

REPORT TO EXECUTIVE



DATE	19th August 2008
PORTFOLIO	Environment
REPORT AUTHOR	Peter Henderson
TEL NO	01282 425011 Ext 2612
EMAIL	phenderson@burnley.gov.uk

Vehicle Safety in the Taxi and Private Hire Fleet

PURPOSE

1. For members to consider the introduction of a policy to improve the safety standards of the taxi and private hire fleet

RECOMMENDATION

2. That the Executive approves the following recommendations with effect from 1st September 2008:
 - That Officers, using existing delegated powers refuse to renew a hackney carriage or private hire vehicle licence where a vehicle has failed it's compliance test on 3 occasions in a rolling period of 18 Months and the reason for failure is for 2 or more faults that fall within the Council's definition of serious. (That definition is, 'any fault relating to the vehicles tyres, brakes, steering or suspension that would normally result in immediate suspension of the vehicle licence either on routine test or on enforcement exercises')
 - That any proprietor of a hackney carriage or private hire vehicle that is under 3 years old that fails it's compliance test on any occasion, the reason for failure being for 2 or more serious faults, will be required to submit the vehicle for test on 3 occasions per year and will be issued with licences of 4 months duration after any such test.
 - That any vehicle over 3 years old that has been tested on 3 consecutive occasions, without having failed the test for more than 1 serious fault per test will subsequently be tested every 6 months until such time as the vehicle age limit is reached or there is a test failure for more than 1 serious fault.
 - That the current upper age limit of 7 years for private hire vehicles be confirmed and the annual review cease.

REASONS FOR RECOMMENDATION

3. To ensure that the safety of the travelling public is not compromised by the use of

dangerous and unroadworthy vehicles.

SUMMARY OF KEY POINTS

4. Hackney carriage and private hire vehicles under 3 years old are compliance tested twice a year and those over 3 years old are tested three times a year.
5. Private hire vehicles may be licensed up until they are 7 years old. This upper age limit is subject to annual review. There is no lower age restriction that stipulates a vehicle must be under a certain age when first licensed.
Over the last 5 years the compliance test pass rate for these vehicles has remained fairly static at between 38% and 40% although it fell to 36% in 2007.
6. Hackney carriages may be licensed up until they are 10 years old and must be under 3 years old when they are first licensed. This age policy was introduced in January 2007 and has resulted in a younger hackney fleet and a slightly improved test pass rate.
Over the last 5 years the pass rate has fluctuated between 8% and 16% and since the introduction of the age policy and delimitation it has improved to approx. 23%
7. Records show that some proprietors regularly maintain their vehicles and as a result achieve excellent pass rates. The obvious benefit of this is the safe transportation of not only their passengers, but also of themselves and their families.
8. Records also show that a number of proprietors continue to present vehicles for test that are unroadworthy due to a lack of maintenance that has resulted in serious mechanical faults.
Immediately prior to being presented for test the vehicle could have been conveying paying passengers.
9. One option to address this problem is the introduction of more stringent age limits, however this would unfairly affect those proprietors who properly maintain their vehicles.
10. The preferred option is to introduce a 'three warnings and out' policy as follows.

If any vehicle fails the test on two serious faults as detailed in paragraph 2, then the licensing unit, on the first occasion, would issue a warning in writing to the effect that:

"We note that your vehicle was presented for licensing in such a condition that gives us concern that the vehicle may not be being properly maintained. You are warned that on a second such failure, within an 18 month period, you will be required to go before the Licensing Committee to explain yourself. A copy of this letter will be attached to your file."

If the vehicle is under 3 years old and currently subject to 6 monthly testing and licensing then that negligent proprietor will also be advised in the same letter that:

"In view of the serious nature of the faults found on your vehicle you will now be required to present your vehicle for testing and licensing every 4 months."

On the second serious test failure, the proprietor would be brought before the Licensing

Committee and be given a formal warning. A letter would be issued warning the proprietor that the next such failure would lead to the application to renew the licence being refused.

On the occasion of a third serious test failure the vehicle would not be allowed back for re-inspection, and a vehicle licence application would be refused.

11. Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to suspend, revoke or refuse to renew a vehicle licence for one of the following reasons.
 - a. that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle.
 - b. Any offence under, or non-compliance with, the provisions of the Act of 1847 or this part of this Act by the operator or driver; or
 - c. Any other reasonable cause.
12. Officers believe that this policy would encourage proprietors to maintain their vehicles in good condition and improve the safety of the traveling public.
13. Any vehicle proprietor who is aggrieved by the decision to revoke, suspend or refuse to renew a licence has a right of appeal to a Magistrates Court.
14.
 - Mohammed Ibrar, who represents approximately 10 hackney carriage drivers who operate under the title of 'taxi call', believes that this report is too severe and suggests a penalty points system that would identify those drivers who fail to maintain their vehicles. His comments are attached as Appendix 'A'
 - Jamil Munir who is the Chair of the Hackney Carriage Association agrees with the principles of this report but asks that drivers who keep their vehicles well maintained are allowed to have them tested twice a year instead of 3 times a year, irrespective of the vehicles age. His comments are attached as Appendix 'B'
 - Alan Hosker, who represents himself as Padiham's only hackney carriage driver and also represents Padiham's 3 private hire operators, supports the proposals and asks that, in the event that failure rates show considerable improvement, the current age limits for hackney carriages be relaxed.
 - Mohammed Arif, Chair of the Private Hire Association, accepts that test failures of a serious nature are unacceptable, but believes that the proposals are excessive to say the least. He has also requested the introduction of an additional testing station. His written comments are attached as Appendix 'C'.
 - Peter Mackie, on behalf of Althams Travel has expressed concerns as to what constitutes a 'serious fault' and, as a company that takes vehicle safety very seriously, they are worried that they may be penalised for minor fault failures. I have discussed this with him and clarified to his satisfaction the concerns he raised. His comments are attached as Appendix 'D'
 - Councillor John Jones (Env. Health and Housing Scrutiny) has responded by e- mail and has no objections to this report.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

15. There are no financial implications for the Council

POLICY IMPLICATIONS

16. None

DETAILS OF CONSULTATION

17. Mohammed Jamil Munir, Chair of Hackney Carriage Association
Mohammed Arif, Chair of Private Hire Association
Mohammed Ibrar, Representing 'Taxi Call' (co-operative of Hackney drivers)
Alan Hosker, Representing Padiham private hire operators
All currently licensed private hire operators.
This report was considered on 31st July by the Licensing Committee who unanimously recommended its proposals to the Executive.
It was also circulated by e- mail to members of the Environment and Housing Scrutiny Committee for consultation.

BACKGROUND PAPERS

18. None

FURTHER INFORMATION

PLEASE CONTACT:

Peter Henderson Ext 2612

ALSO:

Karen Davies Ext 2273

[Appx A](#)

[Appx B](#)

[Appx C](#)

[Appx D](#)