



Classification	Item No.
Open	

Meeting:	LICENSING AND SAFETY COMMITTEE
Meeting date:	22 nd JULY 2021
Title of report:	Provision of an Additional Authorised Testing Station in Bury for Hackney Carriage and Private Hire Vehicles
Report by:	EXECUTIVE DIRECTOR (OPERATIONS)
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

This report provides an update on the process and timelines associated with the provision of an additional authorised testing station in Bury for hackney carriage and private hire vehicles. It includes details of the work that needs to take place to fully understand the associated impacts and to set up the required arrangement.

Recommendation:

To approve the process and timelines associated with the provision of an additional Authorised Testing Station, as set out in Section 3.

Community impact / Contribution to the Bury 2030 Strategy

Not Applicable

Equality Impact and considerations:

24. *Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

25. *The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

The Licensing Service have considered the Equality Act 2010 and the proposed recommendations have no positive or negative impact on any of the protected characteristics.

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Opportunity - Respond to trade feedback and demand and provide more choice and flexibility for the trade.	N/A
Risk - Loss of income to the Council	The opening of a second testing station will result in a loss of income to the Council. The full impact will be assessed, and an evaluation will need to take place to assess how costs of the

	existing site can be reduced accordingly to prevent a financial burden to the Council. This will be considered in the report to Cabinet in January 2022.
Risk - Reduction in vehicle standards	Details of the standards and requirements that will need to be met to become an approved testing station will be set out in the advertised concession and evaluated.
Risk - Potential impact on existing workforce	Staff and Trade Unions will be engaged throughout and appropriate governance arrangement will be followed. Initial Concession to be offered for a 12-month period to enable a robust review of the impact on the service at Bradley Fold.

Consultation:

At the point the impact of a second testing station is assessed, if required, all due governance in respect of workforce impact will be implemented in line with Council policy, process and legislative requirements. The Trade Union are briefed and they, along with the existing workforce will be engaged and communicated as the actions progress.

The Hackney Carriage and Private Hire Trade will be kept informed in relation to progress against the proposed timeline.

Legal Implications:

The introduction of an additional testing station engages procurement law and in particular the Concession Contracts Regulations 2016. Consequently, a formal process is required to ensure that only fit and proper persons are approved as operators and that the Council will retain the right to monitor the operation in practice and take remedial action, including the right to terminate the approval, in the event of any material breach of the Council's terms and conditions. The process described in the report complies with those requirements.

In addition, the Monitoring Officer will need to be consulted once the implications of introducing an additional testing station are identified, to confirm the appropriate governance route/s for the final decision.

Financial Implications:

The opening of a second testing station will result in a loss of income to the Council, due to the reduction in the number of compliance checks carried out by the Council at Bradley Fold.

The full impact will be assessed, and an evaluation will need to take place to assess how costs of the existing site can be reduced accordingly to prevent a financial burden to the Council. This will be considered in the report to Cabinet in January 2022.

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Background papers:

None

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
DVSA	Driver and Vehicle Standards Agency

1.0 Introduction

1.1 This report provides an update on the process and timelines associated with the provision of an additional authorised testing station in Bury for hackney carriage and private hire vehicles.

1.2 There are 3 pieces of legislation that govern the licensing of hackney carriage and private hire vehicles, they are as follows:

- The Town Police Clauses Act 1847.
- Local Government (Miscellaneous Provisions) Act 1976.
- The Transport Act 1985.

1.3 The majority of hackney carriage and private hire vehicles have two certificate of compliance checks a year. If a vehicle fails two consecutive certificate of compliance checks, with 3 or more MOT faults, then they are required to have 3 tests a year.

1.4 When a vehicle is examined at the Council's vehicle testing centre at Bradley Fold the checks ensure that the vehicle meets the required standard, thus enabling it to be issued with the appropriate vehicle licence. This provides the vehicle with a standard MOT exemption, as issued by DVSA, and therefore means that it does not require a separate MOT test and certificate. On each licence the following is printed:

MOT CERTIFICATE EXEMPTION: The vehicle to which this licence relates is exempt from the provisions of Section 44 of the Road Traffic Act 1972 (Annual MOT testing of vehicles) by reason of the Council being in possession of a certificate issued by the Secretary of State for Transport pursuant to regulations 30(n) of the Motor Vehicle (Tests) Regulations 1976 as amended.

2.0 Background

2.1 Following feedback and ongoing dialogue with the taxi trade, it was agreed that the Council would seek to introduce a second authorised testing station in Bury.

2.2 Bury Council requires all licensed vehicles to be tested at the Council's vehicle workshop and MOT testing station at Bradley Fold industrial estate.

2.3 The testing regime consists of a compliance check, which incorporates the safety elements of an MOT test along with other checks relating to customer safety, comfort and aesthetic appearance of the vehicle including general bodywork, interior and paintwork etc, as required by the Council.

2.4 The current compliance check fee is £56.

3.0 Introduction of an Additional Authorised Testing Station

- 3.1 The introduction of an additional testing station has procurement law implications. It represents the grant of concession to a suitable garage, but without any concession fee coming to the Council. No money will change hands between the Council and the successful applicant and there will not be a contract between the parties.
- 3.2 Initially this arrangement will be set up for a 12-month period to enable a review to take place to understand the actual impact on Bradley Fold.
- 3.3 There may be some costs to Bury Council associated with administering the required paperwork for the compliance checks. This will be considered as part of the process and any costs will be outlined.
- 3.4 It is in essence the creation of an approved garage, following applications by interested persons. However, in order to achieve this a formal process has to be carried out to ensure that:
- the applicants are fit and proper persons
 - they have the appropriate premises and technical equipment, registrations and certifications enabling them to carry out testing
 - the applicants agree to comply with the terms and conditions specified by the Council
 - failure to comply with the terms and conditions gives the Council the right to suspend or terminate their right to operate as an approved authorised testing station
- 3.5 To ensure that the process is deemed to be fair, open and transparent the opportunity will be advertised and conducted through the Council's electronic tendering portal known as The Chest.
- 3.6 Prior to the introduction of an additional authorised testing station, a number of activities need to take place:

Activity	Timescale
Full assessment to confirm the financial and staffing impact of introducing an additional testing station on the operation of Bradley Fold and engagement with staff and unions.	July – End September 2021
Discussions with the hackney and private hire trade to explain the objectives, process and timelines.	August 2021
Soft Market Testing exercise in order to ascertain the level of interest from appropriately qualified garages within the borough.	August 2021
Prepare details of the standards and requirements that will need to be met to become an approved testing station.	On-going from August 2021

Activity	Timescale
Finalise all Concessionary documents and specification.	End September 2021
Advertise Concessionary opportunity on The Chest.	Early October 2021
Concession opportunity closes.	End of October 2021
Evaluation of Concession applications and site visits	End November 2021
Update report to Licensing and Safety Committee. (Subject to confirmation of the governance route by the Councils Monitoring Officer once all details are known – formal staff consultation may be required)	16 th December 2021
Report to Cabinet to outline the impact of introducing an additional testing station and to give consideration to the award of the concession. (Subject to confirmation of the governance route by the Councils Monitoring Officer once all details are known – formal staff consultation may be required)	12 th January 2022

4.0 Public Safety Considerations

- 4.1 Public confidence in the safety and comfort of licensed vehicles is paramount and therefore the selection of an additional testing station must be carefully considered to ensure that standards are not reduced. A loss of public confidence would directly impact negatively on the reputation of the Council to protect the public from a fall in standards.

5.0 Conclusion

- 5.1 The process and timeline outlined in the report will ensure the implications of introducing a second authorised testing station are understood and a fair, open and transparent process is carried out to procure an additional authorised testing station in Bury.