

# Allerdale Borough Council

## Licensing Committee – 6 February 2023

### Frequency of vehicle testing – hackney carriage and private hire vehicles

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<b>Portfolio holder</b>	Councillor Colin Sharpe Portfolio Holder for Legal and Finance
<b>Report from</b>	Gillian Collinson – Senior Specialist – Licensing and Compliance
<b>Wards affected</b>	All Wards
<b>Is this a key decision</b>	Yes

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#### **1.0 The reason for the decision**

- 1.1 To consider an amendment to the Vehicle Age Policy which covers hackney carriage and private hire vehicles.

#### **2.0 Recommendations**

- 2.1 To agree to amend the Vehicle Age Policy by:

- 2.1.1 Replacing clause 4 of the existing Vehicle Age Policy with the following wording:

“Once licensed if a vehicle is over four years of age from the first date of registration or reaches four years of age from the first date of registration within the duration of its licence, a vehicle test is required no later than four months following the commencement date of the vehicle licence and no earlier than 28 days before that date.

Once established that a vehicle is either already 4 or will turn 4 during the licence period, 4 monthly vehicle test dates will be due at equal intervals during the licence period. For example, if a vehicle turns four on 1 May and the commencement of the licence was 1 April, the 4 monthly test due dates will be 1 Aug, 1 Dec and the renewal test will be due by 1 April. Tests are valid up to 28 days in advance of the due date. If the test is carried out early or late the next test will still be due at the original set date meaning the vehicle is tested at equal points during the licence period.

Tests to be undertaken by the Council's contractor. Failure to comply with this requirement will lead to the suspension of the vehicle or refusal to renew the vehicle licence"; and

- 2.1.2 Updating the delegated powers for the suspension/revocation of vehicle licences for failure to undertake or pass the required tests to the Senior Specialist – Licensing and Compliance and the Specialist – Licensing and Compliance.

### **3.0 Background and Introduction**

#### Current policy

- 3.1 The Council is the licensing authority for hackney carriage and private hire vehicles by virtue of the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The Authority sets the licence conditions that must be complied with for a licence to be granted. Conditions include the age at which a vehicle can be presented for first time licensing and once licensed, the frequency at which it must be presented for testing. For routine testing this may be up to a maximum of three times per year, as specified in the Local Government (Miscellaneous Provisions) Act 1976.
- 3.2 As part of the licensing regime, vehicles are tested to ensure that they meet the standards required by Allerdale Borough Council.
- 3.3 The Council's Vehicle Age Policy was last revised in May 2021. The purpose of that policy is to ensure that all hackney carriage and private hire vehicles operating in the borough are in exceptional condition and remain safe for the use of the general public. It contains two stipulations:
  - 3.3.1 No vehicle will be licensed as a hackney carriage or private hire vehicle if it is four years of age or older at date of application.
  - 3.3.2 Once licensed, a vehicle can continue to be licensed beyond the age of four years providing it complies with the following conditions.

a full service history from the applicant's date of purchase of the vehicle in accordance with the manufacturer's service schedule and/or supporting documentation evidencing a regular, preventative maintenance schedule. This can be in the form of a stamped service history book or invoices but the vehicle registration number, date of the works and contact information of the party which carried out the works must be stated on any invoice. Producing invoices to show repair work will not be sufficient, they must show regular servicing.

no rust, significant dents or significant scratches. This is obviously open to individual interpretation and each case will be considered on its own merits.

an excellent interior which is safe, clean and free of holes, tears and wear and tear.

- 3.4 The Vehicle Age Policy stipulates (at clause 4) a further requirement for vehicles aged four years or over which states:
- 3.4.1 Once licensed if a vehicle is over four years of age from the first date of registration or reaches four years of age from the first date of registration within the duration of its licence, a vehicle test is required no later than four months following the commencement date of the vehicle licence and no earlier than 28 days before that date (First Four Month Test Date).
- 3.4.2 For example, if a vehicle turns four on 29 March, it must be tested by 29 July at the latest, but no earlier than 1 July. Following the First Four Month Test Date, subsequent tests must be completed no later than four months following the previous test and no earlier than 28 days before each subsequent four month test is due to be undertaken. Tests to be undertaken by the Council's contractor. Failure to comply with this requirement will lead to the suspension of the vehicle or refusal to renew the vehicle licence.

#### **4.0 Content**

- 4.1 The condition in paragraph 3.4.1 is correct but it is the example given at 3.4.2 which is causing confusion regarding the timing of the tests as it contradicts the wording in 3.4.1. The wording for the proposed amendment to the Vehicle Age Policy is outlined in paragraph 2.1.1.
- 4.2 The remainder of the Vehicle Age Policy conditions would continue to apply.
- 4.3 A taxi/private hire test certificate is valid for a period of 28 days. This is the reason for having a requirement not to undertake the test more than 28 days in advance of the due date.
- 4.4 Delegated Powers

The delegated powers for the suspension/revocation of vehicle licences for failure to undertake or pass the required tests require updating to the following:

Senior Specialist - Licensing & Compliance and;  
Specialist - Licensing & Compliance

#### **5.0 Delivery arrangements**

- 5.1 Should the Licensing Committee decide to approve the recommendations contained within this report, the Licensing Department will work closely with the relevant contractor to ensure that high standards of service are maintained.

## **6.0 Implications and Impact**

### **6.1 Contribution to Council Strategy Priorities, Outputs and Outcomes**

Outstanding Local Services: increasing the frequency of testing will ensure that local hackney carriage and private hire services are maintained to an excellent standard for use by residents and services.

Resilient Communities: by providing high quality testing facilities at more frequent intervals, the safety of the travelling public will be protected.

### **6.2 Finance/Resource implications**

There are no finance/resource implications for the Council. Fees for taxi testing are paid directly to the contractor and are not paid as part of the licence fee.

### **6.3 Legal and governance implications**

There are no legal and governance implications arising from the report. The relevant legislation in respect of taxi testing and public safety comprises the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

### **6.4 Risk analysis**

A scored and mitigated risk log

<b>Risk</b>	<b>Consequence</b>	<b>Controls required</b>	<b>Mitigated score</b>

### **6.5 Increasing satisfaction and service**

If approved, the recommendations of this report will ensure an increase in public safety and will ensure that the relevant requirements outlined in the relevant legislation are complied with.

### **6.6 Equality impacts**

There are no equality implications arising from this report.

### **6.7 Health and Safety impacts**

Health and Safety has been considered fully to ensure the highest standards.

### **6.8 Health, wellbeing and community safety impacts**

Public safety is of primary concern within the licensing regime and has been considered fully to ensure the highest standards. Should the recommendations in this report be approved, there will be an increase in the standard of public safety due to the associated increase in the frequency of vehicle testing.

## 6.9 Environmental/sustainability impacts

Vehicle emissions are monitored regularly as part of the vehicle testing criteria, which ensures that the fleet complies with current environmental standards.

## 6.10 Other significant implications

N/A.

## Appendices attached to this report

Appendix number	Title of appendix
1	Vehicle Age Policy (revised May 2021)

## Background documents available

Name of background document	Where it is available
N/A	

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