

# Regulatory Committee

2.00pm, Monday, 20 May 2019

## Measures to Improve Taxi Examination Centre Efficiency and Improve Vehicle Safety

Executive/routine

Wards

Citywide

Council Commitments

### 1. Recommendations

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- 1.1 It is recommended that the Regulatory Committee:
  - 1.1.1 Notes the contents of this report and discharges previous remits from the Regulatory Committee on 7 January 2019;
  - 1.1.2 Supports the proposals outlined in paragraph 4.8 and agrees that they will take effect from 30 September 2019; and
  - 1.1.3 Agrees the draft policy.

#### Paul Lawrence

Executive Director of Place

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## Measures to Improve Taxi Examination Centre Efficiency and Improve Vehicle Safety

### 2. Executive Summary

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- 2.1 This report provides details of the measures considered necessary to improve the efficiency of the Taxi Examination Centre (TEC) and to improve the standards of vehicles presented for inspection, thus reducing the need for vehicle retests. The approach should drive up the overall standard of vehicles operating on a daily basis, ensuring that they are safe, roadworthy and fit for purpose.

### 3. Background

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- 3.1 As the licensing authority under the Civic Government (Scotland) Act 1982, the Council has a duty to ensure that taxis and private hire cars (PHCs) are safe, roadworthy and fit for purpose. Both taxis and PHCs are required to be inspected upon application for new licences or renewal of existing licences. New vehicles (intended to replace an existing licensed vehicle) are also required to be inspected. In addition, licensed vehicles may be subject to spot checks or called in for ad-hoc inspections, as required by Police or Council officers
- 3.2 The testing of taxis and PHCs is carried out at the Council's test facility, the Taxi Examination Centre (TEC) operated by Fleet Services at the Murrayburn Road council depot. The TEC also carries out similar examination and enforcement functions for both West Lothian and Midlothian councils.
- 3.3 As previously reported, a culture exists amongst some operators where vehicles are submitted for test and any faults identified in the test remedied thereafter. This practise needs to be addressed, as maintenance should be carried out on an ongoing basis. Vehicles should not only be presented for test in a compliant condition, but should be maintained at that level on a daily basis to ensure public safety and wellbeing.
- 3.4 The national average pass rate for MOTs is currently circa 70% for Class III and IV vehicles. By comparison, the City of Edinburgh average pass rate in 2018 for licensed vehicles was 49% for taxis and 58% for PHCs.

## 4. Main report

- 4.1 The Taxi Examination Centre (TEC) is managed by City of Edinburgh Council Fleet Services and is an approved MOT testing station authorised and governed by the Driver and Vehicle Standards Agency (DVSA). All licensed vehicles, irrespective of age, are tested to MOT standards. This includes emissions testing, where applicable, and a full compliance check with City of Edinburgh Council's Taxi and Private Hire licensing conditions. The licensed fleet is therefore more rigorously tested and controlled than private vehicles (Appendix 1).
- 4.2 During 2017/18 and 2018/19 the TEC continued to experience pressure and an increase in waiting times for new vehicles to be inspected. This resulted from a range of issues, including:
- 4.2.1 an increase in the number of PHC licence applications and vehicles submitted for inspection;
  - 4.2.2 an increase in the number of appointments missed
  - 4.2.3 an increase in the number of change of vehicle applications; and
  - 4.2.4 a high initial failure rate leading to re-inspections.
- 4.3 The following table shows information provided by the TEC for the number of vehicles passing the test on the first occasion and the number of vehicle examination hours lost to missed appointments in 2018.

<b>Measure</b>	<b>January – December 2018 Taxi</b>	<b>January – December 2018 PHC</b>	<b>January – December 2018 Overall</b>
Council-licensed vehicles tested passing first time	49%	58%	55%
Appointments missed	3% (equates to 216 lost hours)	8% (equates to 844 lost hours)	6% (equates to 1060 lost hours)
Tests abandoned due to poor vehicle condition	1% (equates to 92 lost hours)	2% (equates to 248 lost hours)	2% (equates to 340 lost hours)

- 4.4 A number of measures have now been implemented to address increased demand at the TEC. These include:
- 4.4.1 two additional vehicle inspection ramps, which have been operational since March 2018; and
  - 4.4.2 where it is apparent that any vehicle has not been prepared for inspection it will not be tested, the test will be abandoned, and a retest fee applied
- 4.5 An increase in the staffing resource at the TEC is being reviewed to reflect the increased volume of vehicle licence applications and increased fleet size. This will also support increased enforcement activity on the roadside

- 4.6 Initial discussions were held with trade representatives through the Hire Car Trade Meeting (HCTM) during 2018. A range of options designed to improve TEC efficiency and vehicle safety were identified and are shown in Appendix 2. The trade was given a final opportunity to respond to the proposals prior to the Hire Car Trade Meeting on 5 March 2019.
- 4.7 Representatives from the trade, through HCTM members, were broadly supportive of the proposals and also expressed support for increasing effective enforcement action in regard to taxi and PHC licence holders who are in breach of the conditions of licence. Only one written response to the proposals has been received (Appendix 3). A number of the concerns expressed in the representation received are addressed in Appendix 1, which details the requirements of an approved MOT testing station.
- 4.8 It is proposed that the following measure should be implemented:
- 4.8.1 Where a vehicle fails inspection, the TEC currently offers a retest within 10 days. However, this inevitably contributes to workload, and to waiting times for test dates for other applicants. Where a retest takes place within 10 days, provided the reason for failure falls within a range of defined defects (Appendix 2), the retest does not currently incur any additional charge. However, the regulations governing MOT testing by Authorised Test Stations permit a retest fee of up to a maximum of half of the original MOT test fee.
- Where a retest takes place within 10 days, provided the reason for failure falls within a range of defined defects (as shown in Appendix A) and only requires a partial retest, the retest will incur an additional charge which is equivalent to half of the permitted MOT Test fee i.e. £27.43
- Where a retest takes place within 10 days and requires a full retest, the retest will incur a further full examination fee.
- 4.8.2 The guidance issued in respect of MOT testing stations by the Vehicle and Operator Services Agency for minor defects permits a process known as 'pass after rectification' (Appendix 2), where such defects may be rectified within one hour after the test, but before recording the results. The TEC would continue to offer this facility to allow vehicles with minor defaults to be retested. This would facilitate retesting of vehicles which had, for example, a blown bulb which had occurred immediately prior to the test taking place, or other similar minor defect.
- No fee would be levied for vehicles with minor defects
- 4.8.3 The TEC currently offers test dates for new applications at the earliest opportunity. In the case of licence renewal applications, the licence holder is advised of the test date 13 months in advance (at the time of the previous compliance inspection) and a reminder is sent to the licence holder one month in advance of the actual test date. This is to assist the licence holder and to enable the TEC to manage resources in an efficient manner. Failure by applicants to keep appointments, and accommodating a new test date

within 10 days of the original appointment, has a negative impact on the efficient use of resources and adversely affects the TEC's ability to offer test dates to other applicants.

Licence holders who fail to keep appointments will no longer be prioritised, unless good cause can be demonstrated, and may not be given a test date within 10 days. While 'Good Cause' is not defined, it could include events such as a bereavement, serious illness, vehicles involved in an accident etc. This mirrors the criteria applied in the [Policy on 'Good Cause'](#) for late licence renewal applications (Appendix 5)

- 4.8.4 Introduction of risk based inspections in respect of licence holders whose vehicles have poor records of maintenance, are identified as having serious defects at inspection, or are presented for inspection in an unsafe condition. It was initially proposed that after six months, vehicles in these categories would be subject to re-inspection in terms of conditions 3 and 56 of the licence conditions for taxis and PHCs respectively - and liable to be recalled for inspection at any time given two days' notice.

Introduction of a risk based inspection regime in respect of licence holders whose vehicles have poor records of maintenance, are identified as having serious defects at inspection, or are presented for inspection in an unsafe condition. Vehicle will be inspected every six months. In addition licence holders may liable to be recalled for inspection at any time given two days' notice.

- 4.8.5 Licence holders whose vehicles are habitually found to be defective, and who have failed to engage with officers to improve the condition and management of their vehicles, may be reported to the Licensing Sub-Committee with a recommendation to refuse the renewal of the licence, or to suspend the licence until the licence holder has undertaken the appropriate steps to remedy the issue. In more serious cases, the recommendation may be to revoke the relevant licence.

Licence holders whose vehicles are habitually found to be defective, and who have failed to engage with officers to improve the condition and management of their vehicles will be reported to committee for consideration

## 5. Next Steps

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- 5.1 Council officers will monitor the implementation of the proposed changes and will include findings in the next Taxi Examination Centre Performance update to committee.
- 5.2 Work is under way to review and increase the staffing resource at the TEC to reflect the increased volume of vehicle licence applications and increased fleet size. This will also support increased enforcement activity on the roadside.

- 5.3 Council officers continue to consult with trade representatives via the HCTM to ensure that taxis and private hire cars (PHCs) are safe, roadworthy and fit for purpose.

## **6. Financial impact**

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- 6.1 The costs of the TEC are paid for by fees generated by taxi and PHC licence applications to the Council. West Lothian Council and Midlothian Council are charged for the work undertaken on their behalf.
- 6.2 Taxis and PHCs are tested to MOT standard, and inspected to ensure compliance with any relevant conditions of licence. The standards of vehicles presented for inspection falls well below the national average pass rate of circa 70% for Class III and IV vehicles (statistics available on DVSA website). This resulted in 1060 lost hours in respect of missed appointments and 340 lost hours in respect of abandoned tests in 2018 (approximately 200 working days).
- 6.3 The proposed measures should reduce the need for vehicle retests and improve the efficiency of the TEC.

## **7. Stakeholder/Community Impact**

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- 7.1 The TEC is an Approved MOT Testing Centre and all licensed vehicles are tested to MOT standards, irrespective of age. This includes emissions testing where applicable, and therefore the licensed fleets between new registration and three years old are more rigorously tested and controlled than private vehicles.

## **8. Background reading/external references**

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- 8.1 [Taxi Examination Centre – Vehicle Inspection Pass Rates](#) – Regulatory Committee, 24 June 2016
- 8.2 [Taxi Examination Centre - Performance Update](#) - Regulatory Committee, 17 February 2017
- 8.3 [Taxi Examination Centre – Vehicle Inspection Pass Rates](#) - Regulatory Committee, 8 January 2018
- 8.4 [Taxi Examination Centre – Performance Update](#) – Regulatory Committee, 7 January 2019

## **9. Appendices**

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- 9.1 Appendix 1 - Taxi Examination Centre and MOT test Requirements
- 9.2 Appendix 2 - Proposed Measure to improve TEC efficiency and improve vehicle safety
- 9.3 Appendix 3 - Edinburgh Private Hire Drivers response

- 9.4 Appendix 4 - Draft Policy on Vehicle examinations
- 9.5 Appendix 5 - Policy on 'Good Cause' for late licence renewal applications

### Taxi Examination Centre and MOT test Requirements

The Taxi Examination Centre is managed by City of Edinburgh Council Fleet Services and is an approved MOT testing station authorised and governed by the Driver and Vehicle Standards agency (DVSA). All licensed vehicles irrespective of age are tested to MOT standards, this includes emissions testing where applicable and a full compliance check with City of Edinburgh Council Taxi and Private Hire licensing conditions. The licensed fleet is therefore more rigorously tested and controlled than private vehicles.

Prior to being approved as examiners, all examiners must:

- Be a skilled mechanic with at least four years' full-time employment servicing and repairing the types of vehicles they are going to test;
- have no [unspent convictions](#) for criminal offences connected with MOT testing or the motor trade, or involving acts of violence or intimidation;
- be 'of good repute' - the Driver and Vehicle Standards Agency will decide this;
- have a [level 2 testing certificate](#) in class 4 and 7 vehicles (group B); and
- have passed an MOT demonstration test after getting the level 2 certificate.

Once qualified, examiners are required to complete and pass an annual online DVSA approved module and assessment.

DVSA requires that each MOT centre has an "Authorised Examiner" who is accountable for any action carried out by staff, that staff are well supervised, fully trained, capable of carrying out an MOT test to required standards and have kept up to date with special notices and MOT scheme changes. The senior examiner at the TEC is the appointed "Authorised Examiner"

The "Authorised Examiner" must carry out quality control checks on each tester at least every two months, which is a minimum requirement.

### MOT Test

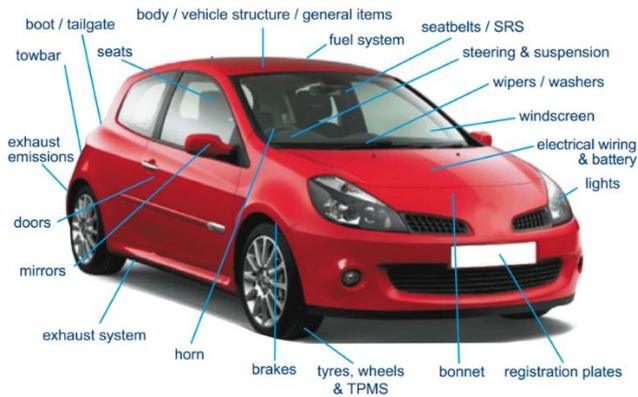
Owners are entitled to watch the test from a viewing area but are not allowed to interrupt the tester.

During the MOT the vehicle will be checked to make sure they meet the legal standards.

The test doesn't cover the condition of the:

- engine
- clutch
- gearbox

Car parts tested in the MOT include:



## Body, vehicle structure and general items

These will be inspected to check that:

- they're free from excessive corrosion or damage in specific areas
- there are no sharp edges likely to cause injury

## Fuel system

The fuel system will be inspected to check that:

- there are no leaks
- the pipes and hoses are secure and in a good condition
- the fuel cap fastens and seals securely

## Exhaust emissions

The vehicle will be inspected, depending on the age and fuel type of the vehicle, to check that it meets the rules for exhaust emissions.

The MOT tester will refuse to test your vehicle if they think that the smoke test may damage your engine.

## Exhaust system

The exhaust system will be inspected to check that:

- it's secure and complete
- a catalyst isn't missing where one was fitted as standard
- it's without serious leaks and not too noisy

## Seatbelts

The vehicle will be inspected to check that:

- the mandatory seatbelts are in place
- they are suitable for the vehicle
- they are in a good condition
- they work properly
- they are attached securely

The malfunction indicator lamps (MILs) or dashboard warning lights will be checked for the:

- air bags
- seatbelt pretensioners (which remove the slack from a seatbelt in the event of a collision)
- seatbelt load limiters (which release a small amount of belt when it's too tight)

## **Seats**

These will be inspected to check that:

- the driver's seat can be adjusted
- all seats are securely fitted and that seat backs can be fixed in the upright position

## **Doors**

These will be inspected to check that:

- the latch is secure in the closed position
- the front doors open from inside and outside the vehicle
- the rear doors open from outside the vehicle
- hinges and catches are secure and in a good condition

## **Mirrors**

The vehicle will be inspected to check for the minimum number of mirrors, their condition and security. Indirect vision devices will also be inspected.

## **Load security**

The vehicle will be inspected to check that the boot or tailgate can be closed properly.

## **Brakes**

These will be inspected to check:

- their condition, including inappropriate repairs or modifications
- their operation and performance (the efficiency test) - the wheels and trims aren't removed as part of the test
- the anti-lock braking system (ABS) and electronic stability control (ESC) (where fitted)

The MILs or dashboard warning lights will also be checked for the ABS, ESC, electronic park brake and brake fluid warning lights.

## **Tyres and wheels**

These will be inspected to check for:

- condition
- security
- tyre size and type
- tread depth

Spare wheels and tyres are not inspected.

Vehicles first used on or after 1 January 2012 will be checked to make sure the tyre pressure monitoring system (TPMS) MIL is working.

## **Registration plates**

These will be inspected to check for:

- condition
- secure attachment
- colour
- characters correctly formed and spaced

## **Lights**

These will be inspected to check:

- their condition
- operation, including high intensity discharge (HID) and light emitting diode (LED)
- the headlamps for cleaning, self levelling and security
- headlamp aim
- main beam warning light working

## **Bonnet**

This will be inspected to check that it closes securely.

## **Wipers and washers**

These will be inspected to check that they work properly so the driver has a clear view of the road.

## **Windscreen**

The windscreen will be inspected to check for:

- condition
- the driver's view of the road

## **Horn**

This will be inspected to check:

- that it works properly
- it's suitable for the vehicle

## **Steering and suspension**

These will be inspected to check:

- their condition
- steering oil level
- they work correctly
- for inappropriate repairs or modification including corrosion to power steering pipes or hoses
- that the steering lock mechanism works properly

The MILs or dashboard warning lights will also be checked for the electronic power steering and steering lock.

## **Vehicle identification number (VIN)**

The VIN will be on vehicles first used on or after 1 August 1980. Your car will be inspected to check that a single VIN is displayed, except on multistage build vehicles (eg van conversion, BMW, Alpina etc).

### **Electrical**

Visible electrical wiring and the battery will be checked.

### **Retest after a repair**

In some cases a vehicle can have a partial retest for free or a reduced MOT fee.

### **Taking it back for a retest the next working day**

Do not have to pay again if the vehicle is taken back to the same test centre before the end of the next working day for a partial retest on one or more of these items:

- access panels
- battery
- bonnet
- bootlid
- brake pedal antislip
- doors (including hinges, catches and pillars)
- dropsides
- electrical wiring
- fuel filler cap
- headlamp cleaning or levelling devices (that does not need a headlamp aim check)
- horn
- lamps (excluding headlamp aim)
- loading door
- main beam 'tell-tale'
- mirrors
- rear reflectors
- registration plates
- seatbelts (but not anchorages), seatbelt load limiter and seatbelt pre-tensioner
- seats
- sharp edges or projections
- stairs
- steering wheel
- tailboard
- tailgate
- tyre pressure monitoring system
- vehicle identification number (VIN)
- windscreen glass, wipers and washers
- wheels and tyres

Taking it back for a retest within 10 working days

Vehicle will need a partial retest if the vehicle is taken from the test centre for repairs and then taken back within 10 working days. Can be charged a partial retest fee for this.

### **Taking vehicle away for repairs**

The vehicle can be taken away if your MOT certificate is still valid.

If the MOT has run out the vehicle can be taken to:

- have the failed defects fixed
- a pre-arranged MOT test appointment

In both cases, the vehicle still needs to meet the minimum standards of roadworthiness at all times.

## **Appeal process**

### **Test result appeals and problems**

There is a right of appeal for an MOT test failure or an opportunity to complain to the Driver and Vehicle Standards Agency (DVSA) if there is a belief that the vehicle should not have passed.

### **Appeals process if vehicle failed an MOT**

It is important that the test results are discussed with the test centre before anyone starts repairs.

An appeal against the failure can be made to DVSA within 14 working days of the test by filling in the [complaint form](#)

DVSA will contact the complainer within 5 days to discuss the appeal.

If DVSA decides to recheck the vehicle, it will be necessary to arrange a date and pay the full test fee again. DVSA will send out an inspection report listing any vehicle defects.

No repairs made until the appeal process has finished.

The MOT Test fees table and complaints notice (shown below) is displayed on the Notice Board within the reception area the Taxi Examination Centre



## MOT Test: Fees

<b>Fees &amp; Classes</b>	<b>Note: Fees not subject to VAT (fees shown are maximum fees)</b>	<b>Age first test certificate required (years)</b>	<b>Fees</b>
<b>Class 1 &amp; 2</b>	Motorbicycles	(3)	<b>£29.65</b>
	Motorbicycles with sidecar (class 1 engine size up to 200cm <sup>3</sup> )	(3)	<b>£37.80</b>
<b>Class 3</b>	<b>3 Wheeled Vehicles</b> (up to 450kg unladen weight)	(3)	<b>£37.80</b>
<b>Class 4</b>	<b>Cars</b> (up to 8 Passenger Seats) <b>and Motor Caravans</b>	(3)	<b>£54.85</b>
	<b>3 Wheeled Vehicles</b> (over 450kg unladen weight)	(3)	
	<b>Quads</b> (max unladen weight 400kg - for goods vehicles 550kg and max. net power of 15kw)	(3)	
	<b>Dual Purpose Vehicles</b>	(3)	
	<b>Private Hire Vehicles and PSVs</b> (up to 8 seats)	(3)	
	<b>Goods Vehicles</b> (up to 3,000kg DGW)	(3)	
	<b>Ambulances and Taxis</b> (Taxis and Private Hire Vehicles may be subject to additional local requirements)	(1)	
<b>Private Passenger Vehicles and Ambulances</b> (9-12 Passenger Seats)	(1)	<b>£57.30</b>	
<b>Class 4A</b>	<b>Includes seat belt installation check</b> (9-12 Passenger Seats)	-	<b>£64.00</b>
<b>Class 5</b>	<b>Private Passenger Vehicles and Ambulances</b> 13-16 Passenger Seats	(1)	<b>£59.55</b>
	<b>Playbuses</b> More than 16 Passenger Seats (with 13 or more passenger seats)	(1)	<b>£80.65</b>
<b>Class 5A</b>	<b>Includes seat belt</b> 13-16 Passenger Seats	-	<b>£80.50</b>
	<b>Installation check</b> More than 16 Passenger Seats	-	<b>£124.50</b>
<b>Class 7</b>	<b>Goods Vehicles</b> (over 3000kg up to 3500kg DGW)	(3)	<b>£58.60</b>
	<b>Partial retest fee</b>		<b>Half test fee</b>
	<b>Maximum fee for duplicate test certificate</b>		<b>£10.00</b>

**Fees apply from Monday 6 April 2010**

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# Retests and Appeals

## Retests (Re-Examinations)

- ▶ Providing the testing station has not changed ownership▶ If the vehicle is brought back to the same test station and retested before the end of the next working day on one or more of the following items only: No Additional Fee (Partial Re-Examination)

Access panels	Entrance door remote control**	Registration plates	Trailer electrical sockets
Battery	Entrance/exit steps**	Seat belts (but not anchorages)	Tyre pressure monitoring system
Bonnet	Fuel filler cap	Seat belt load limiter	Vehicle identification number (VIN)
Boot lid	Headlamp cleaning or levelling devices (not requiring a headlamp aim check)	Seat belt pre-tensioner	Windscreen and glass
Brake pedal anti-slip	Horn	Seats	Windscreen wipers/washers
Break glass hammer**	Lamps (excluding headlamp aim)	Sharp edges or projections	Wheels* and tyres*
Doors (including hinges, catches and pillars)	Loading door	Stairs**	
Door open warning device**	Main beam 'tell-tale'	Steering wheel	
Dropsides	Mirrors	Tailboard	
Electrical wiring	Rear reflectors	Tailgate	
Emergency exits and signs**		Towbars (excluding body around anchorage points)	(* excludes class 1 and 2 ** class 5 only)

- ▶ If the vehicle is left at the testing station for repair and is retested before the end of 10 working days following the day of the initial failure, then only a partial retest is needed for which no fee may be charged.
- ▶ If the vehicle is removed from the testing station for repair and returned for retest within 10 working days following the day of the initial failure, then only a partial retest is needed and a partial retest fee may be charged.

Only one Partial Re-Examination is permissible per full examination

- ▶ In any other case full re-examination **Full Fee**
- ▶ Appeal test fee **Full Fee**

## Appeals

If you wish to appeal against refusal to issue a test certificate for your vehicle:

- ▶ Ask for a form (VT17) - obtainable from this testing station or the DVSA website.
- ▶ Send the form to the Driver and Vehicle Standards Agency Customer Service Centre, address shown below, within 14 working days of the refusal notice issue date.
- ▶ If your appeal is successful, the fee or, if appropriate, part of it will be returned to you.
- ▶ Do not have your vehicle repaired before your appeal is considered. This is because any change to your vehicle may affect the outcome of the appeal.

DVSA Customer Service Centre: **DVSA, The Ellipse, Padley Road, Swansea, SA1 8AN**

Telephone: **0300 123 9000\***

DVSA website: **www.gov.uk/dvsa**

\* Calls provided by BT are charged at a low rate. Charges from other providers may vary. Your call may be monitored or recorded for lawful purposes.

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## Appendix 2 - Proposed Measure to improve TEC efficiency and improve vehicle safety

### Measures to improve TEC efficiency and improve vehicle safety

- Work is ongoing to identify action which could be taken to further reduce the number of vehicles failing when presented for annual test. A culture exists amongst some operators of submitting vehicles for test and thereafter remedying the faults identified in the test. This practise needs to be addressed as maintenance should be carried out on an ongoing basis and vehicles presented for test in a compliant condition. A range of options have been identified as follows:
- Work is underway to review and increase the staffing resource at the TEC to reflect the increased volume of vehicle licence applications and increased fleet size.

**This would allow capacity to increase enforcement activity at street level.**

- Currently the TEC offers a retest within 10 days for vehicles failing inspection however, this inevitably contributes to the workload and to the waiting times for other applicants to be offered a test date. Where a retest takes place within 10 days, provided the reason for failure falls within a range of defined defects, the retest does not currently incur any additional charge. However, the regulations governing MOT testing by Designated Council's permit a retest fee of up to maximum of half of the original MOT part of the test fee. In the case of taxis and PHCs this would be £27.43.

**It is proposed to consider the applying this charge to retests.**

- For minor defects, the guidance issued in respect of MOT testing stations by the Vehicle and Operator Services Agency, permits a process known as 'pass after rectification' where such defects may be rectified within one hour after the test but before recording the results. The TEC would continue to offer this facility to allow vehicles with minor defaults to be retested. This would facilitate retesting of vehicles which had, for example, a blown bulb which had occurred immediately prior to the test taking place or other similar minor defect.

**In these circumstances, no fee would be levied.**

- The TEC currently offers test dates for new applications at the earliest opportunity. In the case of licence renewal applications the licence holder is advised of the test date 11 months in advance (at the time of the previous compliance inspection) and a reminder is sent to the licence holder 1 month in advance of that date. This is to assist the licence holder and to enable the TEC to manage resources in an efficient manner. Failure by applicants to keep appointments, and accommodating retests within 10 days, impacts upon

the efficient use of resources and adversely affects the TEC's ability to offer test dates to other applicants.

**In order to more efficiently manage test appointments, arrangements could be made to prioritise retests for vehicles which fail due to safety concerns. Where a vehicle is presented for test in an unsafe condition, it will be taken out of service until it has been repaired and satisfactorily retested. Where a vehicle fails a test and its current compliance certificate expires before the date of retest, the licence holder would require to take the vehicle out of service until it has been retested and a valid compliance certificate issued. These measures would have the effect of discouraging applicants from presenting vehicles for test in a non-compliant condition**

There will inevitably be circumstances where, for good reason, a test date cannot be kept and, where a short notice cancellation occurs, which may create capacity to offer retests at short notice without compromising other planned inspections

- A number of measures have been implemented to address the increased demand at the TEC including:
  - Installation of a replacement an inspection ramp (1 of 3 ramps). Older ramps require two examiners to operate safely. This new ramp can be operated by a single vehicle examiner, thereby leading to efficiencies in time.

Once the additional ramps are operational, and capacity to inspect vehicles has increased, a further proposal may be to introduce risk based inspections in respect of licence holders whose vehicles have poor records of maintenance, are identified as having serious defects at inspection or are presented in an unsafe condition for inspection.

**Vehicles falling into these categories will be subject to re-inspection after 6 months and liable to be recalled for inspection at any time within terms of conditions 3 and 56 of the licence conditions in respect of taxis and PHCs respectively – i.e. at any time on 2 day's notice.**

- Licence holders whose vehicles are habitually found to be defective, and who have failed to engage with officers to improve the condition and management of their vehicles, may be reported to the Licensing Sub-Committee with a recommendation to refuse the renewal of their licence, or to suspend the licence until the licence holder has undertaken the appropriate steps to remedy the issue. In more serious cases, the recommendation may be to revoke the relevant licence.

## Appendix 3 - Edinburgh Private Hire Drivers response



### Measures to improve TEC efficiency and improve vehicle safety

#### A response by Edinburgh Private Hire Drivers' Association

The TEC has reported that too many cars are being presented unprepared. In a great many cases this is due to licence holders not being able to guess what the TEC examiners are going to fail the vehicle for so they just don't bother to prepare properly. Obviously this isn't an acceptable reason for presenting an unprepared vehicle but the TEC is partially to blame for creating this culture by its own long-standing record of poor testing and accuracy standards. There's too big a discrepancy between different examiners and far too many erroneous or trivial fails. The standard of testing needs to be improved to give vehicle operators a guarantee of accuracy and impartiality. Licensee confidence in the staff at the TEC is exceptionally low and this needs to be addressed. Testing staff need to be better trained and supervised and they need to know that their decisions affect people's livelihoods. There should be consequences for examiners who erroneously fail vehicles.

There should be a full time onsite supervisor or manager, independent of the testers. There should also be clerical counter staff to deal face to face with vehicle operators and to do the admin. Qualified examiners are a resource which should not be wasted doing administration. Examiners should have no contact with licence holders. This is how it works in several other council areas including Glasgow. It means that properly trained customer facing staff deal with licensees and examiners are free to do the specialist job they are trained for. There should be CCTV with audio and video recording in all areas of the TEC. Phone calls to and from the TEC should be recorded.

The appointment system needs a complete overhaul. Right now, certain licensees get preferential treatment when it comes to getting test dates. This is totally unacceptable. Tests should be first come first served and should be bookable, changeable and cancellable online.

Vehicles failed for safety reasons should be signed off by 2 examiners and those examiners must know that their decision may be called into question by a DVSA appeal. Licensees should be given clear printed instructions about how to appeal if they are refused a pass certificate. This information should also be clearly displayed in the waiting room. Borderline failures should be retested immediately by a different examiner. In regard to "pass after rectification" there would have to be a published unambiguous list of clearly defined items for which "pass after rectification" could apply. These items should all be fact or evidence based and should never be opinion based.

The suggestion that certain operators or licensees should receive special attention or be subject to extra check would leave the council and the TEC wide open to allegations of discriminatory or unfair practices. It's not the TEC's role to recommend or suggest sanctions against any licence holder to the licensing committee. In fact, examiners should never know whose vehicles they are testing. All vehicles tested should be treated individually and impartially and not be subject to special conditions. Either a vehicle is fit for use or it isn't. Where a vehicle is found to be unfit for use or unsafe it should only be reported as such to the licensing department if the licence holder has failed to rectify the fault or make the vehicle safe.

If the council wants to implement official MOT retest fees then any MOT station should be able to carry out that part of the test or retest. The council cannot simply pick and choose which parts of the MOT regulations it wishes to adhere to or continue to enforce its monopoly on carrying out the MOT side of vehicle examinations. All MOTs should be carried out to the same standard regardless of which MOT centre carries out the test. It's DVSA's role to ensure that all MOT inspectors are carrying out examinations in a fair and accurate way. There is no justifiable reason for the council to refuse to accept an MOT carried out elsewhere. Of course, the council should always have the final say when it comes to compliance of its licensing conditions but removing the MOT part of the test would sort out the understaffing problem at the TEC in one fell swoop. In any case, it's only a matter of time before somebody legally challenges the current monopoly and it's unlikely that the council will have any valid lawful defence or justification for operating in this manner. Better to address this now than wait for a legal challenge.

## **Appendix 4 – Draft Policy on Vehicle examinations**

### **1. Policy**

- 1.1 As the licensing authority under the Civic Government (Scotland) Act 1982, the Council has a duty to ensure that taxis and private hire cars (PHCs) are safe, roadworthy and fit for purpose.
- 1.2 Irrespective of the age of the vehicle all taxis and PHCs are required to be inspected upon application for new licences, renewal of existing licences or change of vehicle variation of an existing licence.
- 1.3 All licensed vehicles may be subject to spot checks or called in for ad-hoc inspections, as required by Police or Council Officers.
- 1.4 The testing of all City of Edinburgh taxis and PHCs is carried out at the Council's test facility, the Taxi Examination Centre (TEC)
- 1.5 The Taxi Examination Centre is managed by City of Edinburgh Council Fleet Services and is an approved MOT testing station authorised and governed by the Driver and Vehicle Standards Agency (DVSA). All licensed vehicles irrespective of age are tested to MOT standards (Appendix A), including emissions testing where applicable and a full compliance check with City of Edinburgh Council Taxi and Private Hire licensing conditions. The licensed fleet is therefore more rigorously tested and controlled than private vehicles
- 1.6 The Licensing Service will arrange test dates for new applications at the earliest opportunity
- 1.7 In the case of licence renewal applications, the licence holder will normally be advised of the test date 13 months in advance (at the time of the previous compliance inspection) and a reminder is sent to the licence holder one month in advance of the actual test date. This is to assist the licence holder and to enable the TEC to manage resources in an efficient manner. Failure by applicants to keep appointments, and accommodating a new test date within 10 days of the original appointment, has a negative impact on the efficient use of resources and adversely affects the TEC's ability to offer test dates to other applicants.
- 1.8 Licence Holders who fail to keep appointments will not be prioritised and may not be given a new test date within 10 days, unless good cause can be demonstrated, While 'Good Cause' is not defined, it could include events such as a bereavement, serious illness, vehicles involved in an accident etc.

### **Vehicle Passes Test**

- 1.9 Taxi and PHCs successfully passing a compliance test will be issued with a MOT Certificate and a City of Edinburgh Council Compliance Certificate.
- 1.10 A fee will be charged for any replacement certificates.

### **Vehicle fails test**

- 1.11 Where a vehicle fails an inspection the examiner will outline reasons for the test failure and issue a fault sheet or rectification notice, and if relevant a MOT fail notice

- 1.12 Where a vehicle fails an inspection, the guidance issued in respect of MOT testing stations by the Vehicle and Operator Services Agency for minor defects permits a process known as 'pass after rectification' where such defects may be rectified within one hour after the test, but before recording the results. In these circumstances the TEC will allow vehicles with minor defaults to be retested. This would facilitate retesting of vehicles which had, for example, a blown bulb which had occurred immediately prior to the test taking place, or other similar minor defect. No fee will be levied for vehicles with minor defaults
- 1.13 Where a retest takes place within 10 days, provided the reason for failure falls within a range of defined defects (as shown in appendix A), and only requires a partial retest the retest will incur an additional charge which is equivalent to half of the permitted MOT Test fee.
- 1.14 Where a retest takes place within 10 days and requires a full retest the retest will incur a further full examination fee.
- 1.15 A risk based inspections will apply to all licence holders whose vehicles have poor records of maintenance, are identified as having serious defects at inspection, or are presented for inspection in an unsafe condition. In these circumstance vehicles will be inspected every six months. In addition licence holders may liable to be recalled for inspection at any time given two days' notice.
- 1.16 Licence holders whose vehicles are habitually found to be defective, and who have failed to engage with officers to improve the condition and management of their vehicles, may be reported to the Licensing Sub-Committee with a recommendation to refuse the renewal of the licence, or to suspend the licence until the licence holder has undertaken the appropriate steps to remedy the issue. In more serious cases, the recommendation may be to revoke the relevant licence.

### **Appeals Process**

- 1.17 In the first instance any concerns re an MOT test failure should be discussed with the senior examiner at the TEC who is the appointed "Authorised Examiner"
- 1.18 There is a right of appeal for an MOT test failure or an opportunity to complain to the Driver and Vehicle Standards Agency (DVSA) if there is a belief that the vehicle should not have passed.

### **DVSA Appeals process if vehicle failed MOT**

- 1.19 It is important that the test results are discussed with the test centre before anyone starts repairs.
- 1.20 An appeal against the failure can be made to DVSA within 14 working days of the test by filling in the [complaint form](#).
- 1.21 DVSA will contact the complainer within five days to discuss the appeal.
- 1.22 If DVSA decides to recheck the vehicle, it will be necessary to arrange a date and pay the full test fee again. DVSA will send out an inspection report listing any vehicle defects.

1.23 No repairs should be made until the appeal process has finished.

1.24 If the appeal is upheld a MOT Certificate will be issued by DVSA

### **City of Edinburgh Conditions Compliance Inspection Appeals process**

1.25 In the first instance any concerns re a condition compliance test failure should be discussed with the senior examiner at the TEC who is the appointed “Authorised Examiner”

1.26 In the event that matters cannot be resolved the matter should be referred to Fleet/Workshop Manager, Place Management, Russell Road, Edinburgh.

The MOT Test fees table and complaints notice will be displayed on the notice board within the reception area the Taxi Examination Centre

## Appendix A - MOT Test

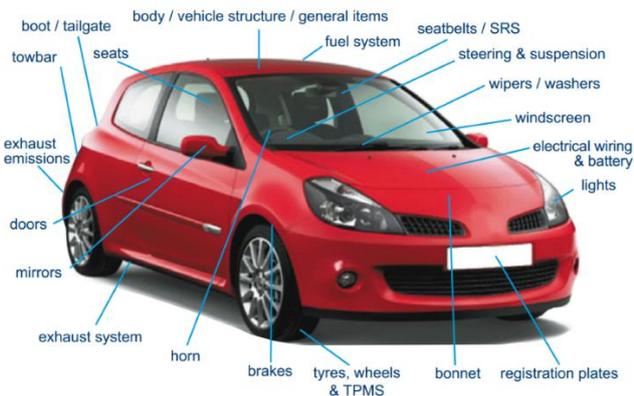
Owners are entitled to watch the test from a viewing area but are not allowed to interrupt the tester.

During the MOT the vehicle will be checked to make sure they meet the legal standards.

The test doesn't cover the condition of the:

- engine
- clutch
- gearbox

Car parts tested in the MOT include:



### Body, vehicle structure and general items

These will be inspected to check that:

- they're free from excessive corrosion or damage in specific areas
- there are no sharp edges likely to cause injury

### Fuel system

The fuel system will be inspected to check that:

- there are no leaks
- the pipes and hoses are secure and in a good condition
- the fuel cap fastens and seals securely

### Exhaust emissions

The vehicle will be inspected, depending on the age and fuel type of the vehicle, to check that it meets the rules for exhaust emissions.

The MOT tester will refuse to test your vehicle if they think that the smoke test may damage your engine.

### Exhaust system

The exhaust system will be inspected to check that:

- it's secure and complete
- a catalyst isn't missing where one was fitted as standard

- it's without serious leaks and not too noisy

## **Seatbelts**

The vehicle will be inspected to check that:

- the mandatory seatbelts are in place
- they are suitable for the vehicle
- they are in a good condition
- they work properly
- they are attached securely

The malfunction indicator lamps (MILs) or dashboard warning lights will be checked for the:

- air bags
- seatbelt pretensioners (which remove the slack from a seatbelt in the event of a collision)
- seatbelt load limiters (which release a small amount of belt when it's too tight)

## **Seats**

These will be inspected to check that:

- the driver's seat can be adjusted
- all seats are securely fitted and that seat backs can be fixed in the upright position

## **Doors**

These will be inspected to check that:

- the latch is secure in the closed position
- the front doors open from inside and outside the vehicle
- the rear doors open from outside the vehicle
- hinges and catches are secure and in a good condition

## **Mirrors**

The vehicle will be inspected to check for the minimum number of mirrors, their condition and security. Indirect vision devices will also be inspected.

## **Load security**

The vehicle will be inspected to check that the boot or tailgate can be closed properly.

## **Brakes**

These will be inspected to check:

- their condition, including inappropriate repairs or modifications
- their operation and performance (the efficiency test) - the wheels and trims aren't removed as part of the test
- the anti-lock braking system (ABS) and electronic stability control (ESC) (where fitted)

The MILs or dashboard warning lights will also be checked for the ABS, ESC, electronic park brake and brake fluid warning lights.

### **Tyres and wheels**

These will be inspected to check for:

- condition
- security
- tyre size and type
- tread depth

Spare wheels and tyres are not inspected.

Vehicles first used on or after 1 January 2012 will be checked to make sure the tyre pressure monitoring system (TPMS) MIL is working.

### **Registration plates**

These will be inspected to check for:

- condition
- secure attachment
- colour
- characters correctly formed and spaced

### **Lights**

These will be inspected to check:

- their condition
- operation, including high intensity discharge (HID) and light emitting diode (LED)
- the headlamps for cleaning, self levelling and security
- headlamp aim
- main beam warning light working

### **Bonnet**

This will be inspected to check that it closes securely.

### **Wipers and washers**

These will be inspected to check that they work properly so the driver has a clear view of the road.

### **Windscreen**

The windscreen will be inspected to check for:

- condition
- the driver's view of the road

### **Horn**

This will be inspected to check:

- that it works properly

- it's suitable for the vehicle

## **Steering and suspension**

These will be inspected to check:

- their condition
- steering oil level
- they work correctly
- for inappropriate repairs or modification including corrosion to power steering pipes or hoses
- that the steering lock mechanism works properly

The MILs or dashboard warning lights will also be checked for the electronic power steering and steering lock.

## **Vehicle identification number (VIN)**

The VIN will be on vehicles first used on or after 1 August 1980. Your car will be inspected to check that a single VIN is displayed, except on multistage build vehicles (eg van conversion, BMW, Alpina etc).

## **Electrical**

Visible electrical wiring and the battery will be checked.

## **Retest after a repair**

In some cases a vehicle can have a partial retest for free or a reduced MOT fee.

## **Taking it back for a retest the next working day**

Do not have to pay again if the vehicle is taken back to the same test centre before the end of the next working day for a partial retest on one or more of these items:

- access panels
- battery
- bonnet
- bootlid
- brake pedal antislip
- doors (including hinges, catches and pillars)
- dropsides
- electrical wiring
- fuel filler cap
- headlamp cleaning or levelling devices (that does not need a headlamp aim check)
- horn
- lamps (excluding headlamp aim)
- loading door
- main beam 'tell-tale'
- mirrors
- rear reflectors
- registration plates
- seatbelts (but not anchorages), seatbelt load limiter and seatbelt pre-tensioner
- seats

- sharp edges or projections
- stairs
- steering wheel
- tailboard
- tailgate
- tyre pressure monitoring system
- vehicle identification number (VIN)
- windscreen glass, wipers and washers
- wheels and tyres

Taking it back for a retest within 10 working days

Vehicle will need a partial retest if the vehicle is taken from the test centre for repairs and then taken back within 10 working days. Can be charged a partial retest fee for this.

### **Taking vehicle away for repairs**

The vehicle can be taken away if your MOT certificate is still valid.

If the MOT has run out the vehicle can be taken to:

- have the failed defects fixed
- a pre-arranged MOT test appointment

In both cases, the vehicle still needs to meet the minimum standards of roadworthiness at all times.

### **Appeal process**

#### **Test result appeals and problems**

There is a right of appeal for an MOT test failure or an opportunity to complain to the Driver and Vehicle Standards Agency (DVSA) if there is a belief that the vehicle should not have passed.

#### **Appeals process if vehicle failed an MOT**

It is important that the test results are discussed with the test centre before anyone starts repairs.

An appeal against the failure can be made to DVSA within 14 working days of the test by filling in the [complaint form](#)

DVSA will contact the complainer within 5 days to discuss the appeal.

If DVSA decides to recheck the vehicle, it will be necessary to arrange a date and pay the full test fee again. DVSA will send out an inspection report listing any vehicle defects.

No repairs made until the appeal process has finished.

The MOT Test fees table and complaints notice (shown below) is displayed on the Notice Board within the reception area the Taxi Examination Centre

## Appendix 5 - Policy on 'Good Cause' for late licence renewal applications

The purpose of this policy is to guide applicants and officers of the City of Edinburgh Council ('the Council') in relation to the late submission of licence renewal applications.

The policy will apply to all late submissions of licence renewal applications in the following categories:

- Taxi Driver
- Private Hire Car Driver
- Taxi Vehicle
- Private Hire Car vehicle
- Second-hand Dealer
- Knife Dealer
- Metal Dealer
- Itinerant Metal Dealer
- Boat Hire
- Street Trader
- Market Operator
- Public Entertainment
- Indoor Sports Entertainment
- Late Hours Catering
- Window Cleaner
- Sex Shop
- Skin Piercing and Tattooing

Hire Car Booking Office.

The [Civic Government \(Scotland\) Act 1982](#) ('the Act') provides that any application for licence renewal must be made before the expiry of the licence. Any application made up to 28 days later will be a 'late application.'

The Act further provides that where a late application is received, the original licence will expire on the date marked on the licence. However, if the Council determines that 'Good Cause' has been shown for the late submission of the application, the previous licence may be held to remain in effect while the renewal is processed.

Prior to making any application, **applicants should consider seeking independent legal advice.**

- I. It is the responsibility of the applicant or their agent to accompany any late application with a written explanation regarding why 'Good Cause' has been demonstrated.
- II. While 'Good Cause' is not defined, it would include events such as a bereavement, serious illness etc. which has had an impact upon the application.
- III. The applicant may be called upon to provide documents or other information in support of their request.
- IV. 'Good Cause' will not be taken to include an applicant's inability to secure or obtain any relevant or essential permissions, consents, leases or vehicles etc. The Council is unable to accept 'Good Cause' where the original licence a) is suspended at the date of expiry or b) subject to civil or criminal proceedings in the courts.

- V. No policy can be fully comprehensive or inclusive, and it is recognised that rules should be enforced in a fair and consistent manner. It is essential, however, that each case is treated on its merits and that decisions are reasonable in the circumstances.
- VI. It is the intention of the Council that, in applying this policy, due consideration will be given to an applicant's personal and domestic circumstances. These circumstances may include, but are not limited to, events described in paragraph II above.
- VII. Determination of 'Good Cause' will be considered by the Director of Services for Communities or their nominated officer, who will determine the response to the request based on the facts and circumstances. A written response will be provided, setting out whether or not 'Good Cause' has been demonstrated and the basis for this.

The decision will be final and there is no right of appeal or review of that decision. This policy does not affect any right to raise a complaint under the Council's [Complaints Procedure](#).