

REPORT TO LICENSING COMMITTEE



DATE	23 rd June 2021
PORTFOLIO	Community & Environment
REPORT AUTHOR	Karen Davies
TEL NO	01282 425011
EMAIL	Kdavies@burnley.gov.uk

Improving Vehicle Safety Standards

PURPOSE

1. For Members to consider options to improve the safety of licenced vehicles on the taxi fleet.

RECOMMENDATION

2. That the Licensing Committee agrees:
 1. To reduce the period of a vehicle licence to 4 months, increasing the number of routine inspections from 2 to 3 per annum, and
 - a. To agree a 4 month Private Hire Vehicle licence fee of £52, and
 - b. To agree a 4 month Hackney Carriage Vehicle fee of £83; and/or
 2. To recommend that Full Council amends the Council's Constitution to add revocation of vehicle licences to the Head of Legal and Democratic Services (HoL&DS) delegations as follows:
At Part 3 1(b) Licensing Committee HoL&DS para 1(e)
'To be responsible for the suspension and revocation of Hackney Carriage vehicle licences and Private Hire vehicle licences'; and/or
 3. To revise the exceptional criteria policy to apply the MOT inspection manual categories of 'dangerous', 'major' and 'minor' defects consistently to both the targeted intervention and exceptional condition criteria (which permits the licensing of hackney carriages up to 15 years). See Appendix A.
 4. To consider the recommendation of the TTG to take no further action in relation to the request for extension to vehicle licences.

REASONS FOR RECOMMENDATION

3. To enable the Licensing Authority to fulfil its obligations to ensure that public safety is paramount by ensuring that vehicles licensed as Private Hire vehicles or Hackney Carriages are maintained to compliance standards by their respective proprietors.

SUMMARY OF KEY POINTS

4. All vehicles are currently licenced for 6 months and require testing at renewal. In order to monitor vehicle safety between tests, licensing enforcement officers conduct regular targeted intervention days in partnership with Lancashire Constabulary. These operations were paused in February 2020 owing to the Covid19 pandemic, resuming 13th April 2021 following the easing of restrictions. The targeted element of the intervention involves the police selecting cars to stop at roadside and requiring any with obvious defects to attend one of the approved testing centres for inspection by a VOSA qualified examiner. Because some degree of selection is involved, this approach is not a random `spot check`, and is not a reflection of the fleet as a whole.

Results during the last two years have seen consistently poor results which are summarised below;

7th August 2019 - 12 vehicles inspected - 12 vehicles failed (6 with serious faults), 10 vehicles suspended.

23rd September 2019 - 9 vehicles inspected - 9 vehicles failed (4 with serious faults), 7 vehicles suspended.

26th November 2019 - 13 vehicles inspected - 13 vehicles failed (9 with serious faults), 11 vehicles suspended.

26th February 2020 - 7 vehicles inspected - 6 vehicles failed (3 with serious faults), 4 vehicles suspended.

13th April 2021 - 10 vehicles inspected - 10 vehicles failed (8 with serious faults), 9 vehicles suspended.

Serious faults currently relate to issues with brakes, suspension, steering, and tyres.

5. Enforcement officers currently issue suspension notices where vehicles fail the test and the matter cannot immediately be rectified. They do so using their powers as under section 68 of the Local Government (Miscellaneous Provisions) Act 1976 as authorised officers under the legislation. A suspension means that the vehicle cannot be used as a private hire vehicle or Hackney Carriage until the issues are satisfactorily addressed and the suspension formally lifted. This would normally mean that the vehicle is presented to an approved testing station for re-examination or to a licensing officer depending on the nature of the failure.
6. Drivers and operators have previously been brought before Sub-Committee to have licences reviewed where their vehicles have not been maintained. Drivers and operators each blamed the other for faults identified often leading to no further action being taken. This was administratively cumbersome, expensive and delayed the response. Operator

licences in particular were sometimes transferred prior to review, making the process ineffective.

7. Despite these enforcement approaches, the results of targeted intervention operations remain poor. Enforcement officers currently have no further immediate powers to deal with serious or persistent failures.

Options available to strengthen the licensing regime, incentivise vehicle licence holders to pay greater attention to vehicle maintenance, and thereby improve public safety are:

- **Option 1 – Period of Licence**

Reduce the period of a vehicle licence to 4 months, thereby increasing the test frequency at renewal. This is the maximum number of times in a year that the Licensing Authority can require tests. This will involve additional expenditure to the trade (via an additional £15 admin payment to the Council for processing an extra licence each year, and a separate test fee payment direct to the testing station). This will not eliminate issues arising where vehicles are not maintained between tests.

- **Option 2 – Officer Delegations**

Increase officer powers by amending the Council's Constitution to add revocation of vehicle licences to the HoL&DS's delegated powers. The Head of Service will then be able to delegate this on to competent enforcement officers so that revocation powers can be used where an approved VOSA examiner identifies 2 or more dangerous or major faults, OR where the vehicle is found to have a poor maintenance history, evidenced by 2 or more previous suspensions for vehicle safety issues within the preceding 2 years. Dangerous and major faults are outlined in the government's 'MOT inspection manual: cars and passenger vehicles'.

Utilise existing HoL&DS delegation to suspend with immediate effect any licensed driver found behind the wheel of a licensed vehicle deemed by an approved VOSA examiner to have 2 or more dangerous or major faults.

- **Option 3 – Consistency of Faults**

For consistency, there is an additional recommendation to bring the exceptional condition criteria (which currently apply to Hackney Carriage renewal applications beyond normal upper age limits) into line with the defects identified in the MOT manual. See Appendix A. The effect of this would be to extend the exceptional criteria beyond defects associated with brakes, steering, tyres or suspension to include for example seat belts and emission control equipment.

8. Option 1 is permitted within the legislation. Whilst option 2 (revocation and suspension) are decisions appealable to the magistrates court, it is necessary to balance the risk of successful appeal against public safety. Following vehicle revocation a licensed driver may need to source another licensed vehicle to drive, but it will not prevent them from working.

9. At the 4th February Licensing Committee a right to speak was exercised requesting consideration to be given to an extension to vehicle licences for 12 – 18 months due to the impact of the Pandemic for operators and drivers. As Committee requested, the matter was considered by the Taxi Task Group on 14th April. The Group noted that grants had been made available to the taxi trade, that fees had been frozen and vehicle licences extended free of charge through the summer of 2020 and also that free fitting of screens to reduce covid spread, and publicity to support the Trade getting back on its feet had been provided.

In reaching a consensus decision the Group recognised that whilst the financial needs of the Trade were important, this had to be balanced with the safety of the local fleet. The Group noted the poor results of the recent targeted intervention, and the impact of an older fleet on climate change, and were unable to recommend the measure.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

10. None

POLICY IMPLICATIONS

11. The scheme of delegation can only be amended by Full Council. Changes to vehicle conditions, including the duration of the licence, and the setting of fees are Licensing Committee responsibilities. Any decisions will become part of the taxi policy framework.

DETAILS OF CONSULTATION

- 12 Chair & Vice Chair of Licensing Committee
Exec Member Community & Environment
Taxi Task Group

BACKGROUND PAPERS

- 13 <https://www.gov.uk/guidance/mot-inspection-manual-for-private-passenger-and-light-commercial-vehicles>

FURTHER INFORMATION

PLEASE CONTACT:

Karen Davies

ALSO:

David Hall

Current Exceptional Condition Policy

The maximum age limit for vehicles depends on when the vehicle was first licenced as a Hackney Carriage with Burnley BC.

- For vehicles first licenced before 10th April 2014 the licence can be renewed up to 12 years from the date of first registration.
- For vehicles first licenced on or after 11th April 2014 the licence can be renewed up to 10 years from the date of first registration.

Any vehicle exceeding these age limits can be licenced up to 15 years of age where the 'exceptional condition criteria' is met.

The current exceptional condition criteria is

1. Any vehicle inspection resulting in a fail due to 2 major faults or more than 4 minor faults will usually result in the vehicle no longer being classed as in exceptional condition upon expiry of the licence. It will not be acceptable for such a vehicle to be taken away, repaired and represented for a further test. Any further application will not be accepted for such a vehicle.
 - 'Major faults' are defined as any brake, steering, tyre or suspension defects.
 - 'Minor faults' are defined as all other defects that are not classed as 'Major faults'.
2. The bodywork should be in good condition with little sign of panel age deterioration, dents, scratches, stone chips or rust or any other abrasions that may detract from the overall appearance of the vehicle.
3. The general paint condition should show little sign of fading; discolouration or mismatching that may detract from the overall appearance of the vehicle.
4. The interior trim, panels, seating and carpets etc. should be in good condition clean, free of damage.
5. The vehicle to be in good mechanical condition and in all respects safe and roadworthy with no signs of corrosion to the mechanical parts, chassis, underside or body work.
6. The boot or luggage compartment to be in good condition, clean and undamaged.
7. Passenger areas to be free from damp or any other odours that may cause passenger discomfort.

The proposed amendment to para 1 as follows:

1. Any vehicle inspection resulting in a fail due to 2 **dangerous or major faults**, or more than 4 minor faults, **as outlined in the government's MOT inspection manual: cars and passenger vehicles**, will usually result in the vehicle no longer being classed as in exceptional condition upon expiry of the licence. It will not be acceptable for such a vehicle to be taken away, repaired and represented for a further test. Any further application will not be accepted for such a vehicle.