

# Nottingham City Council

## Regulatory and Appeals Committee

Minutes of the meeting held at remotely via Zoom -

<https://www.youtube.com/user/NottCityCouncil> on 18 January 2021 from 10.02 am - 10.27 am

### Membership

#### Present

Councillor Toby Neal (Chair)  
Councillor Gul Nawaz Khan (Vice Chair)  
Councillor Cheryl Barnard  
Councillor Audrey Dinnall  
Councillor Angela Kandola  
Councillor Chantal Lee  
Councillor Dave Liversidge  
Councillor Nick Raine  
Councillor Roger Steel (as a substitute)  
Councillor Adele Williams

#### Absent

Councillor Samuel Gardiner  
Councillor Andrew Rule  
Councillor Mohammed Saghir

### Colleagues, partners and others in attendance:

Ann Barrett	- Team Leader, Legal Services
Paul Dales	- Chief Environmental Health Officer
Kate Morris	- Governance Officer

### 24 Apologies

Councillor Andrew Rule – Councillor Roger Steel as a substitute.

### 25 Change in Membership

**Resolved to note the resignation of Councillor Sajid Mohammed from the Committee.**

### 26 Declarations of Interests

None

### 27 Minutes

The minutes of the meeting held on 14 December 2020 were confirmed as a true record and were signed by the Chair.

### 28 Urgent Non-Executive Decision taken by the Chief Executive under Delegation 24

Paul Dales, Chief Environmental Health Officer, outlined the actions taken and updated the Committee on the changes to the Hackney Carriage and Private Hire Vehicle Licensing Policy confirmed by an urgent decision taken under Delegation 24. He highlighted the following points:

- (a) This decision allows taxi owners to use external MOT providers for their enhanced tests when there is no capacity at the Eastcroft depot centre. This change will be applied on a case by case basis. Where possible testing will still take place at the Eastcroft Facility;
- (b) Capacity at Eastcroft is currently limited due to the Covid-19 pandemic. Up until recently the facility had been running as normal;
- (c) The deviation from agreed Policy will ensure that drivers are able to have their vehicles tested and licenced without unreasonable delay and reduces the time that their vehicle will be off the road, and the potential loss of earnings that they may incur;
- (d) The Chair of the Regulatory and Appeals Committee was consulted along with the opposition representative for the Committee, both of whom were in agreement around the urgent change to policy;
- (e) This is a temporary measure and the original policy will be reinstated when normal capacity at Eastcroft testing centre is returned. There are plans to open additional testing centres for the Enhanced MOT in the future which will help to alleviate this issue going forward;

The Committee noted the change to the Policy and the use of Delegation 24.

## **29 Change to the Age & Specification policy - requirement for MOT inspections**

Paul Dales, Chief Environmental Health Officer introduced the report to the Committee seeking to change the Age and Specification Policy for Hackney Carriages and Private Hire Vehicles around the requirement for MOT inspections. The following points were highlighted during discussion:

- (a) The report seeks to amend the policy to require Private Hire and Hackney Carriage vehicles to undergo 6 monthly MOT testing once the vehicle is over five years old, from date of first DVLA registration, rather than the current three years;
- (b) There is no national criteria set. Policies in other Core Cities vary, requiring 6 monthly testing from 12 months post registration, through to 11 years post registration and so the changes proposed do not set Nottingham City apart from comparators;
- (c) Changes to the policy will not compromise passenger safety. Section 68 of the Local Government Miscellaneous Provisions Act 1976 allows for any authorised officer of the Council or any Constable to inspect and test the vehicle if they are not satisfied that the vehicle is fit for purpose. No vehicles aged between three and five years old have failed the MOT within the last four months. It remains the duty of the driver to ensure the vehicle is road worthy on a daily basis;

- (d) The change to this policy will help to support drivers through the difficult operating environment currently caused by the Covid 19 pandemic. The change will reduce costs for drivers by £63 per year;
- (e) There has been ongoing discussion with the trade in order to help support them through the pandemic. However as a Licensing Authority the driving factor of Policy is the safety of users and this has been the primary focus throughout discussions;

**Resolved 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 three.**

### **30 Exclusion of the Public**

The Committee decided to exclude the public from the meeting to discuss the exempt minutes of the last meeting held on 14 December 2020 in accordance with Section 100A(4) of the Local Government Act 1972 on the basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, as defined in Paragraph(s) 5 of Part 1 of Schedule 12A to the Act.

### **31 Exempt Minutes**

The exempt minutes of the meeting were confirmed as a true record of the meeting held on 14 December 2020 and were signed by the Chair.