

LICENSING PANEL**10 AUGUST 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 Members of the Licensing Panel considered this application again on 25 May 2017 when a Structural Integrity Study report was submitted by Mr Marnell as well as a letter with further information. Mr Marnell was unable to attend the meeting and Mr Groom attended on his behalf.
- 3.8 Members raised a number of questions relating to the application. It was not clear as to whether the tests that were referred to in the Structural Integrity Report were tests which had been carried out on the specific vehicle that is the subject of the application or whether they related to tests on another vehicle.
- 3.9 There was no evidence provided to demonstrate the qualifications and experience of the author of the Structural Integrity Report has and whether these are relevant or sufficient to satisfy Members that would enable them to place reliance on the report.
- 3.10 Members were concerned that although Mr Marnell indicated in his letter that Ford employees had expressed positive views of the vehicle it was not clear what tests or assessments had been carried out and by whom at Ford such that this could serve to support the application.
- 3.11 Mr Marnell indicated in his letter to the Panel that he adopts an identical approach to his work to other vehicles that he modifies. Members were concerned that evidence had not been provided as to whether the process employed produces identical results in terms of structural integrity.
- 3.12 Members resolved to defer consideration of this application until Mr Marnell was available to attend a meeting of the Licensing Panel and to provide satisfactory documentary evidence addressing the issues raised.
- 3.13 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.

3.14 The 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.

REPORT AUTHOR: Margaret Calvert
Licensing Team Leader
telephone: (0151) 691 8476
email: margaretcavert@wirral.gov.uk

APPENDICES

REFERENCE MATERIAL

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Panel	14 October 2016