

Public Document Pack

Officer Decisions

Thursday, 9th April, 2020

AGENDA

1. **Safety Testing and Licensing of Hackney Carriage and Private Hire Vehicles**
RDP-Delegated-powers-HC and PHV licences_Covid 19 Special Dispensation Notice 2 - 4

Date Published: 9th April 2020
Denise Park, Chief Executive

RECORD OF DECISION TAKEN UNDER DELEGATED POWERS OUTLINED IN THE CONSTITUTION – Part 3 Section 16



**DELEGATED
OFFICER DECISION
TAKEN BY:
PORTFOLIO
AREA:**

**Martin Eden, Director of Environment and
Operations**

Environment

SUBJECT: Safety testing and licensing of hackney carriage and private hire vehicles

1. DECISION

From 31 March 2020, MOT and supplementary testing manual tests for hackney carriage and private hire vehicles carried out at the Council's motor vehicle service station (MVSS) will be suspended.

Any vehicle proprietors who wish to renew their hackney carriage and private hire vehicle licences will be able to apply for a special dispensation to allow the licence to be extended for 3 months.

No fee will be charged for this special dispensation.

2. REASON FOR DECISION

Due to the Covid-19 emergency MVSS staff will not be carrying out testing of hackney carriages and private hire vehicles due to safety concerns for the staff involved and the taxi drivers.

Local Government (Miscellaneous Provisions) Act 1976 states that a local authority cannot grant a private hire vehicle licence unless they are satisfied that the vehicle itself is "in a suitable mechanical condition and safe" (section 48(1)(a)), and whilst there is no equivalent provision relating to hackney carriages most authorities state in their policies that they will take the same approach.

As there will be no mechanism to carry out the checks required, in order to allow the trade to continue operating, a short term extension of licence will be made available for those who request it.

3. BACKGROUND

On 25 March 2020 the government announced that MOT testing of cars will be suspended and current expiry dates extended for 6 months.

Blackburn with Darwen Borough Council's policy on the testing of vehicles for suitability as a hackney carriage or private hire vehicle is that each vehicle will be tested at the MVSS once every 6 months. The hackney carriage and private hire licence is valid for 6 months and approximately corresponds with the test date.

The local authority should only issue licences where it is satisfied of the suitable mechanical condition and safety of a vehicle.

Any relaxation of these requirements by a local authority could place the authority at risk of legal challenge, for example in the circumstances where an un-roadworthy licensed vehicle is involved in a road traffic collision.

Legal services have been consulted on this decision.

In order to balance the need for the taxi trade to continue to work with public safety the special dispensation is considered to be the pragmatic approach. All applicants for the dispensation will be advised of their duty to ensure their vehicle is safe, with information provided on the checks they should carry out as issued by government <https://www.gov.uk/check-vehicle-safe>

A notice will be issued to each applicant – see attached.

4. OPTIONS CONSIDERED AND REJECTED

- When a vehicle is due an MOT test the licence renewal is refused because the safety test has not been carried out. Once MOT testing is available again the vehicle can be tested and re-licensed if it passes the standard. The vehicle would not be able to work as a licenced hackney carriage or private hire vehicle in the interim.
- Re-issue licences for a full 6 months without testing to align with the Government's MOT extension period. The full licence fee would be charged which is £133.80 for hackney carriages and £95.30 private hire vehicles.

Further information is available from the report author

5. DECLARATION OF INTEREST

All Declarations of Interest of the officer with delegation and the any Member who has been consulted, and note of any dispensation granted should be recorded below:

VERSION:	1
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CONTACT OFFICER:	Denise Andrews
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DATE:	30 March 2020
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BACKGROUND DOCUMENTS:	None
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Signed: 

Director: Martin Eden	Date: 6 April 2020
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Special Dispensation Notice – COVID 19

Private Hire / Hackney Carriage Vehicle Licence Number:

Licence Expiry Date:

Vehicle Registration:

Make / Model:

Licence holder details

Name:

Address:

The above licence has been temporarily extended for a period of **THREE** months beginning from the expiry date of the previous licence, which is stated above.

This notice **MUST** be carried with you in the above licensed Private Hire / Hackney Carriage vehicle at all times either by printing it out on white paper or it should be accessible via the driver's mobile telephone.

It must be produced to any Police Officer or any Authorised Officer of the Council who may request to see this at any time.

A copy must be forwarded to your Private Hire Operator with whom you are attached to, for their own records and be produced to any passengers travelling in your vehicle who may wish to view this.

The proprietor / driver of the above-licensed vehicle MUST ensure the vehicle is roadworthy and safe to drive / travel in at all times. Failure to comply with this could result in the proprietor / driver being prosecuted by the Police and / or Blackburn with Darwen Borough Council.

This dispensation Notice is issued to you on a 'Without Prejudice' basis. The issue of this temporary extension does not confirm that you meet the requirements of the relevant legislation and / or Council policy. Please note you are still subject to the standard conditions attached to the relevant licence, which is being extended.

Any queries regarding this Dispensation Notice must be forwarded to licensingteam@blackburn.gov.uk or by ringing licensing on 01254 – 267666

Dated:

Signed:

Gary Johnston

(Service Lead Public Protection & Environmental Health)