



Licensing Panel

Date:	Thursday, 25 May 2017
Time:	9.45 am
Venue:	Committee Room 3 - Wallasey Town Hall

Contact Officer: Anne Beauchamp
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AGENDA

1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel are asked to declare any disclosable pecuniary and non pecuniary interests, in connection with any application on the agenda and state the nature of the interest.

2. PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD FOCUS, REGISTRATION NUMBER SW07 CJU (Pages 1 - 4)

3. HACKNEY CARRIAGE VEHICLE LICENCE APPLICATION - LTI TXII, REGISTRATION NUMBER DG02 MGV (Pages 5 - 8)

4. PRIVATE HIRE VEHICLE LICENCE APPLICATION - HYUNDAI TRAJET, REGISTRATION NUMBER YB56 AOY (Pages 9 - 12)

5. APPLICATION TO LICENSE A FORD TOURNEO ECLIPSE AS A PRIVATE HIRE VEHICLE (Pages 13 - 16)

6. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR - PART 1

To consider any other business that the Chair accepts as being urgent.

7. EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

The following items contain exempt information.

RECOMMENDATION: That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

8. HACKNEY CARRIAGE DRIVER LICENCE (SGR) (Pages 17 - 20)

9. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR - PART 2

To consider any other business that the Chair accepts as being urgent.



LICENSING PANEL

25 MAY 2017

REPORT TITLE	PRIVATE HIRE VEHICLE LICENCE APPLICATION
REPORT OF	MANAGING DIRECTOR FOR DELIVERY

REPORT SUMMARY

The purpose of this report is to consider an application to re-license the following vehicle: a Ford Focus, registration number SW07 CJU, beyond the normal over-age date for a licensed private hire vehicle.

RECOMMENDATION/S

That the Panel consider whether or not to re-license this vehicle, registration number SW07 CJU, for a further six months.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It is a delegated function of this Panel to determine applications for Private Hire Vehicle Licences where the vehicle is over ten years old.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There is no provision for other options to be considered.

3.0 BACKGROUND INFORMATION

- 3.1 On 22 May 2013 Members of the Licensing Health and Safety and General Purposes Committee resolved that:

- 1 The maximum age for a vehicle to be licensed as a private hire vehicle be ten years from the date of first registration or manufacture, whichever is the earlier and that this Policy is to have immediate effect.
- 2 The Licensing Panel be delegated with the authority to act outside this policy.

- 3.2 Private hire vehicle licences are issued on a twelve monthly basis, however once a vehicle reaches six years old, six monthly licences are issued until the vehicle reaches ten years old.

- 3.3 The proprietor of the vehicle, Mr Hargreaves has applied to re-license his vehicle for a further six months.

- 3.4 The vehicle has been licensed as a private hire vehicle since 16 January 2014 and the current licence was due to expire on 13 May 2017, however it has been extended to the date of this meeting.

- 3.5 The date of first registration of this vehicle is 14 May 2007.

- 3.6 The vehicle has been examined at one of the Council's authorised testing stations and the pass certificates will be available at the meeting.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no specific implications arising from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 A decision of this Panel can be subject to appeal.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 6.1 There are no specific implications arising from this report.

7.0 RELEVANT RISKS

7.1 There are safety implications arising out of this report due to the safety aspects of private hire vehicles.

ENGAGEMENT/CONSULTATION

8.1 This is not a matter that requires consultation.

8.0 EQUALITY IMPLICATIONS

9.1 There are no specific implications arising from this report.

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REFERENCE MATERIAL

MOT certificate

Compliance pass certificate

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

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LICENSING PANEL

25 MAY 2017

REPORT TITLE	HACKNEY CARRIAGE VEHICLE LICENCE APPLICATION
REPORT OF	MANAGING DIRECTOR FOR DELIVERY

REPORT SUMMARY

The purpose of this report is for Members to consider an application to license the following vehicle, namely a LTI TXII, registration number DG02 MGV, as a Hackney Carriage Vehicle.

RECOMMENDATION/S

That members consider whether or not to license the vehicle registration number DG02 MGV as a Hackney Carriage Vehicle.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It is the delegated authority of this Panel to determine applications for Hackney Carriage Vehicle Licences where the vehicle cannot comply with the current criteria for licensing Hackney Carriage Vehicles.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There is no provision for other options to be considered.

3.0 BACKGROUND INFORMATION

- 3.1 The current criteria that a Hackney Carriage Vehicle must comply with before being granted a licence is as follows:

- (i) that every vehicle must comply with the Council's Hackney Carriage Vehicle Licence conditions;
- (ii) that every vehicle must be purpose built and built to accommodate wheelchair disabled passengers;
- (iii) that every vehicle must be properly tested and roadworthy to a standard approved by the Council's vehicle inspectors, such testing to include the structural integrity;
- (iv) that all vehicles licensed must be properly insured and that proof of such insurance be shown to the Council either upon application or before issue of licence;
- (v) that every vehicle must be three years old or less from the date of first registration or date of manufacture (whichever is the earlier).

- 3.2 On 22 May 2013 Members of the Licensing Health and Safety and General Purposes Committee resolved that:

In circumstances when a Hackney Carriage Vehicle proprietor wishes to change a Hackney Carriage Vehicle that is currently licensed to a different vehicle, the replacement vehicle must be the same age or less than the vehicle that is currently licensed up to a maximum of ten years old. Vehicles that are ten years old or more must be replaced by a vehicle that is no more than ten years old and that this Policy is to have immediate effect.

The Licensing Panel be delegated with the authority to act outside this policy.

- 3.3 In accordance with the resolution in paragraph 3.2 Members are asked to consider the application submitted by the applicant to change the vehicle that is currently licensed as a Hackney Carriage Vehicle, registration number W683 JNC which is 17 years old, to the vehicle registration number DG02 MGV which is 15 years old.

- 3.4 The proprietor of the vehicle, Mr Owen, has applied to change his Hackney Carriage Vehicle as the vehicle that is currently licensed, a Metrocab, requires new parts which are unobtainable due to the age and make of the vehicle. The vehicle has been licensed as a Hackney Carriage Vehicle since prior to November 2008.
- 3.5 The Metrocab that is currently licensed was presented for test at one of the Council's authorised testing stations on 17 May 2017. The vehicle failed both the MOT and Compliance Tests due to a number of defects rendering the vehicle dangerous to be used. Mr Owen applied to renew the Hackney Carriage Vehicle Licence in order to preserve the licence pending the decision of this Panel. Due to the number and nature of the defects identified through the test the Hackney Carriage Vehicle Licence has been suspended so the vehicle cannot be used as a Hackney Carriage Vehicle. The MOT and Compliance test failure notices will be available at the Panel meeting.
- 3.6 The proposed replacement vehicle, registration number DG02 MGV, was licensed as a hackney carriage vehicle until 6 April 2017 when the then proprietor changed his vehicle to one that is six years old in compliance with the Council's Policy.
- 3.7 Members are asked to consider the application and determine if there is good reason to act outside of the current policy and license the vehicle, registration number DG02 MGV as a Hackney Carriage Vehicle.
- 3.8 The vehicle has been examined at one of the Council's authorised testing stations and the pass certificate will be available at the meeting.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no specific implications arising from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 A decision of this Panel can be subject to appeal.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 6.1 There are no specific implications arising from this report.

7.0 RELEVANT RISKS

- 7.1 There are none arising from this report.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 This is not a matter that requires consultation.

9.0 EQUALITY IMPLICATIONS

- 9.1 There are no specific implications arising from this report.

REPORT AUTHOR: Margaret Calvert

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REFERENCE MATERIAL

Vehicle Licence application form

MOT certificate

Compliance pass certificate

SUBJECT HISTORY (last 3 years)

Council Meeting	Date



LICENSING PANEL

25 MAY 2017

REPORT TITLE	PRIVATE HIRE VEHICLE LICENCE APPLICATION
REPORT OF	MANAGING DIRECTOR FOR DELIVERY

REPORT SUMMARY

The purpose of this report is to consider an application to re-license the following vehicle: a Hyundai Trajet, registration number YB56 AOY, beyond the normal over-age date for a licensed private hire vehicle.

RECOMMENDATION/S

That the Panel consider whether or not to re-license this vehicle, registration number YB56 AOY, for a further six months.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It is a delegated function of this Panel to determine applications for Private Hire Vehicle Licences where the vehicle is over ten years old.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There is no provision for other options to be considered.

3.0 BACKGROUND INFORMATION

- 3.1 On 22 May 2013 Members of the Licensing Health and Safety and General Purposes Committee resolved that:

- 1 The maximum age for a vehicle to be licensed as a private hire vehicle be ten years from the date of first registration or manufacture, whichever is the earlier and that this Policy is to have immediate effect.
- 2 The Licensing Panel be delegated with the authority to act outside this policy.

- 3.2 Private hire vehicle licences are issued on a twelve monthly basis, however once a vehicle reaches six years old, six monthly licences are issued until the vehicle reaches ten years old.

- 3.3 The proprietor of the vehicle, Mr Sutton has applied to re-license his vehicle for a further six months.

- 3.4 The vehicle has been licensed as a private hire vehicle since 15 June 2015 and the current licence is due to expire on 14 June 2017.

- 3.5 The date of first registration of this vehicle is 21 December 2006.

- 3.6 On expiry of a previous licence on 14 December 2016 an application was considered by the Licensing Panel to grant a further six month licence and the application was granted.

- 3.7 The vehicle has been examined at one of the Council's authorised testing stations and the pass certificate will be available at the meeting.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no specific implications arising from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 A decision of this Panel can be subject to appeal.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

6.1 There are no specific implications arising from this report.

7.0 RELEVANT RISKS

7.1 There are none arising from this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 This is not a matter that requires consultation.

9.0 EQUALITY IMPLICATIONS

9.1 There are no specific implications arising from this report.

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REFERENCE MATERIAL

MOT certificate

Compliance pass certificate

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

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LICENSING PANEL

25 MAY 2017

REPORT TITLE	APPLICATION TO LICENSE A FORD TOURNEO ECLIPSE AS A PRIVATE HIRE VEHICLE
REPORT OF	MANAGING DIRECTOR FOR DELIVERY

REPORT SUMMARY

The purpose of this report is for Members to consider an application to license a Ford Tourneo Eclipse as a Private Hire Vehicle.

RECOMMENDATION/S

That Members consider whether or not to license the Ford Tourneo Eclipse as a Private Hire Vehicle.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It is a delegated function of this Panel to determine matters relating to Private Hire Licences where officers do not have delegated authority.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There is no provision for other options to be considered.

3.0 BACKGROUND INFORMATION

- 3.1 The powers relating to the licensing of a vehicle as a Private Hire Vehicle are contained within the Local Government (Miscellaneous Provisions) Act 1976 which provides that a licence shall not be granted unless the Council is satisfied that the vehicle is –
- suitable in type, size and design for use as a private hire vehicle;
 - not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - in a suitable mechanical condition;
 - safe; and
 - comfortable
- 3.2 The provisions within the Local Government (Miscellaneous Provisions) Act 1976 allows the Council discretion as to whether to grant a licence as well as wide discretion over the type of vehicle that can be licensed.
- 3.3 Private Hire Vehicles come in different models and sizes and there is no normal or average vehicle. The first matter that must be considered is whether a vehicle is suitable in type, size and design for use as a Private Hire Vehicle. The current Council Policy for licensing Private Hire Vehicles in respect of this matter is as follows:
- (a) vehicles fitted with at least 4 doors and 4 wheels;
 - (b) must be right-hand drive vehicles;
 - (c) vehicles must be 10 years old or less from the date of first registration or manufacture, whichever is the earlier.

Once a vehicle reaches 6 years of age it will be required to be tested every six months and a six monthly licence will be issued.
 - (d) vehicles with adequate space for luggage within the car;

- (e) vehicles capable of carrying at least 4 and not more than 8 passengers in addition to the driver. The seating capacity of a vehicle will be determined as follows:-

The rear seating of the vehicle where fitted with bench seats – one person will be counted for each complete length of 15” measured in a straight line lengthwise along the front of the seat.

- 3.4 An application has been received from Shaun Marnell to license a Ford Tourneo Eclipse as a Private Hire Vehicle.
- 3.5 The vehicle is a conversion of a standard Ford Tourneo. This includes coloured lighting and the fitting of a table in the rear of the vehicle.
- 3.6 Members of the Licensing Panel considered this application on 14 October 2016 and resolved to defer their decision pending further documentary evidence that the safety of the vehicle had not been compromised subsequent to its modification.
- 3.7 A Structural Integrity Study report has been submitted by Mr Marnell and will be available at the meeting.
- 3.8 Mr Marnell advises that the vehicle is currently licensed in a number of local authority areas including St Helens, Wigan, Liverpool, Sefton and Cheshire West.
- 3.9 A vehicle will be available for inspection at the meeting and Mr Marnell will be present to answer any questions members may have.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no specific implications arising from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 A decision of this Panel can be subject to legal challenge.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 6.1 There are no specific implications arising from this report.

7.0 RELEVANT RISKS

- 7.1 There are none arising from this report.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 This is not a matter that requires consultation.

9.0 EQUALITY IMPLICATIONS

- 9.1 There are no specific implications arising from this report.

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APPENDICES

REFERENCE MATERIAL

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Panel	14 October 2016

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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