

REPORT TO LICENSING SUB-COMMITTEE – 3 JULY, 2020

REOPENING OF VEHICLE TESTING CENTRES IN ABERDEENSHIRE

1 Reason for Report / Summary

- 1.1 This report is to inform the Sub-Committee of the reopening of testing centres by the Aberdeenshire Fleet Service, and to request the restart of six monthly testing on new licences granted from 3 August and on renewals of licences from October.

2 Recommendations

The Sub-Committee is recommended to:

- 2.1. **Agree to amend the decision to relax the required six monthly testing for licences granted from 3 August, 2020, to allow new and substitute vehicle licences to be issued in a “business as usual” approach i.e. for a period of one year with an MOT+ test and a six month test;**
- 2.2. **Acknowledge that Aberdeenshire Council Fleet Services is reopening testing centres on 3 August, 2020, ahead of October, 2020, and that testing will start for new grants and substitutions of vehicles; and**
- 2.3. **Acknowledge that, should a vehicle be presented in a manner that is not fit for testing, a test will be refused and a charge will be imposed for wasting the time slot, and agree that this will automatically be classed as a failure of the test.**

3 Purpose and Decision-Making Route

Purpose

- 3.1. The Civic Government (Scotland) Act 1982 (“the Act”), section 11, requires “holders of taxi or private hire car licences to present their vehicle for inspection and testing to the authority within such period and at such place as they may by notice reasonably require”. Vehicle licences in Aberdeenshire (referred to for simplicity, but meaning both taxi and private hire vehicles throughout this report) are issued for a period of only one year and are tested twice during the life of the licence, once at grant, and once six months later. This is to ensure that the vehicles are suitable and safe to be used for the conveyance of the public.

Decision-Making Route

- 3.2. The Sub-Committee, at its meeting on 24 April, 2020, acknowledged the use by the Head of Legal and Governance of delegated powers by reason of special urgency in order to extend taxi and private hire vehicle licences from 1 year to 18 months in duration, and to relax the requirement for 6 monthly testing, so as to require one test only within the 18 month duration of the licence, in order to protect staff and members of the public from the potential spread of Covid-19.

4 Discussion

- 4.1. There have been no tests of vehicles since 30 March, 2020. In order to deal with the lack of testing, a notice was published in accordance with the decision by the Head of Legal and Governance referenced above, which varied all vehicle licences granted within a 12 month period prior to the 30 March, 2020, to the effect that they would be extended for a further 6 months. This ensured that all licences granted in the last year would automatically become 18-month licences from the date of grant. Vehicle licences will start to renew in October and, at the time the decision was made, it was thought that there would be no testing until October, 2020.
- 4.2. Aberdeenshire Council Fleet Services is now reopening testing services from Monday, 3 August, 2020. This means that applications for new grants of both taxi and private hire vehicle licences, as well as substitute car licences, can be accepted. Any new licence granted will be subject to the six month test, as circumstances have changed since this decision was taken and the Monitoring Officer believes the decision to waive the six month test is no longer necessary. However, this will not have any impact on those licences which have already been granted: renewals will still take place in October, 2020.
- 4.3. One of the reasons for starting on 3 August is to ensure that any new vehicle planned to be used for school transport will be tested and a licence granted before schools start again. Many of the taxis and private hire cars in Aberdeenshire are used in school contracts.
- 4.4. Other benefits to the phased approach will be that the procedure drawn up by Fleet Services can be fully tested on a smaller scale before the renewals begin in October, which will see a higher volume of vehicles to be tested. Fleet Services has produced a set procedure for taxi operators to follow while on Fleet Repair Depot Sites to mitigate the spread of the Coronavirus (see Appendix 1) and ensure the safety of our staff and applicants. Should a vehicle be presented in a manner that is not fit for testing and is not clean, then the test will be refused, and there will be a charge for wasting the time slot. It will automatically be classed as a failure of that test.
- 4.5. It is also important to note that Transport Scotland has also issued guidance in relation to the Coronavirus (see Appendix 2). Transport Scotland has announced that, from 22 June, 2020, face coverings will be mandatory on public transport

to reduce the risk of Coronavirus transmission. It will apply to all passengers and staff in public areas, although there are exemptions in place for those with medical reasons and children under the age of five. This mandatory requirement for face coverings will also apply to taxi drivers and their passengers.

5 Council Priorities, Implications and Risk

- 5.1 The report helps deliver Council Priority 1 – Support a strong, sustainable, diverse and successful economy.
- 5.2 The report helps deliver Council Priority 10 - Having the right people, in the right place, doing the right thing, at the right time.
- 5.3 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed.

Subject	Yes	No	N/A
Financial			X
Staffing			X
Equalities			X
Fairer Scotland Duty			X
Town Centre First			X
Sustainability			X
Children and Young People's Rights and Wellbeing			X

- 5.4 An equality impact assessment is not required because this report seeks the acceptance of a proposal which does not have a differential impact on any of the protected characteristics.
- 5.5 There are no staffing or financial implications arising from this report.
- 5.6 The following Risks have been identified as relevant to this matter on a Corporate Level:
- ACORP009 – Operational Risks and
 - ACORP010 – Environmental Challenges,
- As outlined in the [Corporate Risk Register](#).

6 Scheme of Governance

- 6.1 The Head of Finance and the Monitoring Officer within Business Services have been consulted in the preparation of this report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.
- 6.2. The Sub-Committee is able to consider and take a decision on this item in terms of Section C – Business Services: 1 – Committee Functions: 1.1(a) of the List of Committee Powers in Part 2A of the Scheme of Governance, which enables the Committee to decide on all policy issues and resource matters relating to the Civic Government (Scotland) Act 1982 with implications across area boundaries. The Committee determined that the licensing function should be delegated to the Licensing Sub-Committee.
- 6.3. Aberdeenshire Council Standing Order 7.2(1)(b) provides that no motion which seeks to alter or revoke a previous decision of a Committee, or has that effect, will be considered within a period of 6 months of the original decision, unless it is detailed in the terms of a report submitted to the Committee that the previous decision can no longer be implemented or its effect has been substantially altered by subsequent circumstances, and the Monitoring Officer or her representative agrees that this is the case. The current circumstances would allow testing to take place, thus the decision to waive the six month test requirement is no longer necessary.

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Director of Business Services

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Date: 24 June, 2020

List of Appendices

Appendix 1 – Fleet Repair Depot Site Rules During COVID-19 for Taxi Operators
Appendix 2 - Updated Guidance for Holders of Taxi and Private Hire Licences

Appendix 1

FLEET REPAIR DEPOT SITE RULES DURING COVID-19 FOR TAXI OPERATORS

Everyone has a role to play in limiting the spread of COVID-19.

Before leaving to attend an Aberdeenshire Council Fleet Repair Depot:

- Please remain at home and follow self-isolation guidance should you or someone you live with have symptoms of coronavirus.
- Aberdeenshire Council will refuse to carry out the test/inspection if the driver has Covid-19 symptoms and should be in self-isolation.

On Arrival at the Fleet Repair Depot:

- Please observe speed limits and one way systems.
- Vehicle must be presented to the workshop in a clean condition inside and out.
- Disinfectant or bacterial wipes must be used to carry out cleaning of vehicle – see vehicle cleaning pictorial guide.
- All rubbish to be bagged and kept in boot of vehicle until it can be disposed of appropriately & safely.
- Tester will refuse to carry out any work on vehicle if it is presented in an unclean condition and operator charged for the appointment.
- Hand sanitiser gel (60%+alcohol) **to be used** (available at Reception)
- Person dropping off vehicle **must** report to Workshop Reception.
- **One** person in reception area at a time.
- Where there is no reception area please ensure social distancing is maintained, by remaining two metres away from other people on site.

Meeting the Mechanic/Tester:

- After booking in vehicle, park vehicle in MOT parking bay.
- Open all doors and windows fully to vent vehicle.
- Turn off Air Con/heater blowers.
- **Seatbelts must be buckled up ready for inspection.**
- Mechanic/Tester will come out to meet you and ask you to exit vehicle. Social distancing rules **must** be observed at all times.

While on site at the Fleet Repair Depot:

- Follow social distancing advice and keep at least two metres between other customers and members of staff at all times.
- Please ensure minimal contact with surfaces as much as possible.
- **No unauthorised access** to the workshop.
- Viewing area in the MOT bay closed until Further notice.

- **No unauthorised personnel** are permitted on test lane at any time.
- Person waiting on vehicle must do so outside or arrange to be picked up (dedicated waiting area outside will be advised at time of visit).
- If waiting on site and weather conditions are poor a seat will be made available inside the building for the duration of the test (wandering about the building will not be permitted).
- **DO NOT** touch your face with your hands
- **DO NOT** shake hands or bump elbows

At the end of the test:

- Mechanic/Tester will come and meet you at dedicated waiting area to inform you that the test/inspection has been carried out. Social distancing rules **must** be observed at all times.
- Mechanic/tester will wipe down surfaces touched on vehicle with disinfectant spray and paper towels before handing back vehicle.
- **Report to** Workshop Reception.

Payment:

- Card payment preferred

MOT Certificate:

- MOT certificates **will not** be issued unless driver needs it for a specific reason. The certificate can be downloaded/printed off at home/office instead by going to the www.gov.uk website, MOT history can also be checked online.
- Any other paperwork will be left on the passenger seat in vehicle.

VEHICLE CLEANING – PICTORIAL GUIDANCE

YOU WILL NEED:



Process:

1. Wash your hands and put on your gloves.



2. Before entering the cab, spray the door handle and then dry it



3. Open the door to spray and dry grab handles and any other contact points



4. keep windows open to allow airflow



5. Spray and clean all hard surfaces a bit at a time inside the cab



5. When exiting the cab, clean interior door handle, door panel and grab rails



6. Close the windows & lock the vehicle



7. Dispose of the cleaning towels and gloves in the disposal bag provided and place in available waste container



8. Wash your hands



9. Keep all bagged items separate for 72 hrs, before disposal



Appendix 2

Updated Guidance for Holders of Taxi and Private Hire Licences

This Notice provides updated advice and guidance for taxi and private hire cars (PHC) licensees following recent Government announcements

Background

The Scottish Government has tasked the Environmental Health/Trading Standards Expert Officers' Group on Covid-19 to look at developing guidance. The Expert Group work very closely with Scottish Government and other agencies in the response to Covid-19.

Concern has been raised regarding taxis and private hire cars that are still operating and the lack of physical distancing in such vehicles, or any other controls for that matter. Given that the majority of vehicles used in Scotland as Taxi and PHC's will be saloon type cars 2m social distancing is not always possible.

In saloon cars it is not possible for drivers and passengers to face away from each other, the passenger will almost always be facing on to the driver. In a traditional black taxi if the passenger must sit with their back to the driver, they will not be able to maintain 2m distance.

This guidance note covers potential protection of drivers but also considers other mitigating factors that could be introduced such as:

- Stay at home guidance and physical (social) distancing between drivers and passengers both inside and outside the vehicle (e.g. assisting with bags or opening the boot for luggage/shopping etc.
- Use of partitions or screens
- Hand and respiratory hygiene for drivers and passengers in taxis and PHCs
- Use of face coverings by drivers and passengers in taxis and PHCs
- Wheelchair and passenger assistance
- Cleaning of vehicles

Stay at home guidance and social distancing between drivers and passengers in Taxis and PHCs

Individuals who have symptoms of possible COVID-19, or who live in a household with someone with possible COVID-19 should be self-isolating and should not travel by taxi or PHC. Taxi and PHC operators and drivers should ask if customers have symptoms of possible COVID-19 (fever, new cough or loss of smell and/or taste) and should not accept symptomatic customers. PHC taxis have to be booked beforehand so the operator should be screening and asking the relevant questions at the booking stage. Then the drivers are in a position to further assess once the passenger is picked up.

But drivers need appropriate information, instruction and training on what to look for and what to base judgement on.

If anyone in a household has symptoms, has tested positive or is waiting for a test result all other household members must self-isolate for 14 days. The 14-day period begins when the first person in the household started showing symptoms. This is because it can take 14 days for symptoms to appear. Staying at home for 14 days will greatly reduce the overall amount of infection that individuals in the household could potentially pass on to others.

Individuals may be able to end self-isolation earlier than 14 days if everyone in the home with symptoms gets a negative test result.

If they do start to show symptoms during this time, they should continue self-isolating for a further 7 days from the day when they first started showing symptoms, Link to Coronavirus (COVID-19): Guidance for households with possible coronavirus infection on NHS Inform: <https://www.nhsinform.scot/illnesses-and-conditions/infections-and-poisoning/coronavirus-covid-19/test-and-protect/coronavirus-covid-19-guidance-for-households-with-possible-coronavirus-infection>

Those that are showing obvious visible signs of Covid-19 symptoms (chronic cough, fever etc.) should not be permitted entry to the vehicle at any time. It is not the driver's responsibility to question whether the customer's journey is considered essential under the current Scottish Guidance. This will be the responsibility of the customer to justify the journey if asked.

Drivers and passengers should occupy the vehicle allowing for 2m physical distancing (or maximum possible distance). Where it is not possible to remain 2m apart, drivers and passengers should face away from each other, rather than face-to-face if that is an option. Where face-to-face contact cannot be avoided, this should be kept to 15 minutes or less wherever possible.

Individuals are always advised to stay 2 metres (6 feet) away from other people if they go out. Individuals should therefore adhere to physical distancing when outside their cars.

At taxi ranks individuals should try to keep a 2-metre distance from others. If anyone comes within 2 metres of others, they should avoid physical contact and keep the time they spend within 2 metres of others as short as possible.

Source: <https://www.transport.gov.scot/coronavirus-covid-19/transport-transition-plan/advice-on-how-to-travel-safely/#section-63887>

The number of customers in the vehicle should be kept to a minimum if possible, with no sharing of the vehicle if the customers are not living in the household.

Good ventilation (i.e. keeping the windows open) may help to reduce the risk of transmission. Air conditioning or ventilation on vehicles must be set to extract and not recirculate the air within the vehicle (where possible).

Use of partitions or screens

Partitions or safety screens provide a physical barrier between drivers and passengers in the vehicle. They are commonly installed as a safety feature to protect the driver from physical attacks or theft. There has been an increase in interest of the use of screens as a way of providing physical separation between drivers and passengers in order to reduce the transmission of COVID-19.

Partitions in taxis or PHCs do not provide a fully sealed compartment which completely separates the driver from the passenger. Therefore, whilst it is possible that partitions may reduce the risk of transmission of infection, the risk would not be eliminated entirely.

If an operator decides to fit a protective screen to the licensed car, the operator **must** contact their local licensing authority to advise that he/she has plans to do this. There must be proof that the relevant insurer has been contacted and that the insurer has confirmed that the necessary insurance would be unaffected by the proposed installation of the screen. The licensing authority may consider this to be a material change to the vehicle of which they require to be notified formally in terms of Paragraph 9 of Schedule 1 to the Civic Government (Scotland) Act 1982. If formal notification is required, a fee may have to be paid to the licensing authority to process the notification, which would also involve consultation with Police Scotland regarding the proposed change(s) to the vehicle. In any event, if a screen is fitted, the operator must ensure that it is fitted safely and securely. In addition, it-

- Must comply with the Road Vehicle (Construction and Use) Regulations.
- Must not be permanently installed in the vehicle
- Must be fitted in such a way to not affect the structural integrity of the vehicle, or interfere with any manufacturer fitted safety equipment e.g. airbags
- Must not wrap around the driver seat and create a partition between the two front seats, in addition to the rear cabin area.
- The partition used **MUST** be clear and transparent and can **ONLY** be fitted across the rear of both front seats, creating a partition between the front and rear cabin area of the vehicle
- Any screen must be tested to the relevant EU standard for an original equipment type approval test covering interior fittings
- The screen must be approved by MIRA or other comparable independent product engineering, testing, consultancy and certification organisation.
- Screens should be constructed of PETg or polycarbonate
- The screen should not impede the driver's vision, movement, or communication with passengers
- The screen should not impede driver or passenger access or egress to the vehicle

Consideration should also be given to ensure that:

- Screens must be professionally and securely fitted in accordance with the manufacturer's instructions.

- Certification from the vehicle's manufacturer should be sought to confirm that the screen does not compromise the integrity of the vehicle structure
- Insurers should be notified of any modifications made to the vehicle

Screens should also be cleaned regularly (see Cleaning of vehicles), including between passenger journeys and changes of driver with disinfectant.

Hand and respiratory hygiene for drivers and passengers in taxis and PHCs

Drivers and passengers should wash hands more regularly than normal using soap and water or hand sanitiser for at least 20 seconds. Hand washing is particularly important after using the toilet, after handling money, before eating or handling food, before touching your face, and after blowing your nose, sneezing or coughing. Hands should be washed as soon as drivers or passengers get home. When hand washing facilities are not available, hand sanitiser can be used as a substitute. The use of hand sanitiser is only suitable when hands are not visibly dirty or soiled.

Drivers should keep a bottle of hand sanitiser gel in their vehicle. It is recommended this be a minimum 80 per cent alcohol. Alternatively keep a large bottle of water and a bar/bottle of soap.

Drivers are advised to avoid handling money and take alternative payment methods. If handling money cannot be avoided, drivers should wash their hands with soap and water or hand sanitiser after handling money. The taxi/PHC company should consider equipment which allows alternative payment means AND ask the question at the booking stage about how the payment will be made. This will help in reducing cash transactions.

Drivers and passengers should carry tissues and use tissues to catch coughs or sneezes. Used tissues should be disposed of in a controlled manner in a bin as soon as possible. Hand sanitiser should be used after coughing or sneezing into a tissue.

Use of face coverings by drivers and passengers in taxis and PHCs

It is important to note the difference between face masks and face coverings. Face masks are surgical or medical grade masks that are used in health and social care situations. Face coverings are made from cloth or other textiles that cover the mouth and nose, and through which you can breathe (e.g. a scarf). There is no evidence of benefit to support the use of face masks outside healthcare environments. Scottish Government has issued guidance on the personal use of face coverings. Source: IPC Good hygiene principles for non-healthcare settings.

Physical distancing, hand washing, respiratory hygiene and surface cleaning are the most important and effective measures we can all adopt to prevent the spread of coronavirus, therefore the wearing of facial coverings must not be used as an alternative to any of these other precautions.

The evidence on the use of face coverings is limited, but there may be some benefit in wearing a facial covering when entering enclosed spaces, especially where physical

distancing is more difficult and where there is a risk of close contact with multiple people you do not usually meet such as traveling on public transport.

We recommend that individuals consider using face coverings in the limited circumstances described above as a precautionary measure.

Source: <https://www.gov.scot/publications/coronavirus-covid-19-staying-at-home-and-away-from-others/pages/face-coverings/>

When using taxis and/or private hire vehicles, passengers must wear a face covering.

The following groups are exempt from the mandatory use of face covering in such vehicles namely:

- Under 5-year olds
- Those with breathing difficulties
- Those with physical conditions which make it hard to keep a mask in place

Persons providing a passenger transport service, or an employee of that person, namely the driver of said vehicle, must wear a face covering unless there is a partition i.e. screen, between the person or employee and the members of the public i.e. passenger.

Source: <https://www.transport.gov.scot/coronavirus-covid-19/transport-transition-plan/advice-on-how-to-travel-safely/#section-63887>

Wheelchairs and passenger assistance

The Equality Act 2010 specifically section 165 which sets out the duties imposed on a driver of a designated taxi for carriage of passengers with disabilities includes:

- a) to carry the passenger while in the wheelchair,
- b) not to make any additional charge for doing so,
- c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair,
- d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort,
- e) to give the passenger such mobility assistance as is reasonably required

The Coronavirus (Scotland) Act 2020 does not contain any specific provisions that impact upon the above, but Scottish Government guidance on social distancing, etc applies equally to both driver and passenger and requires to be considered. The Equality Act provides a qualifier to the assistance to be provided to a passenger – the use of the word reasonable/reasonably. A driver could assess a particular situation where a wheelchair user wanted to make use of their vehicle, and the driver could decide whether it is possible for them – observing the terms of Scottish Government guidance on distancing, etc – to provide the service. If they believed that social distancing requirements were such as to prevent them being able to provide reasonable assistance, they could state that, but still confirm they could provide the

service of carrying the passenger in their vehicle. The reasonability element has to be considered in light of the current climate.

However, having regard to the duties imposed in the 2010 Act, should a driver refuse to accept wheelchair users in their vehicle they would then be breaching the terms of the legislation and local licensing conditions

Cleaning of vehicles

Cleaning vehicles with normal household disinfectant (beware that many household disinfectants contain bleach as an ingredient and as such may cause staining to fabrics etc.) will reduce the risk of passing coronavirus infection on to other people. After each passenger journey, drivers should clean all hard surfaces both inside and outside the car such as door handles, window winders, seat belts, card payment devices, boot access, the rear of the front seats and other surfaces passengers may have touched. Drivers should then wash/sanitise their own hands. There should be an adequate supply of cleaning materials and means of disposal for the shift.

A thorough clean of the vehicle with normal cleaning products should be completed at the end of each shift/working day.

Summary and Conclusion

Drivers, like the general population, should not be working if they are symptomatic or if someone they live with is symptomatic. Drivers in the clinically vulnerable group and extremely clinically vulnerable (shielding) group should follow government advice, as above.

Drivers and passengers should remain at 2m distance. If maintaining 2m distance is not possible, drivers and passengers should face away from each other and face-to-face contact should be minimised. Windows should be kept open if possible and air conditioning/ventilation should be set to extract and not recirculate the air within the vehicle.

Drivers and passengers should wash hands more regularly than normal for at least 20 seconds. When hand washing is not possible, hand sanitiser should be used. Drivers are advised to avoid handling money and to take alternative payment methods. If handling money cannot be avoided, drivers should wash their hands with soap and water or alcohol-based sanitiser after handling money.

Partitions in taxis or PHCs do not provide a fully sealed compartment which completely separates the driver from the passenger. Therefore, whilst it is possible that partitions may reduce the risk of transmission of infection, the risk would not be eliminated entirely and if installed, they should not be regarded as a measure taken instead of social distancing and other hygiene measures.

In all cases where it is intended to install a partition or screen, the operator should contact the local licensing authority and their insurance company beforehand. Taxis and PHCs should follow guidance on cleaning vehicles as above.