

Licensing & Regulatory Committee

Date: 25th October 2017

Testing of Berwick area based Private Hire Vehicles and Hackney Carriages

Report of the Chief Fire Officer: Mr Paul Hedley

Cabinet Member: Councillor John Riddle

Purpose of Report

To inform Members of representations received from taxi drivers in the Berwick area who object to having to travel to Alnwick to have their vehicles tested.

Recommendations

1. That Members decide whether the Hackney Carriage and Private Hire Licensing Policy should be amended to permit testing of vehicles at premises other than NCC MOT Testing Centres.

Key Issues

1. The current policy, which has been in force since December 2015 states in the section on

Vehicle testing

“All vehicles prior to being licensed must undergo and pass a mechanical inspection.

In order to ensure impartially, consistency, greater communication and to ensure public safety the Council has determined that all mechanical inspections shall be conducted at a Northumberland County Council Depot.

The Council shall be put in place alternative testing arrangements to address any unforeseen circumstances which make its facilities unavailable.

Berwick and Alnwick zone Hackney Carriages and Private Hire Vehicles, whose operators are based within those zones, may continue to use the existing approved testing stations until 1st April 2016.”

In fact the exemption was extended until recently when the new Lionheart Depot in Alnwick came fully open.

2. Now that that Depot is open taxi drivers, vehicle proprietors and private hire operators have to have their vehicles tested in Alnwick.

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BACKGROUND

1. Northumberland County Council is responsible for the licensing of hackney carriages (taxis) plying for hire and private hire vehicles operating within its administrative area. This responsibility involves the issue and renewal of vehicle licences.
2. Before granting or renewing a vehicle licence, the Council must be satisfied that the vehicle is mechanically safe, maintained to manufacturers maintenance recommendations and suitable in size and passenger comfort, and complies with the requirements of the Council's Licensing Policy.
3. In order to establish whether a vehicle meets these conditions it must be tested and inspected, at an MOT testing station, approved by the Council, prior to the application for the licence or renewal.
4. In addition to this initial test, the Council has the power to require the discretionary testing of vehicles up to three times a year. The Council's policy requires that vehicles over five years old undergo a further, annual, mid year test, with an additional routine test for vehicles over eight years old.
5. Prior to LGR there were a variety of taxi testing regimes within Northumberland.
Hexham and Wansbeck - Council testing facility
Blyth Valley and Castle Morpeth - designated single garages
Berwick - any MOT testing station
6. It was acknowledged that due to the size of the fleet (mainly due to Berwick out of town licences) NCC garages would be unable to accommodate the number of tests required.
7. Arrangements were put in place to authorise private garages to conduct vehicle testing. This resulted in 43 garages being authorised across Northumberland.
8. The vehicle test and inspection comprises of two parts. The vehicle must pass both an MOT test and the Council's compliance test that deals with other matters such as taximeters, fire extinguishers, comfort and cleanliness.

9. There were a number of major concerns raised in relation to this system, regarding consistency, quality of testing and communication with the testing stations.
10. Since the adoption of a licensing policy in 2010 and the introduction of additional licensing application requirements, the number of vehicles licensed by NCC was significantly reduced.
11. The testing capacity of the NCC garages was also increased with the building of a suitable testing facility at Alnwick.

Licensing Policy Review and Consultation

1. A review of the Council's Hackney Carriage and Private Hire Licensing Policy was conducted in 2015. There were a number of changes to the Policy proposed, including changes to the testing arrangements so that all vehicles were tested at NCC garages. This would permit authorised testers at the depot to be empowered to prohibit unsafe vehicles from further use. This power could not be given to private testers.
2. A consultation ran from 30th October 2015 to 11th December 2015. Letters were sent out to all licence holders, Parish Councils and other organisations having an interest. In total over 2000 letters were sent out.
3. The letters included information regarding consultation events which were to be held in Alnwick, Berwick, Newbiggin and Hexham.
4. There was a very poor response to the consultation events.
5. The first event, held at Newbiggin, was attended by one licence holder and one garage owner. The second event, held at Hexham, was attended by eight licence holders. A third event in Alnwick was cancelled as there had been no interest; no-one had attended. A fourth event in Berwick was cancelled as only one person was booked in. The licence holder was contacted and was met individually to discuss policy. The Acting Licensing Manager attended the venue on the morning of the proposed event in case anyone was attending. One garage owner attended and the implications for his business were discussed.

6. By the close of the consultation there had been 17 responses. 12 related to the testing arrangements, 4 from garages currently authorised to conduct the testing.

Licensing and Regulatory Committee

1. The Licensing and Regulatory Committee has delegated authority to approve policies relating to hackney carriage and private hire licensing.
2. On 16th December 2015 the Committee considered a report proposing changes to the policy. Members were provided with copies of all representations received and the issues raised in the representations were discussed.
3. The representations relating to the changes to the testing stations included:
additional cost to trade due to extra travel time removing work from private companies inconvenience to the trade concern that the NCC garages would be unable to meet demand.
4. The decision of the committee was to approve the policy.

Implementation of the Policy

1. The new testing arrangements came into immediate effect for the Stakeford and Hexham garages, which covered the Blyth Valley, Castle Morpeth, Wansbeck and Tynedale zones.
2. The tests for Alnwick and Berwick were to be carried out by the new garage at Alnwick. It was anticipated that the new garage would be operational by April 2016 but because of delays in the opening of the garage the arrangement has only recently been implemented.
3. Following the introduction of the new arrangements at the Stakeford garage there was a worrying number of licensed vehicles failing tests. The number of failures has since reduced significantly and would indicate that the level of vehicle maintenance and compliance has improved. It is the view of the Licensing Section that vehicles should be maintained to a high level and therefore vehicles should not be routinely failing the test.

4. Officers have conducted an analysis of the percentage of vehicles who have failed an MoT over the past year. The figures are shown below:

Hackney Carriage Zone	% MOT failures in last year	Comments
Alnwick	45	
Berwick	48	Evidence of advisory items not being addressed year on year. Evidence of significant mileage between MoT failure and retesting. Examples being 860 Miles, 638 Miles, 264 Miles, 186 Miles.
Blyth Valley	38	Significant number were submitted for pre testing before Council test. Failure rate for Council test is significantly less than 38%.
Castle Morpeth	26	
Tynedale	34	
Wansbeck	19	

5. The failure rate for the northern zones is worrying as is the mileage accrued by some vehicles between the failure of the test and retesting.
6. The private garages have not been notifying the licensing section of those vehicles that have failed the MoT or compliance tests and therefore it is often unknown that the vehicle are unroadworthy.
7. There is also evidence of advisory items not being addressed year on year and vehicles being submitted for the Council test with significant defects which should have been known about been such as bald tyres and no handbrake.
8. In addition, the following data has been provided by the Alnwick testing station for the period 05th July 2017 to 24 July 2017:

Number of Taxi	1st time Pass	Failures	Income
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Tests			
19	8 (42%)	11 (58%)	£1,045

9. Common failures for tests relate to items checked as part of the taxi criteria rather than the MOT test itself such as fire extinguishers & first aid kits. Fleet Transport have stocked such items and will offer to supply and fit if requested.
10. This suggests that this part of the test was not robustly enforced by private garages in the past.
11. The MOT facility at Alnwick is open 6 days per week Monday to Saturday from 6.00am to 18.30pm and the council have four trained staff as authorised MOT testers. Shift patterns have determined there will be 2 approved testers on site on each day. In the unlikely scenario that testers are unavailable a contingency plan is in place to appoint a local 3rd party DVSA approved MOT Centre. Any repair work is offered for test failures especially for minor repairs which will result in less downtime for taxi operators.
12. To date all requested appointments for taxi testing by operators have been met.
13. The taxi test comprises of a standard Class 4 MOT test of which the allocated DVSA recommended time is 1.5hrs, plus the additional checks relating to the taxi testing criteria (0.5hrs) as stipulated by the Licensing Department. It is therefore estimated that operators based in Berwick will have to allow 3.5hrs to include the journey time of 40mins each way and a further 10mins to arrive before the appointment.
14. Suitable vehicle maintenance would mean that the number of major faults on vehicles being presented for testing should be extremely low. Hackney carriages by their role are often required to complete lengthy journeys with little notice and are therefore required to be well maintained at all times.
15. There are suitable outlets within Alnwick that could deal with any minor fault which have arisen during the journey from Alnwick to Berwick.
16. Drivers and operators from Berwick have raised the following concerns about the new arrangements: -
 - i. It was a 60 mile round trip and could take half a day to travel to the depot, have the vehicle tested and return to Berwick.
 - ii. Taxis should be tested in the town at VOSA approved and regulated centres especially as the work was needed in Berwick.

- iii. Vehicles tested at Alnwick can't be repaired there; To avoid being stuck in Alnwick, NCC were forcing them to break the law.
- iv. That there was inconsistency between garages and gave an example of a steering bush that was an advisory issue at a garage and a failure at the depot.
- v. Drivers take their car to the testing station expecting them to pass and then are told that it hasn't. This is especially a problem if they have regular contracts eg school runs; if they don't fulfil the contract they will lose it.
- vi. An increased carbon footprint created by the extra journeys. (One operator stated that his 5 cars needed an 20 trips a year to the depot.)

Responses to some of these issues from colleagues in Local Services are that: -

- i. The vehicle can be driven back to base for repairs to be carried out depending on the seriousness of the failure. If the failure is marked as serious then it may have to be recovered. If the failure is on the compliance side and not the DVSA MOT side this would not mean that the vehicle was unroadworthy and it could be safely taken away.
- ii. When the MOT is carried out a new result is posted on the DVSA system and the previous MOT is invalid as is the insurance for carrying passengers - they then have 14 days to re-present the vehicle for MOT retest.
This, again, could be a failure on the compliance side and not the DVSA MOT side which would not mean that the vehicle was unroadworthy
- iii. MOT reminders are sent out 6 weeks in advance by Licensing. The owners then have 6 weeks to have the vehicle checked/repaired ready for MOT. They have a duty of care to ensure that the Taxi is fit for purpose and safe to be used on the road carrying fare paying passengers.

BACKGROUND PAPERS

NCC Hackney Carriage and Private Hire Licensing Policy

IMPLICATIONS ARISING OUT OF THE REPORT

Policy:	The NCC Hackney Carriage and Private Hire Licensing Policy would be amended.
Finance and value for money:	None
Human Resources:	None
Property:	None
Equalities:	None
Risk Assessment:	Not applicable
Crime & Disorder:	None

Customer Considerations: Taxi drivers in the Berwick area would be able to have their vehicles tested locally if members decided to amend the policy. They would be required to take vehicles to Alnwick for test if the Policy is not amended.

Carbon Reduction: Vehicles would travel shorter distance and generate less emissions.

Consultation: None

Wards: Berwick East, Berwick West with Ord, Berwick North, Norham & Islandshires, parts of Bamburgh and Wooler