



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