

**Manchester City Council
Report for Resolution**

Report to: Licensing and Appeals Committee – 15 December 2014

Subject: Consideration of the adoption of an addendum to the hackney carriage vehicle policy and private hire vehicle proprietor conditions relating to the provision of evidence relating to the servicing/maintaining of hackney carriage and private hire vehicles

Report of: Head of Planning, Building Control and Licensing

Summary

The report provides the Committee with information regarding the lack of possible regular service/maintenance by proprietors of both hackney carriage and private hire vehicles throughout the currency of their licences. The report provides statistics from Hammerstone garage as to the number of vehicles failing mechanical inspections for *major retest items, which suggest that the garage is being used by proprietors as a 'pre MOT test'.

The condition of vehicles is a matter that has to be considered and addressed by the Council and it is important that a mechanism for dealing with such is introduced.

The officers have proposed within paragraph 3 of the report that an addendum to the current hackney carriage vehicle policy and private hire vehicle proprietor conditions would ensure as far as possible that such vehicles are safe and fit for purpose for both the travelling public and the individuals who drive them.

Recommendations

That the committee consider the content of the report and whether it would be appropriate or not to make an addendum to the hackney carriage vehicle proprietor policy and the private hire licence conditions as follows;

Hackney Carriage Vehicle Policy Section 3 (Miscellaneous Policies and Standards)

3.6 Vehicle Test Standards

B(i) The hackney carriage vehicle proprietor must:

- at any time during the currency of the hackney carriage vehicle licence be able to produce on request by an authorised officer of the Council or a police constable, *reasonable written evidence that any vehicle owned by him/her has been regularly and properly mechanically serviced/maintained.

- at the time of the Councils mechanical and structural inspection test, provide *reasonable written evidence that any vehicle owned by him/her has been regularly and properly mechanically serviced/maintained.

*reasonable written evidence shall include, as a minimum:

- documented service/maintenance history and associated receipts

Hackney Carriage Vehicle Policy Section 5 (5.1 Conditions attached to a Hackney Carriage Proprietors' Licence

6.(i) The hackney carriage vehicle proprietor must:

- at any time during the currency of the hackney carriage vehicle proprietor licence be able to produce on request by an authorised officer of the Council or a police constable, reasonable written evidence that any vehicle owned by him/her has been regularly and properly mechanically serviced/maintained.
- at the time of the Councils mechanical and structural inspection test, provide *reasonable written evidence that any vehicle owned by him/her has been regularly and properly mechanically serviced/maintained.

*reasonable written evidence shall include, as a minimum:

- documented service/maintenance history and associated receipts

5(i) The private hire vehicle proprietor must:

- at any time during the currency of the private hire vehicle licence be able to produce on request by an authorised officer of the Council or a police constable, reasonable written evidence that any vehicle owned by him/her has been regularly and properly mechanically serviced/maintained.
- at the time of the Councils mechanical and structural inspection test, provide *reasonable written evidence that any vehicle owned by him/her has been regularly and properly mechanically serviced/maintained.

*reasonable written evidence shall include, as a minimum:

- documented service/maintenance history and associated receipts

Wards Affected

All

Community Strategy Spine	Summary of the contribution to the strategy
Performance of the economy of the region and sub region	Not applicable to content this report
Reaching full potential in education and employment	Not applicable to the content of this report
Individual and collective self esteem – mutual respect	Not applicable to the content of this report
Neighbourhoods of Choice	Not applicable to the content of this report

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

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Background documents

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents

are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Current MCC Policy and conditions relating to private hire and hackney carriage vehicles. Licensing and Appeals Committee Reports of 7 June 2010 - Hackney carriage and private hire vehicle inspection results & 31 August 2010 - Hackney carriage and private hire vehicle inspection results. Local Government (Miscellaneous) Provisions Act 1976. Data provided by MCC – Hammerstone garage. MCC - Vehicle inspection manual. MCC - Hackney Carriage Vehicle Policy and MCC Private Hire Vehicle Proprietor Conditions

1.0 Introduction

- 1.1 Members of the Committee are aware that the primary reason for the legislation that underpins hackney carriage and private hire vehicle licensing is one of the 'safety' of the public.
- 1.2 Hackney carriage and private hire vehicle proprietors need to ensure that their vehicles are regularly serviced/maintained so that they are safe for both the travelling public and the individuals who drive them.
- 1.3 In relation to both hackney carriage and private hire vehicles the Council has an expectation of the standard that these vehicles should be serviced/maintained to. The current hackney carriage vehicle policy states:
 - 3.6 Vehicle Test Standards
 - a. The Council has produced a vehicle inspection manual that provides a working guide for those involved in the maintenance and preparation of hackney carriage vehicles for inspection. The vehicle inspection manual also gives the proprietor an insight into the type of examination a vehicle will be subjected to, and the standard to which the vehicle should be maintained. A vehicle inspection manual is issued to the proprietor when a vehicle is licensed for the first time. The manual is also available to view or download via the taxi web page at www.manchester.gov.uk/taxis
 - b. The proprietor must ensure that the hackney carriage vehicle is maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the validity of the vehicle's licence.
- 1.3.1 In relation to private hire vehicles the current private hire proprietor licence conditions states
 5. The Proprietor shall ensure the Private Hire vehicle shall be maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the continuation of the vehicle's licence in respect of the vehicle.
- 1.4 It is clear from the policy/conditions that proprietors of both hackney carriage and private hire vehicles must regularly service/maintain their vehicles in order that they can be maintained in a state whereby they would pass the Councils mechanical and structural inspection at anytime during the currency of a licence.
- 1.5 This Committee previously considered this issue and introduced measures aimed at reducing the percentage of hackney carriage and private hire vehicles failing their annual and six-monthly mechanical inspections. These measures have been in place since February 2009, with the exception of annual testing for brand new vehicles which was introduced in July 2009. These included;

- The introduction of a vehicle inspection manual.
 - Authorisation of vehicle inspectors to suspend vehicles.
 - Introduction of a re-test fee to be applied to vehicles requiring the use of the garage ramp facility or other technical equipment.
 - An annual test to be applied to brand new vehicles that are licensed [as opposed to the normal six monthly tests].
- 1.5.1 At its meeting of 31 August 2010, the Committee further approved additional testing for hackney carriage vehicles aged 7 years and over and private hire vehicles aged 5 years and over. These additional measures were introduced after the Committee considered the vehicle inspection data contained within that report. The additional testing commenced on 1 April 2011.
- 1.5.2 The Vehicle Inspection Manual provides a working guide for those involved in the preparation of private hire and hackney carriage vehicles for inspection, prior to being issued with a licence or having a licence renewed. It also provides the proprietor with an insight into the type of examination a vehicle would be subjected to, and the standard a vehicle should be serviced /maintained at, before it can be issued with a licence.
- 1.6 It is apparent that a number proprietors of both hackney carriage and private hire vehicles are continuing to fail to carry out regular servicing and maintenance of their vehicles and as it appears to a large extent using the Council vehicle testing station at Hammerstone Road as a pre-MOT test centre.
- 1.6.1 This is evidenced by the number of vehicles that are presented at Hammerstone garage for their mechanical inspection and subsequently fail on major retest items.

2. Background

- 2.1 The Council currently licence 1090 hackney carriage and 2900 private hire vehicles (data sourced 27 Nov 2014)
- 2.1.1 Figures supplied by the Councils vehicle test centre at Hammerstone Road show that between April 2013 and March 2014 2770 vehicles were subject to a *Major re-test. This equates to 230 re-tests per month
** a major retest is a retest where the items the vehicle has failed on cannot be inspected by a vehicle inspector without the use of garage equipment for example; headlamp pattern aim machine, ramp, emissions/brake testing machine*
- 2.1.2 More recent data for October 2014 shows the following;
242 **major** retests carried out. On average the garage carry out 9,200 tests every year (based over 46 weeks), which is approx 767 tests per month.
242 **major retests** would equate to approx 31.5% failure rate.

Again in October a total of 416 combined major and *minor retests were carried out, giving an overall failure rate of 54.2%.

**a minor retest is a retest where the items the vehicle has failed on can be inspected without the use of any garage equipment – ie can be visually inspected outside of the garage in the parking area.*

- 2.2 Whilst it is recognised that a number of both hackney carriage and private hire vehicle proprietors regularly maintain and service their vehicles it is of concern from the data supplied by Hammerstone Road that there is a relatively high percentage of vehicle proprietors who do not.
- 2.3 Immediately prior to mechanical inspection tests at Hammerstone Road vehicles will have been transporting the travelling public around. Where vehicles subsequently fail mechanical inspections on major items there must be a question related to those vehicle(s) as to whether they are safe and fit for purpose immediately prior to the test.

3.0 Proposal

- 3.1 Current MCC policies and conditions as highlighted in paragraphs 1.3 and 1.31 above already state that the proprietor must ensure that the hackney carriage vehicle is maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the validity of the vehicle's licence.
- 3.1.1 To make this condition more robust and ensure that hackney carriage and private hire vehicles licensed in Manchester are, as far as is possible, safe and fit for purpose both for the travelling public and individuals who driver them officers have proposed that an addendum to the policy/conditions should be applied as follows:

Hackney Carriage Vehicle Policy Section 3 (Miscellaneous Policies and Standards)

3.6 Vehicle Test Standards

B(i) The hackney carriage vehicle proprietor must:

- at any time during the currency of the hackney carriage vehicle licence be able to produce on request by an authorised officer of the Council or a police constable, *reasonable written evidence that any vehicle owned by him/her has been regularly and properly mechanically serviced/maintained.
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- *reasonable written evidence shall include, as a minimum:
 - documented service/maintenance history and associated receipts

Hackney carriage Vehicles Policy Section 5 (5.1 Conditions attached to a Hackney Carriage Proprietors' Licence

6. (i) The hackney carriage vehicle proprietor must:

- at any time during the currency of the hackney carriage vehicle licence be able to produce on request by an authorised officer of the Council or a police constable, *reasonable written evidence that any vehicle owned by him/her has been regularly and properly mechanically serviced/maintained.
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*reasonable written evidence shall include, as a minimum:

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5(i) The private hire vehicle proprietor must:

- at any time during the currency of the private hire vehicle licence be able to produce on request by an authorised officer of the Council or a police constable, *reasonable written evidence that any vehicle owned by him/her has been regularly and properly mechanically serviced/maintained.
- at the time of the Councils mechanical and structural inspection test, provide *reasonable written evidence that any vehicle owned by him/her has been regularly and properly mechanically serviced/maintained.

*reasonable written evidence shall include, as a minimum:

- documented service/maintenance history and associated receipts

3.2 The proposal outlined above would not affect those proprietors who currently maintain their vehicles by means of regular service/maintenance. It will impact on those proprietors who choose not to regularly service and maintain their vehicles and will ensure compliance with the current Policy and conditions and outlined in 1.3 and 1.3.1 of the report.

3.2.1 The proposals have been worded in such a way as to have the least impact on hackney carriage vehicle proprietors who are conscientious in servicing /maintaining their own vehicles to the standard required by the Council ie not subjecting vehicles to additional inspections at a garage.

4.0 Legislation

4.1 Sections 47 and 48 of the local Government (Miscellaneous Provisions) Act 1976 provide the Council with the authority to attach conditions to the grant of a licence for a hackney carriage and a private hire vehicle proprietor.

4.1.1 Conditions must be reasonable and any person aggrieved by any such conditions may appeal to a magistrates' court.

5.0 Other legal implications

5.1 There are no other legal implications to consider other than those already highlighted within the report.

6.0 Contributing to the Community Strategy

6.1 (a) Performance of the economy of the region and sub region

6.2 (b) Reaching full potential in education and employment

6.3 (c) Individual and collective self-esteem – mutual respect

6.4 (d) Neighbourhoods of Choice

7.0 Key Policies and Considerations

(a) Equal Opportunities

(b) Risk Management

The figures from Hammerstone Road garage indicate that a number of vehicle proprietors are presenting their vehicles for test and they are subsequently failing on a number of major retest items. Passengers will have been travelling in these vehicles prior to the test. Vehicles that have such mechanical faults may make them unsafe ie defective tyres, brakes. There are risks that if the council does not address this issue any accidents, which happen as a result of such mechanical faults, could result in litigation by injured parties.

(c) Legal Considerations

8. Conclusion

8.1 The report outlines the current policy and conditions relating to the requirement for hackney carriage and private hire vehicle proprietors to maintain their vehicles in a sound mechanical and structural condition at all times and is capable of satisfying the Council's mechanical and structural inspection at any time during the validity of the vehicle's licence.

- 8.2 From the information provided by Hammerstone garage there is a strong indication that a number of vehicle proprietors are not regularly servicing and maintaining their vehicles.
- 8.3 The indications are that some proprietors are using Hammerstone Road as a 'pre MOT inspection' and then rectifying any remedial works identified by such a test.
- 8.4 The report includes a proposal within paragraph 3 to strengthen policy/conditions in order to ensure any hackney carriage or private hire vehicle licensed in Manchester is safe and fit for purpose and that an addendum should be applied to current policy/conditions as outlined in 3.1.1 of the report.
- 8.4.1 Whist the intention is to strengthen policy/conditions the proposals have been worded in such a way as to have the least impact on hackney carriage vehicle proprietors who are conscientious in servicing/maintaining their own vehicles to the standard required by the Council i.e. not subjecting vehicles to additional inspections at a garage.