

LICENSING COMMITTEE
30 January 2020



Report sponsor: Richard Antcliff, Director of
Public Protection & Streetpride

ITEM 08

Report author: Michael Kay, Head of
Environmental Protection, Housing Standards,
Licensing, Emergency Planning and Business
Continuity

Renewal of Contracts for Approved Testing Stations

Purpose

- 1.1 The Council approves garages to carry out testing of hackney carriage and private hire vehicles. The existing contracts for the testing stations currently approved are due to expire on 31 July 2020.
- 1.2 New contracts are required which involves a contract tender process in accordance with the Council's Financial Procedure Rules.

Recommendation(s)

- 2.1 To note the contents of the report.
- 2.2 To authorise the Service Director of Public Protection and Streetpride to initiate the tendering and selection process for testing stations on the basis of the terms and conditions set out in the report and attached appendices.

Reasons

- 3.1 The existing contracts for the currently approved testing stations are due to expire on 31 July 2020 and need to be renewed through a contract tender process in accordance with the Council's Financial Procedural Rules.

Supporting information

- 4.1 The Council approves garages to carry out testing of hackney carriage and private hire vehicles. The existing contracts for the currently approved testing stations are due to expire on 31 July 2020.
- 4.2 Five garages were originally approved under this current contract period. For the latter part of the period however, there have been four approved testing stations routinely undertaking the testing of vehicles. The fifth garage did not respond in time when the contracts were extended by 12 months in 2019.

- 4.3 As the contracts are due for renewal, there is also the opportunity to examine the existing provision, including the terms and conditions placed on our approved testing stations. The proposed terms and conditions have been included at Appendix 1 for information.
- 4.4 If approved, it is expected that the tender process will commence in the next few weeks with a suitable lead-in time that will enable the new contracts to commence by the beginning of August 2020 for a period of two years with an option to extend for one year.
- 4.5 Following the tender consultation process, a further report will be considered by Committee. This will set out details of the tenders that have been received and Members will be asked to determine which garages are approved for the next contract period.

Public/stakeholder engagement

- 5.1 Not applicable.

Other options

- 6.1 None. The existing contracts will not be able to run beyond the end of July 2020 and the option to bring the inspection and testing of vehicles into the Council is not considered viable at the moment. This may be considered in the future.

Financial and value for money issues

- 7.1 None directly arising from this report.

Legal implications

- 8.1 As set out in the report and appendices.

Other significant implications

- 9.1 None.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu	13/01/20
Finance	-	
Service Director(s)	n/a	
Report sponsor	Richard Antcliff	21/01/20
Other(s)	-	

Background papers:	None
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APPENDIX 1**TERMS AND CONDITIONS FOR THE TESTING OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES BY SPECIFIED TESTING STATIONS****BREACHES OF TERMS AND CONDITIONS (SPECIFIC REQUIREMENTS)**

In relation to the breach of any of the specific requirements in Sections 1-6 which follow, the following sanctions may be applied:

- (a) In the event of a serious breach (or repeated minor breaches) of the specific requirements in the opinion of licensing officers, the matter shall be referred to the Licensing Committee, with a view towards termination of the contract between the Council and the testing station.
- (b) Minor breaches of the specific requirements may be resolved by consultation with licensing officers. 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 Licensing Committee, as in (a) above.
- (c) Where breaches relate to an individual examiner's repeated failure to achieve the standard of testing required by the Council, the 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 contract being terminated by the Council.

SECTION 1 - DUTIES, RESPONSIBILITIES & OBLIGATIONS OF A SPECIFIED TESTING STATION

- 1.1 It shall be the duty of each specified testing station to fully implement the provisions set out in Section 2 – 6.
- 1.2 It shall be the duty of each specified testing station, by the consistent application of the licensing authority's process and procedural documentation, to ensure the highest standards of passenger comfort and safety in Hackney Carriage and Private Hire vehicles tested by it.
- 1.3 It shall be the duty of each specified testing station, to enable the licensing authority to fulfill its own obligations, to permit the monitoring and surveillance and auditing of testing standards by its own officers or through its appointed agents
- 1.4 It shall be the duty of each specified testing station to comply with the requirements of the Health and Safety at Work Act 1974 and Statutory

Instruments made thereunder, as well as any other related legislation. This is in order to protect employees, members of the public and other people who may come into contact with the business.

- 1.5 Every specified testing station must be insured for any accident and/or loss arising to property persons or vehicles whilst undergoing test at either the premises of the testing station or elsewhere. The testing station will provide a full indemnity to the Council in relation to any expense, liability, loss, claim or proceedings in respect to any injury or damage whatsoever to any property real or personal or for personal injury or death. The insurance cover referred to shall not be less than £5m.
- 1.6 The successful organisation shall not, without the prior written approval of the licensing authority, engage in the business of a Hackney Carriage or Private Hire vehicle operator and/or vehicle proprietor, or hold a motor vehicle dealership franchise.
- 1.7 Any specified testing station which, with the consent of the licensing authority, is, or proposes, to operate Hackney Carriage or Private Hire vehicles shall be required to submit its own vehicles to an alternative specified testing station.
- 1.8 The proprietor/s of a specified testing station shall attend periodic service review meetings, if required by the Council.
- 1.9 No specified testing station shall undertake any form of repair work or pre-tests on vehicles subject to the testing regime.
- 1.10 Any successful organisation shall be located within the administrative boundary of the Derby City Council.

SECTION 2 - TESTING STANDARDS

- 2.1 The testing station shall be required to undertake the testing of Hackney Carriage and Private Hire vehicles at the request, and on behalf, of the licensing authority. The test shall be to the standard prescribed by the Secretary of State for Transport and shall also include the licensing authority's requirements contained in the Authority's process and procedure documentation.
- 2.2 The testing station shall be required to undertake, as part of the vehicle test, a road test including a meter check over marked distances specified by the licensing authority.
- 2.3 The testing station shall be required to retain its status as a Department of Transport authorised ("MoT") testing station, to enable it to be specified and operate as a testing station on behalf of the licensing authority.
- 2.4 The testing station shall be required to adopt, subject to consultation, changes to the licensing authority's process and procedural documentation.

SECTION 3 - TESTING TIMES

- 3.1 The testing station shall be required to undertake testing as required from Monday to Friday (inclusive) between the hours of 8.30 am and 7.00 pm (with the last full test starting not later than 6.00 pm and the last re-test starting not later than 6.30 pm).
- 3.2 The testing station shall be required to undertake testing as required on Saturday between the hours of 9.00 am and 3.00 pm (with the last full test starting not later than 2.00 pm and the last re-test starting not later than 2.30 pm).
- 3.3 The testing station shall be required to provide facilities for undertaking an emergency re-test which has not been programmed, but which can be reasonably accommodated within the available testing period.
- 3.4 The testing station shall be required to make available, subject to prior notification by the licensing authority of the need to do so, nominated testers up to 12 midnight on any day of the week, to undertake testing of Hackney Carriage or Private Hire vehicles that are subject to a spot check.
- 3.5 The testing station shall be required to immediately notify the licensing authority of any inability to test due to holidays, industrial action, or other unforeseen circumstances.

SECTION 4 – PERSONNEL

- 4.1 The testing station shall be required to ensure that all tests are undertaken by individually nominated Department of Transport approved testers; and any proposed changes in nominated testers shall be immediately notified to the licensing authority. All new testers will require training and approval by the Council prior to them commencing testing on Hackney Carriages and Private Hire vehicles. New testers should have at least 6 months experience of MOT testing or an appropriate motor engineering qualification (e.g. City & Guilds 381, Parts 1 and 2)
- 4.2 The testing station shall be required to provide a minimum number of 2 nominated testers during hours of operation.
- 4.3 The testing station shall be required, subject to notification by the licensing authority, to provide nominated testers as required for checking and sealing of meters on the revision of fares.
- 4.4 The testing station shall be required to release relevant nominated testers to attend Court as a witness on behalf of the licensing authority in the event of any legal proceedings involving and/or arising out of the conduct of a test, from test results or procedures. All reasonable costs of so doing will be met by the licensing authority.

SECTION 5 - FACILITIES

- 5.1 The testing station shall be required to provide and maintain the required standards of equipment as laid down by the Department of Transport.
- 5.2 The testing station shall be required to provide and maintain at least 1 MOT bay for hackney and Private Hire vehicle inspection during hours of operation.
- 5.3 The testing station shall be required to provide suitable and sufficient waiting and viewing_accommodation for drivers of vehicles being tested and at least 3 parking spaces for vehicles awaiting test.
- 5.4 The testing station shall be required to provide suitable and sufficient office space and welfare facilities for undertaking the licensing authority's administration procedures.
- 5.5 The testing station shall be required 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.
- 5.6 The testing station shall be required to maintain a satisfactory level of cleanliness and housekeeping, as well as facilities for waiting drivers and authorised officers.

SECTION 6 – ADMINISTRATION

- 6.1 The testing station shall be required to complete all documentation relative to the vehicle test including the vehicle test or re-test report. The test reports and certificate must be in triplicate, with the originals issued to the vehicle proprietor, the second copy to the licensing authority and the third copy retained by the testing station.
- 6.2 The testing station shall be required to refer immediately to the licensing authority any disagreement or dispute over the vehicle test result, or other dispute.
- 6.3 The testing station shall be required not to accept for retest any vehicle for which the particular testing station has not undertaken the initial full test.
- 6.4 The testing station shall note that the work that is paid for by the Council, such as spot checks and accident damage checks, will be allocated to garages by a Licensing Officer on a rolling program. This is in order to distribute the work to all approved testing stations and that the individual vehicle proprietor will have no part in choosing a garage in these circumstances.