

Meeting: LICENSING & REGULATORY

Date of Meeting: 5th July 2010

Title of Report: HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE COMPLIANCE TESTING – APPOINTMENT OF ADDITIONAL FACILITIES

Report of: Mr Peter Moore
Environmental and Technical
Services Director

Contact Officer: Mr John Thompson
(Telephone No.) 0151 934 2842

This report contains	Yes	No
CONFIDENTIAL information/		✓
EXEMPT information by virtue of paragraph(s)..... of Part 1 of Schedule 12A to the Local Government Act, 1972		✓
Is the decision on this report DELEGATED?	✓	

Purpose of Report

To advise the Licensing & Regulatory Committee of requests from eight VOSA approved MOT stations to be appointed as Sefton Hackney Carriage & Private Hire Compliance Testing Stations

Recommendation(s)

That the Committee:

1. Determine the eight outstanding applications and appoint the eight additional garages as approved Hackney Carriage & Private Hire Compliance Testing Stations.
2. Limit the maximum number of approved Hackney Carriage & Private Hire Compliance Testing Stations to twelve pending and without prejudice to the outcome of the review of the Council's Hackney Carriage & Private Hire Compliance Testing policy.
3. Instruct the Taxi Licensing Team Leader to advise all the Sefton appointed Hackney Carriage & Private Hire Compliance Testing Stations that their status is subject to review and that no facility is guaranteed to remain authorised as a Compliance Test Facility if it does not meet the minimum standards subsequently determined by the Council.

Corporate Objective Monitoring

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1.	Creating a Learning Community	✓		
2.	Creating Safe Communities	✓		
3.	Jobs and Prosperity	✓		
4.	Improving Health and Well-Being	✓		
5.	Environmental Sustainability		✓	
6.	Creating Inclusive Communities	✓		
7.	Improving the Quality of Council Services and Strengthening local Democracy	✓		
8.	Children and Young People		✓	

Financial Implications

There are no financial implications as a result of this report

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure	NIL	NIL	NIL	NIL
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure	NIL	NIL	NIL	NIL
Funded by:				
Sefton funded Resources				
Funded from External Resources	✓	✓	✓	✓
Does the External Funding have an expiry date? ¥/N	N/A			
How will the service be funded post expiry?	N/A			

Departments consulted in the preparation of this Report

None

List of background papers relied upon in the preparation of this Report

None

Background

1. The Licensing & Regulatory Committee will recall the report “Hackney Carriage & Private Hire Vehicles Compliance Testing – Approval of Additional Facility” presented on 18th January 2010. That report advised the Members that:
 - a) The Council is currently authorised by the DfT Vehicle Inspectorate Agency to test vehicles under a compliance testing scheme in accordance with the Motor Vehicles (Test) Regulations 1981 (as amended) The current certification was renewed in 8th July 1998.
 - b) The authorisation terms require that only Vehicle and Operator Services Agency (VOSA) approved facilities based within the political boundary of the Council may be used.
 - c) The use of this compliance scheme means that, in addition to the standard “MOT” test, the council can specify additional items, which it considers necessary to safeguard the best interests of the travelling public of Sefton.
 - d) In 1998 there were a total of 1673 vehicles licensed, all of which required compliance testing via three facilities. In 2002 the Council facility of Pine Grove was approved but that subsequently ceased to be VOSA approved on the move to Hawthorne Road in 2006.
 - e) There are currently approximately 2910 licensed hackney carriage and private hire vehicles, which are licensed by Sefton, an increase of 74% over the earlier 1998 figure of 1673 vehicles.
 - f) That the trade had reported delays of up to four days in putting vehicles through a test resulting in commercial disadvantage and
 - g) There have been longstanding requests from Trade Stakeholders requesting an additional facility in the north of the Borough.
2. On 18th January 2010, the Committee resolved, (Minute 71) that the request from the Joint Trades Consultation Group for the appointment of an additional Hackney Carriage and Private Hire Compliance Testing Station (Berry Street Garage, Bootle) be approved and also requested the Environmental and Technical Services Director to carry out a review of the Council’s testing scheme and facilities.
3. A number of additional VOSA approved MOT stations have recently submitted applications, requesting to be added to the Council’s list of appointed Hackney Carriage & Private Hire Compliance Testing Stations. These applications require determination.

Current Position

4. The appointment of the Council’s Hackney Carriage & Private Hire Testing Stations has historically been reserved to the Licensing & Regulatory Committee.
5. Sefton Council currently does not have any independent policies relating to the quality of testing facilities to assist the determination of new vehicle testing

stations. This has been recognised and the review of policy in this area has been initiated.

6. The Vehicle and Operator Services Agency (VOSA) does however operate an internal verification assessment scheme for all authorised MOT Testing facilities in England and Wales. This scheme assesses the quality of authorised facilities as Green, Amber or Red. All three classifications permit continued testing of vehicles on behalf of VOSA. If a facility is considered no longer fit to test then a short- term cessation notice is issued or the authorisation is revoked.
7. The “Traffic Light” system is based on several different factors. Not all matters relate to the testing of vehicles. The Disciplinary record held at VOSA of each facility is combined with the resultant score of the site assessment and determines that facility’s current status. Red or amber means that there will be a further inspection within the next 18 months. Green means that the next inspection will usually be in three years time, unless other complaints are received in the interim.
8. Relevant factors include:

Customer & facilities management	
a.	Notices and mandatory displays
b.	Booking in & workload management
c.	Professional Vehicle handover process
d.	VTS Feedback to customer procedure
e.	Staff & Customer facilities provision
Business Management	
f.	Review of MOT Data
g.	Calibration & Maintenance all required equipment
h.	Document Management Systems
i.	Procedure for management/ Training of Nominated Testers and measuring performance
j.	Pricing structure
k.	Signs of abnormal failure rates or “favoured” repair agents/ customers
m.	Catchment areas of customer base.

9. Facilities with a poor score cannot request a further assessment as soon as they have remedied defects. They must wait until the next date selected by VOSA. Therefore a facility graded “red” may remedy all the causes of that grading within a week yet remain graded “red” until 18 months later when next assessed. Existing facilities which change hands and which retain at least one Tester from the old regime retain their score and assessment. All new facilities and those where the old testers leave are assessed within six months of appointment.

10. There are currently four appointed Hackney Carriage & Private Hire Compliance Testing Stations within Sefton.

Facility	Declared VOSA Status
Virginia St Service Station, SOUTHPORT	Green
Beach Garage, LITHERLAND	Amber
E. Hilderley's & Co, BOOTLE	Amber
Berry St Garage, BOOTLE	Green

Each Hackney Carriage & Private Hire Compliance Testing Station has been inspected by the councils enforcement staff for testing standards, paperwork, key security etc and have taken regard of the VOSA 'traffic light' assessment of each facility.

Applications or Additional Testing Facilities

11. The following VOSA approved MOT stations have recently applied to be added to the list of appointed Hackney Carriage & Private Hire Compliance Testing Stations:

Facility	Declared VOSA Status
RSM Services, SOUTHPORT	Green
Autotechnics (NW) Ltd, SOUTHPORT	Green
S & R MOT Centre Ltd, FORMBY	Green
Maghull Garages Ltd, MAGHULL	Amber
Delta Garages Ltd, CROSBY	Green
The Bootle Motor Company, BOOTLE	Green
Catterall Motors, FORMBY	Amber
*Worcester Garage Ltd, BOOTLE This sole *RED entry is as a result of the proprietor recently alerting VOSA to incorrect practices by his ex-testers. The facility now employs new validly authorised MOT testers	*Red

A copy of the respective applications are attached as Annexes A to H respectively

12. At the Trade Stakeholder Meeting, 23rd March 2010, the group discussed the current facilities for the testing of hackney carriage and private hire vehicles. A clear consensus of support was expressed for additional appointments and the following points were made:
- a) There were significant differences between the testing of Hackney carriages and Private Hire Vehicles as opposed to ordinary cars;
 - b) That all Sefton Council appointed Compliance Testers and Licensing Officers should undertake specialised compliance test training;

- c) It was stressed that the maintenance of standards was of great importance and the VOSA Traffic Light system, i.e. facilities being given Green; Amber or Red status was an aid to this aim.
 - d) That the other main issue was the need for the availability of a test within a reasonable period of time; and
 - e) That any future review should consider points (a-d) above as important in any Review.
13. The current number of Sefton licensed vehicles, as of the 27th May 2010, was 2966. Of those some 336 require twice yearly testing. Therefore, if 100% of vehicles passed first inspection, a minimum of some 3300 tests per annum would be required, split between the existing and applicant facilities giving an average of 275 tests per annum per facility. The overall failure rate at first presentation currently averages 45% across the borough. Appointment of the additional Hackney Carriage & Private Hire Compliance Testing Stations should satisfy demand and provide a comprehensive network of testing stations across the Borough.

The Review

14. Further to Minute 71 of the Licensing & Regulatory Committee Meeting 18th January 2010, the Environmental Protection & Technical Services Director has commissioned a review of the current policies & procedures relating to Testing Stations. The Review will commence in July 2010 with a view to reporting its conclusions and making its recommendations to the Licensing & Regulatory Committee in November 2010.
15. The Review will be carried out by the Taxi Licensing Team leader and will consider:
- a) Existing Policy & procedures
 - b) Custom & Practice
 - c) Testing Stations Standards
 - d) Codes of Good Practice
 - e) Benchmark with other Local Authorities
 - f) Feedback from the Trade and
 - g) The Views / Concerns of the Testing Stations.
16. That review may result in changes to the existing scheme and all the garages detailed in paragraphs (10) and (11) will be advised that there is no guarantee that they will be retained as a compliance testing station beyond that review if they do not meet the revised minimum standards within a notified timescale. Member's comments are welcomed at this stage prior to the start of the Review.

17. It is recommended that the review consider a cap on the total number of approved testing stations to allow effective quality control inspection by enforcement officers.

ISSUES FOR CONSIDERATION

18. The appointment of the Council's testing facilities has historically been reserved to the Licensing & Regulatory Committee and the Committee is requested to determine the eight outstanding applications.
19. In view and without prejudice to the outcome of the review, members may wish to consider temporarily limiting the maximum number of potentially approved testing stations to twelve.