

## **Decision under Delegated Powers**

### **Officer Requesting Decision**

Licensing Manager

### **Officer Making the Decision**

Head of Regulatory Services

### **Recommendation**

That due to the current Coronavirus Pandemic, that the changes outlined below, in respect of how an owner/driver or operator obtains a Hackney Carriage or Private Hire Vehicle Certificate of Compliance are approved in principle, should they be required, for a period of 3 months to be regularly reviewed.

### **Reason**

All hackney carriage and private hire licences/plates are granted for a limited period and need renewing. A vehicle licence is for a maximum of one year and unlike many other renewable licences, there is no statutory mechanism for renewal contained in the legislation, and therefore no statutory extension of the existing licence can be given, unless an application to renew has been made.

The Licensing Section has amended the licensing vehicle renewal process on-line to assist existing licensees to continue to renew their vehicles at this unprecedented time. Licensed vehicles still require a Certificate of Compliance (fitness) to renew their vehicle licence.

Currently one of the three authorised garages is still testing, should that garage cease to test, to enable drivers/owners to maintain their licence , it is proposed, that an extension of the existing licensed vehicles Certificate of Compliance( both annual and interim) be introduced for a period of 3 months, to be regularly reviewed .

### **Authority for Decision**

On 11<sup>th</sup> February 2020, the Licensing Committee approved the Hackney Carriage and Private hire Licensing Policy. The Committee also approved that the Head of Regulatory Services would be given delegated authority to make minor amendments and alterations, and amendments required to comply with changes to legislation and Government Guidance to the Hackney Carriage and Private Hire licensing policy in consultation with the Chair of the Licensing Committee. The Chair of the Licensing Committee has been consulted on this decision and is satisfied with the report.

## Decision and Date

### Background

#### 1.0 Introduction

Vehicles must be tested in accordance with the Hackney Carriage and Private Hire Licensing Policy.

Vehicles must have a current compliance test certificate and be maintained in a condition that would enable them to pass a test at any time. Vehicles may also require testing at the direction of a Licensing Enforcement Officer.

A vehicle must initially pass a Certificate of Compliance test (annual) and a further Certificate of Compliance test (interim) must be produced every six months as part of the Council's vehicle test requirements.

Under normal circumstances all the vehicles the Council licence would require an MOT as provided under section 47 of the Road Traffic Act 1988. Under the Exemption of Motor (Test) Regulations 1981, the Council has applied for an exemption for those vehicles licensed to exempt them to hold an MOT, if the vehicles have been issued with a Certificate of Compliance. This in turn provides a power direct to the Local Authority to test the vehicle. The Certificate of Compliance which is then issued under sections 47 and 48 of the Local Government Miscellaneous Provisions Act 1976 Act.

If licence holders wish to obtain an MOT separate to that of the Certificate of Compliance they may do so. A Certificate of Compliance will not show your vehicle as having a valid MOT on the national recognised database.

If the vehicle licence is suspended at any time, the compliance test certificate becomes **VOID** and an **ordinary MOT certificate** would be required.

A satisfactory Certificate of Compliance test, from an inspection carried out by a current approved Council's nominated garage (s), **MUST** be produced for all vehicles.

A Certificate of Compliance, pass certificate, from an inspection carried out at a current approved Council's garage(s) must be produced for all vehicles

prior to submitting an application for the respective licence(s) and must be produced annually as part of the application process.

The licence of any vehicle which fails its inspection requirements (annual or interim) may be suspended until such time as the vehicle has been re-examined and the necessary pass certificate obtained.

This is to ensure the vehicles are maintained in the best possible condition and promotes public safety within the Borough.

## **2.0 Coronavirus Pandemic 2020**

The current COVID-19 pandemic and necessary social restrictions present a fast changing legislative landscape including that of the position of drivers carrying passengers, vehicle MOTS and licences.

The government announced that there would be an extension to existing MOT certificates for cars, vans and motorbikes from 30<sup>th</sup> March 2020. Any MOT expiring beyond that date would now be extended for 6 months.

The Institute of Licensing (IOL) approached the Department of Transport (DFT) to question if the government's announcement extended the period covered by any Certificate of Compliance issued by a local authority in respect of a hackney carriage or private hire vehicle.

The DFT view was that this would **not be possible** because the certificates of compliance are issued by local authorities under their own powers. They went on to say:

*“The suggestion is that licensing authorities would be in the best position to take action on the issue, temporarily waiving the relevant licensing condition / byelaw or, where the vehicle licence itself is due to expire, by allowing the old licence to remain in force until such time as a vehicle examination can take place and a new certificate be issued.”*

## **2.0 Proposed Changes**

Charnwood Borough Council currently has three authorised garages that carry out Certificate of Compliance Tests, 6 monthly for Charnwood Licensed Hackney Carriages and Private Hire Vehicles. One garage is currently closed whilst it looks at reinvestment; the second has closed with effect from Thursday 9<sup>th</sup> April 2020 for the suggested furlough period of 3 weeks whilst the remaining garage remains testing licensed vehicles one day per week.

There are no scheduled services for hackney carriages or private hire vehicles (unlike buses and trains) and there is actually no requirement on a hackney carriage or private hire driver to be working. That is very simplistic approach, and it is appreciated that they need to make a living as much as everybody else. It will be for each individual driver to decide whether they are prepared to take the risks associated with providing hackney carriage and

private hire services. Those drivers who allow their vehicle licence/plate to expire will need to test their vehicle as a new vehicle once normal service resumes.

Garages can remain open during the Coronavirus. It is for each garage to decide if they are prepared to take the risks associated with carrying on testing. One garage has decided to continue to test Charnwood Borough Council licensed vehicles one day a week. There are 74 vehicles to be tested between the 6<sup>th</sup> April and 1<sup>st</sup> July 2020.

Should the authorised garage decide to shut, the extension of the Certificate of Compliance would then be introduced. It would be the driver's responsibility to ensure that their vehicles remain in a roadworthy condition. Drivers can be prosecuted if driving unsafe vehicles.

### **3.0 Financial Implications**

None

### **4.0 Risk Management**

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
If the remaining authorised garage close that drivers/owners will not be able to renew their vehicle licence and choose to remain working.	L	M	That an extension of the Certificate of Compliance be agreed in principle to be put into place if the remaining garage closes

Key Decision: No

Background Papers:

<https://www.instituteoflicensing.org/news/covid-19-licensing-issues-taxi-and-private-hire-licensing/>