

LICENSING PANEL

Friday, 10 November 2023

Present: Councillors A Hodson (Chair)
S Bennett
G Davies
J Stewart Laing

82 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel were 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.

No such declarations were made.

83 PRIVATE HIRE VEHICLE LICENCE APPLICATION - AUDI A4, REGISTRATION NUMBER OV13 NYS

The Director of Law and Governance reported upon an application received to license an Audi A4, registration number OV13 NYS, outside the current age policy for licensing Private Hire Vehicles. The vehicle had first been licensed as a Private Hire Vehicle on 17 November 2022 and the current licence was due to expire on 14 November 2023. The date of first registration of the vehicle was 14 May 2013. The vehicle had been examined at one of the Council's authorised testing stations and the MOT and Compliance pass certificates had been provided to Members.

The proprietor of the vehicle attended the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Audi A4, registration number OV13 NYS, as a Private Hire Vehicle be granted for six months.

84 PRIVATE HIRE VEHICLE LICENCE APPLICATION - MERCEDES E300, REGISTRATION NUMBER FP63 EHL

The Director of Law and Governance reported upon an application received to license a Mercedes E300, registration number FP63 EHL, outside the current age policy for licensing Private Hire Vehicles. The vehicle had first been licensed as a Private Hire Vehicle on 14 July 2022 and the current licence was due to expire on 27 November 2023. The date of first registration of the vehicle was 28 November 2013. The vehicle had been examined at one of

the Council's authorised testing stations and the MOT and Compliance pass certificates had been provided to Members.

The proprietor of the vehicle attended the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Mercedes E300, registration number FP63 EHL, as a Private Hire Vehicle be granted for six months.

85 **PRIVATE HIRE VEHICLE LICENCE REQUEST - MERCEDES-BENZ E220, REGISTRATION NUMBER S2 MTU**

The Director of Law and Governance reported upon an application received to exempt a Mercedes-Benz E220, registration number S2 MTU from displaying Private Hire Vehicle Licence Plates and from displaying door signs which provide details of the Private Hire Operator.

The proprietor of the vehicle did not attend the meeting.

Resolved – That the applicant attend a future meeting of the Licensing Panel should they wish to pursue the application.

86 **PRIVATE HIRE VEHICLE LICENCE REQUEST - MERCEDES-BENZ E220, REGISTRATION NUMBER Y5 APX**

The Director of Law and Governance reported upon an application received to exempt a Mercedes-Benz E220, registration number Y5 APX from displaying Private Hire Vehicle Licence Plates and from displaying door signs which provide details of the Private Hire Operator.

The vehicle was first licensed as a Private Hire Vehicle on 3 November 2022 and the current licence was due to expire on 2 May 2024 and was therefore subject to the conditions attached to that licence. The date of first registration of the vehicle was 19 June 2017.

The proprietor of the vehicle attended the meeting with the vehicle which was inspected by Members.

The proprietor of the vehicle outlined his business model to Members of the Panel in that he provides an executive travel service. The proprietor of the vehicle has held a Private Hire Driver Licence since 2 August 2017 and a Private Hire Operator Licence since 1 July 2019.

Resolved – That the application to exempt the Mercedes-Benz E220, registration number Y5 APX from displaying Private Hire Vehicle

Licence Plates and from displaying door signs which provide details of the Private Hire Operator be granted with the following conditions:

- **All bookings must be made at least 24 hours in advance.**
- **Payment for all bookings must be requested through an invoicing system.**
- **The operator must communicate with customers for each booking taken, by text or email, with the following information:**
 - **Private Hire Driver name**
 - **Private Hire Driver photograph**
 - **Private Hire Driver badge number**
 - **Private Hire Vehicle registration number**

For the avoidance of doubt, the above conditions also apply in respect of drivers and vehicles undertaking work for bookings subcontracted to other private hire companies.

87 PRIVATE HIRE VEHICLE LICENCE APPLICATION - MERCEDES-BENZ E220, REGISTRATION NUMBER PE20 PGZ

The Director of Law and Governance reported upon an application received to license a Mercedes-Benz E220, registration number PE20 PGZ, as a Private Hire Vehicle outside the current criteria which states that side and rear windows must allow at least 70% of light to be transmitted through.

The report also included a request by the proprietor of the vehicle namely a Mercedes-Benz E220 to be granted an exemption from the current requirement to display Private Hire Vehicle Licence Plates and from displaying door signs which provide details of the Private Hire Operator.

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 states that: The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through.

It was reported that the date of first registration of the vehicle was 16 March 2020 and that should the application be granted it would be necessary for the vehicle to be examined at one of the Council's authorised testing stations in order for it to receive a valid MOT and Compliance certificate.

The proprietor of the vehicle was unable to attend the meeting therefore a representative attended the meeting on their behalf with the vehicle which was inspected by Members.

The representative outlined the business model to Members of the Panel in that he provides an executive travel service and wanted to be able to offer a discreet service to his customers. The proprietor of the vehicle has held a Private Hire Driver Licence since 15 April 2013 and a Private Hire Operator Licence since 2 February 2015.

Resolved –

- (1) That the application to license a Mercedes-Benz E220, registration number PE20 PGZ as a Private Hire Vehicle, outside the current criteria which states that side and rear windows must allow at least 70% of light through be granted.**

- (2) That the application to exempt the Mercedes-Benz E220, registration number PE20 PGZ from displaying Private Hire Vehicle Licence Plates and from displaying door signs which provide details of the Private Hire Operator be granted with the following conditions:**
 - All bookings must be made at least 24 hours in advance.**

 - Payment for all bookings must be requested through an invoicing system.**

 - The operator must communicate with customers for each booking taken, by text or email, with the following information:**
 - Private Hire Driver name**
 - Private Hire Driver photograph**
 - Private Hire Driver badge number**
 - Private Hire Vehicle registration number**

For the avoidance of doubt, the above conditions also apply in respect of drivers and vehicles undertaking work for bookings subcontracted to other private hire companies.

88 PRIVATE HIRE VEHICLE LICENCE APPLICATION - RENAULT CAPTUR, REGISTRATION NUMBER LB66 WXZ

The Director of Law and Governance reported upon an application received to license a Renault Captur, registration number LB66 WXZ, outside the current criteria for licensing Private Hire Vehicles which states that the vehicle must be capable of carrying at least 4 and not more than 8 passengers in addition to the driver and that where bench seats are fitted to the rear of the vehicle one person will be counted for each complete length of 16 inches measured in a straight line lengthwise along the front of the seat.

It was reported that in accordance with the above criteria the vehicle must be capable of carrying 3 passengers in the rear of the vehicle providing each passenger with a minimum length of 16 inches. A Licensing Officer who had inspected the vehicle had identified that the top tread entrance to the vehicle measured 42 centimetres and the criteria states that any vehicle with a top tread for the entrance which exceeds 38cm must be fitted with a step to allow easy access and egress from the vehicle and any vehicle that does not have a step fitted must carry a portable step to be available for use by all passengers.

The date of first registration of the vehicle was 31 January 2017. The proprietor of the vehicle has held a Private Hire Driver Licence since 12 November 2019 and the current licence was due to expire on 11 November 2025. Should the application be granted it would be necessary for the vehicle to be examined at one of the Council's authorised testing stations for it to receive a valid MOT and Compliance certificate.

The proprietor of the vehicle attended the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Renault Captur, registration number LB66 WXZ, as a Private Hire Vehicle outside the current criteria which states that the vehicle must be capable of carrying at least 4 and not more than 8 passengers in addition to the driver and that where bench seats are fitted to the rear of the vehicle one person will be counted for each complete length of 16 inches measured in a straight line lengthwise along the front of the seat, be refused.

89 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD TRANSIT, REGISTRATION NUMBER GY17 NXP**

The Director of Law and Governance reported upon an application received to license a Ford Transit, registration number GY17 NXP, as a Private Hire Vehicle outside the current criteria which states that side and rear windows must allow at least 70% of light to be transmitted through.

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 states that: The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through.

It was reported that the date of first registration of the vehicle was 21 August 2017 and should a licence be granted, the vehicle would be used to undertake work exclusively under and in strict accordance with the terms and conditions

of a contract issued by the Council to transport children to and from educational establishments.

It was further reported that should the application be granted, it would 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.

The Fleet Manager attended the meeting with the vehicle which was inspected by Members.

In determining the application, Members took into consideration that the vehicle would be used to undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Council to transport children to and from educational establishments.

Resolved – That the application to license the Ford Transit, registration number GY17 NXP, as a Private Hire Vehicle outside the current criteria which states that the side and rear windows must allow at least 70% of light to be transmitted through be granted subject to the vehicle being fitted with CCTV and the following condition:

- **There must always be a pupil escort/carer travelling in the vehicle whilst it is undertaking work subject to the contract issued by Wirral Council to transport children to and from educational establishments.**

90 **EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraph 1 of Part I of Schedule 12A (as amended) to that Act. The Public Interest Test had been applied and favoured exclusion.

91 **HACKNEY CARRIAGE DRIVER LICENCE APPLICATION (LST)**

The Director of Law and Governance submitted a report for Members to consider whether LST should be granted a Hackney Carriage Driver Licence.

LST attended the meeting and made representations in respect of the application. LST responded to questions from Members of the Panel and the legal advisor to the Panel.

Members gave due consideration to the representations made and exercised their rights to consider each case on its individual merits in light of the representations made.

Resolved - That LST's application for a Hackney Carriage Driver Licence be granted for 12 months.

92 **PRIVATE HIRE DRIVER LICENCE REVIEW (BAM)**

The Director of Law and Governance submitted a report for Members to consider whether BAM should continue to hold a Private Hire Driver Licence.

It was reported that BAM had surrendered their Private Hire Driver Licence therefore this matter was not considered.

93 **HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE REVIEW (SMA)**

The Director of Law and Governance submitted a report for Members to consider whether SMA should continue to hold a Hackney Carriage Driver Licence and a Private Hire Driver Licence.

SMA attended the meeting with their legal representative and made representations. SMA and their legal representative responded to questions from Members and the legal advisor to the Panel.

A complainant attended the meeting virtually and made representations. The complainant responded to questions from the legal representative, Members of the Panel and the legal advisor to the Panel.

Members considered carefully the responses made by SMA and their legal representative.

Members gave due consideration to all of the representations made and exercised their rights to consider each case on its individual merits in light of the representations made.

Resolved – That SMA's be allowed to continue to hold a Hackney Carriage Driver Licence and a Private Hire Driver Licence subject to the successful completion of both the Level 2 National Vocational Qualification (NVQ) course for the Taxi and Private Hire Industry and the English proficiency test.