



REPORT OF:	HEAD OF HEALTH AND WELLBEING
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TO:	REGULATORY COMMITTEE
DATE:	25 JULY 2012

AGENDA ITEM NO:	4	WARD(S) AFFECTED:	ALL
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SUBJECT:	MECHANICAL INSPECTION AND LICENSING OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES.
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<p>RECOMMENDATIONS:</p> <ol style="list-style-type: none"> 1. Designate the Council's Earlswood depot as the location for the mechanical inspection and licensing of vehicles, to take effect from 17 September 2012 or the earliest date thereafter when the necessary changes have been implemented. 2. Remove the requirement for vehicles to be under four years old when presented for licensing for the first time as a taxi or private hire vehicle to bring it into line with the maximum age limit for the relevant vehicle. 3. Authorise the Head of Health and Wellbeing, in consultation with the Chairman of the Regulatory Committee, to amend the Policy and Conditions booklets for hackney carriage and private hire vehicles to take account of the above recommendations, if agreed. 4. Recommend deletion of Delegation 4.30 of the Council's Constitution, relating to certain vehicles under five years old being licensed by the Head of Service, if recommendation (2) above is agreed.
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<p>The Regulatory Committee has authority to approve recommendations (1) to (3).</p> <p>Recommendation 4 is subject to adoption by Council.</p>

<p>REASONS FOR RECOMMENDATIONS:</p> <p>To enable the authority to monitor the required standards of vehicle mechanical fitness directly and more flexibly.</p>

STATUTORY POWERS

1. Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976 allows an authority to nominate a place within the borough for inspection and testing of taxis and private hire vehicles as it by notice reasonably requires, and states:

“...the proprietor of any hackney carriage or of any private hire vehicle licensed by a district Council shall present such hackney carriage or private hire vehicle for inspection and testing by or on behalf of the Council within such a period and at such place within the area of the Council as they by notice reasonably require:”

2. All functions of the Council in relation to the licensing and regulation of hackney carriages and private hire vehicles are delegated to the Regulatory Committee. The authority for this is under 3.13 of the Council’s Constitution.

BACKGROUND

3. As part of the better ways of working (BWOW) project, taxi and private hire vehicle licensing was put forward as a Council service that could be carried out in a far more efficient and effective manner in both the method of booking, paying and administering of the licences, as well as for the inspection of the vehicles themselves.
4. This report is concerned with the mechanical inspection and licensing of the vehicles.

MECHANICAL INSPECTION

5. The Council has its own testing facility at the Earlswood depot which is able to carry out both the licensing and mechanical inspection of taxis and private hire vehicles on behalf of the Council.
6. Currently vehicles are licensed at the Town Hall after passing an inspection by the licensing officer. Owners of vehicles with more than 1000 miles on the milometer are required to bring an MoT less than 28 days old with them at the time of their licensing appointment. The Council does not insist on a particular garage for the MoT.
7. The majority of the vehicles licensed by the Council are owned or financed by the individual driver. Two major companies in the Council area operate their own fleet of company vehicles and have robust in-house mechanical testing that satisfies the Council’s requirements; it is proposed that this remains the same unless the vehicle requires an MoT by law.

8. The depot at Earlswood has the facility to undertake MoT inspections for taxis and private hire vehicles. The recommendation is for the depot to undertake all mechanical inspections.
9. It is proposed to implement the change in a phased manner, with effect from 17 September 2012 for new vehicles. This is because some works are required to enable the testing of all licensed vehicles at Earlswood and some degree of flexibility will therefore be necessary.
10. The testing of vehicles by the depot coincides with the recycling blueprint and arrival of new refuse trucks requiring less mechanical attention, the necessary inspections can be achieved without an adverse effect upon the efficiency of other work at the depot.
11. Vehicle owners will save valuable working time by attending only one appointment where the vehicle will be tested and licensed at the same time.

VEHICLE AGE FOR FIRST LICENSING

12. At present, the Council requires a vehicle to be less than four years of age from the date of registration when licensing it for the first time.
13. Recommendation (1), if approved, will mean that the Council undertakes all mechanical inspections, and it is therefore proposed that the age limit for first licensing of all vehicles should be raised to the maximum age limits already in place for relicensing a vehicle.
14. Potential vehicle owners will have greater choice saving considerable amounts of money. The only issue for owners will be the need to demonstrate mechanical fitness to the satisfaction of the authority, and the examination can be demonstrably consistent by being through one location.
15. This is in line with the key principle of the Council's corporate plan 2011-2015 of promoting economic growth, removing barriers into business and encouraging people to choose taxi or private hire driving as a form of employment.
16. It is not proposed that the upper limit on vehicle age is removed or that the 'exceptional' vehicle policy is changed.
17. Should recommendation (2) be approved, Delegation 4.30 in the Council's Constitution, relating to the granting of licences for executive and wheelchair accessible vehicles, will no longer be relevant and recommendation (4) proposes its removal.

FACTORS FOR CONSIDERATION

18. In a selection of 100 licensed vehicle MoTs (private hire vehicle plate numbers 100 to 199), 34% were carried out in the Council area. By requiring vehicle owners to have their mechanical inspection undertaken at Earlswood it is recognised that some MoT business will be taken away from local garages. Vehicle owners will still be able to use their own preferred garages for remedial work should an MoT fail be issued as the Council does not propose to carry out any repairs.
19. An equalities impact assessment has revealed no negative impact on any protected characteristic in either nominating Earlswood as the location for vehicle testing and licensing or in changing the first licensing age limit for vehicles. One positive outcome is that more wheelchair accessible vehicles may be chosen by the trade because of the reduced cost of buying older vehicles. The report will be available at committee and shall be provided to the Chairman.

RESOURCE IMPLICATIONS

20. Structural changes to the Earlswood depot which include adding an extra MoT testing lane and adjusting the office and workshop accommodation are to be financed by Earlswood's capital programme funding.
21. The project as a whole aims to have a 1 year return on investment.
22. When the project is fully in place a vacant licensing officer's position currently occupied by a contractor will be deleted.

LEGAL IMPLICATIONS

23. The Council is able to nominate a garage within the borough to carry out mechanical inspections and licensing under the Section 50(1) of the Local Government (Miscellaneous Provisions) Act.

CONCLUSIONS

24. The mechanical and licensing inspection of vehicles by the Earlswood depot benefits the trade, in terms of providing a 'one stop shop', and streamlines the service for the Council, giving better for less.
25. The Council can be assured of a consistent mechanical standard of licensed vehicles. The trade will be aware that the Council has no interest in carrying out repairs therefore can be assured of a proper MoT.

26. Changing the age limit for first licensing of vehicles to match the maximum age of vehicles being licensed or re-licensed represents a huge cost benefit to the taxi and private hire business as a whole.
27. Using the Council's own MoT facilities will ensure public safety, confirming that the vehicles chosen are fit for purpose, to consistent standards and under the Council's direct assessment.
28. If the Committee is minded to approve recommendations (1) and (2), officers are seeking authority to amend the respective Policy and Conditions Booklets for Private Hire and Hackney Carriage Vehicle Operators to take note of the changes in policy.

Background Papers:

Private Hire Vehicles, Drivers and Operators policy and conditions booklet

Hackney Carriages and Hackney Carriage Drivers policy, conditions and byelaws booklet.