Report of the Service Director
Neighbourhood & Environment

Agenda Item No:
Meeting: 8 July 2008

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

HACKNEY CARRIAGE AND PRIVATE HIRE TESTING AND INSPECTION REVIEW OF ARRANGEMENTS

1. OBJECT AND KEY POINTS IN THIS REPORT

1.1 To review the current hackney carriage and private hire vehicle testing and inspection process, to ensure that it is fit for purpose.

1.2 To consider the age at which vehicles should be tested on a more regular basis.

1.3 To consider an exceptional vehicle criteria for vehicles over 8 years of age.

2. BACKGROUND INFORMATION

2.1 The council licence Hackney Carriage and Private Hire Vehicles in accordance with sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 respectively. Further, in accordance with section 50 of the Act, we can test and inspect a vehicle up to 3 times per year.

2.2 Under the current testing arrangements, vehicles are presented to the Council's Fleet Services, where it is mechanically tested and inspected. Once the vehicle has passed this test and inspection, then a certificate of compliance is issued instead of the usual MOT certificate. It is not proposed that these arrangements change.

2.3 When proprietors present their vehicle for test, then they are expected to present the vehicle as a working hackney carriage or private hire vehicle. While the majority of proprietors do this, there is a significant minority that do not.

2.4 Vehicles are tested up to 3 times per year. The number of tests is dependant on the age of the vehicle. Vehicles under 5 years of age are tested once per year, vehicles over 5 to 10 years of age are tested twice per annum and vehicles older than 10 years of age are tested 3 times per year.

2.5 There are currently 420 hackney carriage and private hire vehicles licensed in North Lincolnshire. Of these vehicles, 232 are Hackney Carriage and 188 are Private Hire.

2.6 This report has been prepared following concerns within the taxi trade and amongst Licensing Officers about the standard of some vehicles, mainly Hackney Carriage. Following these concerns, a study was made of the vehicles licensed over the last year. The findings of this study are shown in Table 1, as follows:

Age of Vehicle	Hackney Carriage	HCV Pass Test First Time	Private Hire	PHV Pass Test First Time	Total Number of Vehicles	Number of First Time Passes
Vehicle under 5 years of age	**59** 25%	**53** 90%	**131** 69%	**130** 99%	**190** 46%	**183** 96%
Vehicle over 5 years of age up to 8 years of age	**109** 47%	**50** 46%	**48** 26%	**42** 82%	**157** 37%	**92** 59%
Vehicles over 8 years of age	**64** 28%	**25** 39%	**9** 5%	**2** 22%	**73** 17%	**27** 37%
Total vehicles	**232**	**128** 55%	**188**	**174** 93%	**420**	**302** 72%

Table 1

2.7 The pass rate for vehicles under 5 years of age is excellent and shows that both Hackney Carriage and Private Hire Vehicle proprietors ensure that the vehicles used are of a high standard. Vehicles over 5 years of age but less than 8 then become more of an issue. Hackney Carriage Vehicles over this age (over 5 years but under 8 years of age) pass the test and inspection first time, only 46% of the time, in comparison to Private Hire Vehicles, where 82% of the vehicles pass the test. The figure is worse for vehicles over 8 years of age.

2.8 Where vehicles are over 10 years of age, then only 21% of these vehicles will pass the test first time.

2.9 In addition to the analysis of the test results, joint enforcement is carried out with Humberside Police. The results following these exercises show that 53% of the vehicles stopped were found to have defects which resulted in the vehicle being suspended under section 68 of the Local Government (Miscellaneous Provisions) Act 1976.

2.10 As Hackney Carriage and Private Hire Vehicles are carrying members of the public for hire and reward, we have a duty to ensure that they are fit, safe, comfortable and suitable for use. The vast majority of the vehicles under 8 years of age do not cause any concern, however those proprietors with older vehicles need to be persuaded to replace them with more suitable vehicles.

2.11 In order to improve the standard of vehicles, it is suggested that vehicle testing limits as per paragraph 2.4 be changed. Vehicles under 5 years of age would still be tested once per annum, vehicles between 5 years of age and 8 years of age, twice per annum and vehicles over 8 years of age would be tested 3 times per annum.

2.12 In addition to the revised testing limits, it is suggested that vehicles over 8 years of age would not be licensed by the council as hackney carriage or private hire, unless it was considered to be of an exceptional standard.

2.13 In defining the exceptional standard for vehicles over 8 years of age, the following criteria should be applied:

a) A vehicle to be licensed as hackney carriage or private hire, where the vehicle is over 8 years of age shall pass North Lincolnshire Councils test and inspection for the certificate of compliance at the first attempt and not on re-test, and;

b) the vehicle must be free from body work blemishes; and

c) all interior and exterior accessories must be in full working order.

d) Where a vehicle has failed North Lincolnshire Councils test and inspection for the Certificate of Compliance at the first attempt for a non-mechanical reason, it would still be considered for licensing providing the vehicles meets criteria b) and c).

2.14 In addition to newly licensed vehicles, where a licence has lapsed on a vehicle over 8 years of age for a period of 28 days, then the said vehicle will be required to meet the exceptional standard, unless the proprietor has notified the Licensing Manager in writing of the reason for not renewing the licence. If there are mitigating circumstances, then these can be taken into consideration to allow an extension to the said period.

2.15 The criteria at paragraph 2.13 does not mean that a vehicle can be used for its licensed purpose after the licence has expired.

3. OPTIONS FOR CONSIDERATION

3.1 Option 1 – Adopt the testing criteria and Exceptional Vehicle Standard as per paragraphs 2.11 to 2.14, subject to consultation.

3.2 Option 2 – Maintain the testing criteria as now, in accordance with paragraph 2.4.

4. ANALYSIS OF OPTIONS

4.1 Option 1 – The proposed changes to the testing criteria are as a result of concerns relating to the standard of vehicles. The proposed changes would be consulted on and findings referred back to this committee for consideration.

4.2 Option 2 – To maintain the current testing criteria would not address the issues addressed in this report.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 There are no Financial, Staffing, Property or IT implications from this report.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

6.1 There are no Statutory, Environmental, Diversity, Section 17, Risk or Other implications from this report.

7. OUTCOMES OF CONSULTATION

7.1 Consultation will be carried out following the approval of the draft proposals. A further report will be presented to the committee for consideration following this consultation.

8. RECOMMENDATIONS

8.1 That the proposed changes be approved subject to consultation with interested parties.

8.2 That a further report be presented to this committee following the consultation.

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Background Papers used in the preparation of this report