



DERBY CITY COUNCIL

TAXI LICENSING AND APPEALS COMMITTEE 21 DECEMBER 2005

Report of the Director of Corporate Services

HACKNEY CARRIAGE AND PRIVATE HIRE METER TESTS

RECOMMENDATION

1. The committee should consider two questions:
 - a) what percentage, if any, of the hackney carriage fleet should be subject to meter testing?
 - b) what method of meter testing should be used so as to meet the Council's statutory duties?

SUPPORTING INFORMATION

- 2.1 Meter testing is carried out to protect the public from illegal overcharging.
- 2.2 The testing of meter accuracy forms part of the annual inspection of every licensed hackney carriage and private hire vehicle; this inspection is carried out by Specified Testing Stations appointed by the Council. Meter testing is also required when a 'fleet' (either hackney or private hire) has a tariff change, to ensure that the re-calibrated meter is accurate. This meter test is a two-stage operation:
 1. Re-calibration of the taximeter by a meter company or their appointed agent.
 2. Verification of the re-calibrated meter's accuracy by driving the vehicle over a marked, measured distance and ensuring that the meter 'drops' align with the markings.
- 2.3 The background to meter testing of Derby's licensed vehicles is set out in Appendix 2.

Issue 1 – Meter testing of Hackney Carriages

- 2.4 Until December 2003, 100% of both hackney carriage and private hire fleets had been subject to meter testing in Derby. This Committee then resolved to 'sample meter test' only 10% of the hackney carriage fleet (chosen at random), with meter companies issuing calibration certificates for the entire fleet. This approach cannot be adopted for private hire vehicles because the legal requirements are different (see Legal Implications in Appendix 1).

- 2.5 When this Committee resolved to allow meter companies to also carry out the meter accuracy tests in December 2004, the resolution implied that this should apply to all licensed vehicles. However, at this Committee's last meeting in October 2005 this interpretation was queried by some members, and a further report was requested for consideration.
- 2.6 Members are asked to consider whether they wish meter testing (i.e. the verification for accuracy over a measured mile) to apply to 100% of the hackney carriage fleet, or a 10% sample as previously agreed.

Issue 2 – Method of meter testing

- 2.7 The decision (in December 2004) to allow meter companies to carry out meter testing on behalf of the Council (in place of the Specified Testing Stations) raised some Health and Safety issues. These issues, which are set out in more detail in Appendix 3, were considered by this committee at its last meeting on 19 October 2005, when members resolved that the 'key safety features test' must still be carried out by the Council's contractor prior to the meter test for verification of accuracy over the measured distance, to ensure the safety of the Council's contractor.
- 2.8 Since this meeting some members of the taxi trade and two local meter companies have expressed doubts over whether the meter companies or their agents would wish to carry out meter testing (in addition to calibration) on this basis. They have also expressed doubts over the feasibility of carrying out meter testing without their examiner being present in the vehicle, which would avoid the need for the key safety feature tests; this possible approach is discussed in Appendix 3 and summarised in the table in Appendix 4 which sets out the potential advantages and disadvantages of each option.
- 2.9 Members are asked to consider which method of meter testing should be used.

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Background papers:	None
List of Appendices:	Appendix 1 Implications
	Appendix 2 Background to meter testing
	Appendix 3 Key safety features test
	Appendix 4 Meter testing options

IMPLICATIONS

Financial

1. None for the Council; the meter tests (including the safety check) are paid for directly by individual companies/vehicle proprietors to the contractor.

Legal

- 2.1 The legal position relating to the installation and use of meters differs between hackney carriage and private hire vehicles.
- 2.2 With hackney carriage vehicles, the requirement is for the Council to be satisfied as to the accuracy of the calibration of the meter. For private hire vehicles, where the fitting of a meter is optional, the Council must ensure that meters have been tested and approved by or on its behalf.
- 2.3 Health and safety legislation requires the Council (as an employer) to protect, so far as is reasonably practicable, the health & safety and welfare of its employees and others, including contractors, who may be affected by the way it conducts its business. The Council has met that requirement by undertaking a risk assessment that resulted in the Managing Contractors Safety policy being drawn up and approved. The policy is of uniform application across all Council functions and so applies in the context of undertaking meter tests.

Personnel

3. If the Council's Enforcement Officers were required to undertake meter testing, additional staff would have to be employed on a temporary basis to undertake this work. This would have an impact upon the taxi licensing budget and the additional costs would be reflected in licence fees.

Equalities impact

4. None.

Corporate objectives and priorities for change

5. The Hackney Carriage and Private Hire Vehicle Meter Tests would contribute to the Council's objectives of **healthy, safe and independent communities**.

BACKGROUND TO METER TESTING

1. The testing of meter accuracy following a tariff change was originally carried out by the Council's enforcement officers. However, as the number of licensed vehicles grew (due to public demand and de-restriction of hackney carriage vehicle numbers) this approach became impractical and the assistance of additional contractors (vehicle examiners) was sometimes required.
2. With the move to the use of Specified Testing Stations in 1993 the taxi trade requested that meter testing should also be carried out by these contractors. A new meter testing approach was developed and agreed, in consultation with the trade and Specified Testing Stations, and introduced in 1993.
3. The new agreed approach included a formalised 'key safety features test' (often referred to as a five-point safety check) to be carried out by the examiner prior to driving the vehicle over the 'measured mile'. The 'key safety features test' (brakes, lights, steering, suspension and tyres) was carried out at the Specified Testing Stations and ensured the safety of the examiner (the Council's contractor) and compliance with road traffic legislation, which is the responsibility of the person driving the vehicle.
4. The 'meter accuracy test', like the annual licensing inspection and 'spot check inspection', incurred a cost recoverable from the trade; this was (and still is) specified in the testing contract with the Specified Testing Station and approved by this Committee (or its predecessor). Initially this cost was included in the vehicle licence fees. However, since tariff changes do not happen annually, or at the same time/frequency for each fleet, this approach was deemed unfair and, on legal advice, was removed from the licence fee and charged direct to the vehicle proprietor at the time of the meter test. This change was also made in consultation with the trade and approved by members.
5. 100% meter testing of both hackney carriage and private fleets continued until 2003 when a trial of 10% sample meter testing was carried out with the hackney carriage fleet. This approach was subsequently adopted by this Committee and is still in place now pending implementation of a new approach (see item 7).
6. In response to this move to 10% sample meter testing of the hackney carriage fleet, private hire representatives requested a similar approach for their fleets, in order to create a 'level playing field'. However, because the legal requirements for meter testing are different between hackney carriages and private hire vehicles (see appendix 1 – Legal Implications) this is not possible.
7. In view of this members sought a simpler method of meter testing that could be applied in the same way to 100% of both fleets. The approach agreed by the Committee was to require the meter accuracy test to be carried out by meter companies on their agents at the time of meter calibration following a tariff change. It was felt that this approach would be simpler and cheaper than the current approach.

8. In drafting the new contract conditions for this new approach, officers raised queries about ensuring contractor safety (as required by the Council's Managing Contractors Safety Policy), and whether the 'key safety features test' was still required. Counsel's opinion confirmed that the safety test should remain, and this Committee, at its meeting on 19 October 2005, resolved that this should be included in any contract conditions.

THE 'KEY SAFETY FEATURES TEST' AND IMPLCATIONS FOR METER TESTING OPTIONS

1. The 'key safety features test' undertaken as part of the meter accuracy test of licensed vehicles was introduced in 1993 following consultation with the trade and Specified Testing Stations. The test ensures that a vehicle is safe to be driven over the measured mile by an examiner and complies with road traffic legislation.
2. The decision by this Committee in December 2004 to transfer meter accuracy testing from Specified Testing Stations to meter companies or their agents raised a specific Health and Safety query as to whether the key safety features test was still required for the new contractors. Counsels' opinion was sought and it has been confirmed that the Council owes the same duty of care to the new contractor. It is Counsels' opinion that the safety check should remain, with the Council having to ensure that the meter companies have made their own arrangements to ensure the safety and roadworthiness of any vehicle (by means of a 'key safety features test' or similar) prior to the vehicle being driven over the measured mile. This requirement applies whether the contractor is a driver or passenger in the vehicle. Members agreed this addition to the contract requirements at the 19 October meetings but a further report on meter testing options was requested by the Chair.
3. Some concern has been expressed by taxi trade representatives that meter companies may not tender for meter testing contracts because of the perceived burden of arranging 'key safety features tests' for each vehicle. The view from one local meter company agent confirms that these concerns are justified.
4. The 'key safety features test' needs to be applied because the examiner travels within the vehicle to test meter accuracy. Some members of the taxi trade have queried whether there are alternative methods that would avoid the need for the examiner to travel inside the vehicle. This might involve following the licensed vehicle over the measured distance in their own vehicle and stopping to test the meter accuracy at each of the specified meter 'drop' points. When such stops occur, the Council's Managing Contractors Safety policy would still apply, such that the Council must be satisfied that the pre-determined stops are safe to undertake the verification exercise. Officers also have concerns that this approach would not be feasible in practice. Licensing officers have contacted one of the largest local meter companies in the East Midlands, to seek their views on this approach. Their representative stated that in his opinion this methodology would not work because it is essential for the tester to be present in the vehicle; his company would not be prepared to undertake any testing based on this approach.
5. A further option for consideration is whether to allow Specified Testing Stations to continue to carry out the safety checks but the 'drive' accuracy tests would be carried out by the meter companies. However, this approach seems unnecessarily complicated and is unlikely to be popular with any of the parties involved.

6. One other options previously considered by members is for the meter testing to be carried out by Taxi Licensing Enforcement Officers. This approach was used in the past but was replaced by the use of specified testing stations at the request of the trade. At that time, a safety check was carried out by the officers at the roadside prior to the accuracy test over the measured mile. If the officers were concerned about the safety of any vehicle they would require a full 'spot check' of the vehicle at a specified testing station before travelling in it. If such an approach was considered it would have considerable staffing implications for the Taxi Licensing Section which, at present, does not have the resources to carry it out.
7. Members may also wish to consider allowing Specified Testing Stations to continue carrying out the meter accuracy tests. The testing stations are contracted to carry out this work until 31 December 2006 and are currently still carrying out meter tests pending the implementation of new arrangements with meter companies.

APPENDIX 4

Meter Testing Options	Advantages	Disadvantages
1. Meter testing (incorporating the 'key safety feature test') carried out by meter companies or their agents.	1. Tests can be carried out at the time of calibration, reducing inconvenience to the taxi trade. 2. Meets the Council's statutory health and safety duty to its contractors.	1. Meter companies will have to contract-out the safety test, incurring additional costs to be passed on to the taxi trade. 2. Some meter companies may not wish to undertake this work and may not tender for the contract.
2. Meter testing carried out by meter companies or their agents with safety checks carried out by specified testing stations.	1. Meets the Council's statutory health and safety duty to its contractors	1. Complex and time-consuming for the taxi trade. 2. Will result in more costly meter testing for the trade.
3. Meter testing carried out by meter companies or their agents <u>without</u> staff travelling in the vehicle.	1. Would not require a key safety features test to be carried out, reducing the potential cost of the test.	1. The methodology still has some health and safety considerations, and would require a new, 'safe' measured mile to be agreed and marked. 2. The stop/start nature of this approach would make it more time-consuming for the tester. 3. Some meter company agents have already expressed serious doubts about the feasibility of this approach.

4. Meter testing (including safety checks) by the Council's Enforcement Officers.	1. Potentially lower-cost approach.	<p>1. The Taxi Licensing Section does not have the resources to undertake this work. This would therefore lead to luring of additional staff or contractors, both of which have cost and health and safety implications.</p> <p>2. Likely to be unpopular with the taxi trade, since it was their original request that meter testing was carried out by specified testing stations.</p>
5. Meter testing (incorporating the 'key safety features test') carried out by specified testing stations.	<p>1. The specified testing stations are still under contract to carry out this work; they already have staff trained to carry out the test.</p> <p>2. Meets the Council's statutory health and safety duty to its contractors.</p>	<p>1. The taxi trade may consider this approach to be inflexible.</p>