

<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR, PLANNING, BUILDING CONTROL &amp; REGULATORY SERVICES</b>
<b>TO:</b>	<b>TAXI LICENSING COMMITTEE</b>
<b>DATE:</b>	<b>19 FEBRUARY 2024</b>

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## **PROPOSED MEASURES TO IMPROVE TAXI SAFETY**

### **PURPOSE OF REPORT**

To consider the issues surrounding the high failure rates of taxis during spot checks and proposed measures to see improvement.

### **RECOMMENDATIONS**

That Council be recommended:

- (1) That no changes be made to the frequency of the testing of vehicles.
- (2) That vehicles which fail the spot check or sections 2, 3 and 4 of the taxi test continue to be tested every 4 months with the requirement for 4-month licences replaced with either a 4- or 12-month licence.
- (3) That one of the taxi tests must include an MOT test carried out by one of the Council's approved garage.
- (4) That an operator to have their licence reviewed by the Taxi Licensing Committee should 50% of vehicles, operating with them, fail a spot check, over a 1-year period.
- (5) That 8 points be issued to a driver of any vehicle that fails a spot check. A driver that exceeds 15 points to be brought before Taxi Licensing Committee to have their licence reviewed.
- (6) That should a driver fail to immediately attend a spot check, to have their licence reviewed by the Taxi Licensing Committee.
- (7) That an App. be introduced to record daily vehicle checks. This would monitor that each vehicle had been checked before the driver started their shift. It would be part of the taxi policy that the App. was used. Failure to use it would result in review of a licence by the Taxi Licensing.
- (8) That training be given to any driver who is unclear on how to use the App.
- (9) That 8 penalty points for any driver failing to have a record on the App. to confirm that before

the start of their shift they had checked the condition of their vehicle. The vehicle must comply with what was recorded on the App. A driver that exceeded 15 points would be brought before Taxi Licensing Committee to have their licence reviewed.

- (10) That any driver Lying/being untruthful on the vehicle check record to have their licence reviewed by the Taxi Licensing Committee.
- (11) That 2 ramps be used when carrying out spot checks to reduce the waiting time when asked to attend a check.
- (12) That a section on vehicle maintenance be added to the driver knowledge test.
- (13) That the taxi penalty points scheme be reviewed, and a report submitted to the Taxi Licensing Committee.

## **REASON FOR RECOMMENDATIONS**

- (1) To reward vehicle proprietors who do maintain their vehicles.
- (2) To ease the administration work for the Council and vehicle proprietors by not issuing 4 monthly licences should a 12-month licence be applied for.
- (3) The requirement for an MOT will replace the current compliance certificate and entered onto Government database.
- (4&6) The failure rate of vehicles on spot checks is unacceptably high and measures need to be put in place to compel improvements in order to safeguard the public.
- (7-10) To address the significant mechanical defects found in vehicles.
- (11) To reduce the waiting times when being asked to attend a spot check.
- (12) To improve a driver's knowledge of vehicle maintenance.
- (13) To address the concerns of the trade that the points issued are proportionate to the severity of the infringement.

## **ISSUES**

- 1. At the last meeting of this committee, a decision on implementing measures to improve taxi safety was deferred to allow for two unannounced spot checks, to take place within 3-4 months and the results reported back.
- 2. Details of spot check failure rates from councils across Lancashire and sanctions they have in place was also requested. This will be verbally reported at the meeting.
- 3. Unannounced spot checks were carried out on 10 November 2023 and 18 January 2024. The results from the November test were 16 vehicles tested of which 5 failed and in January 20 vehicles tested of which 10 failed. The results are attached as appendix 1.
- 4. Whilst the recent results may seem an improvement on previous spot checks, the trade was aware of 2 planned spot checks coming up, following the decision at the last meeting, so you would have expected all vehicles to have been checked and therefore only a minority of

vehicles failing.

5. From the 1<sup>st</sup> October 23 to 31<sup>st</sup> January 24, nine vehicles were seen on the road with defects that should have been picked up on a daily walkaround. Faults found were identification plates being displayed in rear windows, brake lights out, no pre-booked insurance stickers displayed, damage to lights and bodywork, ball joint insecure. One vehicle had multiple faults with a brake light out, 2 broken links, worn bushes, inner CV boot split, no parking brake, tyre below legal limit, inoperative horn and poor bodywork.
6. The results of these and previous checks are totally unacceptable and clearly shows daily checks are not being carried out prior to being driven on the road carrying passengers which is a safeguarding issue.
7. The issue of whether daily checks are appropriate or not has been the subject of comment from Government and the advice in the best practice guidance on this has been updated.
8. The position of Government is that it is a requirement to check vehicles every day under general road safety duties. They go further for taxis saying that all drivers should check their vehicle every day, log it and those failing to do so would not be fit and proper to hold a licence. They also indicate that anyone falsifying a check would also be not fit and proper.
9. This confirms that, the law is that drivers should have already been carrying out checks and if they have not been doing, they are likely to be not a fit and proper person.
10. 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, loose batteries and missing wheel nuts. These faults should be routinely picked up and would be if daily inspection checks were carried out.
11. 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 still unacceptable. On a check in October 22 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.
12. There have been concerns over a number of years over the consistent high levels of failures. 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.
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. However, there also needs to be a policy in place in how we assess this and what sanctions we could impose on a licence holder.

### **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 maybe 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 maybe carried out if the vehicle is not being maintained to a satisfactory standard.

14. In order to look at the issues in more detail a Member task and finish group was set up to consider changes to the Council's current policy to achieve the necessary improvements in vehicle safety.
15. The Task and Finish Group has met twice, and the proposals put forward by the trade, following these meetings, were for 3 taxi tests a year and a daily vehicle check using paper rather than an App. They felt many drivers would not be technically minded and would struggle using an App.
16. Other proposals/issues put forward were for the penalty points scheme to be reviewed as it was felt that the points were not proportionate to the severity of infringements; waiting time when asked to attend for spot checks; drivers to be more severely reprimanded, for example plying for hire and they felt some of our garages were not stringent enough when carrying out taxi tests.
17. Private hire operator's feel that vehicle maintenance should be the responsibility of the driver and vehicle proprietor only. They remind their drivers of the need to check their vehicles on a daily basis

### **CONCLUSION**

18. Government have made it clear that drivers should already have been carrying out daily checks and to not do so may conclude that they are not a fit and proper person to hold a licence.
19. The responsibility to ensure vehicles are safe lies with both operator and driver. The report recommends the requirement of 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.
20. 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.

21. Whilst the trade has agreed to the introduction of daily vehicle checks, it is felt a paper check could be open to abuse by back dating checks; completing the form whilst sitting in the vehicle and not carrying out a walkaround; difficult to complete in adverse weather conditions; the cost of printing out the daily check sheets and no there is no audit trail.
22. The App. reports any faults direct to the operator and the Council; has a compass to ensure the driver has fully walked around the car; is an audit trail of when checks were carried out, aiding enforcement and can be carried out on a PDA which a high percentage of drivers have. The only downside to the app is the cost of £1 a week per vehicle, however this can be balanced out with the cost of paper and printing for paper checks.
23. Should the App. be approved, it will be brought in over a six-month period in order to give assistance and training to all drivers in how to use the App.
24. 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.
25. Private Hire Operator's do have a level of responsibility for the maintenance and safety of vehicles operated under their licence. A booking is a contract made with the operator not the driver, therefore sanctions should be in place, if their fleet of vehicles are not being maintained to a satisfactory standard. As outlined at point 13, this is also a condition attached to a private hire operator's licence.
26. The requirement for an MOT to be carried out enables the driver to use the vehicle for personal use as the current compliance certificate, which replaces the need for an MOT, is only active whilst using the vehicle for taxi use. It will also be enforceable by the DVSA and the Police, and as it will be recorded on the national database it will improve public perception that an MOT is in place.
27. The suggestion of 3 taxi tests a year should not be introduced as daily checks should pick up any faults in between 6 monthly checks and 3 tests a year are already in place for anyone not maintaining their vehicles.

## **IMPLICATIONS**

### **Policy:**

The taxi licensing policy adopted on 1 April 2022 and licence conditions, will require updating to reflect any agreed changes.

### **Financial:**

The test fee and App. fee will be met 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

**APPENDICES**

Appendix 1 – Results of spot checks