

CIVIC GOVERNMENT (SCOTLAND) ACT 1982
INSPECTION OF VEHICLES

1.0 INTRODUCTION

1.1 The Council's vehicle maintenance centres carry out vehicle inspections of all taxis and private hire cars in terms of Section 11 of the Civic Government (Scotland) Act 1982 to ascertain the fitness of the vehicles. Currently if a vehicle is not assessed as fit on safety grounds, a suspension notice is served on the operator of the vehicle. If it is not a safety issue, the operator is required to re-present the vehicle within 28 days.

2.0 RECOMMENDATIONS

2.1 That members agree to introduce a procedure for issuing warning letters to taxi/private hire car operators whose vehicle does not comply with the standard conditions and that if they fail to comply with the warning letter then a report be placed before the Committee in order that they can consider whether it is appropriate to take steps to suspend the licence.

3.0 BACKGROUND

3.1 In terms of Section 11 of the Civic Government (Scotland) Act 1982, the holders of a taxi or private hire car licence shall present the taxi or private hire car for inspection and testing by or on behalf of the licensing authority within such period and at such place as they may by notice reasonably require. Taxi and private hire operators require to submit their vehicle for inspection every year. This inspection is carried out by the Council's employees at the vehicle maintenance centres.

3.2 The purpose of inspection is to ascertain the fitness of the vehicle. If not satisfied as to the safety of a taxi or private hire car for the carriage of passengers, the authorised officer may by notice in writing –

(a) require the holder of the taxi or private hire car licence to make the taxi or private hire car, as the case may be, available for further inspections at such reasonable time and place as may be specified in the notice;

(b) suspend the licence until such time as an authorised officer of the licensing authority or a police constable is so satisfied. Provided that, if an authorised officer or constable is not so satisfied before the expiration

of a period of 28 days from the date of the suspension of the licence, the said licence shall be deemed to have been suspended.

3.3 The power to immediately suspend relates only to the safety of the vehicle or the fitness or accuracy of the taxi meter.

The inspection carried out also looks at the general standard of the vehicle to ascertain if the vehicle complies with the conditions under which it was licensed.

The relevant conditions are Condition 1 of the standard conditions , which states that “the holder of a taxi/private hire licence shall ensure that the taxi, including all bodywork, upholstery and fittings is in a good, safe and serviceable condition (that the bodywork is of a uniform colour scheme) (except where in the manufacturer’s specification ie coachlines etc) and that subject to prevailing road conditions, in a clean condition and conditions 13 and 14 which relates to advertising.

3.4 There is no power to immediately suspend a licence unless it is considered the vehicle is not safe.

It is, however, possible to consider suspension of the licence in terms of Paragraph 11 of Schedule 1 of the Act if a condition of the licence has been contravened. For this to happen, a report would require to be placed before this Committee for consideration.

3.5 In order to deal with issues such as cleanliness or paintwork, it is recommended that if non compliance with conditions other than safety issues are discovered during the inspection, a warning letter should be issued as detailed in Appendix 1. If the operator fails to comply with the condition within 28 days, a report would be placed before Planning and Protective Services and Licensing Committee requesting consideration be given to suspending the licence.

A summary of the current guidelines as to standards is attached as Appendix 2. A copy of the inspection sheet used for inspections is attached as Appendix 3.

4.0 CONCLUSION

4.1 The process for enforcing standard conditions for taxi or private hire car licences requires to be clarified.

5.0 IMPLICATIONS

5.1 Policy - none

5.2 Financial - none

5.3 Legal – in terms of Section 11, vehicle inspection is required

5.4 HR - none

5.5 Equalities - none

5.6 Risk – none

6.0 APPENDICES

6.1 Style warning letter

6.2 Summary of current guidelines

6.3 Copy of inspection sheet

Executive Director of Customer Services
15 March 2011

For further information contact: Sheila MacFadyen, Senior Solicitor
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APPENDIX 1

Our Ref:

Your Ref:

13 April 2011

Dear Sir/Madam

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982
INSPECTION OF VEHICLES
TAXI/PRIVATE HIRE CAR LICENCE NO**

I refer to the inspection of the vehicle registration number today. I have been advised that the attached defects were noted during this inspection which are in contravention of standard conditions attached to your licence, which states that:-

“the holder of a taxi/private hire car licence shall ensure that the taxi, including all bodywork, upholstery and fittings is in a good, safe and serviceable condition (that the bodywork is of a uniform colour scheme)(except where in the manufacturers specifications – ie coachlines etc) and that subject to prevailing road conditions, in a clean condition”.

I would advise that if these defects as noted on the attached form are not remedied within 28 days of today's date and you do not present your vehicle toso that this can be checked, I will prepare a report for the Planning and Protective Services and Licensing Committee of the Council to ask them to consider suspension of your licence in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982 on the basis that a condition of the licence has been contravened.

Yours faithfully

If phoning please ask for:

Appendix 2

ARGYLL AND BUTE COUNCIL CIVIC GOVERNMENT (SCOTLAND) ACT 1982

Guidelines in respect of Taxi/Private Hire Car Inspections

The following information is provided in order to assist taxi owners in regard to the standards required by the Council in respect of the ongoing taxi inspections. It is stressed that these guidelines are only guidelines and the final decision regarding a vehicle's fitness rests with the person carrying out the inspection.

General body condition/paint work

1. The paint work will be consistent with the colour of the vehicle as specified on the Registration Document.
2. No variation in colour will be permissible on any external panel of the vehicle.
3. No paint runs will be permissible on any external panel of the vehicle.
4. No visible corrosion will be acceptable on any external panel of the vehicle.
5. Paint blisters are acceptable on any external panel of the vehicle provided the paint work is not split or corroding liquid seeping from the blister.
6. Slight indentations, ripples and scratches are acceptable on external and internal panels; however where scratches exceed 100mm and are deep enough to show base metal, repairs should be undertaken to avoid failure at inspection.
7. All accident damage to vehicles must be reported immediately to the licensing authority in order that a free inspection can be undertaken to assess the suitability of the vehicle to remain in service and its safety for the carriage of passengers. In the event of non-compliance should the vehicle be found in service without licensing authority permission, the vehicle licence will be suspended without prior notice to the licensee. Further action may be taken against the licensee for non-compliance.

General Condition of Interior/Cleanliness

1. The interior of the vehicle shall have clean upholstery and head cloth. Some light staining of seat cloth is inevitable by nature of the business

involved; however where the staining is so obvious it detracts from the general internal appearance of the vehicle it will constitute a failure.

2. Torn seats and head cloth will be permitted provided they are not in excess of 100mm in length in any one area. Any seat or head cloth which has more than one tear will constitute a failure.
3. Any obnoxious odours within the vehicle will constitute a failure.
4. Floor well shall be clean and tidy with no obstructions which may cause an accident to passengers when entering or leaving from the vehicle.
5. There shall be no metal objects protruding from any seat or part thereof.
6. Tape of any description will not be permissible for the repair of any seat but can be used to repair head cloths providing it is of similar colour to the head cloth and complies with conditions stipulated in (2).

Inspection Standards General (Mechanical/Electrical)

All mechanical and electrical standards are to MOT specifications with the exception of tyres. The MOT standards for tyres are based on the absolute minimum requirement at 1.6mm over $\frac{3}{4}$ of the width and full circumference of the tyre; however in the interests of public safety the minimum requirement for taxis and private hire cars is 2mm over the full width and circumference of the tyre.

Fire Extinguishers

Fire extinguishers will be checked to ensure that they are secured within the vehicle and are operational. They should be sited in a safe location within the vehicle.

Appendix 3

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Taxi and Private Hire Car Inspection Form		Argyll & Bute Council	
Reg No:	Vehicle Make & Model:	Mileage:	
Document Check (Insurance Cert - MOT Cert - RFL)		Comments:	
Plate No:	Motor Make & Serial No:	Engine cc:	
Lighting & Ancillary Equipment		Pass <input type="checkbox"/>	Fail <input type="checkbox"/>
		Comments	
1	Front and Rear Lamps (including fog)		
2	Head Lamps		
3	Head Lamp Aim		
4	Stop Lamps		
5	Hazard warning Devices		
6	Direction Indicators		
7	Rear Reflectors		
8	Interior Lights		
9	Taxi Sign (For Hire) Light		
10	Meter Lights, Seals and Calibration		
11	Windscreen (Drivers View of the Road)		
12	Windscreen (Cracks - Scratches)		
13	Windscreen (Wipers and Washers)		
14	Horn		
Steering and Suspension			
15	Condition of Steering Wheel		
16	Steering Mechanism/System/Turning Circle		
17	Power Steering Operation and Leaks		
18	Transmission Shafts		
19	Wheel Bearings		
20	Front Suspension		
21	Rear Suspension		
22	Shock Absorbers Front/Rear		
23	Wheel Alignment		
Brakes			
24	Controls (Foot Pedal/Hand Brake)		
25	Condition of Service Brake System		
26	Condition of Hand Brake System		
27	Condition of Hand Brake Pawl/Ratchet		
28	Condition of all Brake Pipes		
Tyres			
29	Tyre Size		
30	Tyre Condition		
31	Condition of Road Wheels & Nuts		
General			
32	Vehicle structure (Chassis etc)		
33	Vehicle exhaust System		
34	General Oil Leaks (engine - G/box - R/axle)		
35	Condition of Vehicle Int Seats/Floor Mats		
36	Condition of Seat Belts and Fixings		
37	Condition of Door Locks/Mech/Ch Straps		
38	Condition of All Interior/Exterior Mirrors		
39	Condition of Registration Plates		
40	Condition of Vehicle Paintwork		
41	Condition of Clutch Operatinn		
42	VIN Details (is Plate Fitted)		
43	Fire extinguisher BS No		
44	License Holder Name and Address		
45	Is the Vehicle Displaying Scale Charges Inside		
Inspectors Signature		Date	Pass/Fail