

REPORT FROM: ASSISTANT DIRECTOR, PLANNING, BUILDING CONTROL
AND REGULATORY SERVICES

TO: COUNCIL

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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

- (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 garages.
- (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 eight 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 and this to become part of the policy of the Council. Failure to use it would result in review of a licence by the Taxi Licensing Committee.
- (8) That training be given on how to use the App.
- (9) That eight 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 exceeds 15 points to 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 two ramps be used wherever possible 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 within the next 2 months, and a report submitted to the Taxi Licensing Committee.

REASONS FOR RECOMMENDATIONS

- (1) To reduce any burden on those who keep their vehicles in good condition.
- (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 be entered onto Government database.
- (4, 5 & 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. The mechanical safety of vehicles has been a concern of the Council for a number of years. This has prompted a need to consider changes to how mechanical safety of license holders is regulated in the Council's policies.
- 2. The Taxi Licensing Committee has been considering how the matter would be addressed and had a series of working group meetings with the trade. This culminated in a set of proposals to introduce policy changes and a recommendation to introduce a mandatory vehicle safety check app. Before determining what policy approach the Taxi Licensing Committee would recommend to Council, the matter was deferred so that two unannounced spot checks could be carried out.
- 3. These 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 11 failed and in January 20 vehicles tested of which 10 failed. This is an overall pass rate of 41.7% or a failure rate of 58.3%. The results are attached as appendix 1.

4. Whilst the recent results may seem a slight improvement on previous spot checks, the trade was aware that two planned spot checks were imminent. Bearing in mind the importance of the checks it would be expected that greater diligence be given to checking cars and all vehicles to have been checked with a decrease in vehicles failing.
5. In addition to the spot checks from the 1st October 2023 to 31st January 2024, 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, bodywork, and 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 still totally unacceptable and clearly shows daily checks are not being carried out prior to a vehicle being driven on the road carrying passengers which is a safeguarding issue. Alternatively, if checks are being carried out the defects found are not being dealt with. Taxi staff have carried out random checks with drivers and operators asking for details of daily checks. The results were that although some indicated they had done checks no evidence of that could be produced by any party.
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 for drivers 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. Regardless of any policy change in Pendle all drivers should immediately, if they are not doing so already, start to fill in and have available a daily check sheet. The Government publish a pro forma check sheet that can be used.
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. The evidence we have is that operators, vehicle proprietors and drivers 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 have been unsatisfactory for a number of years and despite many assurances that improvements would be made, the failure rate is still unacceptable.
12. There have been concerns over a number of years over the consistent high failure rates. The Council has sought to work with the trade to improve those standards but there is clearly a failure in 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 on how we access 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 this? 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 three 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 operators feel that vehicle maintenance should be the responsibility of the driver and vehicle proprietor only. They advised? that they remind their drivers of the need to check their vehicles on a daily basis. Contractually bookings are made with operators. As part of that they have a responsibility to make sure that the service they are providing is a safe one. Whilst the driver should be undertaking the daily checks operators are not absolved from having responsibility for making sure they convey passengers in safe vehicles.
18. The longevity of the failures in taxi tests and the scale of the failures requires a robust and manageable system to be put in place for drivers and operators to check their vehicle each day. Paper records can be used but this is open to records not being available on request and relies on drivers to remember to fill them in each day. Responsible operators would need to collate these and put robust systems in place to ensure the checks are being done accurately each and every day.
19. An App would have the advantage of taking the memory out of the equation as any journeys undertaken without checking would be automatically picked up. Operators would have the

added benefit of being informed of any defects that are picked up immediately and would be able to address those quickly.

- 20 The disadvantages identified are the costs of operating the App, though this is very minimal at £1 per vehicle per week. That would have to be offset against the cost of operating a paper based system. The cost of both are estimated to be similar with the App taking away the time of collating, recording and monitoring a paper based system.
- 21 The other disadvantage the trade has identified is that some people do not have mobile phones and could not operate the App. Whilst it is accepted that there may be a very small number of people in that category all the drivers and vehicles known to the taxi licensing staff have mobile devices. The provision of training and devices to the few drivers who may not have phones should be undertaken. Not introducing the policy based on an unquantified small number of drivers who may not have phones and who would need additional training is not justified.
- 22 Other Councils are now looking at the revised advice of Government and are looking at ways of monitoring. The Council with the largest number of licensed drivers, Wolverhampton, with 36,000 drivers, are looking at an online check sheet that their policies would require drivers to complete each day. It is very similar to the checks that the App would require but instead of the App being used and the data automatically uploaded drivers would need to log onto the Council's portal and complete the form each day. Other Councils are contacting Pendle to discuss our proposals as they too are introducing processes to make sure their policies comply with the updated Government Guidance.

CONCLUSION

23. Government has 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.
24. The conclusions of the Taxi Licensing Committee at its meeting on 19th February 2024 were that the trade overall had not achieved satisfactory levels of mechanical safety as shown by several years of continued high failure rates and recommended that an App be introduced alongside other changes as set out in the recommendations in this report.
25. 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.
26. 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 who are responsible for vehicles are fit and proper people to hold a licence if their vehicles are persistently mechanically unfit to be on the road. One of the recommendations is to extend taxi knowledge tests to include an assessment of the applicant on the basics of the mechanics of a vehicle.
27. 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.

28. 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.
29. 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.
30. Sanctions will be in place for all licence holders for not maintaining a vehicle and their licences will be reviewed where it is felt necessary to do so.
31. Private Hire Operators 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 is 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.
32. 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.
33. The suggestion of three taxi tests a year should not be introduced as daily checks should pick up any faults in between 6 monthly checks and three 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.