

South Ayrshire Council
Appeals Procedure for Taxi / Private Hire Car Testing

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1. PURPOSE

- 1.1 Section 11 of the Civic Government (Scotland) Act 1982 requires the holder of a taxi or private hire car licence to present their 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 the licensing authority require. If the licensing authority is not satisfied as to the safety or fitness of the taxi or private hire car vehicle they can suspend the taxi or private hire car licence. Such a suspension is deemed to be a suspension under Para 11 of Schedule 1 of the said 1982 Act if not lifted within 28days. It is a condition of the taxi/private hire car licence that a vehicle is in receipt of a passed valid taxi/private hire car test, if it does not the vehicle cannot operate as a taxi/private hire car.
- 1.2 This Procedure describes the process that must be followed if a taxi/private hire car operator or owner feels that a vehicle has been wrongly failed during a vehicle test for the purpose of the requirements of taxi or private hire licensing. It is open to the taxi/private hire car owner if satisfied that the test was properly carried out and the vehicle correctly failed, to carry out the necessary work to their vehicle and re-submit it for testing. If the vehicle passes the subsequent test any suspension will be lifted.
- 1.3 This procedure ensures that there is an opportunity to notify the Council, as licensing authority, if an operator/owner feels their vehicle has been wrongly failed as far as the test relates to taxi and private hire car licensing.

2. SCOPE

- 2.1 This appeals procedure covers the standard testing of all taxi /private hire cars that will be licensed by South Ayrshire Council.

3. RESPONSIBILITIES

- 3.1 It is the vehicle tester's responsibility to ensure that a good quality inspection is carried out on the vehicle to the standards set down by South Ayrshire Council and issue a pass or fail certificate as appropriate.
- 3.2 If the taxi/private hire car owner feels that the vehicle has not received a good quality inspection to the standards required by South Ayrshire Council and wants to appeal against the outcome of the inspection/test, then s/he should follow the procedures for Owners/Operators shown below.
- 3.3 The Council will ensure that the appeal is dealt with and a written response to the appeal is made as soon as is practical.

4. PROCEDURE FOR OWNERS/OPERATORS

4.1 Failure of Test Item 1

- 4.1.1 If you disagree with the test result in item 1 (MOT Test) firstly discuss it with the test station if possible, and do not let anyone carry out repairs to your vehicle.
- 4.1.2 If you think the vehicle has wrongly failed item 1 (MOT test) of the test then you must appeal to VOSA by completing an appeal form (VT17) obtainable from any MOT testing station or by calling the Vehicle and Operator Services Agency (VOSA), on the MOT enquiry line - 0845 600 5977. Completed forms need to be returned to VOSA within 14 working days of the test along with a full MOT test fee. VOSA will then offer an appointment within 5 working days to recheck your vehicle. If your appeal is successful some or all of the test fee will be refunded to you. Do not have your vehicle repaired before your appeal is considered, as any change to your vehicle may affect the outcome of the appeal.

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4.2 Failure of other Test Items except Item 1

- 4.2.1 If you disagree with the test result in other test items except item 1 firstly discuss it with the test station if possible, and do not let anyone carry out repairs to your vehicle.
- 4.2.2 If you think the vehicle has wrongly failed in other test items except item 1 then you must appeal to Licensing Section of South Ayrshire Council using appeals form attached within 14 working days of the test along with a £50 administration fee. The Council will then offer an appointment within 5 working days to recheck your vehicle. Your vehicle will be re-checked by a Council officer/ or Council appointed party who did not carry out the first vehicle test. If your appeal is successful, all of the test fee will be refunded to you (except for Item 1 which is dealt with separately). If your appeal is unsuccessful any suspension will remain in effect. Do not have your vehicle repaired before your appeal is considered, as any change to your vehicle may affect the outcome of the appeal.

4.3 Compensation

The Council or VOSA cannot request compensation on your behalf - you can however take action in conjunction with your local trading standards department, take out proceedings personally or refer the matter to the police.

Any subsequent action that the Council or VOSA decide to take against the garage that tested your vehicle is done at their discretion, and should have no bearing on any action you may decide to take.

5. PROCEDURE FOR SOUTH AYRSHIRE COUNCIL

5.1 Issue of Appeals Form

- 5.1.1 South Ayrshire's Licensing Section will issue appeals forms to Owners/Operators in order that an appeal can be made for any testable item except items covered by Item 1 (MOT Test).
- 5.1.2 On receiving a completed appeals form with the required fee, the Council will consider the appeal and will offer appointment within 5 working days to have the vehicle rechecked.
- 5.1.3 If the appeal is upheld, the Council will return the full appeals fee to the Owner/Operator.

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Appendix A

Licensing Section Taxi / Private Hire Car Test Appeals Form	
Name of Owner Operator	Vehicle Reg. No.
Date of Test	Time of Test
Details of Appeal (if vehicle failed test, copy of fail sheet should be attached)	
Signed	Position
Office Use Only Action Taken Date Signed	

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