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### Proposal 1 - Increase in the number of tests per year from 2 to 3, one of which to include an MOT

- Should be 2 Mot checks and a mandatory health check provided every 3 months and allowed to fix any faults found
- Agree but reduce the costs
- Only for vehicles failing spot checks
- Just one MOT a year
- Should be able to go to any MOT garage
- Don't agree with 3 tests and to just do spot checks
- No need for 3 MOTs.
- There is a shared concern by Council Officer/Trade that testing standards vary between the garages. There needs to be dialogue in respect of current testing standards before considering an increase in the frequency of testing. A compliance certificate ought to have been more stringent than a normal MOT test because it covers items over and above those tested on a standard MOT. This being the case a compliance certificate should hold more weight from a safety perspective than an MOT certificate. If the "one MOT per annum" can be carried out by any garage what systems would be put in place to test the items over and above the normal MOT and required as part of the taxi test? If the "annual MOT" must be undertaken at the appointed garages (thus utilising the same testing stations and testers) we cannot see any additional safety benefit. The current compliance test method (compliance testing only) remains satisfactory as there are no additional safety benefits from having one test as an MOT.

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### Proposal 2 - Failure of 50% of tested vehicles of an operator over a 1 year period - operator to have their licence revoked

- Don't agree with the 50% as if 3 vehicles pulled and 2 failed licence would be revoked, yet if 4 tested it wouldn't
  - 47 responses of - There had been no consultation with the taxi trade on this proposal which penalises operators in such a draconian manner. I oppose this and strongly urge the Council to enter into talks with the operators before such measures are introduced. Also suggest to be pro-active and to avoid any targeting of garages against individual drivers/operators, the Council be open to allowing any registered MOT garage to undertake a fitness test on a vehicle.
  - Section 56 of the Local (Government Miscellaneous) Act 1976 - operator's responsibilities are for bookings, keep record of bookings and vehicles. Section 62 allows the Council to suspend or revoke (or not to renew) if there has been a breach. The defined responsibilities do not include vehicle safety matters - no legal responsibility. The Council previously revoked a licence under section 62(1)(b) for conduct. To exercise revocation using S62 the operator and vehicle proprietor must be the same person. Under **current legislation it is not permitted to revoke an Operator licence due to vehicle standards. This proposal should be dropped**
  - Companies responsible for employed drivers only and owner/drivers responsible for their own vehicles
  - Operator's shouldn't face stricter sanctions than driver/proprietor
  - One operator has a What's app. group with drivers and any faults put on there and drivers take straight to garage. If occurred in the early morning the driver takes it to the garage the next day
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**Proposal 3 - 8 points to be issued to a driver of any vehicle that fails a spot check - A driver that exceeds 15 points will come before Taxi Licensing Committee to have their licence reviewed.**

- More clarification - few comments that if a vehicle fails on bulbs etc they will be treated the same as someone with a serious fault
- Driver can't check underneath a vehicle
- 47 responses of - I oppose this and question the Council on where the 8 points has come from as there has been no consultation with the taxi trade. I strongly urge the Council to review the penalty point scheme in partnership with the trade
- The whole points system needs overhauling due to discrepancy where a minor breaches result in higher penalty points than major breaches. What is deemed a failure? Would a driver get eight points for a missing insurance sticker (technically a failure) and the same points for a major suspension fault? What are the rules for a driver who has checked his vehicle but subsequently something has meant it fails a spot check (eg a light but) which can go at any time? Where has the 8 point figure come from? Is the maths based on a second failure would result in a licence review? Why is the 50% failure rate valid on an operator's record for a rolling twelve months and yet it's thirty -six months for a driver record? Needs to be consistency. **This requires further discussion and there needs to be an established framework for various scenarios**

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**Proposal 4 - Introduction of an App that will monitor that each vehicle is checked before the driver starts their shift - t will be part of the taxi policy that the App is used. Failure to use it will result in revocation of a licence.**

- 2 driver's agree with the app
  - Can drive up to 3 different vehicles in a 24 hours period, would have to check 3 times
  - Says before prior to each shift & other says before the journey starts
  - App for vehicles that fail only
  - Need daylight hours, can't check a vehicle if it's dark
  - Daily checks not required as already look after their vehicles
  - Garages are available for checks on vehicle
  - Too much responsibility for drivers and shouldn't be liable for other people's mistakes
  - Too time consuming jobs will be late
  - 47 responses of - I oppose this as again the Council has proposed this with no consultation/negotiation on its practical operation bearing in mind not all taxi drivers hold mobile phones with download capability. There has been no explanation how this app will help improve safety. Why is the Council targeting taxi trade?
  - Who will responsible for the cost of the app? Many drives are struggling financially, this would be added burden when there are other (paper based) alternatives and kept in the car and achieve the same results. Not all drivers have a smart phone, therefore this would not be feasible. Not all drivers are tech savvy, therefore you would be discriminating against these drivers. **This requires further discussion and there needs to be an established framework for various scenarios.**
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**Proposal 5 - 8 penalty points for any driver failing to have a record on the app to confirm that before the journey started they had checked the condition of their vehicle. The vehicle must comply with what is recorded on the app - A driver that exceeds 15 points will come before Taxi Licensing Committee to have their licence reviewed.**

- 47 responses of - same comments as the introduction of the App
- The concerns raised in the proposal above apply here also. What would happen if something happened between the initial check and subsequent test on items, such as bulbs, which could go at any time? Clarity required as in previous meetings it was mooted that 1 or 2 items would not necessarily trigger this sanction. Who would govern what a deliberate omission as opposed to something a fault emerging after the information was submitted. Would this person have the mechanical knowledge? **This requires further discussion and there needs to be an established framework for various scenarios.**

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**Proposal 6 - Lying/being untruthful on the vehicle check record - Driver to have their licence revoked for dishonesty**

- 47 responses of - I oppose this and question the Council on how this will be implemented. You appear to be punishing the taxi trade by such measures with no rationale
- Same concerns as E. Subsequent faults between checks. Who would determine if the driver is being truthful or not? Will this person have the mechanical knowledge? What is the burden of proof required to ascertain if the driver is being untruthful? This required further discussion and there needs to be an established framework for various scenarios

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**Proposal 7 - Failure to immediately attend a spot check - Driver to have their licence revoked**

- 47 responses of - I oppose this and question the Council on how this will be implemented. You appear to be punishing the taxi trade by such measures with no rationale
  - Spot checks should be carried out at the roadside, not a valid reason to say that an under vehicle inspection can only be carried out in a garage. The council could inspect the underneath of the vehicle, but this would have to be facilitated at the roadside in the first instance (eg coning of an area, pulling a vehicle in, and having the requisite equipment to lift etc.), and then a further check at the garage if required. If vehicles passed at the road side, drivers could avoid suspension and continue working by ensuring that their vehicles pass such inspections. The legality of spot checks in the current form need to be reconsidered. A bilateral approach may be more beneficial. If vehicles were not "forced" to go to garages if it passed an initial sport check it would reduce 60% of current failure items.
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**Proposal 8 - A vehicle fails two spot checks - The licence for that vehicle is permanently revoked and that vehicle cannot be licensed again in Pendle**

- 47 responses of - Again the Council is without consultation introducing such draconian measures, please explain why you mean by 2 spot checks what is the threshold of a failure?
- A vehicle cannot maintain itself; it requires human intervention. Therefore, the same vehicle under the ownership of one person could be ill maintained whilst another would have an impeccable maintenance record. The problems lies with the human not the vehicle therefore this is unjust. By barring a vehicle would not cure the problem as the proprietors would simply sell the vehicle and replace it with another vehicle. If a vehicle passes a taxi test and thus satisfies section 48(1)(a)(iii)and (iv) there are no grounds to refuse a licence irrespective of its past ownership/history. S68 should be considered further - suspension of a vehicle following an inspection. Even after a failure the licence cannot be revoked provided it passes a subsequent inspection within two months. Under current legislation it would ultra vires if the Council refused an application when a vehicle has passed a compliance test and fulfils the conditions of S48. This proposal should be dropped.

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**9. Other Comments**

- Poor standard of roads
  - The MOT stations should be better regulated
  - Too expensive will force drivers to go to other Councils
  - Vehicle standards too strict, vehicle fails for small dent
  - Too complicated and strict, increase MOT and spot checks
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