

## WRITTEN STATEMENT OF DECISION BY CHIEF EXECUTIVE

### SECTION A

**DATE OF DECISION:**

30<sup>th</sup> March 2020

**PORTFOLIO AREA:**

Corporate Portfolio

**SUBJECT TITLE:**

Taxi Compliance Testing

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

### SECTION B – IDENTITY OF THE “DECISION-MAKER”

**Name of Officer:**

Roger Tetstall

**Title:**

Chief Executive

This decision is made pursuant to Delegated Powers as set out in paragraph (2) of the “Delegations to Chief Executive” in Part 3 of the Constitution, namely:

“To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to the discharge of the Council’s functions subject to:

- (i) the matter being regarded as an emergency or urgent situation; and
- (ii) a report back to the Council, Cabinet or Committee concerned.”

### SECTION C – SUMMARY

This decision is made in the circumstances of Coronavirus (COVID-19) pandemic in the UK. This is an emergency or urgent situation as contemplated by the Delegated Powers referred to above.

In the light of the pandemic Government has directed the public to stay at home and only to go outside for food, health reasons or work (but only where that work cannot be done from home) and to stay 2 metres away from other people at all times in the event that they did go out. A large tranche of business has been ordered to close and enforcement powers given to local government and the police in an attempt to control the spread of the disease. The Council has closed its public access points.

The question of how taxi ‘compliance tests’ should be dealt with in the light of the pandemic has arisen.

The Council’s current Hackney Carriage and Private Hire Vehicle Licencing Guidelines, which constitute the Council’s taxi licencing policy are dated March 2017.

Vehicle licences are issued subject to standard licencing conditions. On 15<sup>th</sup> November 2011 the Council’s Licencing Committee adopted the Council’s current set of Hackney Carriage and Private Hire Vehicles licence conditions.

Legislation provides that Council’s may only grant licences where (amongst other things) vehicles are in a suitable mechanical condition and are safe and comfortable. Individual Councils may decide how they



determine these criteria. At Test Valley, the criteria are contained in the two documents listed above. Vehicles are inspected, or undergo 'compliance tests' on first application and at either six or twelve monthly intervals (depending on vehicle age) thereafter. Compliance tests are carried out by technicians at the Council's Portway Depot. The Depot also carries out MOT tests for the general public. In the light of the pandemic, MOT tests have ceased.

The question has arisen (as it has for other authorities) of how to deal with compliance tests. Some authorities have stopped carrying out tests or issuing/renewing licences meaning drivers cannot work. Others have taken a permissive approach, allowing continued use of vehicles on expiry of their certified period without further tests carried out or assurances sought.

During this unprecedented period of emergency, Government has extended the terms of MOT certificates across the board and has made concessions for testing of public-carrying public service vehicles (PSVs).

Existing authority is delegated to the Head of Legal and Democratic Services to issue, suspend, revoke, or refuse hackney carriage and private hire licences under the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

The decision has been made to authorise the Head of Legal and Democratic Services, in consultation with the Corporate Portfolio Holder, until further notice, to issue vehicle licences other than in accordance with the Council's Guidelines and other than subject to standard conditions. It is proposed that applicants will be required (as currently) to produce proof of vehicle ownership, proof of insurance and an MOT certificate (for vehicles over three years old). For the period in which compliance tests are impracticable, the need for a compliance certificate will be replaced by a declaration by the applicant that the vehicle complies and will continue to comply with the criteria that would otherwise be verified by a compliance check. Applicants will be reminded that a false or inaccurate declaration may result in a licence being refused, revoked or suspended.

Licences issued under this regime will be for a limited period of three months after which they will either need to be renewed using the same procedure or be subject to a compliance test, if tests have recommenced.

#### **SECTION D – THE DECISION**

Authority is given to the Head of Legal and Democratic Services, in consultation with the Corporate Portfolio Holder, until further notice, to issue hackney carriage and private hire vehicle licences other than in accordance with the Council's Hackney Carriage and Private Hire Licensing Guidelines March 2017 and other than subject to the Council's Hackney Carriage and Private Hire Licensing Conditions.

#### **SECTION E – REASONS FOR THE DECISION**

##### **The decision-maker's reasons for making the decision recorded in Section D:**

This decision strikes a pragmatic balance in the Council satisfying itself as to the condition of applicant vehicles (in the absence of being able to carry out compliance tests) as best it can without exposing Council technicians and applicants to the risk of contamination whilst not presenting insurmountable obstacles to the vital taxi trade. This reflects Government's approach that authorities should try and find a way to effect business as usual and supports the local taxi trade which has already been hard hit by the virus.

There is no convenient meeting of the Council at which this decision could be considered. Meetings are not taking place currently and legislation is awaited prescribing how Council meetings are to be dealt with during this time of emergency and social distancing.



## SECTION F – DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The available options would be to:

1. refuse to issue or renew vehicle licences on expiry of the certified period;
2. issue a licence or permit continued usage of a vehicle without a compliance test or other method of assurance as to fitness of vehicles; or
3. adopt some other arrangement.

Option 3 as detailed above and for the reasons described above is the preferred option and forms the basis of the decision taken.

## SECTION G – OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

## SECTION H – BACKGROUND PAPERS

The following background papers were taken into consideration when making the decision:

1. Test Valley Borough Council Hackney Carriage and Private Hire Vehicle Licensing Guidelines March 2017.
2. Test Valley Borough Council Hackney Carriage and Private Hire Licensing Conditions.

Both at:

<https://www.testvalley.gov.uk/business/licensingandregulation/licensing/taxi-licensing>

## SECTION I – Any Conflict of Interest Declared and Dispensation Granted

None.

We certify that the decision this document records was made Pursuant to Delegated Powers as set out in paragraph (2) of "Delegations to Chief Executive" in Part 3 of the Constitution and is a true and accurate record or minute of that decision.

Chief Executive: \_\_\_\_\_

Dated: \_\_\_\_\_

The Leader of the Council \_\_\_\_\_

Dated: \_\_\_\_\_

