

## Appendices

1. HC Conditions
2. PH Conditions
3. Sample Mileages
4. Draft Inspection manual
5. MOT Inspection report
6. Representations



# LICENSING COMMITTEE REPORT

<b>Report Title</b>	<b>Hackney Carriage and Private Hire Vehicles Conditions including Testing Criteria.</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	<b>11<sup>th</sup> December 2012</b>
<b>Directorate:</b>	<b>Customers and Communities</b>

## 1. Purpose

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1.1 To inform the Committee of the amended Taxi and Private Hire Conditions and Vehicle Testing arrangements

## 2. Recommendation

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2.1 That the amended Taxi and Private Hire Conditions be adopted (Option1) and the Vehicle Testing Standards be approved including maintaining two scheduled vehicle tests per year (Option 3).

## 3. Issues and Choices

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### 3.1 Report Background

3.1.1 On the 8<sup>th</sup> May 2012, Licensing Committee, on considering the consultation results and research previously undertaken, resolved not to introduce age limits on Hackney Carriages (HC) and Private Hire Vehicles (PHV). It was further resolved to remove the existing sting 3 year lower limit on HCs, pending the introduction of a set of conditions which includes the testing criteria of vehicles to ensure a good standard of HCs and PHVs in Northampton is maintained.

- 3.1.2 The Committee requested the setting up of a working party (WP) made up of driver and operator representatives, Councillors and officers to work toward providing the amended conditions.
- 3.1.3 A nomination process was undertaken and the drivers' representatives were identified as: Mr P. Bruere (HC), Mr P. Mainstone (HC), Mr M Jadoon (PHV), Mr T. Ali (PHV), Mr K. Willsher (PHV), Mr H. Shah (solicitor representing a group of drivers). The Councillors were Cllrs Malpas (Chair), Eales, Sergeant, Beardsworth and Patel. One officer from legal, licensing, and meeting services attended the meetings.
- 3.1.4 The WP met four times and a number of concerns were raised by the representatives which were not within the remit of the Working Party but are worth noting here:
- A limit on the number of vehicles licensed (plate capping).
  - The three year rule – the implications when abolished.
  - The economic situation of drivers.
  - CRB checks on drivers.
  - MOTs based on set mileages rather than twice a year.
  - The Council having its own MOT station.
  - Increasing the number of MOT stations
  - The condition of the roads.
  - Allowing PHVs to use bus/HC lanes.
  - Having all vehicles licensed as HCs.
- 3.1.5 The Chair felt that there was potential for the Working Party to continue in order to consider some of these issues in the future.

## **3.2 Issues**

3.2.1 The WP worked through all of the conditions in the HC and PHV documents and amendments were made accordingly. Changes were made to allow for amendments in legislation (e.g. smoking in a public place) that had been introduced since the last review and the changing structure within the Licensing Authority. There were also amendments to conditions surrounding spare wheels, the use of technology (hands free phones) and the criteria for advertising. The updated conditions documents for HCs and PHVs are at Appendices 1 and 2.

### **3.2.2 Scheduled Council Inspections/MOT testing**

The results from the consultation undertaken earlier in the year had found that the key issue as to whether a vehicle is roadworthy was not age, but regular maintenance. The research undertaken at the same time also showed that the majority of the 389 vehicles researched were failing the six monthly inspection irrespective of age (a copy is attached as Appendix 5). There were concerns that not introducing any age limits and removing the three year rule on HCs may exacerbate this situation and therefore it was important to introduce a clear set of transparent testing requirements to

ensure as far as possible that a high standard of vehicles are available for public use.

- 3.2.2 A number of related documents were distributed to the WP, some of which the representatives requested. Other authority testing manuals were looked at to provide a benchmark from where we could start.
- 3.2.3 The driver representatives were keen to use the Department of Transport best practice guidance and the Technical Officer Group report (TOGR) which provides a national minimum standard for the testing of HCs and PHVs. This was compared with the Coventry City testing manual which was also based on the TOGR with additional requirements upon which a Northampton initial draft document was based.
- 3.2.4 The WP worked through this document comparing it with the TOGR and amendments were made from the draft document which the representatives felt were not relevant to vehicles in Northampton.
- 3.2.5 Whilst agreement was reached in most cases, some issues were not resolved.

### **3.2.6 Tyre Tread Depth**

The legal limit is 1.6mm. Currently in Northampton we have a limit of 2mm. This is not prosecutable but a vehicle can be prohibited from working as a HC or PHV if it is found with any tyre below 2mm until replacement tyres are fitted. Some representatives felt that without any other justification, if the legal limit is 1.6mm then that is what it should be. While the explanation was given that HCs and PHVs do higher mileages than normal domestic vehicles, it was requested that HC and PHV mileages be researched as there was a feeling within the representatives that these vehicles were undertaking between 30-40,000 miles per year and not the higher mileages normally associated with HCs and PHVs.

A sample of 103 vehicles was selected randomly and these are shown alphabetically by registration at Appendix 3. Of these vehicles, 97 had a record of their 12 monthly mileages and 6 had a record of their 6 monthly mileage. The average mileage undertaken by the 97 vehicles was in excess of 1,000 miles per week. One vehicle recorded in excess of 100,000 miles per year, one over 90,000, two over 80,000, two over 70,000, eight over 60,000, seventeen over 50,000 and thirty three over 40,000 miles per year. Whilst it is acknowledged that this is a relatively small sample of the licensed vehicles in Northampton, the purpose is to show that there are vehicles undertaking significant mileages.

There is no definitive research which shows the tread wear of a tyre as so many variables are involved, but the AA estimate a well looked after set of quality tyres should last approximately 30,000 miles. The AA also advise changing tyres at 2mm and this is supported by the Royal Society for the Prevention of Accidents who go further and advise changing at 3mm due to the increased stopping distances of tyres with a shallower depth.

If we use the AA's estimate of 30,000 miles being the average life of a tyre then the tread of a tyre covering 1,000 miles per week would wear at a rate of 0.2mm per week on average. This means that a tyre with a 1.6mm tread could be below the legal limit within approximately a week of passing its MOT.

### **3.2.7 One MOT Test or Two**

Whilst at the Licensing Committee in May 2012 it was decided to maintain two tests per year, there was strong opposition from representatives to maintaining two tests in light of the introduction of the new testing criteria. The rationale behind the representatives' thoughts were that the TOGR implies the use of an annual test as it states that the testing standards should be used in conjunction with the VOSA Inspection Manual. The Department of Transport best practice guidance suggests that *'an annual test seems appropriate in most cases unless local conditions suggest that more frequent tests are necessary'* It also states that *"Local licensing authorities will want to ensure that each of their various licensing requirements is properly justified by the risk it aims to address"*. Also, as stated above, there was a belief that HCs and PHVs do not undertake mileages high enough to warrant two inspections per year.

However, the same document includes *"The key premise remains the same - it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations. This Guidance is intended to assist licensing authorities but it is only guidance and decisions on any matters remain a matter for the authority concerned"*. The Local Government (Miscellaneous Provisions) Act 1976 s50 also provides for a local authority to require up to three full inspections per year.

As stated above, the research undertaken into MOT tests and failure rates during the consultation period prior to the May Committee hearing assisted the Committee in deciding that the requirement for two tests per year be maintained. It is intended that the adoption of the new testing criteria will improve failure rates and this can be monitored by researching MOT failure rates in 12 or 18 months time.

### **3.2.8 Exterior Body Condition**

It was felt that in the initial draft testing manual the exterior specification was too onerous detailing the number and size of stone chips etc. It was therefore agreed that a more general standard would be introduced which would be based on the overall condition of the exterior. This has been added to the proposed testing manual but there is some concern from representatives that it is still too onerous.

### **3.2.9 Other Issues**

There were requested amendments in relation to type of emergency repair or type of wheels that could be replaced from the original. It is not the intention

to list every type of emergency repair or type of wheel but wheels should all be the same size as at manufacture and any emergency repair equipment should be to the approved British Safety Standard.

Final written responses by the WP consultees are attached at Appendix 6.

### **3.3 Options**

- 3.3.1
- 1) That the updated conditions for HCs and PHVs be adopted to reflect legislative changes and vehicle developments providing up to date documents.
  - 2) That the updated conditions booklet for HC's and PHV's is not adopted. This would result in effectively out of date documents that do not reflect the changes in legislation, the Licensing Authority and development of vehicles which the amended documents incorporate.
  - 3) That the proposed criteria (Appendix 4) for HC and PHV testing, including the requirement to have two inspections per year and maintaining the 2mm tyre tread limit are approved by the Licensing Committee. This will provide a clear and transparent document so that drivers, owners, MOT testing stations and members of the public are clear on what is expected of these vehicles in order to be fit for purpose as a HC or PHV in Northampton, assist in the decrease in MOT failure rates and maintain safe vehicles for public use.
  - 4) That the proposed criteria (Appendix 4) are not adopted by the Licensing Committee and the current system remains. If this option is chosen it is unlikely that MOT failure rates will improve and with the removal of existing age limits there is a risk of substandard vehicles being utilised in Northampton.
  - 5) That the proposed criteria are adopted, but reducing the requirement for a scheduled inspection from two to one test per year. If this option is taken then vehicles of any age undertaking 5, 6 or 7 times the average annual mileage of a domestic vehicle may be carrying members of the public around Northampton only undergoing one scheduled inspection per year. MOT failure rates are high with two MOTs per year, but at least this ensures defects are rectified on a six monthly basis.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

- 4.1.1 There are no policy implications as a result of the introduction of the proposed inspection criteria

## **4.2 Resources and Risk**

- 4.2.1 As a result of the implementation of the proposed inspection criteria, no risk to resources has been identified.

## **4.3 Legal**

- 4.3.1 Under Section 48(2) Local Government (Miscellaneous Provisions) Act (1976), a district council may attach to the grant of a licence under this section such conditions as it may consider reasonably necessary. Therefore the addition and / or modification of any licence conditions is lawful so long as they are reasonably necessary.

## **4.4 Equality**

- 4.4.1 An equality impact assessment was undertaken at the outset of this piece of work and has been reviewed as developments have been made. The key equalities factor was identified as being a negative financial impact on groups if age limits were introduced. As it has been decided no age limits are to be introduced there is no longer any possibility of a differential impact. The introduction of the proposed testing criteria sees no change to the current fee structure associated with HCs and PHVs and no negative equality impact has been identified.

## **4.5 Consultees (Internal and External)**

- 4.5.1 Legal, Finance, Private Hire representatives, Hackney Carriage Representatives, Public Protection.

## **4.6 Other Implications**

- 4.6.1 If the proposed criteria are introduced, consultation will need to take place with the two contracted MOT testing stations used by this Authority. It is estimated that the implementation of the proposed changes would commence April 1<sup>st</sup> 2013

## **5. Background Papers**

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- 5.1 Tyre tread and stopping distances (ROSPA 2005)

[www.theaa.com/motoring\\_advice/safety/tyre-life-and-age.html](http://www.theaa.com/motoring_advice/safety/tyre-life-and-age.html)

Hackney Carriage and Private Hire Vehicle National Inspection Standards, Technical Officer Group Report (Freight Transport Association)

Taxi and Private Hire Vehicle Licensing Best Practice Guidance (Dept of Transport 2010)

Coventry City Council Private Hire and Hackney Carriage Vehicle Inspection manual

Derby City Council – Supplementary Testing manual.

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