

**REDDITCH BOROUGH COUNCIL**

**LICENSING COMMITTEE**

**27<sup>th</sup> November 2023**

**HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE COMPLIANCE AND SAFETY INSPECTIONS**  
**EXISTING ARRANGEMENTS AND ALTERNATIVE OPTIONS**

Relevant Portfolio Holder	Councillor L Harrison
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 Members of the Licensing Committee have previously requested that a report is prepared setting out possible alternatives to the current arrangements that are in place for the carrying out of compliance and safety inspections on vehicles licensed by the Council to be used as a Hackney Carriage or Private Hire Vehicle.

**2. RECOMMENDATIONS**

- 2.1 **That the Licensing Committee note the contents of the report.**

**3. KEY ISSUES**

**Financial Implications**

- 3.1 The costs incurred in conducting inspections on licensed vehicles are met by the charging of fees to those whose vehicles are subject to inspections. Under the current vehicle testing arrangements the fees that are payable are determined by Redditch Borough Council as the existing testing station is a Council owned and operated facility.
- 3.2 If the compliance and safety inspections were to be conducted by other testing stations, it is not known whether the fees that licence holders and applicants would have to pay for a compliance and safety inspection would increase or decrease as this would be out of the Council's control.

- 3.3 If Worcestershire Regulatory Services (WRS) are tasked with exploring alternative arrangements for the conducting of compliance and safety inspections on vehicles, this would require additional work by WRS, Procurement, Finance and Legal Services.

**Legal Implications**

- 3.4 Section 50 (1) of the Local Government (Miscellaneous Provisions) Act 1976 states that:

*Without prejudice to the provisions of section 68 of this Act, 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 period and at such place within the area of the council as they may by notice reasonably require:*

*Provided that a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.*

- 3.5 Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 states that:

*Any authorised officer of the council in question or any constable shall have power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any hackney carriage or private hire vehicle licensed by a district council, or any taximeter affixed to such a vehicle, and if he is not satisfied as to the fitness of the hackney carriage or private hire vehicle or as to the accuracy of its taximeter he may by notice in writing require the proprietor of the hackney carriage or private hire vehicle to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or constable is so satisfied:*

*Provided that, if the authorised officer or constable is not so satisfied before the expiration of a period of two months, the said licence shall, by virtue of this section, be deemed to have been revoked and subsections (2) and (3) of section 60 of this Act shall apply with any necessary modifications.*

**Service / Operational Implications**

- 3.6 The Council is responsible for the issuing of licences to authorise people to use vehicles as hackney carriages or private hire vehicles. Vehicles that are licensed need to be inspected to ensure that they are:
- suitable in type, size and design
  - in a suitable mechanical condition
  - safe
  - comfortable
- 3.7 The Council currently licences around 420 vehicles to be used as either a hackney carriage or private hire vehicle.
- 3.8 Since September 2011, compliance and safety inspections of vehicles licensed by the Council have taken place at the Council's Crossgates Depot, which is a DVSA approved MOT testing station.
- 3.9 Prior to this the inspections had been undertaken by two external approved garages. However, following serious concerns raised after spot checks on licensed vehicles undertaken in 2009, a decision was taken in January 2010 to return the inspections "in-house." This decision was ultimately implemented in September 2011.
- 3.10 Under the Council's Hackney Carriage and Private Hire Licensing Policy, vehicle inspections are required before a licence to use a vehicle as a hackney carriage or private hire vehicle is granted.
- 3.11 Standard conditions attached to all hackney carriage and private hire vehicle licences go on to say:

*Subject to the condition below, the licence holder must present the vehicle for inspection within a four-week period beginning on the date six months after the licence issue date.*

*Where a decision has been taken by the Council to grant a licence to use a vehicle of an exceptional standard beyond the normal upper age limits set out in its hackney carriage and private hire licensing policy, the licence holder must present the vehicle for inspection within a four week period beginning on the date four months after the licence issue date and again within a four week period beginning on the date eight months after the licence issue date.*

3.12 A further standard condition states:

*The vehicle must be presented for inspection in accordance with any reasonable direction properly made by an authorised officer of the Council.*

3.13 Vehicle examiners and staff at Crossgates Depot assist Licensing Officers to undertake ad-hoc enforcement exercises to enable spot-checks to be undertaken on vehicles to ensure they are mechanically safe and fit for use.

3.14 There are currently 35 appointment slots made available each week with seven inspection appointments available each day (Monday to Friday) at the following times:

08:30, 09:45, 11:00, 12:15, 14:00, 15:15 and 15:45

3.15 On an ad-hoc basis, the vehicle examiners at Crossgates Depot also inspect licensed vehicles that have been involved in accidents to determine whether the licence needs to be suspended whilst repairs are carried out. The vehicle examiners will then inspect the vehicle after the repairs have been carried out to ensure the vehicle is fit for use again and the licence suspension can be lifted.

3.16 Current fees charged to vehicle proprietors for inspection of their vehicle at Crossgates Depot are as follows:

Safety Check	£54.85
Safety Check with MOT	£54.85
Re-test (within 24 hours)	FREE
Re-test (after 24 hours)	£27.42
Hackney Carriage Meter Test	£12.00

3.17 These fees are determined by Redditch Borough Council each year as part of the Council's budget setting process. The income received from the fees paid by vehicle proprietors is received by the Council.

3.18 The compliance and safety inspections currently undertaken on licensed vehicles at Crossgates Depot are more in depth and detailed than a standard MOT examination. Matters such as the interior and exterior condition of the vehicle are considered, along with whether the vehicle meets the requirements of the Council's Hackney Carriage and Private Hire Licensing Policy.

3.19 Members have asked for a report setting out alternative options to the existing arrangements for consideration. These would be:

- The Council appoints one or more “approved” testing stations to carry out compliance and safety inspections on licensed vehicles
- The Council does not require vehicles to undergo formal compliance and safety inspections and instead relies on the relevant vehicle having a valid MOT to determine that it is roadworthy.

3.20 Elsewhere across Worcestershire, the following arrangements are in place for compliance and safety inspections on licensed vehicles:

Bromsgrove District Council	Inspections conducted at Council owned / operated MOT testing station
Malvern Hills District Council	Inspections conducted at one of two approved testing stations
Worcester City Council	Inspections conducted at one approved testing station
Wychavon District Council	Applicants / licence holders have to provide a recent MOT issued by any DVSA approved MOT testing station
Wyre Forest District Council	Inspections conducted at Council owned / operated MOT testing station

3.21 Malvern Hills District Council, Worcester City Council and Wychavon District Council do not have their own vehicle testing stations available for use to inspect hackney carriage and private hire vehicles.

- 3.22 Wychavon District Council is currently preparing a procurement exercise with a view to appointing one or more “approved testing stations” to carry out compliance and safety inspections on vehicles that are licensed to be used as a hackney carriage or private hire vehicle.
- 3.23 Lessons learnt and feedback provided to officers evidently shows that, where one is available, the use of a Council owned and operated MOT testing station to carry out compliance and safety inspections on licensed vehicles is the best possible option.
- 3.24 In respect of Redditch Borough Council specifically, risks must be recognised and officers have some serious concerns about the potential implications of putting in place alternative arrangements for the carrying out of compliance and safety inspections on licensed vehicles.
- 3.25 Excellent working relationships currently exist between Licensing Officers and the vehicle examiners at the Crossgates Depot. This helps enormously in the exchange of information and intelligence about licensed vehicles and how well they are being maintained.
- 3.26 These working relationships also enable Licensing Officers to arrange regular spot-check exercises to ensure that licensed vehicles are being kept in a safe and roadworthy condition between their compliance and safety inspections, which helps to keep the travelling public safe and provides reassurance to those that use taxi and private hire vehicles.
- 3.27 The vehicle examiners at Crossgates Depot have a very good understanding of the Council’s Hackney Carriage and Private Hire Licensing Policy. This has been developed over time and enables the vehicle examiners to spot and highlight to Licensing Officers, any vehicles that are presented for inspection but do not comply with the Council’s policy requirements. These expertise can not be taken for granted.
- 3.28 In any decision, Members must be reminded of the fact that the standard of work and attention to detail demonstrated by the vehicle examiners at Crossgates Depot may not be replicated if the compliance and safety inspections were being conducted by external approved testing stations.
- 3.29 Concerns of this nature were the ultimate reason that the compliance and safety inspections of licensed vehicles was brought “in house” to be delivered by Council employed vehicle examiners at Crossgates Depot back in 2010/2011.

- 3.30 The quality and standard of the work undertaken by any approved testing stations would need to be regularly monitored and audited, creating additional burdens for Licensing Officers that would require additional resources to fulfil.
- 3.31 Officers would like high standards to remain within the Redditch Borough hackney carriage and private hire fleet. Officers therefore believe that the Council should not just rely on a vehicle having a valid MOT to decide it is fit for use as a hackney carriage or private hire vehicle. As set out above, the current compliance and safety inspections are more in depth and detailed than a standard MOT and are designed to ensure that a vehicle is not only roadworthy, but that the vehicle meets the requirements set by the Council for being used as a hackney carriage or private hire vehicles in terms of it being:
- suitable in type, size and design
  - in a suitable mechanical condition
  - safe
  - comfortable
- 3.32 Notwithstanding the views held by officers and lessons learnt in previous years, it is of course open to the Licensing Committee to direct officers to take steps to explore the implementation of alternative arrangements.

**4. RISK MANAGEMENT**

- 4.1 Implementing alternative arrangements could lead to the standard of compliance and safety inspections on licensed vehicles deteriorating, which in turn could put public safety at risk. If alternative arrangements for compliance and safety inspections are implemented, these risks will have to be appropriately considered and managed via monitoring and auditing the quality of work undertaken.

**5. APPENDICES**

- 5.1 None

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