



## Licensing Panel

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| <b>Date:</b>  | <b>Friday, 13 September 2024</b>             |
| <b>Time:</b>  | <b>9.45 a.m.</b>                             |
| <b>Venue:</b> | <b>Committee Room 1 - Wallasey Town Hall</b> |

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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](mailto: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 - MERCEDES V CLASS, REGISTRATION NUMBER MJ20 XNN (Pages 1 - 6)

### 3. PRIVATE HIRE VEHICLE LICENCE - FORD C-MAX, REGISTRATION NUMBER LX18 SZV (Pages 7 - 10)

### 4. 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.

**5. PRIVATE HIRE DRIVER LICENCE REVIEW (JOC) (Pages 11 - 16)**



## LICENSING PANEL

13 SEPTEMBER 2024

|                     |   |
|---------------------|---|
| <b>REPORT TITLE</b> | <b>PRIVATE HIRE VEHICLE LICENCE APPLICATION</b> |
| <b>REPORT OF</b>    | <b>DIRECTOR OF LAW AND CORPORATE SERVICES</b>   |

### REPORT SUMMARY

The purpose of this report is for the Licensing Panel to consider whether to license a Mercedes V Class, Registration number MJ20 XNN as a Private Hire Vehicle, outside of the criteria for licensing Private Hire Vehicles which states that the front windscreen must allow at least 75% of light through, the front side windows must allow at least 70% of light through and the windows rear of the B-pillar must allow a minimum light transmission of 30%. The proprietor has also requested an exemption from the requirement to display Private Hire Vehicle Licence Plates on this vehicle.

### RECOMMENDATIONS

The Licensing Panel is recommended to:

1. Determine whether to license a Mercedes V Class, Registration number MJ20 XNN as a Private Hire Vehicle outside of the criteria for licensing Private Hire Vehicles which states that the front windscreen must allow at least 75% of light through, the front side windows must allow at least 70% of light through and the windows rear of the B-pillar must allow a minimum light transmission of 30%.
2. If a licence is granted determine whether to grant an exemption from the legal requirement to display Private Hire Vehicle Licence Plates on this vehicle.

## **SUPPORTING INFORMATION**

### **1.0 REASON FOR RECOMMENDATION**

- 1.1 The Licensing Authority have received an application to license a Mercedes V Class, Registration number MJ20 XNN outside of the 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 criteria for licensing Private Hire Vehicles. Licensing Officers do not have delegated authority to grant an exemption from displaying licence plates on Private Hire Vehicles.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 That the application to license a Mercedes V Class, Registration number MJ20 XNN be determined by an Officer in accordance with the criteria for licensing Private Hire Vehicles within the Council's 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 includes the following:
- "The front windscreen must let at least 75% of light through the front side windows must allow at least 70% of light through and the windows rear of the B-pillar must allow a minimum light transmission of 30%."
- 3.2 It is also a legal requirement that when a Private Hire Vehicle Licence is granted the council must issue a plate or a disc identifying that vehicle as a Private Hire Vehicle.

The Licensing Authority currently issue two vehicle Licence Plates at the time when a Private Hire Vehicle Licence is granted. The Licence Plates must be displayed on the outside of the vehicle in accordance with the following conditions:

- "The large vehicle licence plate identifying the vehicle as a private hire vehicle (rear plate) must at all times be securely fixed externally to the rear of the vehicle in a manner approved by Wirral Council in a prominent position ensuring that the whole plate is clearly visible and it does not obscure or alter any of the information printed thereon."
  - "The small vehicle licence plate identifying the vehicle as a private hire vehicle (front plate) must at all times be securely fixed externally to the front of the vehicle in a manner approved by Wirral Council in a prominent position ensuring that the whole plate is clearly visible and it does not obscure or alter the information printed thereon."
- 3.3 The proprietor of the vehicle, Mr Howe, has applied to license the Mercedes V Class, Registration number MJ20 XNN as a Private Hire Vehicle and has advised the Licensing Authority that he is seeking to use the vehicle to provide an executive travel service.

3.4 The vehicle has been tested at one of the authorised testing stations and a copy of the test certificates will be available in advance of the meeting.

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 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 (2) of the Local Government (Miscellaneous Provisions) Act 1976 states that a council may attach to the grant of a licence such conditions as they may consider reasonably necessary.

5.3 Section 48 (5) of the Local Government (Miscellaneous Provisions) Act 1976 states that where a district council grant a vehicle licence in respect of a Private Hire Vehicle they shall issue a plate identifying that vehicle as a Private Hire Vehicle. However, the Council may exempt a vehicle from the requirement to display a plate in accordance with section 75 (3) of the Local Government (Miscellaneous Provisions) Act 1976.

5.4 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 directly 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.

7.2 The display of plates provides a form of recognition and reference to members of the public that the vehicle is licensed. The absence of plates may affect the ability of members of the public to report incidents relating to the driver of the vehicle. This

risk can be mitigated by the imposition of additional conditions on the Private Hire Vehicle Licence and the Private Hire Operator Licence.

## **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 the Equality Act 2010 and in particular the Public Sector Equality Duty under Section 149 of the Equality Act 2010 when determining the matter.

## **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:** Helen Maddocks  
Licensing Team Leader  
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## **APPENDICES**

None.

## **BACKGROUND PAPERS**

Application form  
MOT and Compliance Certificates  
Statement of Hackney Carriage and Private Hire Licensing Policy  
Local Government (Miscellaneous Provisions) Act 1976  
Equality Act 2010  
European Environment Agency Report 2018

## **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)**

| <b>Council Meeting</b> | <b>Date</b> |
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## LICENSING PANEL

13 SEPTEMBER 2024

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| <b>REPORT TITLE</b> | <b>PRIVATE HIRE VEHICLE LICENCE</b>           |
| <b>REPORT OF</b>    | <b>DIRECTOR OF LAW AND CORPORATE SERVICES</b> |

### REPORT SUMMARY

The purpose of this report is for the Licensing Panel to consider a request to amend a condition attached to a current Private Hire Vehicle Licence namely a Ford C-Max, registration number LX18 SZV to increase the number of passengers permitted to be carried in the vehicle from four to six.

### RECOMMENDATION/S

That the Regulatory Panel consider whether to grant a request to amend a condition attached to a current Private hire vehicle Licence namely a Ford C-Max, registration number LX18 SZV to increase the number of passengers permitted to be carried in the vehicle from four to six.

## **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 in circumstances where an officer does not have such delegated powers.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 That the request to license a Ford C-Max, registration number LX18 SZV for six passengers be determined by an Officer in accordance with the criteria for licensing Private Hire Vehicles within the Council's 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 includes the following:
- The vehicle must be fitted (in addition to the front drivers and passengers doors) with at least two side/rear opening doors and all doors must be easily accessible to all passengers and capable of being opened from inside.
- 3.2 In accordance with the criteria referred to in paragraph 3.1 the vehicle was issued with a Private Hire Vehicle Licence to carry four passengers on 12 August 2024.
- 3.3 The proprietor of the vehicle, Mr Parker, has requested that the vehicle be licensed for six passengers so that he can carry out school contract work.
- 3.4 The V5 Logbook for the vehicle states that the number of seats within the vehicle is seven.
- 3.5 The date of first registration of this vehicle is 30 June 2019.
- 3.6 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.
- 3.7 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 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 directly 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 for six passengers.

## **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 the Equality Act 2010 and in particular the Public Sector Equality Duty under Section 149 of the Equality Act 2010 when determining the matter.

## **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 and Compliance Certificates

Records and Information held by the Licensing Authority

Statement of Hackney Carriage and Private Hire Licensing Policy

Local Government (Miscellaneous Provisions) Act 1976

Equality Act 2010

European Environment Agency Report 2018

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

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