

4. It has been noticed by the trade and members of the Hackney Carriage Association that there has been a lack of enforcement activity over a number of years.
5. The Directors Report refers to "a number of factors" [at paragraph 5] which suggest that it is timely to review the conditions.
 - What are these factors
 - What evidence is there for the need to review the conditions
 - Time alone is only one criteria but if there is evidence that the current criteria is causing problems then what is that evidence
6. The current system [as at paragraph 9 and 11 (what happened to paragraph 10)] does not appear to have been compared with the Department for Transport [DFT] Taxi and Private Hire Vehicle Licensing: Best Practice Guidance 2005. Whilst it is accepted that document is not binding it is persuasive as it is being prepared with the benefit of consultation with many interested parties and all views have been considered.
7. The DFT Guidance is a far lower standard than CBC's proposal but additionally it reminds Local Authorities of their powers to use spot checking, calling in of vehicles and specific targeting:
8. i.e. there is no need to aim at the whole of the trade in an area especially if there is only a few "rogue" operators. The solution surely is to spot them and target them. That way it is far fairer and that encourages better trade members.

9. Sport enforcement also encourages regular maintenance. If owners do not know that they are to be targeted they will have to keep on top of maintenance. If testing is regular it is a bit like a gatso and you prepare for it.
10. If there are poorly performing fleet owners or drivers attached to firms a reminder about vicarious liability in the area of claims should also enlist operators on board to do enforcement and checking as well.
11. Unfortunately CBC do not know this without there being some reflection/collection of statistical evidence failures etc which will then inform them as to who and which vehicle to target and what aspects of the test vehicles are regularly failing.

Guidance at Page 3

12. "Local Authority should carefully consider whether the costs imposed by local licensing policies are really commensurate with the benefits which the policy is meant to achieve"

See the Trades costing of it and CBC's testing regime proposals

- These are very high
- They are indiscriminant so those carrying out appropriate maintenance are having to pay as well as those skimping on it
- They fail to appreciate that the trade is heavily dependent on Hire Purchase which lasts 4-5 years and it is only after vehicles are paid for can the owner/driver make an enhanced living. It is that which is the source of funding for maintenance and the deposit for the next newer vehicle. Increase costs erodes that opportunity.
- If the age of the joined taxi drivers themselves is getting older there ability to continue within the trade is effected by hire cost especially if they have to replace

- vehicles to prescriptive formula as proposed by CBC which could be prohibitively expensive and end their trade.
 - There is no evidence here that older drivers are compromising safety. I would suggest that they are even less likely to do so
 - Chorley's oldest private hire vehicle I understand is a Toyota Avensis which is 8 years old. The regime therefore seems to be unnecessary targeting that one vehicle and I venture to suggest that that vehicle is probably better maintained than some of the younger vehicles
 - What evidence is there that older vehicles are in fact compromising safety. The Director makes no reference to any statistical evidence within his report and is presumably therefore just taken as read that an older vehicle is likely to be less safe. There is no statistical evidence to support that proposition
 - If the above proposition can be supported do we know what aspects of the test are being failed by those particular vehicles?
 - Does CBC's test reflect the Guidelines? The Guidelines suggest that the mechanical element of a taxi test should be a direct reflection of the MOT test. It seems that CBC's current test is not a reflection of the guidance their proposals seems to be that the new testing regime should take the form of an MOT test first followed by taxi elements second. This comes as a surprise. It is surely not really a matter of imposition on the trade by increasing the frequency of testing but more a matter of rigor in testing the testers therefore they should be the ones subject to scrutiny
13. Tightening of the test criteria is something that no-one could really object to if it by way of adoption of MOT criteria for the mechanical test. Once that has been done and a cheque by statistical collation and mystery shopping of the testers can inform as to the failure aspects and the quality of the test.

Administration Costs

14. I understand the present system is fees are paid at the garage where the test is to be taken. Each individual garage sets its own rates which is a commercial decision which is not fettered by the Local Authority. In his report the Director refers to MOT being price led (SIC). There is no evidence again for that proposition having any actual affect. Once again that would appear to be a matter for imposing and testing standards on the testers which is something that is conveniently done for CBC by VOSA.
15. There is no evidence that those choosing to pay less for MOT and tests are compromising safety. If the garages can afford to charge less the trade taking advantage of that is not necessarily something that should be stopped.
16. A change in the payment regime by requiring bookings at the garage then payment of fee to the Council's One Stop Shop which I understand does not fully understand the system and refers drivers back to Licensing Department where they then have to attend and queue once more involves the drivers in additional journeys and therefore expense and time taken away from earning a living. There is also a system which may possibly give CBC a commercial potential vis-à-vis of the garage which would not be appropriate. It seems that the system seems to satisfy everybody at present so if it is not broke than why fix it?

Taxi Rates

17. CBC according to the National Private Hire Association are ³¹⁶~~293~~ out of 375 Councils for affordability.
18. Maintenance and testing of course are part of a taxi operator and driver's trade and the costs attendant with that are costs that he as to bear. However his ability to earn a living is effected by many things including for example rises in the cost of fuel and the cost of living. These erode his income and ability to maintain his

vehicle. As an added safety measure Chorley might consider improving his position in the league table of Councils for affordability.

19. For example I submit that an increase of say £0.20p in the basic fare would do more to achieve safety and maintenance if that is coupled with an active enforcement practice than anything else. If we take as an average a driver completes 25 jobs a day then £0.20p extra per job over a 6 day week would equate to £1,440.00 per annum extra!

Vehicle Safety Report

20. It is the CBC's proposal that these should be introduced for vehicles over 3 years of age.
21. There is no statutory basis for this document.
22. If it is made a condition of a licence it would be appealable. That puts the Council and trade potentially at logger-heads whereas trade and CBC should both have public protection at heart.
23. The proposed VSR, appendix B1, B2, D1, D2 and E1 all at various point offend a number of principals which CBC may have difficulty with where matters to be appealed as all are purport to be conditions of licence.

Appendix B1

- Item 1 – "Weakness" is referred to but not defined.
- Item 2 – "Undue discoloration". What is the definition of undue? How is it to be measured?
- Item 11 – Pedal rubbers "not excessively worn". Once again this is not defined and there is no reference to minimum acceptable tread for example.

- Item 15 – Headroom in rear – There is reference to Council's terms and conditions but this would appear to be the fettering of choice of vehicle by driver. An appealable point.

VSR: - Appendix B2

- Item 2 – Body work to show “no discoloration”. It is talking about 3 year old cars plus and there is no definition of discoloration and it is not clear what this actually means but the expectation that a car is uniformly coloured may be unrealistic and impose greater expense on the driver or indeed put him out of action.
- Item 4 – Tear/hole free floor clearing – it would appear that in certain circumstances this is allowed but not in others but it does not define what models it would be allowed. It is surely a safety issue and needs clearer definition.
- Item 11 – See B1 11 above.
- Item 25 – Any other defect in the opinion of the examiner which would cause injury or discomfort – this is far too wide a catchall to be understandable so as the trade can deal with it but of course it is an area where opinion can put a driver out of action.

Appendix C

- Item 2 & 5 – No cigarette burn holes acceptable. No cut and tear acceptable.
- Minimum cost of repair is approximately £35.00 per repair.
- There is no compromise.
- It is unrealistic in taxi's which are used by members of public who cause the damage.
- It is out of all reasonable proportion but could lead to the loss of livelihood.

- Item 28 – Missing torn or stained boot carpet! This could equal a fail!!

- Item 33 – Signs of water ingress in boot again could lead to a fail without compromising safety or passenger comfort or being proportionate.

- Item 34 – No dents beyond 2cm. Bodywork – no visible signs of fading.
- This is inconsistent with B1 and B2 on this point.

- Item 35 – 3cm plus long scratches unacceptable – This is a proposal for cars of 3 years and over.

- Item 36 – All repairs to manufacture as standards.
- Does this mean that they can only be done by main dealers?
- What about the cost of that?
- What evidence is there that other repairers do not repair correctly?
- What evidence would be required of repair?

- Item 40 & 41 – Cracks in glass.
- MOT standards permit certain cracks in glass providing they do not impair visibility. This standard therefore is inconsistent with the MOT and is much more onerous without showing any compromise to safety or passenger comfort.
- Again it is referring to 3 year old cars which are likely to show stone chips or cracks. The cost of replacement far outweighing the issue at hand.

- Item 44 – Fogging of number plates

- This could lead to a fail!

- Items 45, 58, 59, 60, 65 & 71 – Excessive leaks acceptable
- What does this mean?
- When does the leak become excessive.
- What level of leak is acceptable?

- Item 66 – What is the sign of deterioration on an exhaust? This has not been defined and is open to interpretation without boundary. Again it could lead to a fail for an item that functions entirely correctly.

- Item 85 – Tyre tread at 3mm
- This is nearly twice the legal minimum why?

- Item 86 – 4 wheel drive vehicles not to have 1mm tyre difference between the front and back wheels.
- You can have 4 safe and perfectly legal tyres on a vehicle and it still fail for this!
- Are there any of these vehicles registered at Chorley anyway?

- Item 93 – Visible exhaust emissions, excessive smoke unacceptable
- What does visible mean?
- Visibility may depend on the time of day and the weather conditions at the time of the test!
- What is excessive?
- What is not excessive?
- How does this fit with the minimum standard admission test the vehicles have to go through?

- Item 99 – Steering “any pull judder knock or wander -- unacceptable”
- What does this mean?
- By what standard is this to be judged?
- It is subjective and not an objective testing.

- It makes no reference to cause and possibility of repair where defect to be found in this region.
 - Item 100 – Wheel bearing noise -- none acceptable.
 - All bearings make some noise therefore what does the word "noise" mean in this context?
 - What is the minimum amount of noise acceptable?
 - The issue is surely one of safety not noise and condition of the wheel bearing should be the benchmark.
 - Item 101 – Transmission/Axel noise – excessive.
 - See comments to 45-71. and 100 above.
 - Item 108 – Glass of door mirrors. Any discoloration/loss of silvering is unacceptable – way too higher standard for 3 year plus vehicles. Should be by reference to area affected.
 - Item 109- Manufacturer's only mirrors acceptable.
 - What is wrong with replacement market mirrors?
24. The trade is also very concerned that the VSR reports are nothing to do with local conditions but also contain a tick box allowing the report writer to declare vehicles fit or not. That would only be acceptable if it is done by an independent report writer/tester. Therefore who will be authorised to prepare VSR's?
25. If they are approved by the Council they may fear declaring vehicles ok which could cause problems with the trade. However by contrast the document also contains a threat by the Local Authority of prosecution.
26. There is no reference to any appeal where there is a dispute in relation to any of the items detailed.

Hackney Carriage Licence Conditions D1

27. In particular Item 6C – Sufficient luggage space for the number of passengers.
28. All vehicles will meet either a European Whole Vehicle Type approval, British National Type approval, or British Single Vehicle approval.
29. Luggage space provision therefore is an issue for them and once a vehicle has been approved it is artificial and inappropriate to depart from that approval. This licence condition attempts to do just that.
30. It is almost akin to reducing seating capacity from that as the vehicle had been manufactured.
31. The choice of 20"x 28"x7" suitcase appears to be completely arbitrary. Where does this come from? How has this been chosen as a standard? Is it a standard?
32. Have any checks been made to see if vehicles used in CBC area fail to adequately provide sufficient luggage space? The worry is of course that the standard that is being imposed might mean that for example a BMW 7 Series fails the test because it cannot accommodate the suitcases per passenger of the size required whereas a Peugeot 206 might pass. This is clearly nonsense.
33. Local Authority can only impose conditions as are reasonably necessary to comply with its obligations under the Local Governments and Provisions Act 1976. It is an appeal area and therefore potentially puts owners and Local Authority at loggerheads and should be avoided.

Paragraph 6g – White only vehicles

34. Ditto the remarks above as to reasonable and unnecessary requirement

Paragraph 8c

35. This proposes a testing regime for 6 year old PH Vehicles (SIC) three times per annum. Not only is this a proposed condition for Hackney Carriages it is also inconstant with the proposed regime as per the Corporate Director of Governance Report. It is surely a mistake.

Appendix D2

36. Items 6c) and 7c) – Repeat the remarks at D1. 6c & 8c above.

Byelaw Appendix E1

37. Signs and Notices - Paragraph 10

38. The wording here is inconsistent with the wording at D1 condition 7.

Paragraph 14

39. This prohibits more than 1 passenger in the front with the driver. Some vehicles e.g. 8 seater minibuses permit 2. This by Law is therefore inappropriate.

Costs of Plates

40. There is a proposed change that plate change will have to take place after each test. This is an added administration burden and an added financial burden on the trade.

Conclusion

41. With respect the changes proposed are heavy handed, extensive, excessive, unnecessary, inappropriate, disproportionate, costly and not based on any factual or statistical evidence. This clearly needs rethinking and ought to follow the DFT 2005 Guidelines.