

WIRRAL COUNCIL

LICENSING PANEL

1 MAY 2015

SUBJECT:	HACKNEY CARRIAGE VEHICLE LICENCE APPLICATION
WARD/S AFFECTED:	ALL
REPORT OF:	STRATEGIC DIRECTOR OF REGENERATION AND ENVIRONMENT
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is for Members to consider an application to license the following vehicle, namely a LTI TXII, registration number WX03 FPE, as a Hackney Carriage Vehicle.

2.0 BACKGROUND AND KEY ISSUES

2.1 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).

2.2 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.

3.0 APPLICATION

- 3.1 After obtaining his Hackney Carriage Driver Licence in January 2015 the applicant purchased a licensed Hackney Carriage Vehicle. The expiry date of that licence was 17 March 2015. The applicant took the vehicle to a local garage for a pre-MOT inspection. A number of faults were identified by the mechanic. The vehicle was inspected by an Enforcement Officer 25 February 2015 who immediately suspended the licence.
- 3.2 The vehicle was unable to pass the compliance test in respect of the renewal of the Hackney Vehicle Licence and therefore the licence was renewed and suspended to enable the applicant to arrange for the vehicle to be repaired.
- 3.3 Due to the estimated cost of the vehicle repairs, the applicant purchased another Hackney Carriage Vehicle and arranged for the vehicle to be prepared for the compliance test. The applicant submitted an application to change the currently licensed Hackney Carriage Vehicle for the one he had recently purchased.
- 3.4 In accordance with the resolution in paragraph 2.2 Members are asked to consider the application submitted by the applicant to change a Hackney Carriage Vehicle. The approximate date of first registration of the vehicle subject of the application is 1 March 2003. The vehicle is therefore twelve years old.
- 3.5 The vehicle that is currently licensed is seventeen years old. The proposed replacement vehicle is therefore younger than the vehicle currently licensed, however the vehicle does not satisfy the requirement that the replacement vehicle is no more than ten years old.
- 3.6 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 WX03 FPE as a Hackney Carriage Vehicle.
- 3.7 The vehicle has been tested and the compliance test and MOT certificates will be available at the meeting.
- 3.8 This application was due to be considered by the Licensing Panel on 20 March 2015, however the applicant was unable to present the vehicle for inspection due to the paintwork repairs not having been completed.

3.9 The application was subsequently considered by the Licensing Health and Safety and General Purposes Committee on 25 March 2015, however the vehicle had not been subject to a compliance test and a number of concerns regarding the condition of the vehicle were raised by Members. The application was refused.

4.0 RELEVANT RISKS

4.1 There are none arising directly from this report.

5.0 OTHER OPTIONS CONSIDERED

5.1 There is no provision for other options to be considered.

6.0 CONSULTATION

6.1 This is not a matter which requires consultation.

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

7.1 There are no specific implications arising from this report.

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

8.1 There are no specific implications arising from this report.

9.0 LEGAL IMPLICATIONS

9.1 A decision of this Committee may be subject to Appeal.

10.0 EQUALITIES IMPLICATIONS

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

11.0 CARBON REDUCTION IMPLICATIONS

11.1 There are no specific implications identified that arise from this report.

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 There are Community Safety implications arising out of this report due to the safety aspects of Hackney Carriage Vehicles.

13.0 RECOMMENDATION/S

13.1 That Members consider whether or not to license vehicle, registration number WX03 FPE, as a Hackney Carriage Vehicle subject to the vehicle passing the compliance test.

14.0 REASONS FOR RECOMMENDATION/S

14.1 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.

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REFERENCE MATERIAL

Application form
MOT certificate
Compliance test certificate