

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT: Approved Testing Stations for Inspection of Hackney Carriage and Private Hire Vehicles
DIRECTORATE: Social Care, Safeguarding and Health
MEETING: Licensing and Regulatory Committee
Date to be considered: 8 th March 2022
DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

- 1.1 To replace contracts with an approval scheme for garages to carry out inspections of Hackney Carriage and Private Hire Vehicles within the County of Monmouthshire.

2. RECOMMENDATIONS:

- 2.1 Members agree to the Approved Testing Station Scheme, which will be subject to the specified Terms and Conditions before approval is granted, to commence on 1st April 2022. The approved testing stations are for the purposes of Hackney Carriage and Private Hire vehicle inspections within the County of Monmouthshire.

3. KEY ISSUES

- 3.1 The Licensing and Regulatory Committee on 23rd February 2021 agreed to extend the contracts that were held with Monmouthshire for the purposes of testing hackney carriage and private hire vehicles, from 1st April 2021 to 31st March 2022, whereby the contracts would cease. Those who held the contracts with this Authority were made aware of the extension to their contract and the date of termination.
- 3.2 All vehicles for the purpose of Hackney Carriage and Private Hire must be suitable in type, size and design and it is in a suitable mechanical condition, safe and comfortable. Furthermore, it is further required that Private Hire Vehicles must not be of such design or appearance as to lead any person to believe that the vehicle is a Hackney Carriage in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. This is further reflected in Monmouthshire County Council's Taxi and Private Hire Policy and Conditions 2020.
- 3.3 Section 50 of the Local Government (Miscellaneous Provisions) Act 1976 allows a Council to require the testing of hackney carriages and private hire vehicles by, or on behalf of, the Council at such place as they reasonably give notice, for up to three occasions in a year.

The current policy of Monmouthshire requires the following testing of such vehicles

- Vehicles under 1 year from date of first registration do not require a test.
- Vehicle under 5 years from first registration must be tested annually.
- Vehicles over 5 years from first registration must be tested every 6 months.
- Vehicles over 10 years from first registration must be tested every 4 months.

Currently Monmouthshire licence 94 hackney carriages and 85 private hire vehicles.

- 3.4 Section 50 of the Local Government (Miscellaneous Provisions) Act 1976 also states, Council's testing centres should be within its own administrative area.
- 3.5 This report requests that this Authority move away from issuing contracts for the purposes of testing as stated in 3.3 above, which is currently restricted to 14 garages. It is proposed not to tender for one testing centre but more simply have an approval scheme in place. This will open up to the possibility of up to 45 MOT testing stations within the County being part of the testing regime. This will make it easier for the vehicle owners to receive a test and to have a choice of garages.
- 3.6 Newport City Council currently adopt the approval scheme, with neighbouring Authorities such as Caerphilly, Torfaen and Blaenau Gwent proposing a review of their testing.
- 3.7 It is proposed that all 45 MOT that are within the County of Monmouthshire in accordance with 3.4 above will be given the opportunity to apply to be an approved garage for testing, providing they meet the terms and conditions. See Appendix A of this for the application form and terms and conditions.
- 3.8 The terms and conditions are based on the Newport model but with certain differences being (i) There is no restriction on how much an approved garage can charge, that will be a matter of market forces and choice of the vehicle owner as to the garage they use. (ii) Testing and pre-testing will be a matter for the garage to organise. (iii) The Garage does not need to be registered with VOSA for more than a year. The reason for not including this restriction is because a VOSA testing station will be bound by VOSA conditions to the garage being a testing station, regardless of length of time of carrying out tests. (iv) It is proposed that this Authority retain the breaches relating to fraud and bribery.
- 3.9 The Licensing Authority also discussed the proposed changes on 21st February 2022 with a current contract holder, who has an approved MOT testing station and who also holds a Hackney Carriage and Private Hire driver and vehicle licence with this Authority. The proposals and the new terms and conditions were discussed, which was fully supported, in particular the requirement to use green rated MOT testing stations. He further explained that there are three bandings by VOSA being Green, Amber and Red, stating Green is the top rating with Amber requiring improvements and Red would have serious failings that may have the MOT station being struck off. He suggested that no certificates are issued stating the ranking of a garage but can be viewed by Officers on-line to verify their status. He welcomed the auditing of garages by Officers and suggested this could be done initially to verify the VOSA status.
- 3.10 The Licensing Authority may, at its sole discretion, approve a vehicle testing station to carry out the testing on Hackney Carriage and Private Hire Vehicles, to ensure the vehicles are safe and comfortable and in every way fit to offer a hire and reward service.
- 3.11 Applicants will only receive Council approval if it meets the stated terms and conditions. The changes made from the old contracts to the new terms and conditions are highlighted in red within Appendix A attached to this report. A site visit will be required to be undertaken by the Licensing Authority and audit inspection will also be undertaken to ensure compliance.

4 REASONS

4.1 To provide a simpler, fairer and easier to access garage approval scheme to commence on 1st April 2022.

5. RESOURCE IMPLICATIONS:

5.1 Fees are set out to ensure the recovery of reasonable costs.

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS:

6.1 An evaluation has been provided in Appendix B to consider the effect of the garage contracts for the purpose of Hackney Carriage and Private Hire Licensing.

7. CONSULTEES:

None

8. BACKGROUND PAPERS:

None

9. AUTHOR:

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monmouthshire
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Date/Dyddiad:

APPENDIX A

Dear

Re: Hackney Carriage (Taxis) & Private Hire Vehicle Testing for Monmouthshire County Council.

I am writing to you as a registered DVSA MOT centre within the Monmouthshire boundary to see if you would be interested in becoming an approved garage to facilitate the testing of Monmouthshire County Council's Hackney Carriage (Taxis) and Private Hire fleet. Historically this has been undertaken by an approved contractor, though it is now been determined to have a number of testing centres that are approved by the authority to undertake the taxi and private hire vehicle tests within the boundary of Monmouthshire.

Currently Monmouthshire County Council licence approximately 179 Taxis and Private Hire vehicles. Vehicles under 1 year old from the date of first registration do not require a test, under 5 years from first registration must be tested annually, vehicles over 5 years from first registration must be tested every 6 months, vehicles over 10 years from first registration must be tested every 4 months.

(A copy of the Council standards and the terms and conditions that are required to be an approved testing stations are attached to this letter)

If you are interested of becoming an approved testing centre it would be very much appreciated if you could complete the attached form to express your interest. If you require further details or information or simply have wish for an informal chat please do not hesitate to contact Licensing on 01873 735420 or e-mail licensing@monmouthshire.gov.uk

Yours sincerely

Licensing Section
Monmouthshire County Council



Monmouthshire County Council,
Licensing Section, Abergavenny
Community Education Centre, Old
Hereford Road, Abergavenny, NP7 6EL

Application of Interest to be an approved garage to undertake Hackney Carriage & Private Hire Vehicle Inspection.

I/We

Garage Details (Postal Address of Garage)

Telephone Number :

E-mail Address:

Contact Name and Contact details Regarding correspondence associated with this application if different from above:

Please tick indicate

- I Understand the Terms and Conditions for the Approved Vehicle testing Centre and the above named garage(s) will be able to meet All the terms and conditions. ()

Signed Date.....

Delegation:.....

The Licensing Authority will contact you within 14 working days to go through the full procedure of registration and documents that will be required as part of the registration. If you have any questions please contact Licensing on 01873 735420.

Please return this form to
Monmouthshire County Council, Licensing Section, Abergavenny Community Education Centre, Old Hereford Road, Abergavenny, NP7 6EL or e-mail the form to licensing@monmouthshire.gov.uk

Monmouthshire County Council (MCC)

Terms and Conditions for Approved Testing Stations (ATS)

The Licensing Authority may at its sole discretion approve vehicle testing station(s) to carry out the testing of hackney carriage and private hire vehicles to ensure the vehicles are safe and comfortable and in every way fit to offer a hire and reward service.

The terms and conditions will be reviewed as and when necessary, but no later than a 3 year period, for a review to take place by the Council. All DVSA MOT stations within the Monmouthshire boundary will be notified of such changes. Which will give new stations the opportunity to be approved and to ensure the existing approved testing stations are able meet the revised terms and conditions.

The testing centre must be within the boundaries of Monmouthshire County Council (MCC) in accordance with section 50 of the Local Government (Miscellaneous Provisions) Act 1976.

DUTIES, RESPONSIBILITIES & OBLIGATIONS OF AN APPROVED TESTING STATION

- 1 It shall be the duty of each approved testing station to fully implement the provisions set out below:
2. It shall be the duty of each approved testing station to ensure good standards of passenger comfort and safety of all hackney carriage/private hire vehicles are met. Ensuring only vehicles meeting the environmental and road safety standards required by law (MOT standard) and the comfort and appearance required by MCC in respect of the additional testable items within MCC's schedule of vehicle testing (see Appendix 1), receive a pass inspection certificate.
3. It shall be the duty of each, approved testing station, to provide facilities to enable the licensing authority to monitor and audit any vehicle inspections and retained inspection certificates at all reasonable times.
4. The testing station will be responsible for receiving and retaining bookings made by customers for Hackney Carriage/Private Hire vehicle inspections.
5. It shall be the duty of each approved testing station to comply with the requirements of the Health and Safety at Work etc. Act 1974 and any related Statutory Instruments. This is in order to protect employees, members of the public and other people who may come into the testing station.
6. Every approved testing station shall be liable for and indemnify the Council against any accident and/or loss arising to property, persons or vehicles whilst at the testing station for a vehicle inspection. It will be the responsibility of the approved testing station to meet any expense, liability, loss, claim or proceedings in respect to any injury, damage, harm to property or for personal injury or death in relation to the vehicle testing.
7. The owners/directors of an approved testing station shall attend meetings with the Council if required.

TESTING STANDARDS

The testing station shall be required:

8. To undertake the testing of hackney carriage and private hire vehicles at the request, and on behalf, of MCC's licensing authority. The test shall be the MOT test prescribed by the Secretary of State for Transport and also the licensing authority's requirements contained in the current version of MCC's Schedule of Testing as additional testable Items; (See Appendix 1)
9. The approval of the testing station shall terminate with immediate effect in the event the station ceases to hold its status as a DVSA approved MOT testing station. The testing station must inform the Licensing Section of MCC immediately if it ceases to hold its MOT status through DVSA.
10. To hold a "green rating" (low risk rating) under the DVSA Risk Assessment for MOT testing centres. The owner/director(s) must provide proof of this green rating to the Licensing Section of MCC.

PERSONNEL

The testing station shall be required:

11. That each vehicle inspection on behalf of MCC shall be carried out by an approved nominated tester who has passed the Driver and Vehicle Standards Agency (DVSA) MOT demonstration test.

12. The testing station must ensure the vehicle tester or other personnel employed at the premises understand the procedure for scanning and sending the vehicle test certificate to the Council as detailed below.

FACILITIES AND DOCUMENTATION

The testing station shall be required:

13. To permit authorised officers of the licensing authority access to the premises at all reasonable times, including whilst hackney carriage and private hire vehicles are undergoing a test.

14. At the time of inspection to complete a current schedule of test ticklist provided by the Council and when completed to issue an inspection certificate in the form approved by the Council. The inspection certificate must be clearly marked with the time and date in digital format of the inspection and must also have the unique stamp or identifier of the testing station. When the test is completed to produce the white inspection certificate to the driver of the vehicle and retain the carbon copy at the approved testing station. The carbon copy document should be retained by the garage for 12 months.

15. It is the Approved Testing Station personnel's duty to inform the Council if they require the authorised testing certificates from the Council in order to carry out their tests as approved by MCC.

16. The testing station must email a copy/scan document of the Pass or Fail on the same day as the inspection to the Council at licensing@monmouthshire.gov.uk or to such other email address as maybe notified in writing by the Council. The Pass Certificate should state any advisory notes written by the examiner. If the vehicle Fails the test the examiner must state the failures and produce a copy of the test schedule with all the defects found.

17. Customers can conduct a renewal test no more than three weeks ahead of the expiry date of their current Monmouthshire test certificate. If the vehicle passes the test, the testing garage can extend the testing certificate to commence on the expiry date of the current inspection certificate produced by the customer.

18. to refer immediately to the licensing authority any disagreement or dispute over the vehicle test result, or other dispute in connection with the testing of a hackney carriage or private hire vehicle.

19. The owner/director(s) of the approved testing station, shall at its own cost provide a copy of any insurance policy or certificate held by it to the Council, if so requested.

20. All Hackney Carriage/Private Hire Vehicle inspections on behalf of the Council shall be required to be conducted at approved testing stations only. No licence may be granted by the Council for any vehicle over 12 months of age without a copy of a Passed vehicle inspection certificate completed by an MCC approved testing station.

BREACHES OF TERMS AND CONDITIONS

In relation to the breach of any of the terms and conditions the following sanctions may be applied:

21. In the event of a serious breach (or repeated minor breaches) of above terms and conditions in the opinion of licensing authority, the matter shall be referred to the **Head of Public Protection/Licensing and Regulatory Committee** (or senior officer for consideration of removing the station from the councils approved list.)

22. Minor breaches of terms and conditions may be resolved by consultation with licensing Authority. However, where it is deemed appropriate, a written warning letter will be issued to the testing station. Should any testing station receive more than two such written warnings in a twelve month period, the matter shall be referred to the **Head of Public Protection/Licensing and Regulatory Committee**, as in (a) above.

23. Where breaches relate to an examiner's repeated failure to achieve the standard of testing required by the Licensing Authority an examiner may be removed from the approved list for that testing station. The testing station would then be required to provide a replacement examiner; failure to do so could result in the Council removing the station from the list of approved testing stations by the **Head of Public Protection/Licensing and Regulatory Committee**.

24. The Council shall be entitled to cancel the operators Approved Testing Station status if the operator shall have offered or given or agreed to give to any person any gift or consideration of any kind or if the operator shall have committed any offence under the Bribery Act 2010 or shall have given any fee or reward the receipt of which is an offence under sub-section (2) of Section 117 of the Local Government Act 1972 or any re-enactment thereof.

25. If the operator becomes bankrupt or makes a composition or arrangement with its creditors or having a winding up order made or (except for the purposes of reconstruction) a resolution for voluntary winding up passed or a

provisional liquidator receiver or member of its business or undertaking duly appointed or possession is taken by or on behalf of any creditor of any property the subject of a charge

MONMOUTHSHIRE COUNTY


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COUNCIL

HACKNEY CARRIAGE / PRIVATE HIRE VEHICLES
**Schedule of items to be inspected to assess fitness
of a vehicle to be used as a Hackney Carriage / Private Hire Vehicle**

(Please indicate test findings in the space provided on the vehicle test certificate)

Vehicle Details:-

Registration No. _____ **Chassis No.** _____
Model/Type of Body _____ **Type of Vehicle** _____ **Engine Capacity**

Firm and / or Owner _____

General	
1. Exterior and interior licence plates fitted (renewal licences only)	Pass/ Fail
2. Seating capacity 8 or less passengers (on renewal vehicles check number of seats match the number of passengers shown on licence)	Pass/ Fail
3. At least one window on each side of the vehicle, the front windscreen must be checked for cracks at MOT standard. Other windows manufactured to open and close are checked and in working order	Pass/ Fail
4. Sufficient means for communicating with the driver	Pass/ Fail
5. At least two passenger doors. All doors able to open and close correctly from inside and outside the vehicle	Pass/ Fail
6. Separate door for the driver	Pass/ Fail
7. Windscreen washers in working order	Pass/ Fail
8. Windscreen wipers in working order	Pass/ Fail
9. First aid kit with the registration number of the vehicle displayed on the box	Pass/ Fail
10. Only advertising for the hackney carriage/ private hire firm is permitted on the vehicle. Advertising must be; <ul style="list-style-type: none"> • Uncluttered • Not obstructing a window view • Not shown on screens 	Pass/ Fail
11. Proper carpet, mat or other suitable covering for the floor maintained in a good condition	Pass/ Fail
12. The rear door/boot lid supporting arms/gas struts shall be well maintained and easily capable of supporting the door/lid	Pass/ Fail
13. Luggage storage must be provided for the number of passengers carried	Pass/ Fail
Seats	
A. Seats Properly cushioned or covered	Pass/ Fail
B. Seats shall have a minimum width of 400mm per passenger. With a bench seat for 3 passengers, the minimum of 1200mm shall be measured at the narrowest point e.g. between the armrests	Pass/ Fail
C. There must be a minimum of 200mm legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front	Pass/ Fail
D. There must be a minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining	Pass/ Fail
E. Seats shall face forwards or rearwards to the direction of travel. They may not be sideways facing to the direction of travel	Pass/ Fail
F. Right hand drive vehicle	Pass/ Fail

Steering	
A. Steering checked to MOT standard	Pass/ Fail
B. Steering and power steering components	Pass/ Fail
C. Power steering	Pass/ Fail
D. Wheel and column	Pass/ Fail
E. Linkages, swivel pins etc	Pass/ Fail
Suspension	
A. Suspension tested to MOT standard	Pass/ Fail
B. Shock absorbers	Pass/ Fail
C. Suspension components	Pass/ Fail
Brakes	
A. Efficiency of foot brake and hand brake tested	Pass/ Fail
B. Brake system	Pass/ Fail
C. Pedal travel	Pass/ Fail
D. Air in system	Pass/ Fail
E. Hand brake travel	Pass/ Fail
F. Cylinder leaks	Pass/ Fail
G. Brake fluid level	Pass/ Fail
H. Uneven braking	Pass/ Fail
I. Brake pipes	Pass/ Fail
Transmission	
A. Transmission tested to MOT standard	Pass/ Fail
B. Gear box	Pass/ Fail
C. Propeller shaft and universal joints	Pass/ Fail
D. Final drive	Pass/ Fail
Other under bonnet	
A. Mountings	Pass/ Fail
B. Low power	Pass/ Fail
C. Oil Leaks	Pass/ Fail
D. Speed limiter (if applicable)	
E. Water Leaks	Pass/ Fail
F. Ancillaries	Pass/ Fail
Vehicle Emissions Check	
A. Emissions check to MOT standard	Pass/ Fail
Wheels and Tyres	
A. Road wheels must be fitted with the manufacturer's recommended tyre type and size. All tyres must be either all cross ply or all radials and have a minimum tread depth of 1.6mm across 75% of the tyre (remould tyres are not acceptable unless they are clearly marked showing that they comply with British Standards and current legal requirements).	Pass/ Fail
B. Tyre pressure correct to the manufactures guidance.	Pass/ Fail
C. A spare tyre of the same type as fitted to the road wheels; a jack and wheel brace must be carried where originally fitted by the manufacturer, or a space saver wheel manufactured for the vehicle, or a puncture repair kit is supplied as standard by the manufacturer.	Pass/ Fail
D. Wheel bearings	Pass/ Fail
E. Wheel nuts and studs	Pass/ Fail
F. Tyre play/movement	Pass/ Fail
Chassis/ Sub-Frame	
A. Spring and suspension anchor points	Pass/ Fail
B. Underbody Corrosion	Pass/ Fail
C. Fuel system including tank and pipes	Pass/ Fail
D. Exhaust system	Pass/ Fail
Body Exterior	

A. Damaged or dangerous panels and bumpers	Pass/ Fail
B. Registration plate securely fitted and clearly visible	Pass/ Fail
C. Registration plate lamps	Pass/ Fail
D. Windscreen blades and washers	Pass/ Fail
E. Conditions of paintwork (no untreated rust, holes, damaged metal)	Pass/ Fail
F. Roof light connected to taxi meter in working order, displaying word "Taksi" on the front and "Taxi" on the rear (Hackney Carriage renewals only)	Pass/ Fail (renewal only)
G. The roof must be watertight with no sign of leaks	Pass/ Fail
H. 2x Side mirrors fitted and glass not damaged	Pass/ Fail
I. Fuel tank cap	Pass/ Fail
J. Bonnet secure and in working order	Pass/ Fail
K. Towbars	Pass/ Fail
Body Interior	
A. Cleanliness throughout the vehicle, including the boot area, Clean and tidy (Suitable for paying passengers, no rubbish or driver personal belongings including the boot area that would minimize luggage capacity)	Pass/ Fail
B. Seat belts checked for safety and should not be stiff or difficult to pull	Pass/ Fail
C. Seat anchors	Pass/ Fail
D. Vehicle upholstery sufficient. Cloth or seat covering comfortable without any open tear or cigarette burns visible	Pass/ Fail
E. A 'No-Smoking' sign is displayed in each compartment of the vehicle in which people can be carried. This sign must show the international 'No-Smoking' symbol at least 70mm in diameter.	Pass/ Fail
F. Interior rear view mirror with clear view through the vehicle	Pass/ Fail
Dashboard	
A. Clean and visible without damage	Pass/ Fail
B. No warning lights displayed (airbags, ABS, engine management, oil, service)	Pass/ Fail
C. Odometer/Speedometer in working condition	Pass/ Fail
D. Driver controls in working order	Pass/ Fail
Other	
A. Headlights working and aim checked	Pass/ Fail
B. Side lights working	Pass/ Fail
C. Indicators working	Pass/ Fail
D. Hazard warning lights working	Pass/ Fail
E. Break lights working	Pass/ Fail
F. Fog lamps working	Pass/ Fail
G. Reverse lights working	Pass/ Fail
H. Interior lights working	Pass/ Fail
I. Battery and leads	Pass/ Fail
J. Horn	Pass/ Fail
K. Any wiring defects	Pass/ Fail
L. All reflectors un-damaged	Pass/ Fail
M. Any reason a vehicle would not pass a MOT	Pass/ Fail
N. Road Test	Pass/ Fail
Trailers	
O. The trailer shall at all times comply with all Road Traffic legislation requirements, Tyres, lights and stability must be tested	Pass/ Fail
P. Vehicle registration number clearly displayed	Pass/ Fail
Q. Exterior Private Hire/Hackney Carriage Licence displayed (renewal licence only)	Pass/ Fail

I certify the vehicle named above has been fully tested against the above criteria. Any failed criteria is clearly written on the vehicle test certificate to be produced to the licensing section, extra pages to be used if required.

Examined by;

Name in Block Letters: _____

Signature: _____

Date: _____

Garage official stamp or seal :-

A large, empty rectangular box with a thin black border, intended for a garage official stamp or seal.