

## Regulatory and Appeal Committee – 18 January 2021

<b>Title of paper:</b>	Change to the Age & Specification policy – requirement for MOT inspections		
<b>Director(s)/ Corporate Director(s):</b>	Andrew Errington Director Community Protection	<b>Wards affected:</b> All	
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<b>Other colleagues who have provided input:</b>	Ann Barrett, Team Leader, Legal services		
<b>Date of consultation with Portfolio Holder(s) (if relevant)</b>			
<b>Relevant Council Plan Key Theme:</b>			
Nottingham People			<input type="checkbox"/>
Living in Nottingham			<input checked="" type="checkbox"/>
Growing Nottingham			<input type="checkbox"/>
Respect for Nottingham			<input type="checkbox"/>
Serving Nottingham Better			<input type="checkbox"/>
<b>Summary of issues (including benefits to citizens/service users):</b>			
<p>On 18 December 2017 this Committee approved an Age &amp; Specification Policy for Hackney Carriages and Private Hire Vehicles.</p> <p>One of the requirements of this policy is that all Hackney Carriages &amp; Private Hire Vehicles that are over three years old from the date of first DVLA registration will be subject to six monthly MOT inspections carried out by Nottingham City Council Testers,</p> <p>Under this age, licensed vehicles are subject to 12 monthly MOT inspections carried out by Nottingham City Council Testers.</p> <p>Following the impact of Covid-19 on the Trade and the investments that are being made in purchasing compliant hackney carriages, representations have been made by hackney carriage driver's associations to increase the period for the requirement for hackney carriages for six monthly MOT inspections from three years to five years.</p>			
<b>Recommendation(s):</b>			
<b>1</b>	To amend the Council's Age & Specification Policy for Hackney Carriages and Private Hire Vehicles to require Hackney Carriages to undergo an MOT test every six months from when a vehicle is over five years old from date of first DVLA registration rather than 3.		

## **1 Reasons for recommendations**

- 1.1 From 01 January 2020 no hackney carriage will be licensed by Nottingham City Council unless it is a minimum of a euro 6 diesel or a ZEC ULEV.
- 1.2 This has required hackney carriage proprietors to make significant financial investment to purchase compliant hackney carriages that meet the Council's Age & Specification policy.
- 1.3 The Covid-19 pandemic has reduced demand for the use of hackney carriages and could have a long lasting effect on both the daytime and night time economy.
- 1.4 Amending the requirements of the Council's policy so that six monthly MOT testing is only required once a vehicle reaches 5 years of age will not have a significant impact on vehicle safety.

## **2 Background (including outcomes of consultation)**

- 2.1 Section 50 of the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') states that 'Without prejudice to the provisions of section 68 of this Act, the proprietor of any hackney carriage or of any private hire vehicle licensed by a district council shall present such hackney carriage or private hire vehicle for inspection and testing by or on behalf of the council within such period and at such place within the area of the council as they may by notice reasonably require:

Provided that a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months'.

- 2.2 Section 68 of the Act states 'Any authorised officer of the council in question or any constable shall have power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any hackney carriage or private hire vehicle licensed by a district council, or any taximeter affixed to such a vehicle, and if he is not satisfied as to the fitness of the hackney carriage or private hire vehicle or as to the accuracy of its taximeter he may by notice in writing require the proprietor of the hackney carriage or private hire vehicle to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or constable is so satisfied'.
- 2.3 The cost of a yearly licence for a hackney carriage is £210 for the issue of the licence and £63 for the cost of the MOT, total cost £273. The cost for a 6 monthly licence is £105 for the issue of the licence and £63 for the cost of the MOT, total cost £168.
- 2.4 The possible savings to the proprietor of a hackney carriage by increasing the 12 monthly licence/MOT period would be £63 a year.
- 2.5 There is no standard criteria for testing hackney carriages nationally. Other Core Cities have the following requirements;

- Bristol City Council – Test every 12 months for the first 8 years and then every 6 months.
- Manchester City Council – 1 MOT for a hackney carriage under 12 months old, then every 6 months. When the vehicle reaches 7 years old, a test is carried out every 4 months.
- Liverpool City Council – A yearly MOT up to the age of 11 years and then every 6 months.
- Cardiff City Council – A test every 12 months up to a maximum age of 10 years.
- Newcastle City Council - A test every 12 months up to 2 years old and then every 6 months.
- Leicester City Council - A test every 6 months
- Derby City Council – A test every 12 months up to 5 years of age and then every 6 months.
- Transport for London – No test required for first 12 months and then every 6 months.

2.6 A recent check with the testing station has revealed that no hackney carriage between 3 and 5 years old has failed the enhanced MOT test within the last four months. It is not therefore felt that increasing the age limit from which 6 monthly MOT testing applies will have a significant impact on vehicle safety especially at the current time when usage of vehicles is likely to be reduced due to the pandemic.

### 3 Other options considered in making recommendations

3.1 None

### 4 Finance colleague comments (including implications and value for money/VAT)

4.1 This policy will affect the MOT requirements for Hackney Carriages. Following adoption of this policy, Hackney Carriages will be required to have an MOT every 12 months rather than every 6 months when the vehicle is between 3 and 5 years old.

4.2 The MOTs for Hackney Carriages are undertaken by the Council's Fleet service for a fee of £63 per MOT. The financial impact of this decision is as follows:

Current Number of Taxis between 3 and 5 years	148	Total Number of Hackney Carriage	420
MOT fee	£63	MOT fee	£63
Lost revenue to Fleet Service per annum	<b>£9,324</b>	Maximum lost revenue to Fleet Service per annum if / when all cars are less than 5 years	<b>£26,460</b>

4.3 The above table shows the financial impact of this decision on the Council's Fleet Services. The service will need to cover this lost income from new business and / or reduce costs in order to avoid an overspend position.

Maria Balchin, Senior Commercial Business Partner, 6 January 2021.

**5 Legal and Procurement colleague comments (including risk management issues, and legal, Crime and Disorder Act and procurement implications)**

5.1 As a licensing authority the Committees primary concern must be to protect the safety of the travelling public. As indicated in the main body of the report MOT failure rate of hackney carriage vehicles between the ages of 3 and 5 years is low and increasing the age limit at which 6 monthly testing applies would appear to be unlikely to have a significant impact on public safety especially given the Council's statutory powers to require testing and the statutory duty on proprietors to report accidents which cause damage which materially affects the safety performance or appearance of the vehicle.

The proposed change of policy would therefore appear to be within the bounds of what is lawful and reasonable

Ann Barrett, Team Leader, Legal Services, 5 January 2021

**6 Equality Impact Assessment (EIA)**

6.1 Has the equality impact of the proposals in this report been assessed?

No

An EIA is not required because: This report does not include substantive changes to policy, services or functions that negatively impact differentially on any group with protected characteristics

Yes

**7 List of background papers other than published works or those disclosing confidential or exempt information**

7.1 None

**8 Published documents referred to in compiling this report**

8.1 Nottingham City Council's Age & Specification Policy relating to Hackney Carriage and Private Hire Vehicles.