

ABERDEEN CITY COUNCIL

COMMITTEE	Committee 1 - Operational Delivery Committee 2 - Audit, Risk and Scrutiny
DATE	Committee 1 - Operational Delivery – 6 November 2018 Committee 2 - Audit, Risk and Scrutiny – 4 December 2018
REPORT TITLE	Fleet and Transport MOT Issues
REPORT NUMBER	OPE/18/236
DIRECTOR	Rob Polkinghorne
CHIEF OFFICER	Mark Reilly
REPORT AUTHOR	Mark Reilly
TERMS OF REFERENCE	Terms of Ref Committee 1 – Purpose 1; Remit 1 & 4 Terms of Ref Committee 2 – Purpose 1; Remit 6.2

1. PURPOSE OF REPORT

- 1.1 To report the findings of the Corporate Investigation Team regarding the information that had been received that there were several Council vehicles that had been used without having an MOT certificate.
- 1.2 At Audit, Risk and Scrutiny Committee on 8 May 2018, the Chief Operating Officer was instructed to report back to Audit Risk and Scrutiny Committee within two committee cycles, following the completion of the investigation and following consideration of the matter being concluded by the Operational Delivery Committee.

2. RECOMMENDATION(S)

That the Committee:

- 2.1 Note the findings and recommendations of the internal Corporate Investigation into the use of Council vehicles without an MOT certificate.

3. BACKGROUND

3.1 Introduction and background

- 3.1.1 A Corporate Investigation was commissioned by the Council's Chief Operating Officer following information that had been received that there were several Council vehicles that had been used without having an MOT certificate.
- 3.1.2 Council vehicles are maintained by Fleet Services based at Kittybrewster. This service is now part of the Operations function.
- 3.1.3 The Council has approximately 483 vehicles within its fleet and will hire additional vehicles as and when required. Fleet vehicles are not active every day as they may be off the road for servicing, repairs or may not be required on a particular day.
- 3.1.4 On 4 April 2018 a media enquiry was received alleging that six vehicles had been operated with no MOT.
- 3.1.5 A preliminary report was presented to Audit, Risk and Scrutiny Committee on 8 May 2018 (OPE/18/024).

3.2. Summary of findings

- 3.2.1 The investigation was completed late September 2018.
- 3.2.2. The investigation found that four of the vehicles reported by the media were ACC vehicles and two were on hire. Four of the vehicles did not have an MOT.
- 3.2.3 During the investigation a further three vehicles were identified as not having a valid MOT.

3.3 MOT and the Law

- 3.3.1 MOTs are administered by the Driver and Vehicle Licensing Agency (DVLA) and all vehicles in the United Kingdom must:
 - *Be registered with DVLA*
 - *Have an up to date vehicle tax*
 - *Have a current MOT Certificate (if the vehicle needs one)*
 - *Be roadworthy*

- *Have a minimum of third party insurance*

3.3.2 An MOT is designed to ensure the vehicle being tested meets road safety and environmental standards and must be obtained by either:

- *The third anniversary of its registration*
- *The anniversary of its last MOT, if it is over 3 years old.*

The following vehicles require an MOT 1 year after they have been registered.

- *Private passenger vehicles with 9-12 passenger seats*
- *Private passenger vehicles with 13-16 passenger seats*
- *Private passenger vehicles over 16 seats*
- *Play buses*

3.3.3. The Road Traffic Act 1988 section 47 (1) states

“A person who uses on a road at any time, or causes or permits to be so used, a motor vehicle to which this section applies, and as respects which no test certificate has been issued within the appropriate period before that time, is guilty of an offence.

In this section and section 48 of this Act, the “appropriate period” means a period of twelve months or such shorter period as may be prescribed.”

3.3.4 The highway code states the maximum penalty for driving without an MOT is £1000.

3.4. Fleet Services

3.4.1 Fleet Services have overall responsibility for the Council’s operator’s licence and for ensuring that the Council meets the requirements of the licence and relevant legislation. The service is also responsible for ensuring non-operator licenced vehicles meet the necessary standards and comply with road traffic legislation. Failure to meet these responsibilities puts the council’s operator’s licence at risk.

3.4.2 There are issues with the current Fleet Management System, which was purchased in 2009. Additional systems are being used to schedule routine works, including MOTs. In April 2018 the service started to use the DVLA on-line reminder system for MOTs. These processes have now been reviewed and work has commenced to deliver a replacement robust digital system of work.

3.4.3 The Council’s Insurance Officer has advised that if a Council vehicle was being used on the public highway without an MOT it would still have been insured under the Council’s motor vehicle policy.

The Fleet and Transport MOT issues have not directly increased the Council's premiums.

3.5 Conclusion of the Management Investigation

- 3.5.1 There have been issues with the fleet's ICT system and the systems have been reviewed and work has commenced to deliver a replacement.
- 3.5.2 Management have stated they have three systems in place to manage MOT schedules; Tranman, T-card and the diary function on Outlook. In April 2018 they also started to use the DVLA Fleet portal to track MOTs.

3.6 Recommendations from the Management Investigation included:

- 3.6.1 A fully accurate and reliable MOT and road taxing system be put in place.
- 3.6.2 Place a sticker in each vehicle and within the vehicle defect log book to advise the driver(s) of key dates i.e. regular service, 8-week safety check (if applicable) and MOT. When the administration staff print the job card and pass it to the workshop they can also arrange to print the sticker.
- 3.6.3 Enquire whether the workshop job card can, by default, have the next MOT or service date printed on it so if the vehicle is in the workshop for an unrelated matter this information is readily available to the mechanic.
- 3.6.4 Fleet management to ensure all staff are aware of, and have access to, the Council's Whistleblowing Policy.
- 3.6.5 Fleet management to ensure that all communication from third parties such as hire companies come via fleet services and not to individual officers in services who manage vehicles. This will ensure fleet services are able to maintain complete records of all issues.
- 3.6.6 Where discrepancies in mileage are found without a corresponding log sheet these are brought to the attention of the Fleet Compliance Manager for investigation.
- 3.6.7 The vehicle safety check to be altered to ensure the vehicle has a valid MOT certificate.

3.7 Service Actions to address Recommendations (above) from the Management Investigation

- 3.7.1 In April 2018 Fleet began to use the DVLA Web site (View vehicle records) to check MOT and Road Tax expiry dates and renew Road Tax Licences. It is

intended that a more robust system will be developed with the introduction of the new Fleet Management system.

- 3.7.2 In September 2018 Fleet completed the issue of information packs to all services. These packs included copies of MOT, Road Tax and Insurance documents. When information needs to be updated an up to date copy will be sent to the service to replace the previous copy document. The packs are held within the vehicle and the driver will be responsible to check that the documents are present as part of his daily checks. The daily check sheets are being currently updated to include this check. Some services have started placing "Service / MOT" date stickers on windscreens and Fleet has decided to include this information as part of the Vehicle First Use Check Book. This book is being revised now and when finalised it will be held in every vehicle and viewed by the driver when "first use checks" are completed prior to the vehicle being used.
- 3.7.3 Fleet Services are currently looking to print on the workshop job card the next MOT expiry date, so the information is readily available to the mechanic. It is intended that this facility will be available with the replacement Fleet Management system.
- 3.7.4 Details of the Council's whistleblowing policy have been placed on the staff notice boards. The policy is referred to on the information screen in Fleet's canteen. It is intended to inform the staff of the policy at the next toolbox talks which will be in November 2018.
- 3.7.5 In October 2018 a control system for vehicle hires was put in place to ensure that all communication from third parties such as hire companies come via fleet services and not to individual officers in services who manage vehicles.
- 3.7.6 Fleet services are investigating the feasibility of developing a system to manage and check mileage through the introduction of the new Fleet Management system.
- 3.7.7. The vehicle safety check will be altered to ensure the vehicle has a valid MOT certificate will be developed with the introduction of Electronic Safety Checks as part of the new Fleet Management system. In the meantime, Fleet Services are currently looking to print on the workshop job card the next MOT expiry date, so the information is readily available to the mechanic. (See 3.7.3 above).

4. FINANCIAL IMPLICATIONS

- 4.1 The Council may potentially be subject to fines.

5. LEGAL IMPLICATIONS

- 5.1 Non-compliance with road traffic legislation regarding MOTs may result in fixed penalty fines and put the Council's "Operator's" licence at risk.

6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	Risk of fine	M	Ensure systems are in place to prevent Council vehicles being on the road without a valid MOT certificate.
Legal	Fines for non-compliance with Road Traffic legislation and loss of operator's licence.	M	Ensure systems are in place to prevent Council vehicles being on the road without a valid MOT certificate.
Employee	Issue to individual employees of fixed penalty notices for non-compliance	L	Ensure systems are in place to prevent Council vehicles being on the road without a valid MOT certificate.
Customer	None	L	N/A
Environment	None	L	N/A
Technology	No significant related technology risks arising from this report.	L	N/A
Reputational	Reputational risks	L	Internal & external assurance and review processes.

7. OUTCOMES

Local Outcome Improvement Plan Themes	
	Impact of Report
Prosperous Economy	This report does not link to this theme directly.
Prosperous People	This report does not link to this theme directly.
Prosperous Place	This report does not link to this theme directly.
Enabling Technology	This report does not link to this theme directly.

Design Principles of Target Operating Model	
	Impact of Report
Customer Service Design	This report does not link to this theme directly.
Organisational Design	This report does not link to this theme directly.
Governance	Reporting to this Committee on the Council's use of its Management Investigation procedures regarding compliance with relevant legislation and the conditions of its "vehicle operating licence" gives Committee assurances that appropriate action is being taken where non-compliance has been identified.
Workforce	This report does not link to this theme directly.
Process Design	This report does not link to this theme directly.
Technology	This report does not link to this theme directly.
Partnerships and Alliances	This report does not link to this theme directly.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Not required
Data Protection Impact Assessment	Not required
Duty of Due Regard / Fairer Scotland Duty	Not applicable

9. BACKGROUND PAPERS

None

10. APPENDICES (if applicable)

None

11. REPORT AUTHOR CONTACT DETAILS

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