

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT & REGULATORY SERVICES MANAGER

TO: TAXI LICENSING COMMITTEE

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PROPOSED CHANGES TO VEHICLE TESTING AND SPOT CHECKS

PURPOSE OF REPORT

To consider the issues surrounding the high failure rates of taxis during spot checks.

Also to consider changes to our spot check procedures; the frequency of vehicle tests; the introduction of a daily vehicle check sheet and the requirement for a DVSA Mot to be carried out once a year for all licensed vehicles.

RECOMMENDATIONS

- (1) That a task and finish group of Councillors be set up to consider the policies of the Council necessary to improve the significant failure rates of taxis in order to bring the standard of safety for the public to an acceptable level.
- (2) That a report be brought back to this Committee with the recommendations from the group to be then agreed to be taken to consultation. The consultation would also include recommendations 3-4 below.
- (3) That the requirement for a daily vehicle check sheet be approved and complied with as set out in the report.
- (4) That the frequency of taxi tests be increased to three tests a year for all licensed vehicles, with one of those tests to include an MOT.

REASON FOR RECOMMENDATIONS

- (1) The failure rate of vehicles on spot checks is unacceptably low and measures need to be put in place to compel improvements in order to safeguard the public.
- (2) In order for the Committee to be able to consider the recommended policy changes and for a

public consultation to be undertaken based on those recommendations.

(3 &4) To address the significant mechanical defects found in vehicles.

ISSUES

1. The results of spot checks on our licensed vehicles has been unsatisfactory for a number of years and despite many assurances from the trade that improvements would be made, the failure rate is increasing. In the latest spot check there was an appalling level of failure of 93.3%. Of 15 vehicles tested only one did not fail. That standard of vehicle safety is unacceptable and a danger to the public using the vehicles.
2. There have been concerns over a number of years over the consistent high levels of failures and the changes that were made to the policy last year have not seen any improvement to those test rates. The Council has sought to work with the trade to improve those standards but there is clearly a systemic failure in the culture of the trade to ensure that vehicles are of a mechanically fit standard to convey passengers in safe vehicles.
3. The responsibility to ensure vehicles are safe lies with both operator and driver. Later in the report there are recommendations to require daily vehicle checks. There is however a need to do more to compel improvements to the mechanical standards of vehicles and to make those who convey our public more responsible for ensuring every vehicle is fit to be on the road for every journey.
4. Consideration needs to be given to ensuring vehicles that are not fit are removed from the road permanently if there is a level of mechanical unfitness that shows a pattern of failure. Consideration needs also to be given to whether those involved who persistently are responsible for vehicles that are mechanically unfit to be on the road to be considered if they are fit and proper people to hold a licence. Consideration should be given to extending taxi tests to include an assessment of the applicant on basics of the mechanics of a vehicle.
5. In order to look at the issue in more detail it is recommended that a Member task and finish group be set up to consider changes to the Council's current policy that will help achieve the necessary improvements. The group would bring a report back to this Committee to agree as a basis for consultation with the trade.
6. Following a trade meeting the following issues were raised with them and Councillors and Officers came up with a number of recommendations which is hoped will vastly improve the maintenance of licensed vehicles.

Vehicle Maintenance

7. A spot check was carried out on 4th August 22 with the DVSA at Norfolk Street Garage, Nelson. The failure rate increased to 75% with 12 of the 16 vehicles tested having their licences suspended due to mechanical faults. A list of the faults found is attached as Appendix 1.
8. A further spot check was carried out on 28th October 22, again with the DVSA at Rigg Street Motors. The failure rate was even worse this time, with an unacceptable 93.3% as 14 of the 15 vehicles tested had to be taken off the road due to mechanical faults. A list of the faults found is attached as Appendix 2.
9. The main faults for vehicles failing the tests are tyres, suspension and wheel nuts being missing. These should in the main be simple faults to find on a basic check and simple to

rectify. Clearly though there is a consistent failure to do so. The majority of the faults could have been identified had the driver carried out a visual vehicle check before starting their shift.

10. Outlined below are other matters discussed at the trade meeting and being brought forward for approval to improve the standards of our licensed vehicles.

Daily Vehicle Checks

11. Private hire operators, vehicle proprietors and drivers seem to have no routine vehicle checks for their licensed vehicles, as can be seen from vehicles failing spot checks on basic items like tyres and missing wheel nuts. These faults should be routinely picked up and would be if daily inspection checks were carried out.
12. At the recent trade meeting the requirement for a daily vehicle check sheet was explored. It was the trades' view that it should be the driver's responsibility to carry out a basic check of the vehicle and there should be a penalty for those drivers who failed to take action when necessary. Committee and officers agreed that the drivers should check their vehicles before driving, however the operators also had a level of responsibility to police their drivers to ensure the vehicles being used were roadworthy and safe. However, they agreed that a daily check sheet should be introduced. It should also be noted that vehicle standards are not the sole preserve of the driver to maintain. Operators also have a responsibility to ensure their vehicles are roadworthy. That responsibility cannot simply be transferred to drivers.
13. From 1st April 2022, following the introduction of our taxi licensing policy, the following conditions are now attached to all private hire operators, private hire drivers and hackney carriage and private hire vehicle licences. This makes it enforceable for the Council to take action against all licence holders to maintain vehicles whether they be the operator, vehicle proprietor or driver. Therefore, the Council can decide, case by case, whether action should be taken against an operator, vehicle proprietor or the driver.

Operator

Any private hire vehicle or hackney carriage provided by the operator will at all times be subject to test and inspection and should it be found that vehicles are not being properly maintained or that any part or fitting is not in good working order may result in a review of the private hire operator's licence.

Vehicle Proprietor

The vehicle will at all times be subject to test and inspection and should it be found that a vehicle is not being properly maintained or that any part or fitting is not in good working order, a notice may be served on you prohibiting the use of the vehicle until the defect has been remedied. A review of the licence holder may be carried out if the vehicle is not being maintained to a satisfactory standard.

Driver

The vehicle will at all times be subject to test and inspection and should it be found that a vehicle is not being properly maintained or that any part or fitting is not in good working order, a notice may be served on the vehicle owner prohibiting the use of the vehicle until the defect has been remedied. A review of the driver's licence holder may be carried out if the vehicle is not being maintained to a satisfactory standard.

14. The proposed daily vehicle check is attached to this report as Appendix 3.
15. It is proposed that a written record must be made of each safety check, details of faults recorded and when and what remedial action was taken. The record must be signed by the person undertaking the safety checks, and kept in the vehicle for a minimum of 14 days and then for a further six months by the vehicle proprietor.
16. The check should be carried out at the start of every day and at each shift change if the vehicle is used by a different driver throughout the day.
17. On being so required by a Police Officer or Authorised Officer the driver must produce, to that officer, the recorded daily checks kept in the vehicle for the last fourteen days. The vehicle proprietor, must also produce the recorded checks for the previous six months when requested to do so.

Increased Frequency of Testing

18. Currently vehicles are tested once a year if less than three years old and this increases to twice a year if over three years. If a vehicle fails a spot check or fails a taxi test on any items relating to braking, tyres or suspension then it automatically goes onto three tests a year.
19. It is proposed that the frequency of testing is increased for all licensed vehicles to three times a year. This should reduce the capacity for the vehicle to fail spot checks and increase the chance of the vehicles being maintained properly as faults should be identified earlier.
20. Burnley Borough Council has recently introduced three tests a year in the hope that it improves their failure rate when carrying out spot checks and as our vehicles cross-border into Burnley then it is felt we should also have a similar policy.

MOT Certificates

21. Once a vehicle passes the Council's vehicle inspection test, the vehicle owner is issued with a certificate of compliance. This compliance is the equivalent to an MOT and replaces the requirement for a MOT certificate.
22. The certificate of compliance is only valid whilst the vehicle is being used for private hire or hackney carriage work. Should the vehicle be used for any personal use, ie shopping, transporting relatives etc. then it becomes void, therefore there is no valid MOT in place and the driver is using the vehicle without an MOT certificate.
23. When an MOT is carried out the details are entered onto the GOV.UK database and when a search is carried out it will show the vehicle has a valid MOT. The compliance certificate is not entered onto this database so that when a search is made it will say the vehicle has no current MOT certificate. This leads to confusion with the public, as their perception is that our licensed vehicles are on the road without an MOT. It can also be a problem for the Police when checking vehicles have a valid MOT.
24. As the majority of our licensed vehicles are individually owned and not company vehicles there will be many times when they use their vehicles for personal use. If they do, there is no valid MOT on the vehicle unless they have obtained a private MOT in addition to the compliance certificate.
25. It is proposed that we no longer issue compliance certificates and revert back to MOT certificates for all vehicles. The MOT would be carried out at the same time as the taxi test by one of our approved garages.

26. Whether an MOT certificate is issued at each test is matter for discussion and agreement at this meeting.
27. The additional cost, for a vehicle to have an MOT at the same time as a taxi test ranges from £5 up to £20 depending on which garage is chosen to carry out the test and MOT. However, if the requirement for a compliance certificate is removed, then the cost should not be much more than the equivalent of their usual MOT charge, which ranges from £40 to £45. The additional items required to be checked is bodywork, signage and in the case of a hackney carriage the meter and should take no longer than 10 minutes.
28. The requirement for all vehicles to hold an MOT certificate would also benefit the DVSA, who currently have no control over the testing standards of our appointed garages when issuing a compliance certificate. They would have enforcement powers to check a vehicle has been correctly tested when it leaves any of our garages once an MOT test has been carried out.

CONCLUSION

29. The introduction of four monthly test and daily vehicle checks should improve the quality of our licensed vehicles and therefore reduce the number of vehicles failing spot checks or tests at our appointed garages. This will be monitored when we next carry out spot checks and reported back to this committee.
30. Sanctions will be in place for all licence holders who the Council feel is responsible for not maintaining a vehicle and their licences will be reviewed where it is felt necessary to do so.
31. The requirement for an MOT to be carried out will improve public perception and allow enforcement to be carried out by the DVSA and the Police should it be necessary.

IMPLICATIONS

Policy:

The taxi licensing policy adopted on 1 April 2022, will need to be updated to reflect any agreed changes.

Financial:

The additional cost for an MOT certificate and additional test is paid direct to our appointed garages by the vehicle proprietor.

Legal:

There are no legal requirement implications arising directly from this report.

Risk Management:

There are no risk management implications arising directly from this report

Health and Safety:

There are no health and safety implications arising directly from this report

Sustainability:

There are no sustainability implications arising directly from this report

Community Safety:

There are no community safety implications arising directly from this report

Equality and Diversity:

There are no equality and diversity implications arising directly from this report

List of faults at the spot check on 04.08.22
Failed - O/S/R Tyre below legal limit, N/S/F Tyre below legal limit, Wheel stud missing.
Failed – O/S/R Tyre below legal limit
Failed – Suspension linkage, N/S/F anti roll bar link lower ball joint excessively worn
Failed – N/S/F Wheel stud missing, Excessive movement in steering joint, O/S/F track rod end
Failed – O/S/F Tyre below legal limit, Advises – Rear axel bushes cracked, severe oil leak.
Failed – N/S/F shocker excessive leak
Failed – Tyre has deep cut with cords exposed, O/S side repeater indicator inoperative
Failed – N/S/F Tyre beyond legal limit, O/S/F Tyre beyond legal limit, passenger seat insecure and likely to become displaced, removable seats incorrectly fitted, N/S/F anti roll bar link upper ball joint gaiter deteriorated and ball joint excessively worn, O/S/F CV Gaiter significantly deteriorated, O/S/F excessive free play in wheel bearing, Suspension arm bottom ball joint excessively worn.
Failed – O/S/F Tyre beyond legal limit, cords exposed, SRS MIL illuminated indicates system failure
Failed – N/S/F and N/S/R wheel studs missing
Failed – N/S/F rearward bonded bush excessively deteriorated, Suspension arm.
Failed – N/S/F CV Gaiter split and unable to fulfil its function, O/S side repeater indicator inoperative

List of faults at the spot check on 28.10.22
Failed – N/S/R/F Wheel studs missing from all 4 wheels.
Failed – Suspension arm, O/S lower suspension arm front inner bush excessively worn.
Failed – Suspension joint dust cover missing, severely deteriorated, antiroll bar top ball joint.
Failed – N/S/F Wheel stud missing
Failed – N/S/F Wheel stud missing, O/S/F Wheel stud missing.
Failed – O/S/F and N/S/F CV Gaiter both significantly deteriorated, MIL Lamp illuminated indicating a fault.
Excessive Oil Leak
Failed – N/S/F Wheel stud missing, Excessive wear in suspension joint, severely deteriorated, N/S anti roll bar link arm top ball joint
Failed – Excessive oil leak
Failed – Excessive oil leak
Failed – N/S/F CV Gaiter significantly deteriorated, Parking brake does not operate on at least 2 wheels
Failed – Excessive oil leak, 2 x Insurance stickers missing.
Failed – Windscreen wipers worn and affects drivers view, Excessive oil leak, No smoking stickers missing, 2 x Insurance stickers missing.
Failed – O/S side repeater indicator inoperative

**Weekly Vehicle Check List
Hackney Carriages and Private Hire Vehicles**

VEHICLE PROPRIETOR:

Week Commencing:

Vehicle Registration: Plate No:

Checks carried out by

Checks – It is the responsibility of the driver to complete the check list every day and it must be kept in the vehicle for a minimum of 14 days and then for a further six months by the operator or hackney carriage owner.

Daily Checks	Mon	Tues	Wed	Thu	Fri	Sat	Sun
Tyres: tread/pressure							
Wheel security (nuts/studs missing)							
Handbrake/footbrake							
Suspension/steering ie knocking or rattling							
Fuel, oil and water							
All seats and seatbelts							
Sundry items – steps, ramps, wheelchair anchor straps, swivel seats							
All doors/boot function Properly							
Lights, reflectors, horn (including activated warning lights)							
Driver's mirrors (intact and adjusted)							
First aid kit/fire extinguisher							
Door signs, no smoking stickers, insurance stickers etc and plates							
Signature of person carrying out inspection check							

	Check carried out by:	Faults identified and action taken	Signature of driver
Monday			
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday			
Sunday			

This form must be kept in the vehicle for 14 days and then by the vehicle proprietor in a file for inspection by the Police or Authorised Officers for at least 6 months.