

MANCHESTER CITY COUNCIL
REPORT FOR RESOLUTION

COMMITTEE: Licensing and Appeals Committee

DATE: 26 August 2008

SUBJECT: Hackney Carriage and Private Hire Vehicle
Test Inspection Review

REPORT OF: Head of Environmental Services

Purpose of Report

1. At its meeting of 2 June 2008 the Licensing and Appeals Committee requested officers to prepare a report for the August 2008 meeting, outlining hackney carriage and private hire vehicle test results and options for improvement.
2. This report presents for the Committee's consideration proposals designed to increase the percentage of hackney carriage and private hire vehicles which pass their mechanical inspections.

Recommendations

1. That the Committee approve the introduction of a vehicle inspection manual that confirms the standard required to pass the vehicle test. The impact of the introduction of the vehicle inspection manual to be reviewed after 6 months
2. That the Committee note officers' intention to authorise Vehicle testers to suspend vehicles in accordance with section 68 of the Local Government (Miscellaneous Provisions) Act 1976.
3. The current policy of a free retest be withdrawn and a fee (to be determined by officers in accordance with the Council's delegated authority) be imposed for each booked retest appointment. The re-test fee would apply only to vehicles requiring a re-test using a ramp facility or other technical equipment.
4. That officers be requested to continue to monitor hackney carriage and private hire vehicle test results and a further report be brought back to the Committee in 6 months to provide an update in relation to the impact of the changes agreed

Financial Consequences for the Revenue Budget

The current re-test is free provided a vehicle is returned to the garage within 14 days of its first test. The imposition of a retest fee for booked retest appointments requiring use of a ramp facility or other technical equipment will generate additional

income for the vehicle testing service. It is difficult to estimate the amount of income that will be generated as it is envisaged that the imposition of such a charge will act as an incentive to drivers to ensure that vehicles are presented for test in a satisfactory condition and hence the demand for retests should decrease.

Financial Consequences for the Capital Budget

None

Contact Officers

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Background Documents

Local Government (Miscellaneous Provisions) Act 1976
Vehicle Inspection Sheets and Statistical Data
Hackney Carriage & Private Hire Vehicle Inspection Manual
Contact Officer for retrieval of background documents – Ann Marku 234 4366

Wards Affected

All

Implications for:

Anti-Poverty
No

Equal Opportunities
No

Environment
No

Employment
No

1. Introduction

- 1.1 The Council currently licences 1030 hackney carriage vehicles and 2082 private hire vehicles. These are inspected every six months at the Council's garage facility at Hammerstone Road.
- 1.2 At the Committee meeting on 2 June 2008, Members were advised that an unacceptable number of licensed hackney carriage and private hire vehicles were failing their six-monthly vehicle inspections.
- 1.3 Officers were requested to prepare a report, including actions that can be taken to decrease the number of hackney carriage and private hire vehicles currently failing mechanical inspections.

2. Background

- 2.1 The Local Government (Miscellaneous Provisions) Act 1976 permits a Council to test a private hire or hackney carriage vehicle on no more than three occasions per annum. Whilst some Councils choose an annual test, Manchester City Council has chosen to test these vehicles twice per annum. Manchester City Council takes public safety very seriously, and testing twice yearly acknowledges the high annual mileage of these vehicles, which increases potential for mechanical faults.
- 2.2 The current vehicle test lasts approximately 45 minutes and is conducted to Vehicle Operations Standard Agency [VOSA] standards. In addition to MOT items, the test includes inspections of additional items relating to Council policy, conditions and current licensing legislation.
- 2.3 The vehicle licence is issued for one year, whilst the vehicle licence plates are issued for 6 months. The vehicle licence plate is surrendered prior to the 6 monthly inspection taking place and a new plate is not issued until the vehicle has passed the test. This ensures that any defects on the vehicle are satisfactorily repaired before the vehicle is allowed to carry passengers.
- 2.4 The cost of each test is currently £35 which is included in the licence fee. Vehicles failing inspection are required to return to the garage for a re-test. Currently the first re-test is free if the vehicle returns within 14 days but, as noted above, the vehicle cannot legally carry passengers until defects are repaired.
- 2.5 Current private hire and hackney carriage vehicle conditions state:
"The proprietor of a private hire / hackney carriage vehicle shall ensure that the private hire / hackney carriage 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 currency of the vehicle's licence in respect of the vehicle"

As such, all vehicles should be presented for test in a satisfactory standard. The high failure rate would suggest that vehicle proprietors use the vehicle inspection as a pre-test and repair only those items on which the vehicle fails.

3. Analysis of vehicle test results

- 3.1 The table at Appendix 1 details the number of tests carried out over a 12 month period, from July 2007 to June 2008.
- 3.2 The table at Appendix 2 provides a random one-month sample of the breakdown of major and minor faults, and a random one-day sample of individual vehicle test results and reasons for their failure, ie whether it was a major or minor fault.
- 3.3 A major fault is a fault which would require the use of a qualified vehicle examiner, the ramp facility or other technical equipment for testing eg split brushes, holes in sills, lights inoperable. A minor fault is a fault which can be immediately fixed and does not require the use of any garage equipment, or a qualified mechanic to ensure satisfactory repair eg a defective windscreen wiper blade, defective stickers or dirty vehicle.
- 3.4 An issue raised by the trade was that there are significant delays experienced in being able to get a retest for very minor faults. This is not borne out by the evidence which shows that the very minor defects, such as a defective windscreen wiper blade, are dealt with on the same day as the vehicle test, or the day following the vehicle test. There are 83 such re-tests highlighted in the table at appendix 2, ie 31 of the vehicles were retested the same day and 52 vehicles were retested the following day.

4. Consultation with the Trade

- 4.1 As the Committee requested a report be brought to the August 2008 meeting, there has been insufficient time available to conduct a full consultation exercise with the Trade. However, two meetings to discuss proposals to improve the pass rate on inspections were held on 3 and 31 July 2008 at which representatives of Mantax, Radio Cars, Manchester Cars, Private Hire Association, Manchester Cab Committee, GMB union and Unite were present.
- 4.2 Officers discussed with the trade the introduction of a vehicle inspection manual and use of suspension powers, and additional enforcement as an initial proposed response to the unacceptable number of vehicles failing their tests. There was also initial debate on options for amending the frequency of testing, in particular reducing the testing frequency for vehicles which could demonstrate a history of good maintenance and increased frequency of testing for vehicles which fail the test. The options are reproduced at Appendix 3.
- 4.3 Written suggestions / proposals have been received from Mantax, the Cab Committee and UNITE and this information is attached as Appendix 4.

4.4 Officers' comments regarding the 3 individual proposals are as follows:

a) Mantax

These proposals were submitted at the initial trade liaison meeting on 3 July. The proposal for a schedule of fitness is included as one of the recommendations within this report.

The proposals regarding an amended test regime have not been fully considered due to the limited time available. Any changes to vehicle test frequency would require changes to administrative procedures and vehicle test appointment arrangements. Legislation allows vehicles to be inspected up to 3 times per annum.

b) Manchester Cab Committee

These proposals were submitted at the second trade liaison meeting on 31 July. As above, due to the limited time available officers have been unable to fully consider proposals relating to vehicle test frequency.

The proposals, put forward as a recommendation in this report, authorise additional officers to suspend vehicles using powers available under the Local Government (Miscellaneous provisions) Act 1976 would formalise the current system of plate removal.

Regarding the comments on financial penalties for non-attendance, an indirect financial penalty is already applied to vehicles that fail to attend at the appointed time, as a retest fee is imposed for the subsequent test.

Regarding a request for a viewing area, the taxi test is not a VOSA MOT and therefore there is no legal obligation to provide a viewing area. However officers are currently investigating providing such an area.

Regarding the comments in relation to emissions testing, Appendix 1 page 2 provides data on the number of hackney carriage vehicles failing the test due to emissions. These represent a very small number of the total vehicle failures.

Regarding the comments on an increased test failure rate, the statistics in Appendix 1 page 2 demonstrate a consistent pattern of poor test results.

c) UNITE

Written comments were received from UNITE on 6 August. In general terms Unite is asking for further time to consider this issue.

The reference made to Option 3 refers to initial options that officers presented at the trade liaison meeting on 3 July, which are reproduced at Appendix 3.

Option 3 outlined the potential for vehicles showing a history of good compliance moving to an annual taxi test followed by a 6 monthly MOT, and for vehicles which failed vehicle tests moving towards 3 taxi tests per annum ie at 4 monthly intervals. As noted above, due to the short timescale it has not been possible to fully explore the implications of a change to the vehicle testing regime at this stage.

5 Proposals

5.1 In order to reduce the failure rate it is proposed that a two-stage approach is adopted to secure an improvement in vehicle standards.

5.2 Stage 1

5.2.1 Officers have produced a vehicle inspection manual, which has been shared with the hackney carriage and private hire trade. This is based on a similar document produced by the Public Carriage Office and combines the requirements and standards of the VOSA [MOT] test with current additional items required by the Council under legislation, policy and conditions. The vehicle inspection manual provides a clear, transparent reference document, which enables all parties to be fully informed of the vehicle test standard. It will assist vehicle proprietors to ensure that their vehicle is presented in a condition that will enable them to pass their test first time.

5.2.2 The vehicle inspection manual sets out the current standards for both hackney carriage and private hire vehicles, against which a vehicle is tested and gives both proprietors and mechanical personnel a clear understanding of the type of pre-inspection maintenance and checks required to successfully pass the vehicle inspection.

5.2.3 It is proposed that the manual is introduced as an integral part of the vehicle inspection, and is used to confirm the standard which all hackney carriage and private hire vehicles are already expected to achieve. The manual would be published on the Council's web site and therefore would be available as a public document.

5.2.4 In addition to the introduction of the vehicle manual, officers propose that additional steps be taken to suspend vehicles that are failing tests. This would involve vehicle testers being formally authorised to suspend hackney carriage and private hire vehicles in accordance with section 68 of the Local Government (Miscellaneous Provisions) Act 1976.

5.2.5 The current policy of offering free re-tests should a proprietor represent a failed vehicle within 14 days will be revised, and a retest fee introduced. This will not affect any minor defect vehicle failures, which will continue to be inspected free of charge either the same day or the day after the vehicle test.

5.3 Stage 2

5.3.1 A further report will be produced in six months time to provide updated information in relation to hackney carriage and private hire vehicle test results.

5.3.2 If significant improvements in vehicle test pass rate have not been demonstrated, consideration can be given to introducing further policies on:

- Increased frequency of vehicle testing
- Increased frequency of road side checks including resource implications
- Formalised policy on review of vehicle licences where a history of poor maintenance exists

6. **Conclusion**

6.1 The report provides information in relation to hackney carriage and private hire vehicle testing results. The report proposes a number of initial actions that can be introduced to improve the number of licensed vehicles passing the vehicle test. The report also proposes a further review takes place in 6 months, when the Committee can examine updated figures to identify whether satisfactory progress has been made.

Private Hire Vehicle Test Results Aug 07- July 08

Month	Total number of private hire vehicle tests	Passed	Passed %	Failed	Failed %	No. of which were Emission Failure	Did Not Attend	Did Not Attend %
Aug- 07	373	251	67.3%	89	23.9%	6	33	8.8%
Sep- 07	370	245	66.2%	103	27.8%	1	22	5.9%
Oct- 07	427	291	68.1%	106	24.8%	4	30	7.0%
Nov- 07	404	278	68.8%	97	24.0%	5	29	7.2%
Dec- 07	311	215	69.1%	70	22.5%	7	26	8.4%
Jan- 08	362	223	61.6%	115	31.8%	6	24	6.6%
Feb- 08	354	198	55.9%	119	33.6%	3	37	10.5%
Mar- 08	353	186	52.7%	133	37.7%	0	34	9.6%
Apr- 08	443	235	53.0%	177	40.0%	0	31	7.0%
May- 08	416	209	50.2%	176	42.3%	0	31	7.5%
Jun- 08	364	170	46.7%	174	47.8%	1	20	5.5%

Hackney Carriage Vehicle Test Results Aug 07- July 08

Month	Total numbers of hackney carriage vehicle tests	Passed	Passed (%)	Failed	Failed %	No. of which were Emission Failure	Did Not Attend	Did Not Attend %
Aug- 07	141	77	54.6%	51	36.2%	4	13	9.2%
Sep- 07	168	97	57.7%	63	37.5%	2	8	4.8%
Oct- 07	186	119	64.0%	55	29.6%	7	12	6.5%
Nov- 07	176	107	60.8%	62	35.2%	2	7	4.0%
Dec- 07	173	101	58.4%	60	34.7%	4	12	6.9%
Jan- 08	193	107	55.4%	80	41.5%	3	6	3.1%
Feb- 08	152	69	45.4%	76	50.0%	9	7	4.6%
Mar- 08	180	77	42.8%	94	52.2%	1	9	5.0%
Apr- 08	213	115	54.0%	92	43.2%	5	6	2.8%
May- 08	201	103	51.2%	91	45.3%	1	7	3.5%
Jun - 08	195	90	46.2%	99	50.8%	2	6	3.1%
Jul - 08	194	70	36.1%	115	59.3%	6	9	4.6%

Analysis of Private hire and Hackney Carriage Vehicle Tests

Month	PH	Pass	Fail	*Fail Major faults	*Fail Minor faults	HC	Pass	Fail	*Fail Major faults	*Fail Minor faults	Days to re test								
											0	1	2	3	4	5	6	+7	Abandoned
JUNE 08	323	177	146	274	124	171	86	85	245	72	31	52	50	26	27	20	12	9	3

*Fail Major faults – indicates that from 146 failed ph vehicles there were 274 major faults, and from 85 failed hc vehicles there were 245 major faults

*Fail Minor faults – indicates that from 146 failed ph vehicles there were 124 minor faults, and from 85 failed hc vehicles there were 72 minor faults

Random sample of a 1 day which shows individual vehicle test result.												
PH	HC	Date	Ph fail	HC Fail	PH Major Items per individual vehicle	HC Major items per individual vehicle	PH minor items per individual vehicle	HC Minor items per individual vehicle	Re-Test Pass date	Days to re-test		
1		02/06/2008	fail		1			1	05/06/2008	3		
1		02/06/2008	fail		4			1	04/06/2008	2		
	1	02/06/2008		fail		5		3	04/06/2008	2		
1		02/06/2008	fail		4				04/06/2008	2		
	1	02/06/2008		fail		3		2	04/06/2008	2		
1		02/06/2008	fail		1		2		03/06/2008	1		
	1	02/06/2008		fail		2		1	03/06/2008	1		
1		02/06/2008	fail		1		1		03/06/2008	1		

Minor Faults

- ☒ Stickers [condition and placement]
- ☒ Cleanliness of vehicle
- ☒ Damage to windscreen wipers
- ☒ Minor body damage to bumpers
- ☒ Damage to windscreen wiper blade

Sample of major faults found in the vehicles detailed above

- ☒ Body work – re-spray, touch up of paintwork, holes in wheel arches
- ☒ Lights [inoperable]
- ☒ Brakes [discs worn]
- ☒ No meter, No speedometer
- ☒ Tyres [worn tread, wrong size]

OPTION 1						
TEST TYPE	VEHICLE		TEST TYPE	VEHICLE		ACTION TO TAKE
	PASS	FAIL		PASS	FAIL	
ANNUAL	✓		SIX MONTH	✓		No Action
ANNUAL		✓	SIX MONTH		✓	* Where a vehicle fails 2 tests an extra test. The extra test will be scheduled 3 months following the last failure. The cost of this third test will be increased to reflect the extra associated work.
Drawbacks						
<p>The additional tests may create a problem with making additional test appointments at the garage.</p> <p>Extra resources would require a qualified inspector who would take a number of months to recruit</p>						
Comment						
<p>This option was credited as penalising the proprietors who do not maintain their vehicles.</p> <p>This is the preferred option of the garage personnel.</p> <p>The additional proposals of the vehicle manual, suspension and extra enforcement should have an impact on a reduction in proprietors presenting unsatisfactory vehicles for test.</p>						

OPTION 2

Every vehicle would only be licensed for a period of six months. Any vehicle, which failed its test, would not be renewed.

Drawbacks

Proprietors who failed to renew – their licence would expire – in law an expired licence cannot be renewed and a new application would have to be submitted. Plates would be surrendered back to the Council.

This would have an impact on a hackney carriage proprietor should they fail to renew.

This option was considered by the trade to penalise all proprietors in that they would have to submit an additional application.

OPTION 3

TEST TYPE	VEHICLE		TEST TYPE	VEHICLE		ACTION TO TAKE
	PASS	FAIL		PASS	FAIL	
ANNUAL	✓		SIX MONTH	✓		⊗

Vehicle, which pass both annual and six-month test, will be given only one annual test. In order to check that the vehicle is being maintained, proprietors would have to produce a valid MOT certificate issued by a VOSA approved garage.

ANNUAL		✓	SIX MONTH		✓	➤
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- ⊗ A vehicle failing an annual test will revert to six monthly tests
- Where a vehicle fails 2 tests they will be given an extra test. The extra test will be scheduled 3 months following the last failure. The cost of this third test will be increased to **** to reflect the extra associated work.
- Such vehicles will be subject to 3 tests a year until they pass all three tests.

The increase to three tests for vehicles failing 2 tests will be offset by the reduction in tests for some vehicles.

Drawbacks

The extra mot certificate would be difficult to administer and could also create an increase in compliance where a certificate was not produced.

OPTION 4						
TEST TYPE	VEHICLE		TEST TYPE	VEHICLE		ACTION TO TAKE
	PASS	FAIL		PASS	FAIL	
ANNUAL	✓		SIX MONTH	✓		No action
ANNUAL		✓	SIX MONTH		✓	➤
➤ Where a vehicle fails 2 tests they will be required to produce an MOT certificate issued by a VOSA approved garage.						
Comment						
This option was not viewed as one which would have as much effect as the proposal for an extra test.						

ADDITIONAL PROPOSALS	
These actions are to be considered in addition to any of the options detailed above.	
Vehicle Manual	The vehicle manual will be used as the standard, which every vehicle should achieve. The manual gives clear advice as to the way each vehicle is tested and also includes the reasons for failure. If proprietors use the manual correctly they will be aware of the type of maintenance required on their vehicle prior to it going for test.
Vehicle Suspension	All vehicle inspectors will be authorised to immediately suspend vehicles, which fail their test. If suspended under section 68, if a vehicle is not satisfactorily repaired within 2 months, the vehicle licence is automatically revoked [there is an appeal against the revocation, but not the suspension]
Enforcement Action	Vehicles failing tests will be the subject of regular spot checks by compliance officers and other agencies. Officers will also review repeat offenders and consider revocation, prosecution and or report to panel.



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Meeting Time, Date and Location - Thursday 3 July 2008 at 1615 hrs in Committee Room 3 - Town Hall

Mantax have considered the issues regarding cabs being presented for test and failing. Our observations on the matter are as laid out below. Some ideas may be more practical than others. One or all have been adopted sporadically across the country by various licensing units. It is worth mentioning that we have not considered any legal implications in all of this.

- All cabs/cars over 12 months old introduced to Manchester for the first time should produce a current MOT certificate in order to book a test.
- Publish a schedule of fitness that could be distributed to the major taxi/car garages and/or to all proprietors with their next test renewal. The purpose of this being the avoidance of doubt as to what will and will not pass the test.
- Scrap the 6 month test and introduce a scale of faults relating to the length of time a licence is issued. i.e.
Less than 6 faults = 12 month pass
6 to 12 faults = 6 month pass
over 12 faults = 3 month pass
- 6 and out. Perhaps a more controversial idea this one. Stop the test immediately 6 faults are accrued. Do not issue any advisory fault logs. The proprietor must then book another test.

The following are more vague propositions that could be debated.

- Fast track retests for minor faults
- Declare garage that has prepared the vehicle for test.
- Publish a list of approved garages/repairers who you know are capable of preparing vehicles to the correct standard.
- Possibility of independent testers for retests of minor fault.

Paul Blackmore
Paul McCormick



TESTING AT GORTON

from Manchester cab committee

After extensive discussion it was agreed that we submit the following suggestions and observations to the 'Gorton' meeting with licensing officials on 31st July.

- That proprietors submitting a vehicle for inspection sign a declaration that it has been prepared for inspection by a named garage or by themselves. No vehicle to be inspected without such a declaration.
- That any vehicle which passes two consecutive inspections without any fault to be exempted from test for a year and with no interim MOT
- That the present system of removing the plate before testing be abandoned and a financial penalty be imposed for not returning the vehicle for retest on the due date
- That the driver accompanying the vehicle be able to observe the test in accordance with MOT regulations
- That the emissions testing machine gives the values of emissions in the same way as the print out at MCC

The Cab committee also wish to point out that until recently, the emissions testing procedure was giving faulty results and this has contributed to the 50% failure rate?

In conclusion the Cab Committee think that the increased failure rate has been caused by a different perception of failure by the inspecting staff. Until the introduction of plate removal and the banning of drivers from the inspection area plate removal was comparatively rare. We think it is now time to move away from the present confrontational approach and try to establish a more cooperative and commonsense atmosphere.



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T&G Section 6/191 Manchester Hackney Carriage Branch

15 August 2008

Jenette Hicks
Licensing Unit Manager

Dear Jenette,

Due to the restrictive time scale for response regarding the proposals for Taxi Mot Tests we have only managed to discuss the various options amongst our Shop Steward Committee, which is the executive of our Branch. As such we will express our view. We felt it important to submit an indication of direction at the development stage in this report. We make this contribution as the largest membership representative body within the Manchester Hackney Carriage trade, whilst acknowledging our influence extends far beyond our own membership. We are pleased to submit our initial view to enable elected members to gauge response to the options placed before the trade.

Our view is that all new cabs for the first three years would undertake a 12 month annual test, which would be underpinned by spot checks. Thereafter and for all other vehicles option three of the proposals is worth further consideration and consultation. This will require extensive discussion between our representatives and wider membership with a time scale to match to facilitate accurate feedback to the Council Officers.

Regards
Dave Evans
6/191 Branch Secretary