarding any alternative options for the testing of Private Hire / Hackney Carriage Vehicles in light of the current arrangements.

EXECUTIVE SUMMARY OF REPORT

4. At a recent meeting of the Licensing liaison Panel Representations were received by officers in relation to the Private Hire / Hackney Carriage Vehicle application and testing arrangements with regard to separating the MOT vehicle test from the Councils Taxi Test.
5. The current vehicle inspection and testing regime is largely proactive and there are a number of policy documents in place that control the entry for specific types of vehicles to be granted Chorley Private Hire / Hackney Carriage Vehicles Licenses, there are a limited number of designated garages (6) for conducting Taxi Tests located throughout the Borough.
6. The recent review of services within the Health Environment and Neighbourhoods team gives the Council an opportunity to review these licensing processes and ensure that the Council is operating efficiently and with the appropriate level of resilience to ensure best value for customers.
7. There is potential for the removal of the pre-inspection stage in the current vehicle licencing process, this would place further duties and a greater reliance on the Taxi testers at the testing stage.
8. Additional enforcement inspections to ensure compliance with the vehicle licensing conditions following issue of the licence will be required and this may impact on the costs and resources available to the Council for this function.
9. There is potential to change the current administrative arrangements for the testing of Taxis, which are at the present time administered by the Council's transactional team, Taxi Tests are conducted at one of six nominated garages in the area. The costs of this are currently charged within the vehicle licence fee as appropriate and paid for by the vehicle proprietor at the application stage in line with the current legislation with regards to the setting of fees. The Council is invoiced periodically by the garages to recover their costs in relation to providing this service.

10. The limitations of the current process and the risks associated to changes to the process are detailed in the report.
11. A number of options for consideration by the Licensing and Public Safety Committee are summarised.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

12. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	X

BACKGROUND

13. The current vehicle inspection and licensing arrangements were introduced in 2008 following a decision by the Licensing and Public Safety Committee, a copy of the report and decision for that meeting is attached as appendix 1 for members as background information. The policy adopted is largely designed to be upfront and proactive and is designed to ensure that any vehicle presented for licensing as a Private Hire / Hackney Carriage Vehicle is fit for purpose prior to the issuing of the said licence.
14. Vehicles undergo a pre-inspection carried out by the Lead Licensing and Enforcement Officer. This takes place prior to the proprietor presenting the vehicle for the formal Taxi test assessments at one of the nominated test centres.
15. The pre-inspection allows the officer to assess the vehicle against the specific licence conditions and make comment informally to the proprietor as to the suitability of the vehicle to progress through to licence.
16. This process provides proprietors with helpful advice and information and allows them the opportunity for rectification of any issues the vehicle may require before any payment for formal testing has been taken. Since the introduction of the policy no vehicles that have undergone the pre-inspection have failed the formal Taxi Test in regards to the Council's conditions of licensing.
17. This stage of the process allows the Council to engage its discretion to ensure that the vehicle meets the conditions of application, it does not interfere with the limited number of taxi tests (no more than 3 per year) as prescribed in the LG(MP) Act 1976. Private Hire / Hackney Carriage Vehicle Conditions of application are attached as appendix 3. The policy reduces the likelihood of enforcement action later in the process and further ensures that faults and defects are rectified prior to testing and that the vehicle is fit for purpose. The Taxi Test may not ordinarily address a fault or defect as the Taxi Test is designed to assess a vehicle to a minimum standard accepting all the vehicle conditions of application have been previously assessed and met.
18. There is evidence that this policy has prevented unsuitable vehicles being presented for Taxi Testing.
19. The formal Taxi Testing provision is currently restricted to 6 garages within the Borough. The Taxi Test is made by appointment via the Council's OSS as part of the Private Hire / Hackney Carriage Vehicle application process. Chorley Council's transactional team currently administer this part of the process by taking the application and fee from the proprietor and creating a unique reference for the vehicle. The transaction team then arranges for the testing directly with the garage, booking a testing slot and advising the proprietor, and the cost of this administration is reflected in the vehicle licence fees. (Proprietors are encouraged

to pre –arrange a suitable date & time for the Taxi Test with a nominated garage of their choice prior to accessing the application process).

20. The Taxi Test is required to be equivalent to or better than the Ministry Of Transport (MOT) Vehicle Test. Members will recall attaching the MOT Vehicle Test to the Councils taxi testing conditions in 2008.
21. The Councils Taxi Testing Conditions broadly addresses items within a vehicle that one might ordinarily expect to be present in a vehicle relating to comfort, safety and conditions of licensing and ensures specific (Taxi) items are present where there is a legislative requirement. A copy of the Councils Taxi Test is attached as appendix 2.
22. The Council adopted the MOT vehicle test to ensure that mechanical and safety concerns are addressed to a minimum standard. Members should note that at the present time the MOT Vehicle Test is a part of the Councils Taxi Test and is completed at the same time as and is an integral part of the Taxi Test. There are a number of reasons that the MOT Vehicle test is completed with other parts of the Taxi test; and include; The Councils Taxi test must be conducted within the borough, the MOT vehicle test only ensures that the vehicle is road worthy at the time of testing, the MOT Vehicle Test forms a part of the council's provision to ensure that the vehicles it licenses are fit to be licensed at the time it goes through the Councils Taxi Test.
23. Members should note the difference between the vehicle inspection report used as a checklist for the Taxi Test by the testing centres as attached at appendix 2 and the Councils Conditions of application for Private Hire / Hackney Carriage Vehicles which is attached as appendix 3.

LIMITATIONS TO THE EXISTING PROCESSES

24. Presently there is only a single officer, the Lead Licensing and Enforcement Officer, who is sufficiently experienced to carry out the vehicle pre-inspection. Therefore if this officer is unavailable Chorley Council may be unable to fulfil this stage of the process in a timely fashion, potentially delaying the issue of the vehicle licence for the proprietor.
25. If the pre-inspection process is to continue, in order to maintain resilience within the team and continue to provide a good quality service Chorley Council will need to invest in training for a number of other officers within the Regulatory Services Team. There will obviously be some delay before there is sufficient competence to appropriately support the Lead Licensing and Enforcement Officer in this function.
26. The pre-inspection process may be seen by some members of the trade as an additional layer of bureaucracy, when a formal Taxi test is required while others value the requirement of the pre inspection.
27. Concerns have been raised by the taxi trade regarding the restrictions that apply to the Taxi testing. The argument being that if the vehicle has a valid MOT and Taxi Test certificate, which garage this has been obtained from is irrelevant and the presence of these test certificates should be sufficient. The restriction to specific garages and the requirement for the MOT to be incorporated in the Taxi test has been cited as preventing proprietors from getting the best price for the testing.
28. There is an administrative cost to arranging the Taxi Test and this is currently reflected in the vehicle licence fees.

POTENTIAL RISKS TO AMENDING THE EXISTING PROCESSES

29. The removal of the pre-inspection requirement would mean that the issue of the vehicle licence will be based on the minimum standards set out by the MOT and Taxi test and the opportunity to assert the Councils discretion with regards to faults / defects and in applying the Councils Policy regarding Private Hire / Hackney Carriage Vehicle condition of application following the issue of a Licence would be at best limited.
30. There is a risk that unsuitable vehicles, which still pass the Taxi test, will be issued a vehicle licence and will only be identified as unsuitable and non-compliant with the vehicle licensing conditions through enforcement initiatives and inspections. This could compromise public safety.

31. There is a potential for an increased risk of complaints regarding vehicles and the need for more programmed enforcement actions by the Lead Licensing and Enforcement Officer, the extent, likelihood and impact of this is largely unknown. However, prior to the introduction of the pre-inspections, significant issues relating to vehicle quality, non-compliance with vehicle licence conditions and fundamental vehicle safety were commonplace.
32. Should a vehicle receive a licence and then be found to not comply with the vehicle licence conditions the enforcement opportunities to address those issues are both complex and limited. This may result in non-compliant vehicles being able to operate as a taxi, which may pose a risk to both public and the Council.
33. An increase in enforcement activity, which is generally more costly to implement due to the need for additional officer time, would be reasonably anticipated and would have an impact on the overall costs of the service and may result in increased fees and charges in the future.
34. Derestricting the garages used for the Taxi test and relaxing the requirement for the MOT test to be incorporated into the Council's Taxi test may result in garages being unwilling to carry out the single taxi test assessment alone. The Taxi test alone requires the use of the garage for approximately 30 minutes and the charge is set at £10.25. Therefore some garages may find this uneconomic. Should the MOT vehicle test be separated from the Taxi Test the Council's Taxi Test would be compromised and would not follow the Department for Transport best practice guidance.
35. This may in fact result in less choice for proprietors and compromise the Council's responsibility to test Private Hire / Hackney Carriage Vehicles.
36. Derestricting the choice of garages may also undermine the public's confidence in the credibility and effectiveness of the testing, particularly if there is no pre-inspection so the Taxi Test Certificate is the main assessment criterion for the issue of the vehicle licence.

OTHER CONSIDERATIONS

37. Any change to the vehicle inspection processes will require consideration within the current review of fees and charges for the licencing scheme.

SUMMARY OF OPTIONS TO BE CONSIDERED FOR THE VEHICLE INSPECTION PROCESS

38. Removal of the pre-inspection within the vehicle inspection process and reliance on the Taxi test and the proprietor to comply with the vehicle licence conditions. A resultant increase in enforcement initiatives would need to be implemented.
39. Removal of the pre-inspection of vehicles and the addition of more stringent assessments as part of the Taxi test. This would put greater reliance on the testers at the garages to correctly interpret and apply the necessary conditions of application. There is likely to be an increase in costs for the Taxi test as a result of this.
40. Retention of the pre-inspection requirements with increased resources in the Regulatory Services Team for training on vehicle inspections.
41. Introduction of a booking system, requiring proprietors to book pre-inspections in advance so that the Lead Licensing and Enforcement Officer's or Regulatory Services Team Officer's availability can be determined, for instance a set day per week/month (this would need to exclude officer's annual leave commitments etc). The trade would need to accept that there may be a delay in the vehicle licence being issued. There would be some administrative costs in the transactional team for this.
42. Retention of current Taxi test administration by the transactional team in respect of arranging taxi tests to one of the six nominated garages within the borough.
43. Formal consultation and review with the Taxi trade and garages and other interested parties to formulate alternative Taxi test requirements, such as removal of the requirements for the MOT to be incorporated, a change in the administration of the tests, the requirements and conditions within the test, derestriction on the garages permitted to carry out the Council's Taxi testing assessments etc.

IMPLICATIONS OF REPORT

44. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	X	Customer Services	X
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

45. The contents of this report do not have a direct financial impact on the budget.

COMMENTS OF THE MONITORING OFFICER

46. Under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may not licence a private hire vehicle unless it is satisfied that the vehicle is safe, comfortable, suitable for use as a private hire vehicle and in a suitable mechanical condition. Conditions which are reasonably necessary can be attached to a hackney carriage vehicle licence under Section 47 of the 1976 Act. The Council has the power under Section 50(1) of the 1976 Act to require that the owner of a private hire vehicle or hackney carriage presents the vehicle for inspection and testing at a location specified by the Council within the Council's area. This is limited to three occasions per year. Failure to present vehicles without reasonable excuse is an offence.

JAMIE CARSON
DIRECTOR OF PEOPLE AND PLACES

There are no background papers to this report.

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