

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:**           **LICENSING COMMITTEE**

**DATE:**               **THURSDAY, 7 NOVEMBER 2013**

**REPORT BY:**       **DIRECTOR OF ENVIRONMENT**

**SUBJECT:**           **REVIEW OF THE CURRENT ARRANGEMENTS FOR  
NOMINATING GARAGES FOR THE TESTING OF  
PRIVATE HIRE AND HACKNEY CARRIAGE  
VEHICLES**

**1.00   PURPOSE OF REPORT**

- 1.01   For Members to consider making changes to the current regime for nominating garages to test Private Hire and Hackney Carriage Vehicles on behalf of Flintshire County Council.

**2.00   BACKGROUND**

- 2.01   In June 2009, the Executive took a decision to approve a proposed scheme to select suitable testing stations for the purpose of testing Private Hire and Hackney Carriage Vehicles. The report is attached as Appendix A.
- 2.02   The legislation requires that such vehicles are properly maintained and they therefore have to undergo a combined MOT/Council Requirements inspection twice a year. This helps ensure the safety of the travelling public.
- 2.03   It was recommended by the Executive that the Licensing Committee periodically oversee the effective operation of the scheme, including consideration of future changes. Please see the minutes of this meeting which are shown at Appendix B
- 2.04   The scheme has now been effective for 4 years, and currently there are 17 nominated testing stations. Each testing station must pay £100 per year which contributes to the cost of operating the scheme.
- 2.05   Members of the Private Hire and Taxi trade find the scheme much more efficient than the previous one, which allowed only six garages to test such vehicles on behalf of Flintshire.

**3.00   CONSIDERATIONS**

- 3.01   At a recent Private Hire Operator Forum, the subject of vehicle testing was raised. Operators expressed concerns that some Operators of

Private Hire Vehicles were able to test their vehicles at nominated testing stations which are run by family members, partners or acquaintances. It was felt that this may be a conflict of interest, in particular in relation to payment. The Council requires that any nominated testing station must charge the current VOSA approved rate for an MOT and Taxi Test.

- 3.02 Nothing in the current scheme addresses this and it was considered by the Licensing Section that it may be beneficial to include a policy position to safeguard against potential conflicts of interest such as this. It is important to note that it is not being suggested that the Licensing Section feel that the businesses concerned are getting favourable service, but the perception that they might.
- 3.03 The two affected businesses were contacted by letter to explain that it was the intention of the Licensing Section to bring this matter before a Licensing Committee. A response was received referring to both businesses and is shown at Appendix C.
- 3.04 This response states that the Community Protection Manager stated he had no problem with this arrangement, when in fact it was made clear to the Private Hire Operator that there was no procedure in place to prevent it at that time, but the matter would be looked at in the future.
- 3.05 The Chair has agreed to a request from each of the two relevant businesses giving each the opportunity to address the Committee on this issue for a maximum of 5 minutes per person.
- 3.06 The administration of this scheme takes a considerable amount of officer time. Paragraph 3.01 of the previous report (Appendix A) states that new applicants to the scheme will be considered for inclusion on the scheme at any point during the year.
- 3.07 All the testing stations in the scheme sign up to a service level agreement that runs for one year at a time. It would be beneficial only to accept new applicants on to the scheme at one period of the year, that is, when the service level agreements expire at the end of February each year. The Licensing Section writes to all the garages on the scheme near the end of the annual agreement period in order to invite their continued inclusion in the scheme. At the same time the Department also advertises on Flintshire's website that nominations can be made to join the scheme for the first time.
- 3.08 Any Nominated Testing Station must be able to comply with the Service Level Agreement between themselves and the Licensing Authority. Occasionally, Licensing may need to change the agreement to reflect changes in legislation, or changes in provision of service. For example, the current agreement suggests that all pass sheets should be faxed to the Licensing Section. Email is often a much more simple

way of transferring the information.

- 3.09 It is felt that it would be beneficial to change the Service Level Agreement from time to time as appropriate.
- 3.10 The regime currently only allows the Licensing Section to consider a Testing Station if they have been established for at least three years. This is of benefit to the Council, as it allows the premises to gain a reputation and for the business to establish its standards. Queries have been made by garages that do not meet this criterion, who feels that this is onerous, and have requested that the Committee consider whether this is an appropriate timescale.

#### **4.00 RECOMMENDATIONS**

- 4.01 That Members approve the following changes to the current scheme:
- 4.02 That relatives (or anyone with a close association) to any member of staff at a Nominated Testing Station ensure that vehicles licensed by this Authority are tested at an alternative facility. Flintshire Council defines 'relatives (or anyone with a close association)' as 'a family member related by birth or by marriage, or by any other legal union (i.e. civil partnership / adoption) or a close personal relationship (i.e. co-habiting)'
- 4.03 That any potential new applicant to the scheme is only considered for inclusion on the scheme at one period of the year (February).
- 4.04 That the Licensing Team Leader (in consultation with the Community Protection Manager) may change the Service Level Agreement from time to time as appropriate.
- 4.05 That Members consider whether it is appropriate to continue approving only those Testing Stations who have been established for a minimum of three years and who meet the remaining criteria.

#### **5.00 FINANCIAL IMPLICATIONS**

- 5.01 There may be an effect on the number of vehicles which are tested at a particular testing station.

#### **6.00 ANTI POVERTY IMPACT**

- 6.01 None.

#### **7.00 ENVIRONMENTAL IMPACT**

- 7.01 The twice a year tests on Private Hire and Hackney Carriage vehicles include engine emissions analysis including particulates, carbon monoxide and carbon dioxide.

**8.00 EQUALITIES IMPACT**

8.01 None.

**9.00 PERSONNEL IMPLICATIONS**

9.01 None.

**10.00 CONSULTATION REQUIRED**

10.01 None.

**11.00 CONSULTATION UNDERTAKEN**

11.01 One Nominated Testing Station and one Private Hire Operator were contacted in relation to conflict of interest and a response is included in this report.

**12.00 APPENDICES**

12.01 Appendix 1 – Original report submitted to Executive in 2009 on the testing of Private Hire Vehicles

Appendix 2 – Executive Record of Decision

Appendix 3 - Letter

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985**  
**BACKGROUND DOCUMENTS**

Operational documentation relating to the operation of the nominated garages scheme

**Contact Officer: Gemma Potter, Team Leader Licensing**

**Telephone: 01352 703371**

**Email: [gemma.potter@flintshire.gov.uk](mailto:gemma.potter@flintshire.gov.uk)**