



## TAXI LICENSING AND APPEALS COMMITTEE 17 December 2008

Report of the Director of Environmental Services

### **RENEWAL OF CONTRACTS FOR APPROVED TESTING STATIONS**

#### **RECOMMENDATION**

- 1.1 To note the contents of the report.
- 1.2 To authorise the Assistant Director of Environmental Health and Trading Standards to initiate the tendering and selection process for testing stations on the basis of the revised terms and conditions set out in Appendix 2.
- 1.3 To approve the extension of the current testing station contracts until 31 March 2009.

#### **SUPPORTING INFORMATION**

- 2.1 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 December 2008.
- 2.2 There are currently 3 approved testing stations. Although performance by each of these has been generally satisfactory, representatives of the hackney and private hire trade have raised some concerns, notably about waiting times, operating times of the garages and the cost of the tests conducted.
- 2.3 With the contracts due for renewal, officers consider it is an ideal time to examine the existing provision, including the terms and conditions placed on our approved testing stations. The overall aim of the exercise would be to widen, so far as is reasonably achievable, the pool of testing stations in the hope that by so doing would bring about the knock-on effect of remedying the issues raised by the trade, and allow more of an open market. Officers have set out proposals to amend the terms and conditions.
- 2.4 In order to do so effectively and still comply with the Council's contract tender process, the existing contracts will need to be extended to enable the existing terms and conditions to be reviewed, approved and advertised, as well as for the selection process to be undertaken.

- 2.5 The proposed terms and conditions are attached at Appendix 2. Alterations are clearly identified by the use of square brackets [ ] and underlining. Subject to approval, it is expected that the tender process will commence in the New Year, with a suitable lead-in time that will enable the new contracts to commence by the beginning of April 2009. The existing contracts will therefore need to be extended so that they remain in force until 31 March 2009.

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<b>Background papers:</b>	None
<b>List of Appendices:</b>	Appendix 1 Implications Appendix 2 Proposed Terms & Conditions

## APPENDIX 1

<b>IMPLICATIONS</b>
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**Financial**

1. None directly arising.

**Legal**

2. None directly arising.

**Personnel**

3. None directly arising.

**Equalities impact**

4. None directly arising.

**Corporate objectives and priorities for change**

5. Taxi Licensing contributes to the priority of **giving excellent services and value for money.**

**APPENDIX 2**



DERBY CITY COUNCIL

**TERMS AND**

**CONDITIONS**

**FOR THE TESTING OF HACKNEY CARRIAGE AND PRIVATE**

**HIRE VEHICLES BY SPECIFIED TESTING STATIONS**

## **BREACHES OF TERMS AND CONDITIONS**

In relation to the breach of any of the terms and conditions 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 terms and conditions in the opinion of licensing officers, the matter shall be referred to the Licensing and Appeals Committee, with a view towards termination of the contract between the Council and the testing station.
- (b) Minor breaches of terms and conditions 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 and Appeals Committee, as in (a) above.
- ( c) Where breaches relate to an 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. It shall be the duty of each specified testing station to fully implement the provisions set out in Sections 2-6.
2. It shall be the duty of each specified testing station, by the consistent application of the licensing authority's "Supplementary Testing Manual", to ensure the highest standards of passenger comfort and safety in hackney carriage and private hire vehicles tested by it.
3. It shall be the duty of each specified testing station, to enable the licensing authority to fulfil its own obligations, to permit the monitoring and surveillance and auditing of testing standards by its own officers or through its appointed agents.
4. It shall be the duty of each specified testing station to comply with the requirements of the Health and Safety At Work etc. Act 1974 and Statutory Instruments made thereunder. [This is in order to protect employees, members of the public and other people who may come into contact with the business]
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 ~~£4m~~. [£5m]
6. The successful organisation shall not, without the 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].
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.
8. The proprietor/s of a specified testing station shall attend periodic service review meetings, if required by the Council.
9. No specified testing station shall undertake any form of repair work or pre-tests on vehicles subject to the testing regime.
10. [The successful organisation shall be located within the administrative boundary of the City of Derby.]

## **SECTION 2**

### **TESTING STANDARDS**

The testing station shall be required:-

- (a) 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 current version of Derby City Council's "Supplementary Testing Manual".
- (b) to undertake, as part of the vehicle test, a road test including a meter check over marked distances specified by the licensing authority.
- (c) 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.
- (d) to adopt, subject to consultation, changes to the Council's "Supplementary Testing Manual".

## **SECTION 3**

### **TESTING TIMES**

The testing station shall be required:-

- (a) to undertake testing as required from Monday to Friday (inclusive) between the hours of 8.30 am and 5.00 pm (with the last full test starting not later than 4.00 pm and the last re-test starting not later than 4.30 pm).
- (b) [to undertake testing as required on Saturday mornings between the hours of 9.00 am and 12 noon ( with the last full test starting not later than 11 am and the last re-test starting not later than 11.30am)]
- (c) 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.
- (d) to make available, subject to prior [notiifcation by the licensing authority of the need to do so], nominated testers up to 10.00 pm on any weekday, to undertake testing of hackney carriage or private hire vehicles that are subject to a "spot check".

- (e) to immediately notify the licensing authority of any inability to test due to holidays, industrial action, or other unforeseen circumstances.

#### **SECTION 4**

#### **PERSONNEL**

The testing station shall be required:-

- (a) to ensure that all tests are undertaken by individually nominated DoT 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 (for example City & Guilds 381, parts 1 and 2)
- (b) [to provide a minimum number of 2 nominated testers during hours of operation.]
- (c) subject to notification by the licensing authority, to provide [nominated testers] as required for checking and sealing of meters on the revision of fares.
- (d) 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**

The testing station shall be required:-

- (a) to provide and maintain the required standards of equipment as laid down by the Department of Transport.
- (b) [to provide and maintain at least 1 MOT bay for hackney and private hire vehicle inspection during hours of operation].
- (b) to provide suitable and sufficient waiting [and viewing] accommodation for drivers of vehicles being tested and ~~adequate parking facilities~~ [at least 3 parking spaces] for vehicles awaiting test.



- (c) to provide suitable and sufficient office space for undertaking the licensing authority's administration procedures.
- (d) 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.
- (e) [to maintain a satisfactory level of cleanliness and housekeeping, as well as facilities for waiting drivers.]

## **SECTION 6**

### **ADMINISTRATION**

The testing station shall be required:-

- (a) to complete all documentation relative to the vehicle test including the vehicle test or re-test report. The test reports and certificate will 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.
- (b) to refer immediately to the licensing authority any disagreement or dispute over the vehicle test result, or other dispute.
- (c) not to accept for retest any vehicle for which the particular testing station has not undertaken the initial full test.