

Somerset Council  
Licensing & Regulatory Committee - 11<sup>th</sup> April 2024



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## **Hackney carriage and private hire vehicle testing and emergency equipment**

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### **1. Summary**

1.1 Hackney carriages and private hire vehicles (PHVs) are tested to ensure that they are mechanically safe and generally suitable to be used for hire.

1.2 As the Council has yet to fully harmonise hackney carriage and private hire licensing policy, there are currently five hackney carriage and PHV ‘zones’ in existence, each governed by the policies adopted by and inherited from:

- Sedgemoor District Council
- Mendip District Council
- South Somerset District Council
- Taunton Deane Borough Council
- West Somerset Council

1.3 There are different arrangements for the testing of hackney carriages and PHVs across the five zones. Licensing Officers are seeking to replace the legacy arrangements with one, common approach for testing across all five zones.

### **2. Recommendations**

2.1 Members resolve to adopt the hackney carriage and private hire vehicle testing and emergency equipment policy, shown at **Appendix 1**. In doing so, the changes outlined in **Appendix 2** will be made to the legacy policies.

- 2.2 Members resolve that the aforementioned policy comes into effect on a date to be determined by the Licensing Manager/Specialist, prior to which licence holders will be given no less than 6 weeks notice, via email. Doing so means the implementation is co-ordinated with the nomination of test stations.

### 3. Background

- 3.1 There is no statutory inspection procedure or standard to assess whether a vehicle is mechanically safe enough, or generally suitable, to be used as a hackney carriage or private hire vehicle. Local authorities are able to set their own standards, and policies regarding the frequency of tests, locally. Many involve, as a foundation, a Ministry of Transport (MOT) test, as that is the national standard of roadworthiness for all vehicles 3 years old and over. There are different ‘classes’ of MOT for different types of vehicle. The procedure and standards of testing for car and passenger carrying vehicles (classes 3,4,5 and 7) are set out in an [MOT inspection manual](#), published by the Driver Vehicle Standards Agency (DVSA).
- 3.2 Whilst there is no statutory standard, the Freight Transport Association (FTA) published a best practice guide to the inspection of hackney carriages and PHVs in 2012, which is been supported by the DVSA (note – the document refers to VOSA, the previous name of the DVSA). That document, shown at **Appendix 3** “...sets out the procedures and standards for those who carry out inspections of hackney carriage and private hire vehicles”. It “...provides additional testing requirements to those in the MOT Inspection Manual” and advises that “...local licensing authorities use the best practice guide in conjunction with the VOSA MOT Inspection Manual as an advocate to public safety.” The document includes an example inspection form for local authorities to use (Appendix A) which refers to the elements of an MOT as well as Part 2 of the same document.
- 3.3 The extent to which a vehicle is tested prior to the grant or renewal of a licence varies across the five Somerset zones and depends on certain conditions, namely the age of the vehicle. The various policies on what is required at the point of an application for the grant or renewal of licence being made, is shown at **Appendix 4**. It should be noted however that, whilst the term ‘Council safety and suitability test’ has been used in Appendix 3, the procedures and standards used to test vehicles in each of the zones does differ, as follows:

<b>Zone</b>	<b>Nature of safety and suitability test</b>	<b>Test carried out by</b>
Sedgemoor	An inspection consisting of various elements which are “ <i>in addition to MOT standards</i> ” and carried out in accordance with the Sedgemoor District Council ‘Testing Manual’ dated January 2019 – <b>Appendix 5.</b>	Council test centre in Bridgwater
Mendip	An inspection incorporating the procedures and standards of an MOT and Part 2 of the FTA national inspection standards ( <b>Appendix 3</b> ). The inspection form used is based on the example in National Inspection Standards.	Four external test centres nominated by the Council
South Somerset	As above.	Council test station in Yeovil
West Somerset	An inspection that incorporates aspects of an MOT and additional standards – <b>Appendix 6.</b>	One external test station nominated by the Council (previously two)
Taunton Deane	An inspection involving standards not part of an MOT – <b>Appendix 7.</b>	Three external test station nominated by the Council

3.4 Testing in three of the five zones is reliant on a single test station and in one case, a single qualified inspector. Disruption to the testing of licensed vehicles would have public safety implications and/or may disrupt the work of the trade. Naturally, this has been a matter of ongoing concern. Increasing the number of test centres is reliant on the harmonisation of the test carried out, therefore the recommendations in this report are and have been a matter of priority. By adopting the policy at **Appendix 1**, officers can begin the process of identifying and nominating suitable test stations (which may of course include a number of the test stations already providing the Council and trade with a service).

3.5 The maximum length of hackney carriage or private hire vehicle licence a Council can issue is 12 months. Generally, all vehicles are tested or inspected prior to the grant or renewal of a licence. But there are also policies in place which require a second test during the period of a licence for certain vehicles:

<b>Zone</b>	<b>Vehicle tested/inspected for a second time, part way through licence, if:</b>
Sedgemoor	10 years and older.
Mendip	3 years and older.
South Somerset	5 years and older.
West Somerset	6 years and older.
Taunton Deane	Not at all.

3.6 It seems only right that the travelling public in Somerset are served by taxi and private hire drivers, vehicles and private hire operators who are vetted and tested to the same rules and safety standards, given they are all licensed by one Council. Standardised arrangements also ensure a level playing field for the licensed trade. Resolving to adopt the policy at **Appendix 1** would represent a significant step in that direction.

3.7 In September and October last year, we consulted licence holders and test stations on a proposal to standardise the format of the safety and suitability test so that all taxis and PHVs would receive the same. The proposal was to adopt the National Inspection Standards example inspection form, thereby bringing all of the zones up to the standard of practice in the Mendip and South Somerset zones. At that stage, there were no proposals to change the frequency of tests; just standardise the format.

3.8 We received 59 responses to our consultation. Of those:

- 13 responders strongly supported the proposal (22%).
- 20 responders supported the proposal (33.9%).
- 8 responders were neutral (13.6%).
- 4 responders were against the proposal (6.78%).
- 14 responders were strongly against the proposal (23.7%).

- 3.9 All of the responders that were either against or strongly against the proposal identified as being licensed for the ‘Taunton Deane’ and ‘West Somerset’ zones, where proprietors are currently required to supply, with an application for the grant or renewal of a licence, a valid MOT and proof that a Council safety and suitability test has been passed in the last 30 days. Many correctly highlighted that the National Inspection Standards inspection form incorporates the standards contained in the MOT manual for cars and passenger vehicles, and raised concerns about how changing would result in effectively having two MOTs a year.
- 3.10 On the 17<sup>th</sup> of November 2023, after the finish of the consultation, the Department for Transport (DfT) published the revised [‘Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England’](#). In section 8.19 of the aforementioned guidance (herein referred to as ‘the best practice guidance’) the DfT gave its view on the criteria for vehicle tests as well as other aspects of vehicle testing, in particular their frequency.
- 3.11 In light of the publication of the best practice guidance and responses to the consultation (described at paragraph 3.7), it seemed timely to consider the wider policy and arrangements for vehicle testing, beyond just the criteria. The original proposal to standardise the safety and suitability test developed into four separate proposals which, combined, form **Appendix 1** and would result in changes to the legacy policies, as per **Appendix 2**.

Proposal 1: criteria of test

- 3.12 The first proposal is essentially the same as the original; to standardise the test that all hackney carriages and PHVs receive, by introducing the ‘vehicle suitability inspection’; ‘VSI’ for short. As before, the procedures and standards of the VSI comprise of an MOT and those that form the [MOT inspection manual](#), along with the National Inspection Standards (**Appendix 3**). To demonstrate this clearly, the ‘VSI manual’ has been created; attached at **Appendix 8**. This would be used in conjunction with the ‘VSI form’; attached at **Appendix 9**.
- 3.13 The VSI form is based on the example inspection form in the National Inspection Standards (Appendix 3). Unlike the example inspection form, the MOT standards are grouped together in one row, with the other rows representing the various sections of the VSI manual.

- 3.14 Neither the VSI manual or form refer to carrying a fire extinguisher or first aid kit, consistent with ‘Proposal 4’, explained later in this report.
- 3.15 In relation to the criteria for tests, the best practice guidance states *“MOT tests ensure that vehicles comply with roadworthiness and environmental standards which contribute to the government’s road safety strategy. It seems appropriate to apply the same criteria to taxis and private hire vehicles. However, taxis and private hire vehicles provide a service to the public, so it is also appropriate to set criteria for assessing the internal condition of the vehicle, for example, wheelchair fixings and restraint straps, though these criteria should not be unreasonably onerous.”*
- 3.16 The proposed VSI and Manual combine an MOT with other tailored procedures and standards supported by the DVSA. Officers believe the recommended criteria for tests is consistent with the best practice guidance.

Proposal 2: application procedure

- 3.17 The second proposal is that all applications for either the grant or renewal of a hackney carriage or PHV licence must be accompanied by proof the vehicle has, within the last 30 days, passed the VSI, regardless of the age of the vehicle.
- 3.18 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that, on receiving an application for the grant of a PHV licence, a council *“must not grant a licence”* unless it is satisfied that, amongst other things, that vehicle is ‘in a suitable mechanical condition’, ‘safe’ and ‘comfortable’. For hackney carriages, the Town Police Clauses Act 1847 is more general, stating that councils ‘may’ license *“...such number of hackney coaches or carriages of any kind or description adapted to the carriage of persons as they think fit.”* Be that as it may, prospective hackney carriages receive the same level of consideration as PHVs in practice. For these reasons, vehicle licence applications must, with few exceptions, be accompanied by a certificate or similar to show the vehicle has undergone an inspection of sorts. Exactly what, is shown at **Appendix 4**.
- 3.19 There are certain circumstances where a vehicle does not have a mechanical inspection of some kind, being:
- In the Sedgemoor zone, prospective hackney carriages and PHVs which are less than 1 year old at the time of application.

- In the Mendip zone, prospective hackney carriages with less than 500 miles on the mileometer. A visual inspection only.
- 3.20 In other instances, vehicles of lower age undergo less testing than an older vehicle might e.g. a Council safety and suitability inspection only, rather than that and an MOT.
- 3.21 Naturally, the lower the amount of mileage, the lower the risk that the vehicle will have sustained damage of some kind or developed a defect. Be that as it may, the question is whether, without a thorough mechanical inspection, can the Council be fully satisfied that a vehicle is ‘in a suitable mechanical condition’, ‘safe’ and ‘comfortable’. Officers believe that, to meet the Council’s statutory duty as outlined at paragraph 3.18, all applications for both hackney carriage and PHV licences should be supported by proof the vehicle has passed the VSI (which includes an MOT) within the last 30 days.

Proposal 3: vehicle testing frequency

- 3.22 The third proposal is to remove all existing requirements for hackney carriages and PHVs to have a second form of VSI during the 12 month period of the licence. The Taunton Deane zone is the only area where this is already the case.
- 3.23 The DfT’s view on the frequency of vehicle tests can be found at section 8.19 of the [best practice guidance](#): *“An annual test for licensed vehicles of whatever age (including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. More frequent tests may be appropriate for older vehicles which may be more prone to mechanical defects (see [Vehicle age limits](#) or for vehicles owned by proprietors that persistently present vehicles that do not meet the standards required by the authority.”*
- 3.24 The purpose of licensing policies and requirements is to keep the public safe, but they should also be proportionate and justifiable because there is often a cost impact on the trade. This is very true in respect of vehicle testing, the full cost of which is met by the vehicle proprietor.
- 3.25 As paragraph 3.5 shows, hackney carriages and PHVs will require a second VSI part way through the life of a licence from the age of 3 years in the Mendip zone. In the Sedgemoor zone, it is as late as 10 years, but not at all in the Taunton zone.

- 3.26 Rather than arbitrarily picking a vehicle age that is at the top, bottom or in the middle of the range of our current policies without any real basis for doing it, officers are proposing to implement a policy where vehicles are ordinarily tested once a year, coinciding with the granting and renewal of a licence. This would provide a fair and straight forward starting point for the trade and Council and can be later reviewed and changed if there were good and proper reasons to do so.

Proposal 4: emergency equipment

- 3.27 The fourth proposal is that all existing requirements for hackney carriages and PHVs to carry fire extinguishers and first aid kits be lifted.
- 3.28 Vehicle licence conditions across all five zones currently require fire extinguishers to be carried. First aid kits are required in all but one zone (being Sedgemoor). Neither vehicle nor driver licences have conditions that oblige the driver to use them in the event of an emergency.
- 3.29 Section 8.18 of the best practice guidance addresses emergency equipment:
- 3.30 *“The Highway Code advises that should a vehicle catch fire, the occupants should get out of the vehicle quickly and to a safe place and not to attempt to extinguish a fire in the engine compartment, as opening the bonnet will make the fire flare. The National Fire Chief Council (NFCC) recommends that licensing authorities that require fire extinguishers to be provided in vehicles, should ensure that suitable and sufficient training is received by the drivers.*
- 3.31 *“The NFCC’s advice is that if a licensing authority elects not to require drivers to undertake training on the safe way to tackle a vehicle fire, vehicles should not be required to carry fire extinguishers and drivers advised to get out and stay out of the vehicle and call 999, rather than attempting to firefight.”*
- 3.32 Officers see no reason why taxi and PHV drivers should be expected to behave differently than any other motorist and attempt to tackle a fire. Therefore, it seems unnecessary to force proprietors and drivers to carry a fire extinguisher, especially as the best practice guidance suggests that should also entail suitable training.



3.33 The best practice guidance does not offer a view on the carrying of first aid kits, but it seems logical to look at this issue in a similar way to fire extinguishers.

#### **4. Consultations undertaken**

4.1 There was a four-week consultation, open to all driver, proprietor and private hire operator licence holders, between the 9<sup>th</sup> of February and 7<sup>th</sup> of March. Consultation responses were captured in an online questionnaire on the Council website. 914 separate licence holders were directed, via text message and/or email, to visit the webpage for full details of the consultation (and to respond).

4.2 The questionnaire asked those who responded to indicate the degree to which they supported each proposal or not; ranging from 'strongly support' through to 'strongly disagree'. They could also leave comments for each and general comments at the end.

4.3 39 separate individuals responded to the consultation; a response rate of 4.27%. Full details of the responses are shown at **Appendix 10**. Overall, there is more support for each of the proposals than not.

#### Criteria of test too stringent

4.4 A number of responders who did not support the proposed the test criteria set out in the VSI manual and form (Appendices 8 and 9) cite section 4.1 as being too stringent, since a number of stone chips and scratches to the body of a vehicle would result in it failing the inspection. It should be noted that since the changes have been made to the VSI manual and form following the consultation, section 4.1 now appears as 3.1.

4.5 It should be noted that the proposal is effectively to adopt criteria that is already used for the Mendip and South zones without controversy. Adopting the VSI without the bodywork standards would therefore represent a reduction to standards in those areas.

4.6 Much like the cleanliness of a vehicle, the condition of the bodywork may not necessarily be an accurate reflection of the mechanical condition and overall safety of a vehicle, however it does impact on the public's perception and confidence in the vehicle and its driver. The Licensing Manager/Specialist acknowledges the concerns raised but believes that maximising public

confidence justifies leaving the bodywork section of the manual unchanged, and that promoting high standards can benefit the trade.

Number of nominated test stations

- 4.7 As indicated at paragraph 3.4, the Licensing service will be able to review the number of test stations nominated to inspect hackney carriages and private hire vehicles once the Council has resolved to harmonise the inspection criteria.

Meter tests

- 4.8 The VSI manual (Appendix 8) deliberately includes section 1.3 for meter test, allowing for the VSI to evolve in the future, subject to dialogue with the trade and nominated test stations.

Allow the MOT aspect of the VSI to be done at any DVSA approved test station

- 4.9 It has been suggested that it should be possible to have MOT aspect of the VSI carried out at any MOT test station approved by the DVSA. The best practice guidance supports that approach as it “...*maximises the testing capacity available to vehicle proprietors and allows licensing authorities to focus their testing capacity on any additional criteria that they consider necessary for taxi and private hire vehicles.*”
- 4.10 To this end, the proposed policy recognises the MOT and additional requirements that form the VSI as two, distinct inspection elements. The VSI element is limited to being carried out a Council nominated test station but the MOT by any DVSA approved test station, consistent with the best practice.

Vehicles would have more than one MOT a year under new rules

- 4.11 One of the principle aims of recommending a new policy on hackney carriage and private hire vehicle testing is to replace legacy policies and arrangements with a system of testing that is simple and not onerous. The VSI manual and checklist deliberately set out the importance of the MOT as being part of the Council’s process for checking the mechanical safety and suitability a prospective vehicle at the time an application is made.

- 4.12 As indicated at paragraph 3.20, the Council has a legal duty to be satisfied that a private hire vehicle is ‘in a suitable mechanical condition’, ‘safe’ and ‘comfortable’ before it grant a licence. It seems peculiar that the Council should therefore rely on an MOT pass certificate issued up to 11 months before the application is made (which is currently the case in certain circumstances – see Appendix 4).
- 4.13 It is acknowledged that, by introducing the requirement for a vehicle to pass an MOT and VSI no more than 30 days before an application for the grant or renewal of a licence is made, some vehicles would receive more than one MOT in a 12-month period initially. Be that as it may, all future MOTs would then naturally be synchronised with the life of the vehicle licence and renewal cycle. For example: *A hackney carriage licensed to work in the Taunton Deane zone has its annual MOT in February each year. The pass certificate is currently sufficient to be submitted with an application to renew the hackney carriage vehicle licence, which is due in August. Were the proposed policy introduced, the vehicle would have an MOT in February and again in August, just before the vehicle licence is renewed. In the following year however, there would be no need for an MOT in February as the due date would then be synchronised with the life span and renewal of the licence.*
- 4.14 The Licensing Manager/Specialist believes the proposed policy (Appendix 1) represents a straight forward, proportionate and fully justified approach that with the aim of keeping the travelling public safe, and is not unduly onerous on the trade.

Emergency equipment should be required

- 4.15 Some responders have come out in favour of keeping requirements to carry a fire extinguisher and first aid kit in their vehicles, even citing situations in which they have come into use.
- 4.16 Under the proposal, drivers would not be forced to carry emergency equipment but could if they felt inclined. The Licensing Manager/Specialist believes the proposal is appropriate and proportionate.

No smoking signage

- 4.17 One responder suggested that no smoking signage is no longer relevant and should not form part of the VSI.

- 4.18 Since failure to display no-smoking signs in accordance with regulations (The Smoke-free (Signs) Regulations 2012 require at least one legible no-smoking sign), it seems appropriate for it to remain part of the VSI.

‘Spot checks’

- 4.19 The recommended policy concentrates on the Council’s method of ensuring a vehicle is safe and suitable at the point a licence application is received. Since multi-agency operations rely on the willingness and availability of the likes of the Police and DVSA, it is not appropriate for the Council to make a commitment in that regard.

**5. Implications**

- 5.1 Resolving to adopt the proposed policy will enable the Licensing service to review the test stations that are nominated to carry out hackney carriage and private hire tests. Increasing the number of test stations, particularly in the Sedgemoor and South Somerset zones would give vehicle proprietors greater choice and subject to locations, potentially reduce unnecessary travelling.

**6. Background papers**

- 6.1 The ‘background papers’ not included with the report as full appendices are:

(a) MOT inspection manual: <https://www.gov.uk/guidance/mot-inspection-manual-for-private-passenger-and-light-commercial-vehicles>

(b) Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England:  
<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england#vehicle-licensing>

**7. Appendices**

1.	Proposed policy
2.	Legacy policy amendments necessary if recommendation resolved

(Licensing and Regulatory Committee – 11<sup>th</sup> April 2024)

3.	Hackney Carriage and Private Hire Vehicles National inspection standards
4.	Hackney carriage vehicle licence grant and renewal application requirements
5.	Sedgemoor District Council testing manual
6.	West Somerset inspection checklist
7.	Safety and suitability test criteria for Taunton Deane zone
8.	Vehicle suitability inspection (VSI) manual
9.	Somerset Council VSI form
10.	Consultation responses

**Note** For sight of individual background papers please contact the report author