

Committee:	Licensing & Environmental Health	Date:	10 May 2021
Title:	Licensed Vehicle Compliance Testing Stations		
Report Author:	Jamie Livermore, Senior Licensing & Compliance Officer, 01799 510326	Item for decision:	No

Summary

1. The purpose of this report is to inform Members of the current work being undertaken by Licensing Officers in relation to the MOT testing stations authorised by Uttlesford District Council for the carrying out of licensed vehicle compliance tests on its behalf.

Recommendations

2. It is recommended that Members note the contents of this report.

Financial Implications

3. N/A

Background Papers

4. The following documents were referred to by the author in the preparation of this report and are available for inspection on request.
 - A. Uttlesford District Council's existing form of application for approval as testing station for Hackney Carriage and Private Hire vehicle compliance tests.

Impact

- 5.

Communication/Consultation	Any proposed changes would involve consultation with the existing authorised testing stations.
Community Safety	There are currently no contractual or performance monitoring agreements held between the authorised testing stations and the Council. This risks there being varying levels of testing standards for licensed vehicles.
Equalities	None
Health and Safety	None

Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

6. In accordance with Section 50 of the Local Government (Miscellaneous Provisions Act) 1976, Uttlesford District Council ("the Council") requires Hackney Carriage and Private Hire vehicles licensed by it to be subjected to compliance tests in order to ascertain both their fitness for use as public service vehicles and their conformity with the Council's Hackney Carriage and Private Hire vehicle conditions.
7. The Council's current policy requires a compliance test to be successfully completed before a vehicle is first licensed, thereafter once per year for vehicles less than five years old, and twice per year for vehicles over five years old.
8. The Council currently has nine approved testing stations that carry out compliance tests, located in various areas within the Uttlesford district.
9. To become an approved testing station, an applicant is required to submit an application form, which only asks for information relating to their operating procedures. The existing application form is attached as **Background Paper A**.
10. Licensing Officers strongly believe that the application process should include a set of performance criteria that any prospective testing station would have to accept and adhere to for the duration of the contract. Introduction of such criteria would be a positive step towards ensuring that all approved testing stations meet a minimum standard and to allow the Licensing Authority to monitor ongoing compliance.
11. It should be noted that while there is no evidence of any gross failings on the part of any of the current approved testing stations, notwithstanding the lack of any formal criteria or clear guidelines for action that would be taken in the event of any such failings, the Council is nevertheless in a vulnerable position in ensuring it fully meets its statutory duty to secure public safety.
12. Proposed draft criteria may include items such as;
 - A diary entry system, where testing stations would produce a list of bookings in advance to the Licensing Authority so that Licensing Officers are aware of which vehicles are due to be inspected on any given day.
 - All approved testing stations to have a prescribed minimum rating on the Driver and Vehicle Standards Agency's ("DVSA") traffic light risk rating system.

- CCTV surveillance system covering internal and external areas to be kept in good working order and the video footage to be made available for inspection by authorized officers of UDC.
 - Only DVSA Class IV qualified testers to carry out compliance tests on behalf of UDC.
 - All approved testing stations to be suitably qualified to undertake the testing of wheelchair accessible vehicles and their restraints, ramps and fittings.
 - All testing stations upon initial approval to supply UDC with a list of proposed vehicle testing personnel, and to continually update UDC of any relevant staffing changes throughout the duration of the contract.
 - Time stamped photos of all vehicles while at the testing station to be provided to UDC as part of a Hackney Carriage/Private hire vehicle compliance test.
 - Only testing stations located in the Uttlesford district may be approved. However, where excess demand in the Hackney Carriage/Private Hire trade necessitates consideration of other nearby testing stations, then applications will be considered from providers within a specified prescribed distance from the district boundary.
 - All approved testing stations to notify the Licensing Authority immediately upon the failure of any vehicle to satisfy the requirements of a Hackney Carriage or Private Hire vehicle compliance test.
 - Attendance at meetings when requested
13. Members should note that this list of requirements is not exhaustive and may be modified at the time of Committee approval.
 14. Licensing Officers recognize that any changes made to the current procedures may have an impact on the existing authorized testing station's operations, therefore it is considered prudent to consult with existing providers as part of the decision making process
 15. Two evening meetings were held remotely on 20 January and 17 March 2021 between Licensing Officers and representatives from the existing authorized testing stations in order to discuss the planned proposals. Feedback has been received and will be considered as part of any finalized contract. Further liaison with existing providers will take place on an ongoing basis.
 16. It is expected that the completed draft proposal will be presented to the next meeting of the Licensing & Environmental Health Committee for members' consideration.

Risk Analysis

17.

Risk	Likelihood	Impact	Mitigating actions
Hackney Carriage and Private Hire vehicles licensed by UDC being passed as safe and suitable when they may not in fact be safe and suitable.	The lack of contractual or performance monitoring agreements increases the risk of varying testing standards and the potential approval of unsuitable vehicle.	4	Members note that there is a significant need for contractual and performance monitoring agreements.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.