

**REPORT FROM:** PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

**TO:** TAXI AND OTHER LICENSING COMMITTEE

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## TAXI PENALTY POINT AND VEHICLE STANDARDS

### PURPOSE OF REPORT

To inform Committee of the outcome of the working group and to propose a new policy for consultation.

### RECOMMENDATION

That the continued operation of the existing points scheme and consultation on the mechanical fitness standards be agreed.

### REASON FOR RECOMMENDATION

In order to ensure that Pendle has a workable policy to ensure that vehicles are safe and that taxis are operated in a safe way.

### ISSUE

- 1 Over the last two years or so there has been a growing concern about the mechanical standards of some of the taxis that are operated in Pendle. Currently we have an established Penalty Points system that deals with a range of issues from operating a vehicle without a license, to the conduct of license holders, failure to keep premises in an acceptable condition etc.
- 2 There is not however a policy in place that determines how we would deal with those operators who persistently have vehicles which fail spot checks and pre-arranged taxi tests.
- 3 The issue was brought to a head in December 2016 in a meeting with the members of the taxi trade and councillors. That meeting came about as a number of operators had been brought to Committee to explain the poor record they had in their vehicles regularly failing both pre-arranged taxi tests and spot checks carried out by VOSA staff. The outcome of that was that a working group was set up to look at whether a mutually agreeable scheme that would both be fair but which would also bring about improvements to vehicle standards.

The group consisted of Members from all political parties, officers and representatives of the hackney and private hire trade.

- 4 The purpose of the group was to look at whether there was a fair and consistent procedure that could be put in place to assess how operators ran their fleet. The emphasis was on the mechanical safety of vehicles. Any process had to be able to be administered by staff within existing resources. It also needed to treat smaller and larger operators in the same way.
- 5 We were not able to find any example of a scheme operated by another Council that dealt with operators that had a high failure rate for mechanical defects. The group considered whether the current points scheme could be adapted so that operators that reached a threshold of vehicle failures would be brought to Committee to explain that failure rate. This was however difficult to do in a simple way as those operators with more vehicles were likely to reach any trigger point more quickly than an operator with one or a small number of vehicles. There could be a pro-rate way of dealing with this but that would be complex and involve staff in a significant amount of monitoring and was not practical to put in place.
- 6 One major concern was that the individual circumstances of each operator would need to be taken into account when deciding if they were fit and proper to hold a license.
- 7 After some protracted discussions a simple process was agreed to be put forward for consultation. All operators would be monitored over a rolling two year period. Those who have a failure rate of 50% or more of all of their vehicles tested, whether on a normal taxi test or a spot check, would be automatically brought to Committee to explain why their fleet of vehicles were failing. The failures would be assessed against standards which relate to main mechanical and other safety features, not to minor defects. These other issues are adequately dealt with in the existing points scheme. The list of issues that would trigger a vehicle failing for a mechanical reason is attached at Appendix A.
- 8 One of the issues that the group discussed was the operation of the existing points scheme and how points were awarded. There have in the past been situations where points are awarded for matters that are not in the scheme. The Taxi and Other Licensing Committee are asked to note these points and to consider whether the proposed scheme adequately deals with the issues that have resulted in the award of points in the points scheme but were awarded as there was no other agree mechanism for dealing with mechanical defects.

## **IMPLICATIONS**

<b>Policy:</b>	None
<b>Financial:</b>	None
<b>Legal:</b>	None
<b>Risk Management:</b>	None
<b>Health and Safety:</b>	None
<b>Sustainability:</b>	None
<b>Community Safety:</b>	None
<b>Equality and Diversity:</b>	None

## Appendix A

<b>DANGEROUS ITEMS</b>	<b>NON DANGEROUS ITEMS BUT WOULD FAIL A TAXI OR MOT TEST</b>
Both rear Brake lights bulbs out or a side repeater light	Bulbs and reflectors
Steering components – excessive play	Steering components – slight play
Suspension components, including rubber bushes worn down to the metal	Steering & suspension boots & covers
Brakes (all including ABS)	Horn
Tyres (all)	Driver controls ie hazard switches, indicator controls
Battery loose	Oil leak
Exhaust system leaking into vehicle	Exhaust system leaks
Fuel leak	Registration plates & VIN number
Wipers (not working)	Window operation
Seat belts	Panels misaligned
Electrical wiring loose, ie dangerous exposed wires	Headlamps loose
Seats loose	Fire extinguisher & first aid kit
Door operation – if any one door will not open	General door operation
Sharp objects ie body	View to rear
Chassis corrosion	Bonnet/boot secure & opening
Vehicle Structure ie accident damage	Emissions high
Drivers view of the road ie windscreen	Speedo meter
	Airbags SRS (all)
	Windscreen