

## REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Charlie Dennis

**DATE:** 9<sup>th</sup> July 2018

**REPORT OF:** Licensing Officer

**SUBJECT:** Amendment to Hackney Carriage and Private Hire  
Licensing Policy Section 5.4

**PART I**

### RECOMMENDATION

**That the Regulatory & Appeals Committee is asked to accept the amendment to the Hackney Carriage and Private Hire Licensing Policy with regard to the requirement for vehicle inspections to consider the new MOT requirements that came into force on 20<sup>th</sup> May 2018.**

#### 1. PURPOSE

The report seeks to introduce an amendment to the current policy relating to the standards of the vehicle inspections.

#### 2. BACKGROUND

The way that the MOT test works in England, Scotland and Wales changed on Sunday 20 May 2018 with new defect types, stricter rules for diesel car emissions, and some vehicles over 40 years old becoming exempt. The changes affect cars, vans, motorcycles and other light passenger vehicles.

There are 5 main changes

##### 1. Defects are categorised differently

The category the MOT tester gives each item will depend on the type of problem and how serious it is. MOT testers will still give advice about items you need to monitor. These are known as 'advisories'.

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### What the new categories mean

Item result	What it means about the item	How it affects your MOT result
Dangerous	A direct and immediate risk to road safety or has a serious impact on the environment. Do not drive the vehicle until it's been repaired.	Fail
Major	It may affect the vehicle's safety, put other road users at risk or have an impact on the environment. Repair it immediately.	Fail
Minor	No significant effect on the safety of the vehicle or impact on the environment. Repair as soon as possible.	Pass
Advisory	It could become more serious in the future. Monitor and repair it if necessary.	Pass
Pass	It meets the minimum legal standard. Make sure it continues to meet the standard.	

### 2. Stricter rules for diesel car emissions

There are stricter limits for emissions from diesel cars with a diesel particulate filter (DPF). A DPF captures and stores exhaust soot to reduce emissions from diesel cars.

### 3. Some new things are included in the MOT

They include checking:

- if tyres are obviously underinflated
- if the brake fluid has been contaminated
- for fluid leaks posing an environmental risk
- brake pad warning lights and if brake pads or discs are missing
- reversing lights on vehicles first used from 1 September 2009
- headlight washers on vehicles first used from 1 September 2009 (if they have them)
- daytime running lights on vehicles first used from 1 March 2018 (most of these vehicles will have their first MOT in 2021 when they're 3 years old)

### 4. The old MOT test certificate has changed to a new style to list the new types of defects.

It lists any defects under the new categories, so they're clear and easy to understand.

### 5. Some vehicles over 40 years old won't need an MOT

The current policy does not make any reference to vehicle inspections meeting the standards of the Ministry of Transport test.

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Teignbridge District Council Hackney Carriage and Private Hire licensing policy Paragraph 5.4 Vehicle Inspections states:

*'All vehicles are required to have a vehicle inspection annually within four weeks prior to the expiry of the licence (vehicle plate) or 6 monthly for novelty/specialist vehicles and limousines.*

*The Council's nominated test centre will test all vehicles and the test will be carried out by personnel qualified to undertake Department of Transport MOT testing.*

*If a vehicle fails the test and in the opinion of the examiner would fail to meet the standards required by the Motor Vehicles (Construction and Use) Regulations 1978, a stop notice will be issued by an authorised officer. Until such time as the vehicle passes the test, and until such time as the stop notice is lifted the vehicle may not be used for hire and reward.*

*Where, upon inspection, the licensed vehicle has been found to be defective and requires re-examination to determine its fitness before resumption of use, the cost of that re-examination will be borne by the licence holder.*

*Any vehicle due for inspection which fails to attend may have its licence suspended and subsequently the licence may be revoked.'*

### 3. MAIN IMPLICATIONS

The Licensing Authority has a statutory duty to ensure that public safety is not compromised when considering the issue of licenses.

### 4. PROPOSED AMENDMENTS

The relevant section of the hackney carriage and private hire policy are proposed to be amended as follows (amended text highlighted)

*If a vehicle fails the test and in the opinion of the examiner would fail to meet the standards required by the Motor Vehicles (Construction and Use) (Amendment) Regulations 2017, a stop notice will be issued by an authorised officer. Until such time as the vehicle passes the test, and until such time as the stop notice is lifted the vehicle may not be used for hire and reward.*

*The vehicle will fail the inspection test if it does not meet the standards required to pass a Ministry of Transport test.*

### 4. FINANCIAL IMPLICATIONS

The above changes to the policy should not impact resources.

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### 5. OPTIONS

Members could maintain the current policy, but this would reduce the tester ability to fail a vehicle if the fault is not covered on the existing vehicle inspection sheet.

**Hayley Carpenter**  
**Licensing Officer**  
**Environment, Health and Wellbeing**

<b>Wards affected</b>	All
<b>Contact for any more information</b>	H Carpenter
<b>Background Papers (For Part I reports only)</b>	<i>Relevant legislation and Hackney Carriage and Private Hire Regulations</i> Hackney Carriage and Private Hire Licensing Policy
<b>Key Decision</b>	N
<b>In Forward Plan</b>	N
<b>In O&amp;S Work Programme</b>	N
<b>Community Impact Assessment attached:</b>	N
<b>Appendices attached:</b>	A) Inspection Sheet