

Report of	Meeting	Date
Deputy Chief Executive/Director of Early Intervention and Support	Licensing & Public Safety Committee	27 <sup>th</sup> March 2017

## **HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE CONDITION & TESTING REQUIREMENTS**

### **PURPOSE OF REPORT**

1. To seek Members approval of a new Taxi Licensing Policy.

### **RECOMMENDATION(S)**

2. Members are recommended to consider the report and any representations received and determine to;
  - a) Approve the proposed Taxi Licensing Policy; and
  - b) To instruct Officers to identify and propose a policy that would address the concerns that have been previously identified relating to the condition of vehicles, vehicle maintenance, and those vehicles that present for testing having advisory notes attached at the MOT test. To report back to the next Licensing & Public Safety Committee a proposed policy to address those concerns having carried out the appropriate consultation.

### **EXECUTIVE SUMMARY OF REPORT**

3. In light of the Licensing & Public Safety Committee decision on the 1<sup>st</sup> February 2017 to consolidate the existing Taxi licensing Polies and at the same time adopt new conditions.
4. Officers have received representation from Parry Welch Lacey LLP solicitors on behalf of Chorley Autocare Limited by way of a proposed claim for a Judicial Review towards that decision and other matters
5. To avoid the Judicial Review claim, Members are asked to remove the condition of application and renewal of Hackney Carriage & Private Hire Vehicles that states;

*The Council do not permit the vehicle to pass the Council's Taxi test where there are Advisory Notes on the MOT carried out as part of the test. These must be resolved in the same way as failure issues must be rectified before the Garage can mark the vehicle as passing the Taxi Test.*

6. Should members determine to approve a new Taxi Licensing Policy; (effectively removing the condition) this will assist in addressing the substantive claim contained in the representation received and reduce the justification to apply for the judicial review. The Council acknowledges that whilst the policy was introduced for very sound motives to protect the travelling public, there are ambiguities arising from the policy and the mode of its implementation may not be clearly understood.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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## CORPORATE PRIORITIES

7. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	

## BACKGROUND

8. Members will recall making a decision at the Meeting of the Licensing & Public Safety Committee on the 1<sup>st</sup> February 2017, to consolidate a number of existing Policies that dealt with the Licensing of Hackney Carriage Drivers, Vehicles and Operators. At that meeting Members also determined to adopt a condition that dealt with the issue where licensed vehicles were persistently being presented with numerous advisory notes that were identified during the MOT part of the Councils Taxi test. The specific condition intended to address the concerns of Members is reproduced from the said Policy below and highlighted in bold text.

### ***“Application Requirements***

*Application must be made on the Council’s form and the appropriate fee paid. Where the applicant meets the Council’s criteria for licensing a licence will be issued for a period of 6 months. Renewal information will be given at the time of issue of the.*

*The following requirements must be met:*

- *Any vehicle for which an application for grant of a vehicle licence is being made will be subject to a pre-inspection by an authorised officer of the council to ensure that all vehicle conditions are met prior to the application being accepted. Each vehicle must meet the Council’s vehicle conditions in order to proceed to application for licensing.*
- *Any vehicle for which an application is made for either grant or renewal will be subject to the Council’s Taxi Test at one of the Council’s approved garages. This test incorporates a VOSA approved MOT test, which must be carried out at the same time as the remaining assessments specific to the Council’s Taxi Test.*
- ***The Council do not permit the vehicle to pass the Council’s Taxi Test where there are Advisory Notes on the MOT carried out as part of the test. These must be resolved in the same way as failure issues must be rectified before the Garage can mark the vehicle as passing the Taxi Test.***
- *The applicant must present the V5 vehicle registration document at the time of the application. Where the original V5 has been passed to the DVLA for change of owner details etc., the applicant must present a copy of the V5 plus the completed section relating to change of owner details or address etc. The updated V5 must be submitted to the Council within 6 weeks of the application date.*
- *Where the vehicle is fitted with a meter, the calibration certificate must be presented at the time of application.*
- *The applicant must provide proof of insurance for the vehicle and with specific reference to the proposed use and demonstrate that the vehicle has been continuously correctly insured during the preceding licensed period. Except during periods where the vehicle has been subject to a suspension notice being issued under section 60 or 68 of the local Government (Miscellaneous Provisions) Act 1976 and was not being driven as a taxi Under s.60 a vehicle may still be driven as a taxi if its suspended pending appeal, the requirement for continuous insurance in this case will still apply.*
- *The applicant must provide an HPI check to accompany the vehicle grant application.*

- *The vehicle must not be licensed as a hackney carriage or private hire vehicle with any other Local Authority.*

## **Vehicle Testing**

*The Council's Taxi Test must be equivalent to or better than an MOT test. The current taxi test incorporates a VOSA approved MOT test, which must be carried out at the same time as the remaining assessments specific to the Council's Taxi Test. The vehicle will also be subject to a road test.*

***The Council do not permit the vehicle to pass the Council's Taxi test where there are Advisory Notes on the MOT carried out as part of the test. These must be resolved in the same way as failure issues must be rectified before the Garage can mark the vehicle as passing the Taxi Test.***

*The Taxi Test must be conducted in its entirety at a Council approved garage. “*

9. Officers can report that the Council have received representation from Parry Welch Lacey LLP solicitors on behalf of Chorley Autocare Limited by way of a proposed claim for a Judicial Review towards that decision specifically and in relation only to that part of the policy that determines that vehicles are not able to pass the Councils Taxi Test where Advisory notes exist. The claim includes other matters that are not part of the said policy which will be considered separately to this public report.
10. To address the Judicial Review claim, Members are asked to remove from the Taxi Licensing Policy the condition of application and renewal of Hackney Carriage & Private Hire Vehicles as highlighted above in bold text.
11. Should Members determine to remove the relevant condition, it would be appropriate for Members to approve the proposed Taxi Licensing Policy attached as **Appendix 1**. Officers can state that the proposed Taxi Licensing Policy is identical to the present Policy save for the removal of the highlighted condition.
12. **Officer would remind Members that should the relevant condition be removed it would be in the absence of any consultation,**
13. **Officer would remind Members that should the proposed Taxi Licensing Policy be adopted it would be in the absence of any consultation,**
14. **However the proposal is approved, this would essentially be reverting as far as advisory notes are concerned to the policy which was in place before 1 February 2017.**
15. It would be reasonable to assume that the concerns of Members in relation to vehicle condition both at the grant and renewal of PH & HC vehicle licences will remain a priority, as it did at the previous meeting of the Licensing & Public Safe Committee on the 1<sup>st</sup> February 2017.
16. Officers believe that in order to ensure that vehicles intended to be Hackney Carriage or Private Hire Vehicle, and then wish to renew a Hackney Carriage / Private Hire Vehicle licence are able to meet the safety standards expected by the Taxi Traveling Public, it would be appropriate to identify and propose a policy that would address the concerns that have been previously identified, relating to the condition of vehicles, vehicle maintenance, and those vehicles that present for testing having advisory notes attached at the the MOT test. Therefor Members approval is sought to progress this work.

## ALTERNATIVE OPTIONS CONSIDERED AND DISMISSED

17. To not adopt the proposed Taxi Licensing Policy attached at Appendix 1

## IMPLICATIONS OF REPORT

18. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	X	Customer Services	
Human Resources	X	Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

## COMMENTS OF THE MONITORING OFFICER

19. The Council has power to require vehicles to be tested up to three times per year at a place within the borough it specifies under Section 50 of the Local Government (Miscellaneous Provisions) Act 1976

Mr J Carson  
DIRECTOR OF DIRECTOR OF EARLY INTERVENTION AND SUPPORT

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Mr S Culleton	5665	17 <sup>th</sup> March 2017	***