



Licensing Panel

Date:	Friday, 13 October 2023
Time:	9.45 a.m.
Venue:	Solar Campus, 235 Leasowe Road, Wallasey

Contact Officer: Anne Beauchamp
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Website: www.wirral.gov.uk

Please note that public seating is limited, therefore members of the public are encouraged to arrive in good time.

Wirral Council is fully committed to equalities and our obligations under The Equality Act 2010 and Public Sector Equality Duty. If you have any adjustments that would help you attend or participate at this meeting, please let us know as soon as possible and we would be happy to facilitate where possible. Please contact committeeservices@wirral.gov.uk

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 MONDEO, REGISTRATION NUMBER YT63 0ML (Pages 1 - 4)

3. PRIVATE HIRE VEHICLE LICENCE APPLICATION - VAUXHALL INSIGNIA, REGISTRATION NUMBER DV63 OKF (Pages 5 - 8)

4. HACKNEY CARRIAGE VEHICLE LICENCE - PEUGEOT E7, REGISTRATION NUMBER SF61 EHK (Pages 9 - 12)

5. 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 1 of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

- 6. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE APPLICATIONS (RJW) (Pages 13 - 16)**
- 7. PRIVATE HIRE DRIVER AND PRIVATE HIRE OPERATOR LICENCE REVIEW (KJP) (Pages 17 - 20)**



LICENSING PANEL

13 OCTOBER 2023

REPORT TITLE	PRIVATE HIRE VEHICLE LICENCE APPLICATION
REPORT OF	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is for the Licensing Panel to consider an application to license a Ford Mondeo, registration number YT63 OML as a Private Hire Vehicle, outside of the current age policy for licensing Private Hire Vehicles.

RECOMMENDATION

The Licensing Panel is recommended to determine whether to license a Ford Mondeo, registration number YT63 OML, as a Private Hire Vehicle.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATION

- 1.1 The Licensing Authority have received an application to license a Ford Mondeo, registration number YT63 OML, outside of the current criteria for licensing Private Hire Vehicles. It is a delegated function of the Licensing Panel to determine whether to licence a vehicle as a Private Hire Vehicle when it does not comply with the current criteria for licensing Private Hire Vehicles.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 That the application to license a Ford Mondeo, registration number YT63 OML, be determined by an Officer in accordance with the current criteria for licensing Private Hire Vehicles within the Statement of Hackney Carriage and Private Hire Licensing Policy which would result in the application being refused.

3.0 BACKGROUND INFORMATION

- 3.1 The current criteria that vehicles must comply with before being granted a Private Hire Vehicle Licence as set out in the Statement of Hackney Carriage and Private Hire Licensing Policy includes the following:
1. Vehicles must be under 10 years of age from the date of manufacture or date of first registration, whichever is the earliest.
 2. 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.
 3. Any vehicle which is more than 9 years and 6 months old will be issued with a licence that will expire on the day before it reaches 10 years old.
- 3.2 The proprietor of the vehicle, Mr Cross, has applied to license the vehicle as a Private Hire Vehicle.
- 3.3 The vehicle was first licensed as a Private Hire Vehicle on 14 August 2019 and the current licence is due to expire on 13 October 2023.
- 3.4 The date of first registration of this vehicle is 30 September 2013.
- 3.5 The vehicle has been examined at one of the Council's authorised testing stations and the MOT and Compliance pass certificates will be provided in advance of the meeting.
- 3.6 The vehicle will be available for inspection at the meeting.
- ### **4.0 FINANCIAL IMPLICATIONS**
- 4.1 There are no financial implications arising directly from this report.

5.0 LEGAL IMPLICATIONS

5.1 Section 48 (1) of The Local Government (Miscellaneous Provisions) Act 1976 provides that a district council shall not grant a licence unless it 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
- That there is in force in relation to the use of the vehicle a policy of insurance

5.2 Section 48 (7) of The Local Government (Miscellaneous Provisions) Act 1976 states that any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court.

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 as the Licensing Panel must be satisfied that the vehicle is safe, suitable and comfortable to be licensed as a Private Hire Vehicle. The vehicle has been examined at one of the Council's authorised testing stations and has passed the MOT and Compliance tests.

8.0 ENGAGEMENT/CONSULTATION

8.1 This is not a matter that requires consultation.

9.0 EQUALITY IMPLICATIONS

9.1 The Licensing Panel must have regard to their Public Sector Equality Duty when considering the application.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 Petrol and diesel vehicles contribute to harmful emissions including particulate matter, hydrocarbons and carbon monoxide which can be harmful to health.

10.2 Hybrid and electric cars emit less greenhouse gases and air pollutants than petrol and diesel cars. (Source: European Environment Agency report 2018)

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are none arising directly from the content of this report.

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APPENDICES

None

BACKGROUND PAPERS

Application form
MOT pass certificate
Compliance Test pass certificate
Statement of Hackney Carriage and Private Hire Licensing Policy
European Environment Agency Report 2018
Local Government (Miscellaneous Provisions) Act 1976

TERMS OF REFERENCE

This report is being considered by the Licensing Panel who are delegated to determine such matters in accordance with Section 8.4 of the Licensing and General Purposes Committee's Terms of Reference referred to in Part 3, Section B of the Council's constitution.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date



LICENSING PANEL

13 OCTOBER 2023

REPORT TITLE	PRIVATE HIRE VEHICLE LICENCE APPLICATION
REPORT OF	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is for the Licensing Panel to consider an application to license a Vauxhall Insignia, registration number DV63 OKF as a Private Hire Vehicle, outside of the current age policy for licensing Private Hire Vehicles.

RECOMMENDATION

The Licensing Panel is recommended to determine whether to license a Vauxhall Insignia, registration number DV63 OKF, as a Private Hire Vehicle.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATION

- 1.1 The Licensing Authority have received an application to license a Vauxhall Insignia, registration number DV63 OKF, outside of the current criteria for licensing Private Hire Vehicles. It is a delegated function of the Licensing Panel to determine whether to licence a vehicle as a Private Hire Vehicle when it does not comply with the current criteria for licensing Private Hire Vehicles.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 That the application to license a Vauxhall Insignia, registration number DV63 OKF, be determined by an Officer in accordance with the current criteria for licensing Private Hire Vehicles within the Statement of Hackney Carriage and Private Hire Licensing Policy which would result in the application being refused.

3.0 BACKGROUND INFORMATION

- 3.1 The current criteria that vehicles must comply with before being granted a Private Hire Vehicle Licence as set out in the Statement of Hackney Carriage and Private Hire Licensing Policy includes the following:
1. Vehicles must be under 10 years of age from the date of manufacture or date of first registration, whichever is the earliest.
 2. 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.
 3. Any vehicle which is more than 9 years and 6 months old will be issued with a licence that will expire on the day before it reaches 10 years old.
- 3.2 The proprietor of the vehicle, Mr Lamb, has applied to license the vehicle as a Private Hire Vehicle.
- 3.3 The vehicle was first licensed as a Private Hire Vehicle on 17 January 2022 and the current licence is due to expire on 30 October 2023.
- 3.4 The date of first registration of this vehicle is 31 October 2013.
- 3.5 The vehicle has been examined at one of the Council's authorised testing stations and the MOT and Compliance pass certificates will be provided in advance of the meeting.
- 3.6 The vehicle will be available for inspection at the meeting.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications arising directly from this report.

5.0 LEGAL IMPLICATIONS

5.1 Section 48 (1) of The Local Government (Miscellaneous Provisions) Act 1976 provides that a district council shall not grant a licence unless it 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
- That there is in force in relation to the use of the vehicle a policy of insurance

5.2 Section 48 (7) of The Local Government (Miscellaneous Provisions) Act 1976 states that any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court.

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 as the Licensing Panel must be satisfied that the vehicle is safe, suitable and comfortable to be licensed as a Private Hire Vehicle. The vehicle has been examined at one of the Council's authorised testing stations and has passed the MOT and Compliance tests.

8.0 ENGAGEMENT/CONSULTATION

8.1 This is not a matter that requires consultation.

9.0 EQUALITY IMPLICATIONS

9.1 The Licensing Panel must have regard to their Public Sector Equality Duty when considering the application.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 Petrol and diesel vehicles contribute to harmful emissions including particulate matter, hydrocarbons and carbon monoxide which can be harmful to health.

10.2 Hybrid and electric cars emit less greenhouse gases and air pollutants than petrol and diesel cars. (Source: European Environment Agency report 2018)

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are none arising directly from the content of this report.

REPORT AUTHOR: Dawn Bott
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0151 691 8014
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APPENDICES

None

BACKGROUND PAPERS

Application form
MOT pass certificate
Compliance Test pass certificate
Statement of Hackney Carriage and Private Hire Licensing Policy
European Environment Agency Report 2018
Local Government (Miscellaneous Provisions) Act 1976

TERMS OF REFERENCE

This report is being considered by the Licensing Panel who are delegated to determine such matters in accordance with Section 8.4 of the Licensing and General Purposes Committee's Terms of Reference referred to in Part 3, Section B of the Council's constitution.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date



LICENSING PANEL

13 OCTOBER 2023

REPORT TITLE	HACKNEY CARRIAGE VEHICLE LICENCE
REPORT OF	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is for the Licensing Panel to consider whether to license a Peugeot Expert E7, registration number SF61 EHK, outside of the current age policy for licensing Hackney Carriage Vehicles.

RECOMMENDATION

The Licensing Panel is recommended to determine whether to license a Peugeot Expert E7, registration number SF61 EHK, as a Hackney Carriage Vehicle.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION

- 1.1 The Licensing Authority have received a request to license a Peugeot Expert E7, registration number SF61 EHK, outside of the current criteria for licensing Hackney Carriage Vehicles. It is a delegated function of the Licensing Panel to determine whether to licence a vehicle as a Hackney Carriage Vehicle when it does not comply with the current criteria for licensing Hackney Carriage Vehicles.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 That the request to license a Peugeot Expert E7, registration number SF61 EHK, be determined by an Officer in accordance with the current criteria for licensing Hackney Carriage Vehicles within the Statement of Hackney Carriage and Private Hire Licensing Policy which would result in the application being refused.

3.0 BACKGROUND INFORMATION

- 3.1 Mr Carney, is the proprietor of a Hackney Carriage Vehicle LTI TXII, registration number DK06 EYY which is currently licensed with Wirral Council.
- 3.2 This vehicle was first licensed as a Hackney Carriage Vehicle prior to 2008 and the current licence is due to expire on 26 February 2024. The date of first registration of this vehicle is 1 March 2006. The vehicle is therefore 17 years and 7 months old.
- 3.3 Mr Carney wishes to change the Hackney Carriage Vehicle that is currently licensed, to a Peugeot Expert E7, registration number SF61 EHK which is 12 years old. The Peugeot Expert E7 meets the criteria for licensing Hackney Carriage Vehicles with the exception of the following requirement:

“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”.

- 3.4 Should the Licensing Panel determine that the Peugeot Expert E7, registration number SF61 EHK may be licensed as a Hackney Carriage Vehicle it will be necessary for it to be examined at one of the Council's authorised testing stations in order for it to receive a valid MOT and Compliance certificate.
- 3.5 The vehicle will be available for inspection at the meeting.

4.0 FINANCIAL IMPLICATIONS

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

5.0 LEGAL IMPLICATIONS

5.1 Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

- A district council may attach to the grant of a licence of a hackney carriage under the Town and Police Clauses Act of 1847 such conditions as the district council may consider reasonably necessary.
- Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

5.2 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 as the Panel must be satisfied that the vehicle is safe to be licensed as a Hackney Carriage Vehicle.

8.0 ENGAGEMENT/CONSULTATION

8.1 This is not a matter that requires consultation.

9.0 EQUALITY IMPLICATIONS

9.1 The Licensing Panel must have regard to their Public Sector Equality Duty when considering the request, in particular the requirements of individuals who have a disability. This vehicle does provide access to persons who wish to travel whilst seated in their wheelchair, it must be fitted with an induction loop to assist individuals with hearing difficulties and has grab handles to assist with access into and egress from the vehicle.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 Petrol and diesel vehicles contribute to harmful emissions including particulate matter, hydrocarbons and carbon monoxide which can be harmful to health.

10.2 Hybrid and electric cars emit less greenhouse gases and air pollutants than petrol and diesel cars. (Source: European Environment Agency Report 2018).

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are none arising directly from the content of this report.

REPORT AUTHOR: Dawn Bott
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APPENDICES

None

BACKGROUND PAPERS

Email correspondence
Statement of Hackney Carriage and Private Hire Licensing Policy
European Environment Agency Report 2018
Local Government (Miscellaneous Provisions) Act 1976
Town and Police Clauses Act 1847

TERMS OF REFERENCE

This report is being considered by the Regulatory Panel who are delegated to determine such matters in accordance with Section 8.4 of the Regulatory and General Purposes Committee’s Terms of Reference referred to in Part 3, Section B of the Council’s constitution.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

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

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