



<b>Report To:</b>	General Licensing Committee
<b>Date:</b>	27 January 2025
<b>Subject:</b>	Appointment of Hackney Carriage Vehicle & Private Hire Vehicle Testing Stations
<b>Purpose:</b>	To consider requests from two MOT garages wishing to be appointed to carry out hackney carriage and private hire vehicle tests on behalf of the Council.
<b>Key Decision:</b>	Not Applicable.
<b>Report Of:</b>	Donna Hall - Group Manager Public Protection.
<b>Report Author:</b>	Adrian Twiddy – Ast. Licensing Officer
<b>Ward(s) Affected:</b>	All Wards
<b>Exempt Report:</b>	NO

### Summary

To consider requests from two MOT garages wishing to be appointed to carry out hackney carriage and private hire vehicle tests on behalf of the Council. The garages are:

- East Lindsey District Council Vehicle Maintenance Unit, Warwick Road, Fairfield Industrial Estate, Louth, LN11 0YB
- Bromley's Vehicle Servicing & Repairs Limited, Unit 8 The Meridian Centre, Belvoir Way, Fairfield Industrial Estate, Louth, LN11 0LQ

The role of the approved garages is to carry out the vehicle inspections that must be undertaken before a hackney carriage or private hire vehicle licence can be issued or renewed by this Authority.

### Recommendations

1. That as 03 February 2025 the following MOT testing stations be appointed to carry out hackney carriage and private hire vehicle compliance tests on behalf of this Authority:

- East Lindsey District Council Vehicle Maintenance Unit, Warwick Road, Fairfield Industrial Estate, Louth, LN11 0YB
- Bromley's Vehicle Servicing & Repairs Limited, Unit 8 The Meridian Centre, Belvoir Way, Fairfield Industrial Estate, Louth, LN11 0LQ

2. That the section of the Council's hackney carriage and private hire licensing policy, relating to the restriction on vehicle testing station numbers, be amended to read as:

*The Council has appointed its Vehicle Maintenance Unit (VMU) to the list of approved testing stations. In addition to the VMU, a further number of testing stations, to a maximum number of 20, will be appointed to the list of approved testing stations.*

### **Reasons for Recommendations**

To enable the efficient and timely compliance testing of hackney carriage and private hire vehicles.

### **Other Options Considered**

Not to appoint the garages (subject of this Report) to the approved list of hackney carriage and private hire vehicle testing stations.

## **1. Background**

- 1.1 The Council is authorised by the Vehicle Certification Agency (VCA) to test hackney carriage (taxi) and private hire vehicles under a compliance testing scheme in accordance with the Motor Vehicles (Test) Regulations 1981 (as amended). The use of this compliance scheme means that, in addition to the standard "MOT" test, the Council can specify additional items, which it considers necessary to safeguard the best interests of the travelling public.
- 1.2 The Authority needs to be satisfied that licensed vehicles operating within its area are safe to do so. In addition, it must also aim to ensure that vehicles are comfortable, are of the appropriate appearance and also suitable for use as a hackney carriage or private hire vehicle in the East Lindsey District. With this in mind, this Authority maintains a list of MOT garages which are approved to inspect vehicles on its behalf.
- 1.3 The VCA compliance scheme does not stipulate how the Council should set about appointing MOT garages to its approved list. However, the Authority has been advised that the number of testing stations should be limited to that necessary for adequate cover of the East Lindsey area.
- 1.4 The Council seeks to appoint testing stations that can provide a high quality customer service as well as applying the necessary requirements applicable to licensed vehicles. Any licensed vehicle must be able to carry passengers in safety

and comfort at all times. Any authorised testing station must be willing and able to work with Council Officers to achieve this aim.

## **2. Report**

2.1 The Council appoints MOT garages in order to undertake the compliance testing of hackney carriage and private hire vehicles on its behalf. The compliance test consists of the normal MOT test plus a number of additional items specified by the Council. The testing scheme has been designed to ensure that:

- A vehicle is suitable with respect to size, type and design;
- A vehicle is in suitable mechanical condition; and,
- A vehicle is safe and comfortable.

Since 2003 this Authority has required licensed vehicles to be tested at six-monthly intervals.

2.2 The Committee has previously agreed a cap of 20 on the total number of approved testing stations – this is to allow effective quality control of the garages by the Council. Appointments to the approved list are overseen / scrutinised by the General Licensing Committee. The last appointment to the approved list was in July 2022

2.3 There are currently 19 testing stations undertaking the testing of hackney carriage and private hire vehicles. Burtons of Louth (who were an approved testing station with this Authority) ceased operating in August 2024 and have left the list. Therefore, one 1 vacant appointment has become available – the Committee has normally taken the position that such a vacant Louth appointment should ideally be issued to another Louth area testing station.

2.4 The Licensing Team have received requests from the following Louth area garages to be placed on the list for approved vehicle testing stations:

- East Lindsey District Council Vehicle Maintenance Unit, Warwick Road, Fairfield Industrial Estate, Louth, LN11 0YB
- Bromley's Vehicle Servicing & Repairs Limited, Unit 8 The Meridian Centre, Belvoir Way, Fairfield Industrial Estate, Louth, LN11 0LQ

Copies of the completed applications for approved status will be available at the licensing hearing for Members to inspect should they wish to do so.

2.5 From time to time a licensed vehicle may be subject to a roadside 'spot check' by an Authorised Officer of the Council in order to determine its cleanliness, comfort or road worthiness. If, as a result of the check, an immediate Suspension Notice is issued, then the vehicle must not be used under any circumstances as a licensed vehicle until it has been re-examined at a place designated in the notice and the suspension lifted. See Paragraph 4 of the Legal Implications Section of this Report.

2.6 The appointment of the Council's MOT Garage (situate at the Vehicle Maintenance Unit) to the approved list would enable the Authorised Council Officer to have the option of requiring the suspended vehicle to be presented to the Council's own garage for re-inspection. This would provide a useful resource within the Council's

compliance checking regime. For this reason, the recommendation in this Report is for the Committee to amend the current policy to read as:

*The Council has appointed its Vehicle Maintenance Unit (VMU) to the list of approved testing stations. In addition to the VMU, a further number of testing stations, to a maximum number of 20, will be appointed to the list of approved testing stations.*

2.7 Relevant extracts from the Council's Policy, in relation to the testing of licensed vehicles, can be found at **Appendix A** of this Report.

### **3. Conclusion**

3.1. Officers have scrutinised and considered the applications received. Also, prior to the licensing hearing further detailed consultation discussions will have taken place between the applicants and the Council's Senior Licensing Officer. The applications are being recommended to the Committee for approval subject to any further comments made separate to this Report by the Senior Licensing Officer.

### **Implications**

#### **South and East Lincolnshire Councils Partnership**

None.

#### **Corporate Priorities**

The Council has a duty to provide the public with a safe and secure taxi service within the East Lindsey District

#### **Staffing**

None.

#### **Workforce Capacity Implications**

None.

#### **Constitutional and Legal Implications**

1. Hackney carriage and private hire Licensing Authorities are permitted by the Motor Vehicles (Test) Regulations 1981 (as amended) to act as compliance test authorities. The designation is issued by the Vehicle Certification Agency (VCA). The designation allows the Council to undertake compliance testing to determine the fitness of vehicles in order to ensure the safety of the travelling public.

2. Such a test can be in addition to or instead of the Vehicle and Operator Services (VOSA) "MOT" test. East Lindsey District Council is duly authorised as a compliance test authority providing that only VOSA authorised MOT facilities and testers are used to provide this service. A compliance test must be of equal or higher standard to the MOT test in force at the time. This allows the Council to adopt additional standards for example in relation to vehicle emissions, cleanliness of the vehicle, external bodywork, etc.

3. It is open to the Council to revoke a garage's approved status if its performance falls below the standard expected by the Authority. With this in mind a Service Level Agreement is issued to newly appointed garages, together with a detailed vehicle testing booklet.

4. Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 enables an Authorised Officer of the Council at all reasonable times to visually inspect a licensed vehicle and if necessary to suspend the licence and issue a notice requiring the proprietor of the vehicle to make it available for further inspection and testing at such reasonable time and place as may be specified in the notice.

### **Data Protection**

None.

### **Financial**

None.

### **Risk Management**

There is a risk of judicial review against the Council or complaint to the Ombudsman if the Authority is found not to have exercised due diligence in the licensing of hackney carriage and private hire vehicles.

### **Stakeholder / Consultation / Timescales**

Not Applicable.

### **Reputation**

There is a risk that the Council's reputation could be damaged if licensing legislation and guidance are not upheld and applied appropriately.

### **Contracts**

None.

### **Crime and Disorder**

None.

### **Equality and Diversity / Human Rights / Safeguarding**

**Equality & Diversity:** None.

**Human Rights:** None

**Safeguarding:** None.

### **Health and Wellbeing**

None.

## **Climate Change and Environmental Implications**

The testing and fitness of licensed vehicles and vehicle emission levels has a clear and important impact on environmental issues in the East Lindsey District.

## **Acronyms**

VCA - Vehicle Certification Agency  
VOSA - Vehicle and Operator Services Agency  
MOT - Ministry for Transport Test

## **Appendices**

Appendices are listed below and attached to the back of the report:

**Appendix A**            Extracts from the Council's Policy Relating to the Testing of Hackney Carriage and Private Hire Vehicles.

## **Background Papers**

Background papers used in the production of this report are listed below: -

<b>Document title</b>	<b>Where the document can be viewed.</b>
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None

## **Chronological History of this Report**

A report on this item has not been previously considered by a Council body.

## **Report Approval**

Report author:	Mr Adrian Twiddy (Ast. Licensing Officer) Email: <a href="mailto:adrian.twiddy@e-lindsey.gov.uk">adrian.twiddy@e-lindsey.gov.uk</a>
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Signed off by:	Donna Hall (Group Manager Public Protection) Email: <a href="mailto:donna.hall@sholland.gov.uk">donna.hall@sholland.gov.uk</a>
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Approved for publication:	Not Required.
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