

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Housing & Environmental Services 15 November 2007
Portfolio Holder/Licensing Committee
AUTHOR/S: Corporate Manager, Health & Environmental Services/ Licensing Officer

CERTIFICATE OF COMPLIANCE VEHICLE TESTING

Purpose

1. To advise and make recommendations to the Licensing Committee, Housing and Environmental Services Portfolio Holder and Cabinet of the adoption of the Government's Vehicle Inspectorate Certificate of Compliance testing regime for all Private Hire and Hackney Carriage vehicles including appropriate fees and conditions.
2. This is a key decision because
 - It is likely to be significant in terms of its effects on communities living or working in an area of the District comprising two or more wards. It affects all wards.
 - It raises new issues of policy, or is made in the course of developing proposals to amend the policy framework, or is a decision taken under powers delegated by the Council to amend an aspect of the policy framework.
 - It is of such significance to a locality, the Council or the services, which it provides that the decision-taker is of the opinion that it should be treated as a key decision.

And it was first published in the November 2006 Forward Plan.

Background

3. The Local Government (Miscellaneous Provisions) Act 1976 Part II and the Town Police Clauses Act 1847 creates a statutory duty for Local Authorities to licence Private Hire and Hackney Carriage vehicles. In carrying out this function the Licensing Authority has a duty to ensure that public safety is paramount whether it is to prevent direct danger to the passenger from the driver of the vehicle or danger to the passenger and other members of society from the vehicle itself. Under current legislation the Licensing Authority has the powers to impose conditions that they consider reasonably necessary in order to promote public safety.
4. Currently vehicles presented for licensing must possess an M.O.T (a certificate of roadworthiness issued by a Vehicle & Operator Services Agency (V.O.S.A) appointed garage) that is not more than nine months old. In addition, when presented for licensing, the vehicle is subject to a further visual inspection to ensure that it meets the Council's licensing conditions i.e. tidiness, possession of fire extinguisher, first aid kit, suitable insurance etc. If these conditions are met then, subject to a fee, the licence is issued for a twelve-month period.
5. Due to the increase in the number of licensed vehicles, which currently stands at 528 compared with approximately 230 in 2002/03, it is becoming increasingly difficult to carry out the visual inspection prior to licensing within a reasonable time period. The current arrangements cannot keep pace with the demand. Resources at the

Waterbeach depot will only allow 2 inspections per day to take place whereas 3-4 is required to ensure that undue delays are not occurring. In addition to this there are no ramp facilities available at the depot to assist in the underside visual inspection of the vehicle.

6. The delay in testing vehicles is often in excess of four weeks and extra resources and costs are being incurred to keep the delays to an acceptable level. The overall process time for a person to obtain a drivers licence and a vehicle license can be in excess of twelve weeks and delays in testing the vehicle once a drivers badge has been issued may in extreme cases tempt applicants to start working and therefore act illegally. Therefore alternative methods of testing vehicles that will maintain and/or improve current safety standards and improve customer satisfaction have been considered.

Considerations

7. In practice there is only one national scheme in operation that could assist.
8. VOSA is the Government appointed agency that is responsible for issuing licences to all M.O.T testing stations and is responsible for ensuring that standards of vehicle testing are maintained across all types of vehicles.
9. The Certificate of Compliance (CoC) system is specifically designed for the testing of Private Hire and Hackney Carriage vehicles and permits Local Authorities to appoint and dictate to suitable garages what degree of inspections shall take place and what fee shall be charged for this service. The CoC constitutes a normal M.O.T plus any additional checks that the Council wishes to undertake in order to determine the fitness of a vehicle for licensing. This means that the CoC legally replaces the normal M.O.T because it is an inspection with requirements above that of the M.O.T.
10. It is entirely up to the Council to appoint garages that it feels will be able to meet the standards expected. However any garage appointed must be a fully VOSA approved garage that is able to issue normal M.O.T's, thereby reducing the risk of fraudulent activity.
11. The Council may approve garages at any time provided this is in agreement with the VOSA inspectorate. There are no restrictions on the number of garages that may take part in the scheme provided they meet the requirements of the Council and are VOSA approved. In addition any garage can be taken out of the scheme should they fall below the standards expected by the Council.
12. The procedure for testing would be that a vehicle proprietor would present a vehicle for testing at an appointed garage. Should the vehicle meet the existing M.O.T standard plus the extra requirements required to meet the Council's licensing conditions then a CoC would be issued. It will then be the responsibility of the vehicle proprietor to present this certificate to the Council in order to obtain a licence. Should the vehicle fail the CoC test it will be at the discretion of the vehicle proprietor whether they have the remedial work done at the garage or remove the vehicle to a garage of their choice to have any work completed prior to re-submitting the vehicle for a further test.
13. Many local authorities in the Country operate this scheme locally including Cambridge City, Huntingdonshire, East Cambridgeshire and Peterborough. It appears to be a reasonable scheme that promotes the safety of the travelling public without being too onerous on the trade, as demonstrated by the consultation responses.

14. The Council has to set the maximum fee to be charged by the CoC stations in addition to the normal MoT fee (The station sets their MoT based on the maximum allowed by VOSA). As part of the consultation exercise opinion was sought from local garages as to what this maximum top up fee should be. Responses ranged from £20 to £75 but approximately half indicated a fee of £30 or below would be reasonable. Comparing maximum charges between authorities is not helpful, as each will place different levels of inspection on their garages.
15. It is therefore suggested that the maximum fee chargeable by participating garages is set at £30. Participating garages can ask for this maximum fee to be reviewed should circumstance dictate. This should allow sufficient garages to come forward to take part in the scheme whilst ensuring that it is not an undue burden on the trade.
16. In order to ensure that exhaust emission standards are maintained, the trade was also consulted on a six monthly emission test requirement. No comments were received concerning the proposal.
17. If the scheme is agreed by Members consequential changes to the Council's vehicle Licensing conditions will be required. These include: -
 - (a) Amend wording to condition 1(f) to read: - In a condition so as to comply at all times with all relevant statutory requirements. (Testing by the Council or its appointed agents does not avoid the need for CoC certificates for all vehicles more than one year old). The CoC certificate must be produced when presenting the vehicle for licensing and must be no more than one calendar month old.
 - (b) Amend wording to condition 8 to read; - The proprietor shall submit the vehicle for a Certificate of Compliance test at the Councils appointed agents.
 - (c) Additional wording to condition 8 be introduced to read: - (d) all vehicles will be subject to a six monthly exhaust emissions check, by a suitably qualified technician. The results of which shall be provide to the Council on request.

Options

18. Members may:
 - (a) Adopt the VOSA Certificate of Compliance system or
 - (b) Alternatively keep the current provisions in place and accept the delays in visual inspection for customers
 - (c) Keep the existing arrangements but increase the level of resources for visual inspection to ensure that testing is carried out within appropriate time limits.

Implications

19. Financial	There are no financial implications to the Council in adopting the scheme apart from those contained in the report
Legal	Any applicant would have a right of appeal to any licensing condition imposed
Staffing	There will be no increase in staffing

Risk Management	Although a number of garages have indicated their willingness to take part in the scheme there is a risk that they do not. This would result in the visual inspection not taking place and further delays in the licensing of vehicles. To remove/minimise this risk it is proposed to maintain the existing arrangements unless and until sufficient garages have been appointed. The risks of not approving the proposal are outlined in the report i.e. delays in licensing and dissatisfaction of vehicle operators/drivers would continue.
Equal Opportunities	None arising from this report.

Consultations

20. A letter was sent to all known M.O.T garages within the South Cambridgeshire area outlining the scheme. They were invited to indicate whether they would be interested in taking part and the estimated cost for carrying out the additional inspections should the Council adopt the scheme.
21. In total 12 garages have expressed an interest and the list of garages and estimated costs are attached as **Appendix A**.
22. Following the feedback from garages a letter was sent to all licensed vehicle proprietors also outlining the scheme and estimated costs asking for feedback, all correspondence is attached as **Appendix B**.
23. In general the trade feels the scheme would be an improvement but some concerns were raised with regards to:
 - The perceived difficulty in obtaining road tax without a “standard” M.O.T
 - The additional cost of the test.
 - Justification of SCDC licence fees.
 - The additional cost to a proprietor to obtain a standard M.O.T when the vehicle is no longer licensed or sold privately.
 - The time and cost to have remedial work completed by a garage of their choice then re-submit the vehicle for testing.
24. Following questions raised by the trade above, further consultation (**Appendix C**) took place answering queries raised and asking for further comment. The responses to this second consultation are attached as **Appendix D**.

Effect on Annual Priorities and Corporate Objectives

25.	Affordable Homes	N/A
	Customer Service	An improved testing regime would reduce waiting times for issue of vehicle licences
	Northstowe and other growth areas	N/A
	Quality, Accessible Services	The provision of more testing garages acting competitively would improve the service to vehicle proprietors
	Village Life	N/A
	Sustainability	N/A
	Partnership	This is a partnership working with Government agencies and individual garages

Conclusions/Summary

26. The current arrangements for visual inspection are leading to delays in the licensing of vehicles. The VOSA scheme specifically for Local Authorities would appear to be a suitable way in which to relieve this problem. It offers a more comprehensive and streamlined system of testing to both new and existing licensed vehicles, whilst at the same time ensuring that standards of safety are at least maintained and in all probability improved.
27. Any scheme would have a direct effect on the trade and therefore this scheme must be considered reasonable to promote the safety of the travelling public by the Committee without incurring an undue burden upon the trade in general.

Recommendations

28. It is recommended that the Licensing Committee recommends to the Housing & Environmental Services Portfolio Holder that Cabinet:
 - (a) Adopts the Government's Vehicle Inspectorate Certificate of Compliance testing regime for all Private Hire and Hackney Carriage vehicles.
 - (b) Delegates authority to the Corporate Manager for Health and Environmental Services to approve the appointment of garages as required.
 - (c) Agrees to the fee setting policy that allows sufficient garages to come forward to take part in the scheme whilst ensuring that it is not an undue burden on the trade.
 - (d) That as a result of the fee policy above, the fee for first year for the Certificate of Compliance element of the test be set at a maximum of £30,00 (Thirty pounds)
 - (e) To adopt an implementation date for the scheme of no later than 1 April 2008 provided sufficient garages are approved.
 - (f) To amend the South Cambridgeshire District Council Vehicle Licence Conditions as detailed in paragraph 17 of this report.

Background Papers: the following background papers were used in the preparation of this report: Local Government (Miscellaneous Provisions) Act 1976
DFT Best Practise Guidance for Hackney Carriage and Private Hire Vehicle testing (2007)

Contact Officers: Myles Bebbington – Licensing officer
Telephone: (01954) 713132
Dale Robinson – Corporate Manager Health & Environmental Services
Telephone: (01954) 713229