



## Licensing, Health and Safety and General Purposes Committee

<b>Date:</b>	Wednesday, 22 May 2013
<b>Time:</b>	6.00 pm
<b>Venue:</b>	Committee Room 1 - Wallasey Town Hall

**Contact Officer:** Anne Beauchamp  
**Tel:** 0151 691 8608  
**e-mail:** [annebeauchamp@wirral.gov.uk](mailto:annebeauchamp@wirral.gov.uk)  
**Website:** <http://www.wirral.gov.uk>

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### AGENDA

**1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Committee 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. MINUTES (Pages 1 - 2)**

To receive the minutes of the meeting held on 20 March 2013.

**3. APPOINTMENT OF VICE-CHAIR**

The Committee is invited to appoint a Vice-Chair for the ensuing municipal year.

**4. APPOINTMENT OF LICENSING PANEL**

**5. APPOINTMENT OF THE LICENSING PANEL (Pages 3 - 6)**

**6. DESIGNATED PUBLIC PLACES ORDER - NEW FERRY (Pages 7 - 46)**

**7. PRIVATE HIRE VEHICLE AGE POLICY - OUTCOME OF CONSULTATION (Pages 47 - 76)**

- 8. HACKNEY CARRIAGE VEHICLE CHANGE OF VEHICLE POLICY -  
OUTCOME OF CONSULTATION (Pages 77 - 90)**
- 9. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR**

To consider any other business that the Chair accepts as being urgent.

## LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Wednesday, 20 March 2013

Present: Councillor WJ Davies (Chair)

Councillors S Hodrien C Povall  
C Jones L Fraser  
S Niblock G Watt  
I Williams P Williams

Deputies: Councillors E Boulton (In place of I Lewis)

### 34 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee 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.

### 35 MINUTES

**Resolved – That the minutes of the meeting held on 23 January 2013 be approved.**

### 36 TRAINING REQUIREMENT FOR PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS

The Acting Director of Law, HR and Asset Management updated Members in respect of the current situation regarding funding for Private Hire and Hackney Carriage training and sought Members' approval to amend the current training requirement.

Mr T Thornton, Manager of Merseylearn attended the meeting and advised Members that the NVQ and VRQ qualifications were both level two national qualifications and it was therefore difficult to obtain funding for both of these qualifications. Mr Thornton agreed with the proposal that the requirement for licensed drivers to obtain the VRQ qualification within 12 months of being issued with a licence be removed.

Mr Thornton and the Licensing Manager responded to questions from Members of the Committee.

**It was moved by Councillor S Niblock and seconded by Councillor E Boulton that**  
-

“the requirement that all new applicants for Private Hire and Hackney Carriage Driver Licences must obtain the Level 2 National Vocational Qualification in Road

Passenger Vehicle Transport (NVQ) within 12 months of being issued with a licence be removed with immediate effect”.

**Resolved - That the requirement that all new applicants for Private Hire and Hackney Carriage Driver Licences must obtain the Level 2 National Vocational Qualification in Road Passenger Vehicle Transport (NVQ) within 12 months of being issued with a licence be removed with immediate effect.**

37 **MEDICAL REQUIREMENT FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

The Acting Director of Law, HR and Asset Management sought Members’ authorisation for officers to consult Private Hire and Hackney Carriage Driver, Vehicle and Operator licence holders and members of the public in respect of a review of the medical requirements for Hackney Carriage and Private Hire Drivers.

It was proposed that the consultation would take place over a six week period and that the results of the consultation would be reported to a future meeting of this Committee.

The Licensing Manager outlined the report and responded to questions from Members of the Committee.

**It was moved by Councillor S Niblock and seconded by Councillor L Fraser that -**

“Members authorise officers to undertake consultation on the options set out in paragraph 3 of the report regarding the medical requirement for Hackney Carriage and Private Hire Drivers”.

**Resolved - That Members authorise officers to undertake consultation on the options set out in paragraph 3 of the report regarding the medical requirement for Hackney Carriage and Private Hire Drivers.**

## WIRRAL COUNCIL

### LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

22 MAY 2013

<b>SUBJECT:</b>	<b>APPOINTMENT OF THE LICENSING PANEL</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>HEAD OF LEGAL AND MEMBER SERVICES</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### 1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to enable the Committee to undertake a review of the Licensing Panel and to appoint Members to serve on that Panel if it is to be retained in 2013-2014. Members of panels must be appointed by the parent Committee and appointments cannot be made by the Council.

#### 2.0 BACKGROUND AND KEY ISSUES

2.1 Standing Order 33(1) requires that Committees should keep the need for panels under review and, in particular, the position must be reviewed at the first meeting of a Committee in each municipal year.

As a result of a High Court judgement, only named deputies may attend panel meetings in place of a permanent member. Standing Order 25(6)(a) permits appointment of up to a maximum of eight deputies for each political group. It should be noted that deputies are normally called to serve in the order in which they are nominated.

Unless appointed as full members, the Leaders and Deputy Leaders of the three largest political groups represented on the Council are entitled to attend meetings of all Committees, Sub-Committees and Panels, with the right to speak at the Chair's invitation, but not to vote (Standing Order 25(5) refers).

#### 2.2 Licensing Panel

##### (a) Terms of Reference

(1) To consider and determine licensing/registration matters except those dealt with by this Committee, the Licensing Act 2003 Committee, or matters delegated to the Strategic Director of Regeneration and Environment.

(2) To exercise the powers and duties of the Council under the provisions of the Safety At Sports Grounds Act 1975 as regards the issue, monitoring, enforcement, review, amendment and renewal of safety certificates and the review of arrangements relating thereto.

(3) Power to license persons to collect for charitable and other causes.

(b) Membership

If the Licensing Panel was to continue with seven members as in 2012-2013, the allocation of those places has to be politically proportionate. The Membership of the Licensing Panel (including deputies) for 2012-2013 consisted of seven members in the ratio 4:2:1 as shown below:-

	<u>Members</u>	<u>Deputies</u>
4 Labour Councillors	Bill Davies (Chair) Steve Niblock Pat Glasman John Salter	Jim Crabtree George Davies Christina Muspratt Anita Leech Bernie Mooney Denise Roberts Sylvia Hodrien Janette Williamson
2 Conservative Councillors	Cherry Povall (s) Leah Fraser	Eddie Boulton Adam Sykes Steve Williams Paul Hayes Chris Blakeley John Hale Peter Kearney Wendy Clements
1 Liberal Democrat Councillor	Pat Williams (s)	Alan Brighthouse Phil Gilchrist Tom Harney Mark Johnston Stuart Kelly Dave Mitchell

2.3 If the Membership of the Licensing Panel is to continue with seven Members, the ratio would be 4:2:1.

### 3.0 RELEVANT RISKS

3.1 There is a requirement under the Council's Constitution that a Licensing Panel is appointed.

### 4.0 OTHER OPTIONS CONSIDERED

4.1 No other options were considered beyond those outlined in the report.

### 5.0 CONSULTATION

5.1 It is for political groups to decide how they wish to allocate their Licensing Panel places.

## **6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

6.1 There are no implications for voluntary, community and faith groups.

## **7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

7.1 There are no implications arising directly from this report.

## **8.0 LEGAL IMPLICATIONS**

8.1 There are no implications arising directly from this report.

## **9.0 EQUALITIES IMPLICATIONS**

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

No because there is no relevance to equality.

## **10.0 CARBON REDUCTION IMPLICATIONS**

10.1 There are no implications arising directly from this report.

## **11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

11.1 There are no planning or community safety implications.

## **12.0 RECOMMENDATION/S**

12.1 The Committee is requested:

(i) to confirm that the Licensing Panel be re-appointed for 2013-2014 with the terms of reference identified.

(ii) to appoint members to serve on the Licensing Panel in 2013-2014, including the appointment of the Chair, Vice-Chair, Spokespersons and named deputies.

## **13.0 REASON/S FOR RECOMMENDATION/S**

13.1 The Committee is required to appoint members to serve on the Licensing Panel.

**REPORT AUTHOR:** Anne Beauchamp  
Committee Officer  
telephone: (0151) 691 8608  
email: annebeauchamp@wirral.gov.uk

## **REFERENCE MATERIAL**

Previous reports on the appointment of Licensing Panel Membership and the Council's Constitution.

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Licensing, Health &amp; Safety &amp; General Purposes Committee</b>	<b>23 May 2012</b>
<b>Licensing, Health &amp; Safety &amp; General Purposes Committee</b>	<b>25 May 2011</b>
<b>Licensing, Health &amp; Safety &amp; General Purposes Committee</b>	<b>25 May 2010</b>



## WIRRAL COUNCIL

### LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

22 MAY 2013

<b>SUBJECT:</b>	<b>DESIGNATED PUBLIC PLACES ORDER – NEW FERRY</b>
<b>WARD AFFECTED:</b>	<b>BROMBOROUGH</b>
<b>REPORT OF:</b>	<b>STRATEGIC DIRECTOR OF REGENERATION &amp; ENVIRONMENT</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### 1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to consider the response to consultation that has taken place in respect of the designation of an area within New Ferry as being subject to a Designated Public Places Order and to determine whether such an Order should be made.

#### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 On 16 July 2012 a petition was submitted to a Meeting of the full Council in respect of an area of New Ferry being subject to a Designated Public Places Order (DPPO). The petition is attached at **Appendix 1**.
- 2.2 On 14 December 2012 a bundle of evidence was provided by Merseyside Police in support of their view that the following streets be subject to a Designated Public Places Order: Bebington Road (between New Chester Road and Old Chester Road) New Chester Road (between Grove Street and Boundary Road) Boundary Road, Woodhead Street (including car park), Underley Terrace, Olinda Street, Grove Street, Grove Square, Stanley Road, New Ferry Park, Longfellow Drive, New Ferry Road, Thorburn Road, The Esplanade, Land including tennis courts on Stanley Road, Esher Road and Esher Close (including the underground walkway between Esher Road and Esher Close). A street map providing details of these streets is attached at **Appendix 2**.
- 2.3 As part of the bundle submitted by Merseyside Police in December 2012 statements were provided by Police Officers who have dealt with a number of incidents within the area identified in paragraph 2.2. The overriding common denominator within these statements is that the individuals subject to each statement were under the influence of alcohol. There are 14 statements from individuals who either run local businesses or who have business interests in the area. These statements convey the feelings of individuals regarding the problems caused by people who are drunk in the area and the associated anti social behaviour that transpires from this. There are also 19 police logs which predominantly relate to theft from local businesses. The information provided by the police also includes four Direction to Leave forms issued under Section 27 of The Violent Crime Reduction Act 2006. Such notices are issued where it is considered that the individual is likely to contribute to the occurrence of alcohol related crime or disorder in that locality.

- 2.4 The Criminal Justice and Police Act 2001 provides local authorities with powers to designate any public place within its area as being subject to a Designated Public Places Order ( DPPO ) if the authority is satisfied that nuisance or disorder has occurred in that area connected to the consumption of alcohol. A public place is one to which the public generally have access, with or without payment.
- 2.5 A Designated Public Places Order does not make it an offence to drink alcohol in a designated place. The effect of an area being subject to a DPPO is that the police are given additional powers in that area to stop people drinking alcohol and confiscate any alcohol in a person's possession in that area. A person commits an offence if they fail to stop drinking when asked to do so by a police officer or to give up their alcohol to the officer. If an offence is committed the person is liable on summary conviction to a fine not exceeding £500. Such offences can also be dealt with by way of the issuing of a fixed penalty notice.
- 2.6 It is important to note that a place is not a designated public place or part of such a place if it is a licensed premises or a registered club or a place within the curtilage of any licensed premises or registered club.
- 2.7 The procedures that local authorities must follow in designating a public place are set out in The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007. The regulations set out the consultation, publicity and signage requirements that must be met.

These regulations require local authorities to consult with:

- The Police to seek views on the nature of the problem and the appropriateness of designating such an area, recognising that it will be the police who will have responsibility for enforcing the resulting restrictions on public drinking. It is also necessary to consult the police for any area near to the area to be designated if the local authority believes the adjacent or neighbouring area may be affected by the designation
  - Any parish or community council in whose area the public place is to be designated or may be affected by the designation
  - Each Premises Licence Holder or Club Premises Certificate
  - Owners or occupiers of any land that may be identified in a designated order
- 2.8 The regulations also require the local authority to publish a notice in the local newspaper identifying the proposed area, setting out the effect of making an order and inviting representations on whether or not an order should be made. The advert must allow at least 28 days for representations to be made. Should an order be made a further notice is required to be published in a newspaper setting out the details and indicating the date on which the order will take effect.
- 2.9 On 23 January 2013, Members of this Committee resolved that officers undertake consultation in respect of a DPPO within the area of New Ferry as specified in paragraph 2.2.

- 2.10 On 13 February 2013 an advert was published in an edition of the Wirral Globe and during the week commencing 11 February 2013 a total number of 888 letters were sent to all those as detailed within 2.7 of this report. A copy of the letter and the newspaper notice is attached at **Appendix 3**.
- 2.11 In response to the consultation a total number of 77 responses have been received. The majority of those who provided a response (74) support the proposal of a DPPO in the area of New Ferry that has been identified.
- 2.12 Councillor Niblock has requested that the DPPO be extended so that the car park on Grove Street and the land surrounding New Ferry Village Hall is included.
- 2.13 Fifty four of the responses received have also provided evidence to support the proposal. A summary of the comments received from these residents is attached at **Appendix 4**.
- 2.14 Three responses have been received from individuals who are not in support of the proposed DPPO, two of whom have provided additional information. A summary of these responses is attached at **Appendix 5**.
- 2.15 In addition to the documents provided by Merseyside Police on 14 December 2012, as detailed within 2.3 of this report, a response to the consultation has been received from Chief Superintendent John Martin, Wirral Area Commander. A copy of this response is attached at **Appendix 6**.
- 2.16 Should a decision be made to designate an order under Section 13 of the Criminal Justice and Police Act 2001 the Council must publicise the details of the area to be designated in the order in a local newspaper identifying the place which is to be designated and setting out what effect the DPPO will have at particular times in relation to any type of premises in the public place.
- 2.17 It is also a requirement that before an order takes place there must be signs in place that are sufficient to draw the attention of members of the public to the effect of the order in that area. A model sign provided in the 'Guidance on Designated Public Places Order' published by the Home Office is attached at **Appendix 7**.

### **3.0 RELEVANT RISKS**

- 3.1 There are none arising directly from this report.

### **4.0 OTHER OPTIONS CONSIDERED**

- 4.1 There is no provision for other options to be considered.

### **5.0 CONSULTATION**

- 5.1 Consultation is a statutory requirement.

### **6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

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

## **7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

- 7.1 Should an order be made, the cost of the required signage will be dependent on the number of signs required but can be estimated on an average cost of £50.00 for each sign. There will also be an impact on staffing resources to administer the process. The cost of placing an advert in a local newspaper is approximately £200.

## **8.0 LEGAL IMPLICATIONS**

- 8.1 A decision of the Committee may be subject to legal challenge.

## **9.0 EQUALITIES IMPLICATIONS**

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

Yes EIA is attached to the report dated 23 January 2013

## **10.0 CARBON REDUCTION IMPLICATIONS**

- 10.1 There are no specific carbon reduction implications arising from this report.

## **11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

- 11.1 There are no Planning implications arising out of this report. A Designated Public Places Order could improve the safety of the public in that particular area subject to the enforcement of the restrictions in that area by Merseyside Police.

## **12.0 RECOMMENDATION/S**

- 12.1 That Members consider the responses to the consultation in determining whether a DPPO should be put in place in respect of the area identified in Appendix 2 be in place.

## **13.0 REASON FOR RECOMMENDATION/S**

- 13.1 It is a delegated function of this Committee to make an order identifying a place as a designated public place for the purposes of Police powers in relation to the consumption of alcohol under Section 13 of the Criminal Justice and Police Act 2001.

**REPORT AUTHOR:** *Margaret O'Donnell*  
*Licensing Manager*  
telephone: (0151) 691 8606  
email: [margaretodonnell@wirral.gov.uk](mailto:margaretodonnell@wirral.gov.uk)

Cllr Niblock

lead petitioner?  
+ address

244 signature

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Lead Petitioner:

# ALCOHOL FREE IN NEW FERRY

THE POLICE AND LOCAL COUNCIL ARE CONSIDERING MAKING NEW FERRY AN ALCOHOL FREE ZONE, AND WOULD LIKE TO KNOW IF THIS IS WHAT THE LOCAL RESIDENTS AND SHOPKEEPERS WANT. BY SIGNING THIS PETITION YOU ARE HELPING TO GET NEW FERRY HOW WE WANT IT !!!!

NAME	Postcode	Comments?
V Chase	C	CH42 1PX
M.B. Wilson		CH62 2EG
G. Howland		CH 62 1AE
Jane Regby		CH62 1DW
Jennie Welch		CH42 2AJ
Angela Ellis		CH63 3HQ
Lynn Blong		CH42 1RZ
R. S. Beckey		CH62 1EE
E. Mackenzie		CH62 1BZ
S. Robinson		CH42 1PY
S. Chase		CH42 1PX
P. Reilly		CH62 3LZ
Jennifer		
I. Kealy		CH62 1AG
M. Bryant		CH42 6QU
W. Easton		CH 62 1AT
M. Blakelock		CH63 3HQ
T. White		CH63 845
B. Dealey		CH63 7RU
C. West		CH63 2JX

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NAME	Postcode	Comments?
B. Scarisbrick	CH62 5DF	
E. Pickford	CH63 8NJ	
B. Griffiths	CH62 9DB	
H. Redmet	CH62 6AE	
G. Rogerson	CH62 1DS	NEW FERRY
E. Ward	CH63 2PJ	CONSIDERING MAKING
L. Bromley	CH62 1DR	RESIDENTS AND
B. Jones	CH62 1AL	PETITION YOU ARE
J. Doonan	CH62 5JZ	WE WANT IT!!!!
M. McClay	CH62 5JT	
J. M. McClay	CH62 5JT	
L. Stocker	CH62 1AZ	
P. McLauchlan	CH62 6RG	
d. Archer	CH62 7JA	
<i>[Signature]</i>	CH62 5BR	

14 PLEASE SIGN

ALCOHOL FREE IN NEW FERRY

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NAME	POSTCODE
R McArthur	CH 42 - 1RZ
D McARTHUR	CH 42 - 1RZ
R Farnworth	CH 63 STNZ
L. Mearns	CH 62 SER.
K. McDonald	CH 62 1EL
M. McQuinn	CH 62 1EW
L. O'Malley	CH 62 1EE
D. McEwan	CH 62 1AS
Chantelle Mc Dermott	CH 62 1AS
P. Foxcroft	CH 63 9TS
P. Bruce	CH 42 1RE
M. Pearson	CH 62 STX
C. Schaffer	% CH 62 STX
B. Hall	CH 62 1DE

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NAME	Postcode	COMMENTS?
C. mc Namara	CH63-5JS	
J. mc Namara	CH62-5JR	
Hcollins	CH42 1DJ	
M Robinson	CH42-1RY	
L Robinson	CH42-1RY	
Heather Kenwright	CH4 9DG	
Helen <del>CH42</del>	CH42 1PS	
Jia Douglis	CH42 407	
F WARR	CH61 5UL	
B Shelok	CH42 3YF	
J GRIFITHS	CH62 5PX	
P. MARKESY	CH62 SAT	
b.j.w	CH62 4RB	
<del>CH62</del>	CH62 SAR	
D. Thomas	CH62 1ER	
D Draper	CH42 1FA	
A KING	CH42 4NZ	
WASHTON	CH42 266	
Margaret Kegg	CH62 1AT	
D Quinlan	CH42 TRQ	



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Comments?

S Mendon

CH42 4NA

K Hynes

CH63 WT

M. Doyle

CH62 8BS

E. Baker

CH62 8EP

J. Traynor

CH62 9BT

D. Hurst

CH62 1EN

M. O'Malley

CH62 1EG

S. Oates

CH42 4NB

D Clark

CH62 4RL

H. Moore

CH62 5DZ

Bever

CH62 5JY

S. Davies

CH42 7JQ

Bill Cole

CH62 5EP

E. Polvin

CH62 5EP

H. Crines

CH62 1DS

H. Kearns

CH62 1AZ

S. Igoe

CH62 1AY

A. Jones

CH60 6RU

J. Evans

Gene Brown

P. Yuth

CH63 7NB

Mary Kenny

CH63 7NX

CH42 4QP

FEEL INTIMIDATED WHEN SHOPPING

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Comments?

100 Dunbarwin	CH62 1HE
to Dunbarwin	
A. DUNBAVIN.	CH62 1HE
C. STOCKTON	CH62 1BD
R. <del>ALCOHOL</del> CLAMP	CH62 1BD
R. WILLIAMS	CH62 1DQ
L. JOHNSON	CH62 1DQ
M. HIRALOVA	CH62 405
U. <del>SMITH</del>	CH42 1QE
D. HATCHING	CH42 2BE
S. DEVEREY	CH63 7RY
B. JONCKEL	CH62 4RY
M. HIRALOVA	
K. MCCANN	CH62 1HF
A. HENDERSON	CH62 1AU
G. ROBERTS	CH63 9AR
S. SMITH	CH63 7AR
R. SMITH	CH62 1DP
D. SMITH	CH63 2PP
B. SMITH	J. Woolfall
J. PROFFER	CH42 5P2
R. SMITH	CH62 4TY
	CH63 7HS
	CH42 3YB
	CH42 2BX

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NAME	POST CODE	COMMENTS?
S Shaleshaft	CH62 1ER	
Sara Paylor	CH62 5AG	
J. LUTHER	CH62 STX	
D. Buens	CH62 1DD	
M. Ratty	CH62 5AG	
C. Ramsay	CH63 9NZ	
B. Williams	CH62 3DU	
J.A. Beer	CH62 1DN	
Chlher	CH62 1DR	
U. Redgill	CH62 2BU	
b. Lambell	LA 6PH	
J. M. [unclear]	CH62 1AH	
J. Turner	CH42 2DN	
G. Tucker	CH62 1DL	
m. Robinson	CH63 AJS	
J. French	CH62 1AW	
M. Pota	CH62 5EH	
CM Bailey	CH63 8NX	
E. Murphy	CH41 5EX	
AM John	CH42 2DS	

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NAME MAVIS FOLEY	POSTCODE CH63 7NW
J Wade	CH63 7WL
C GAMES	CH63 7LS
W Pears	CH62 9ER
V Fournie	CH42 1RG
T. Pickstock	CH42 1RG
J McQuinn	CH62 5EP
J. Guchon	CH62 3MH
J. Woods	CH63 5PZ
A MCDONALD	CH62 5AX
Kuster	CH63 3EH
J. Swift	Ewesmore Post.
G. Swift	Ewesmore Post.
T Nye	Rock Ferry
J. Jones	CH62 5BS
N Jones	CH62 5B9
S. Cress	CH62 5B9
STEPHEN COOK	CH42 7RL
K SHARKEY	CH62 1EE
B FITZGERALD	CH62 1BR
S. O'neil	CH42 1BN
S. Calder	CH62 1BA
M. O'neil	CH62 1BA
M. HANNAH	CH62 1NW
L. PERRE	Rock Ferry

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NAME

Postcode

G. Septon  
L Price

Birlstall  
NEW FERRY

S. SINDALL

New Ferry  
Post Sunlight

J Williams  
Middletown

Bebington

I Moran

CH63 0ND  
CH62 4RL

J DAWSON

S. J. Roberts MBE

CH42 2AJ

J. Hayes

CH44 9AY

L. Hayes

CH45 7NF

S Woods

CH62 4RR

L Weymouth

CH62 1AT

C Breckell

CH63 5JL

A King

CH48 3JR

S. Randles

CH62 8NB

G Bell

CH62 1DF

S. DUNNE

CH42 1RL

W. Jones

CH63 3BD

P. Lee

CH63 3BU

M Dawson

CH42 2ND Bebbington

E. McCann

CH63 7LW

# ALCOHOL FREE IN NEW FERRY

THE POLICE AND LOCAL COUNCIL ARE CONSIDERING MAKING NEW FERRY AN ALCOHOL FREE ZONE, AND WOULD LIKE TO KNOW IF THIS IS WHAT THE LOCAL RESIDENTS AND SHOPKEEPERS WANT. BY SIGNING THIS PETITION YOU ARE HELPING TO GET NEW FERRY HOW WE WANT IT !!!!

NAME

POSTCODE

Comments?

J Sweeney

CH60 5SD

D Jones

CH60 5SE Int included when shopping

M. Lucas

CH62 7BT

T Lament

CH62 1AS.

H Evans  
Hevans

CH62 5BQ

CH42 1NY

L Smith

CH42 - 1NZ

Esmin

CH42 - 1NZ

RGD

CH63 - 3EE.

SD Wright

CH62

VU

CH42

Wm C Coth

CH42

B.H.

CH62

A Jones

CH62

E. Mc Namara

CH63 - 3SR.

D Carter

CH63 3HY

25

# ALCOHOL FREE IN NEW FERRY

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Comments?

J. Harris  
H. Williams  
S. Roberts  
K. Scully

CH42 TJE  
CH63-5LA  
CH62 5BD  
CH42 2DU

L. Burt  
A. Serridge

CH62 1HG  
CH63 7NE

E. Thomas

CH63 5JL

A. Daniels

CH42 LFRIMAKING

C. Daniels

AND WOULD LIKE

D. Haylor

CH42 NT1QH

G. McWilliams

CH62 5BX

E. Scott

CH63 3JG

D. Dow

CH63 2PS

S. Serridge

CH7 4QW

M. Howard

CH62 5BU

CH62 5BU

~~Back~~

CH42 1QF

tux

K. ~~Acob~~

CH63 5JZ

G. Chrysanter

CH62 1BL

R. ~~St~~

CH62 1AT

J. Birch

CH62 1DD

~~Angus~~

CH62 5BX

~~Wells~~

CH61 8SS

P. Gault

Page 2 CH62 4RB

~~Alan~~

Gillian Jones CH62 4RB

# ALCOHOL FREE IN NEW FERRY

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NAME	Postcode	Comments?
K. Flower	CH42-4QS	
Hoore	CH44 4BX	
R. Dixon	CH42 2eb	needs taking some money needs spending on new ferry bring it back to life
R. ASPEN	CH62 2BG	Shop front refurb. Youth centre opening
J. ETHERIDGE	CH62 1BX	About time to.

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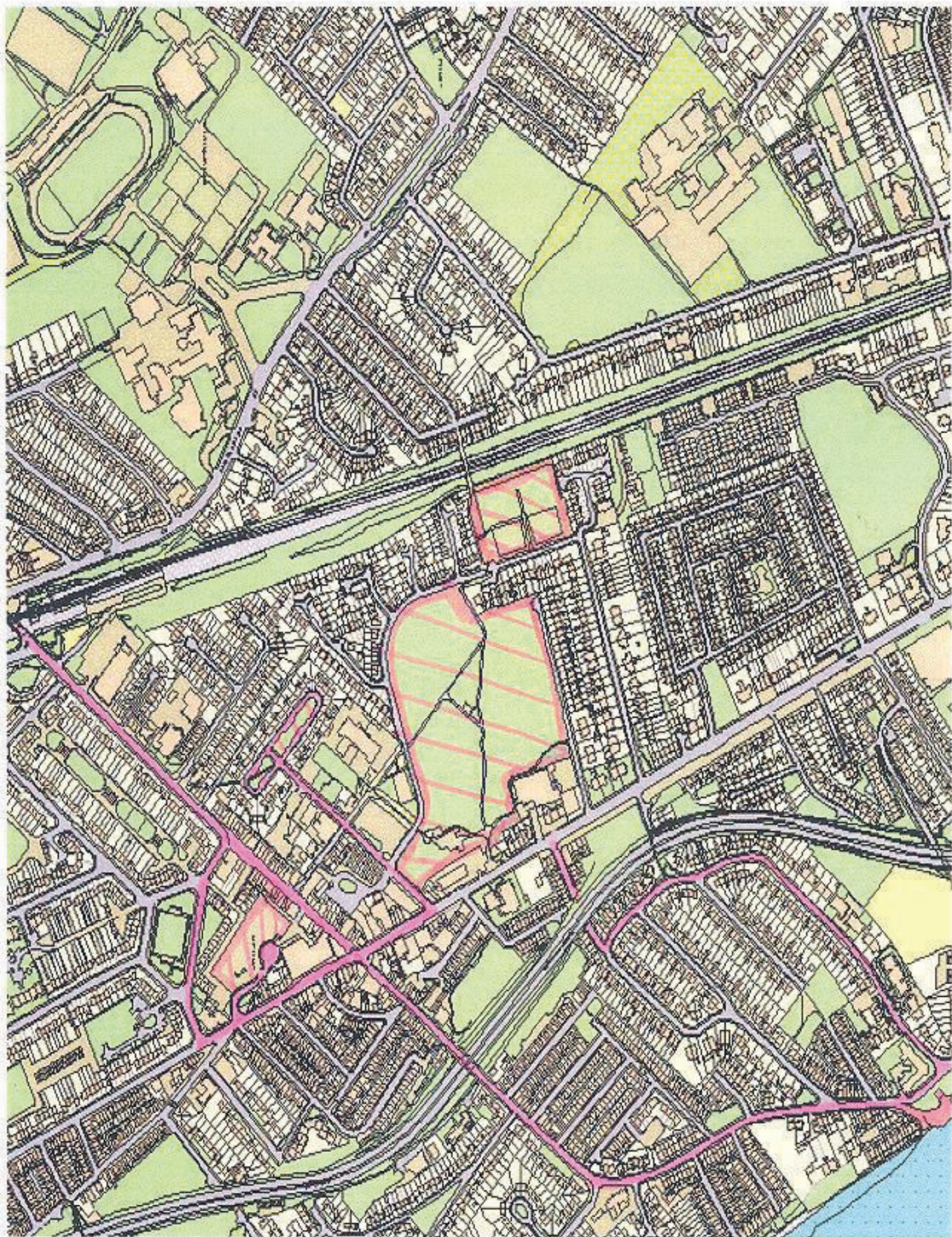


# ALCOHOL FREE IN NEW FERRY

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NAME	Postcode	Comments?
A McWright T DUNCAN	CH62 9AR CH 63 7RT	ITS A DISGRACE + IT SHOULD NOT BE ALLOWED. ITS FRIGHTENING + INTIM ADATING. FOR ALL DECENT MINDED PEOPLE. THEY DO IT, BECAUSE THEY CAN. THERE IS NO DETERENT SHOULD BE ZERO TOLLERANCE MORE BOBBIES ON THE BEAT!
B. Hutton	CH63 8PA	
V. HALL	CH62 5EG	
K. Mowbray	CH62 4SB	Agree →
Paula Daniels	CH62-5BD	Agree →
Jo Fowler	CH62 5BD	agree →
R. Hughes	CH62 1DU	
J. Fitzgerald	CH62 5HA	
B. Gooding	CH46 2RT	AGREE
Mr. Steve Niblack		Bromborough Ward
A. Nichol	CH63 2PU	
M. Edwards	CH63 7LW	
* S. Rayner	CH63 2QR	
V. [unclear]	CH62 1BA	
M. [unclear]	CH62 1EL	
J. [unclear]	CH62 8DT	
S. Roberts	CH62 1AZ	
Carlioms		
H. C. Moran	CH62 1FL	
P. Hall		

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Department of Law, HR and  
Asset Management

Surjit Tour  
Acting Director

Town Hall  
Brighton Street  
Wallasey  
Wirral  
CH44 8ED

to «Name»  
«Add1»  
«Add2»  
«Add3»  
«Add4»  
«Add5»  
«Add6»

date 13 February 2013

your ref  
my ref  
tel ext (0151) 691 8606 please ask for Margaret O'Donnell  
email: [licensing@wirral.gov.uk](mailto:licensing@wirral.gov.uk)

Dear Sir/Madam

### **DESIGNATED PUBLIC PLACES ORDER (DPPO)**

On 23 January 2013, following a petition submitted to the Council and supported by Merseyside Police, Members of the Licensing Health and Safety and General Purposes Committee agreed to undertake statutory consultation regarding a Designated Public Places Order (DPPO) under the Criminal Justice and Police Act 2001 within an area of New Ferry. Please find attached a map of the proposed area which is subject to the consultation.

The Criminal Justice and Police Act 2001 provides Local Authorities with powers to designate any public place within its area as being subject to a DPPO if the Authority is satisfied that nuisance or disorder has occurred in that area connected to the consumption of alcohol.

A DPPO does not make it an offence to drink alcohol in a designated place. The effect of an area being subject to a DPPO is that the police are given additional powers in that area to stop people drinking alcohol and confiscate any alcohol in a person's possession in that area.

The procedures that local authorities must follow in designating a public place are set out in The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007. The regulations set out the consultation, publicity and signage requirements that must be met.

In accordance with the regulatory requirement the consultation being undertaken by the Council includes:

- Merseyside Police
- Each Premises Licence Holder or Club Premises Certificate Holder
- Owners or occupiers of any land that may be identified in a designated order

Cont/...

It is important that we consider your views regarding this proposal, please use the enclosed proforma and return your comments in the pre-paid envelope provided, or alternatively you can fax or e-mail your comments.

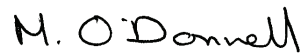
Fax: 0151 691 8215

E-mail: [licensing@wirral.gov.uk](mailto:licensing@wirral.gov.uk)

The Council wishes to thank you for taking the time to consider this DPPO consultation. Please ensure we receive your views no later than **Friday, 22 March 2013**.

If you have any further enquiries about the DPPO please contact Margaret O'Donnell on 0151 691 8606.

Yours faithfully



Margaret O'Donnell  
Licensing Manager

Designated Public Places Order  
(New Ferry)

Consultation – February 2013

Your name: \_\_\_\_\_

Name of Company/Organisation: \_\_\_\_\_  
(if applicable)

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Do you wish to receive feed back on the consultation? Yes  No

Do you agree that it is necessary to have a Designated Public Places Order in respect of the area identified on the enclosed map? Yes  No

Comments – Please use the space below to provide any evidence of public nuisance or disorder linked to alcohol that you have experienced within the area identified on the enclosed map.

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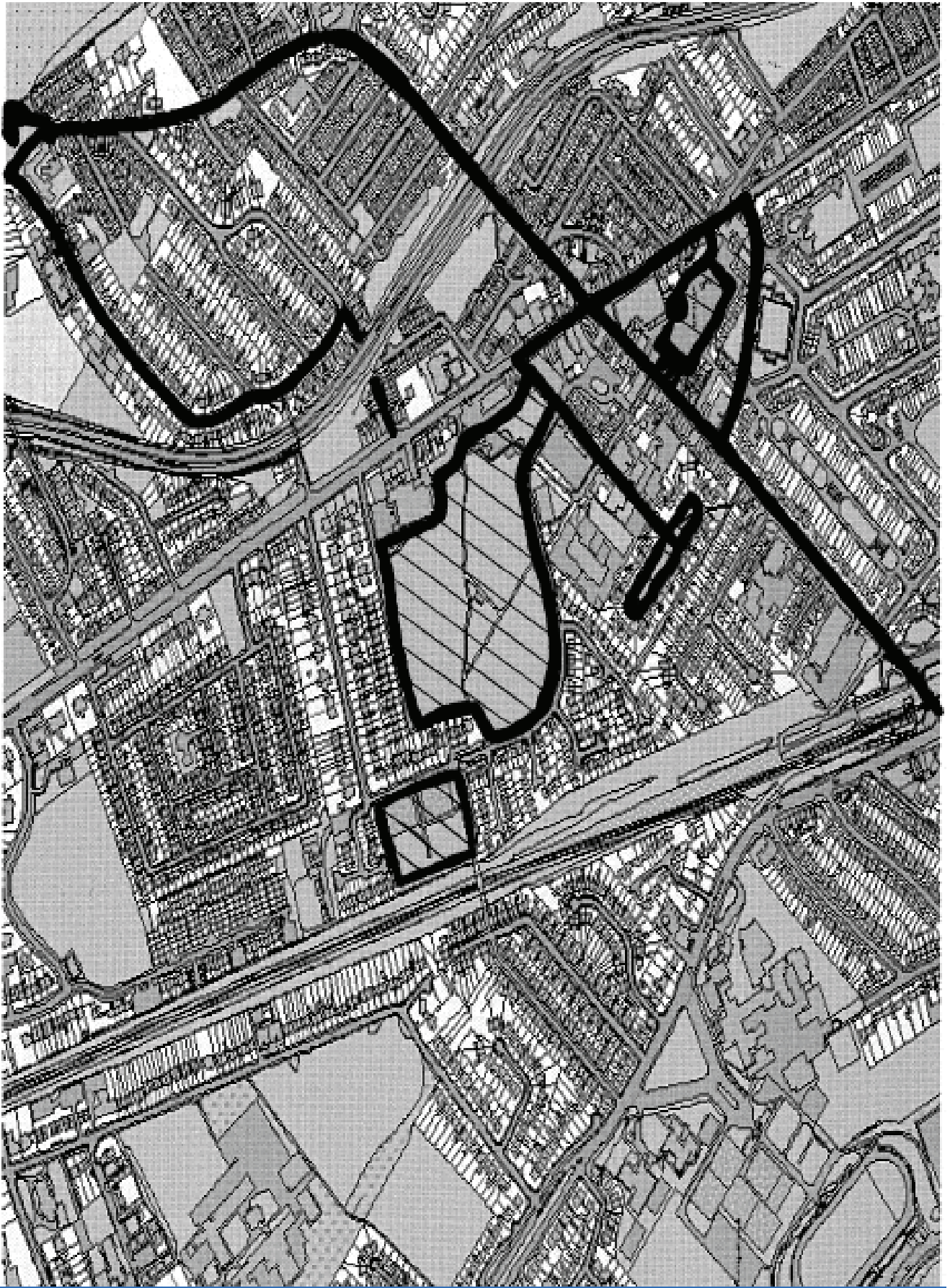
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**ALCOHOL CONSUMPTION IN  
DESIGNATED PUBLIC PLACES**

NOTICE IS HEREBY GIVEN THAT Wirral Borough Council is currently consulting on a Designated Public Places Order (DPPO) within an area of New Ferry (as detailed below) in accordance with the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 made under the Criminal Justice and Police Act 2001 (as amended).

The Criminal Justice and Police Act 2001 provides Local Authorities with powers to designate any public place within its area as being subject to a DPPO if the Authority is satisfied that nuisance or disorder has occurred in that area connected to the consumption of alcohol.

A DPPO does not make it an offence to drink alcohol in a designated place. The effect of an area being subject to a DPPO is that the police are given additional powers to stop people drinking alcohol and confiscate any alcohol in a person's possession in that area. A person commits a criminal offence if they fail to stop drinking when asked to do so by a police officer or to give up their alcohol to the officer.

The streets/land subject to consultation is as follows: Bebington Road (between New Chester Road and Old Chester Road) New Chester Road (between Grove Street and Boundary Road) Boundary Road, Woodhead Street (including carpark), Underley Terrace, Olinder Street, Grove Street, Grove Square, Stanley Road, New Ferry Park, Longfellow Drive, New Ferry Road, Thorburn Road, The Esplanade, Land including tennis courts on Stanley Road, Esher Road and Esher Close (including the underground walkway between Esher Road and Esher Close).

A map showing the above areas in New Ferry may be viewed at Wallasey Town Hall and on the Council's Website ([www.wirral.gov.uk](http://www.wirral.gov.uk)).

In respect of the categories of premises set out in the Local Authorities (Alcohol Consumption in Designated Public Places) Regulation 2007 a DPPO will have no effect upon:

- A premises in respect of which a premises licence has effect which authorises the premises to be used for the sale or supply of alcohol or within the curtilage of such premises.
- A premises in respect of which a club premises certificate has effect which certifies that the premises may be used by the club for the sale or supply of alcohol or within the curtilage of such premises.
- A premises which, by virtue of Part 5 of the Licensing Act 2003 (permitted Temporary Activities) may be used for the supply of alcohol or which by virtue of that part could have been so used within the last 30 minutes.

- A place where facilities or activities relating to sale or consumption of the alcohol are for the time being permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway related uses).
- New Ferry Village Hall at times when alcohol is being sold or supplied or within 30 minutes thereafter. This premises is owned by Wirral Borough Council and has a premises licence which is held by New Ferry Village Hall Joint Management Committee and authorises the sale or supply of alcohol.

Any person wishing to make representations as to whether or not a Designated Public Places Order should be made in respect of the specified area of New Ferry described above must do so in writing to Wirral Borough Council Licensing Authority, Town Hall, Brighton Street, Wallasey, Wirral CH44 8ED. The closing date for representations is Friday 22 March 2013.

### Agree to Designated Public Places Order

1.	Recent incidents involving anti-social behaviour, alcohol and damage to cars. Request for area to be extended due to adults drinking within this area.
2.	Broken bottles on basketball court and children's play area. Teenagers drinking in the park.
3.	Broken bottles in play area of New Ferry Park. Fires being set to wheelie bins. Drunken teenagers running over cars, throwing paint over cars, wing mirrors being kicked off cars. Disturbed by large gangs being noisy and fighting.
4.	It's about time something is being done about New Ferry.
5.	Youths hanging around the precinct being intimidated.
6.	Groups of people gathering drinking / taking drugs.
7.	Bertha Macs do not allow their customers to take any alcohol off the premises and fully support the DPPO.
8.	Noisy youths shouting and using abusive language in New Ferry Park.
9.	Too many licensed premises. Object to customers smoking outside these premises whilst drinking and swearing. Cigarette stumps thrown on floor. Unruly behaviour, throwing of alcohol. This behaviour should not be witnessed by children. Keeping shoppers away from New Ferry.
10.	New Ferry has deteriorated in the shopping precinct. Appalled at the amount of people drinking and drunk during working hours. The people around here are either drunk or on drugs, not just young people. Last summer was intimidating with people drunk and loud music. Cannot bring their grandchildren to this environment. Better shops and better environment is needed for the area.
11.	New Ferry Park is a hot spot for youths at weekends and summer holiday times. Adult alcoholics hang out in the New Ferry Shopping Centre and behind shops. Can be intimidating to passers by.
12.	Youths ask adults to purchase alcohol for them. Large groups seen with alcohol.

	Problem extends into Port Sunlight when people move from New Ferry.
13.	Living alone in a house overlooking the Park would be comforting if a DPPO is in place. Aware of drunken behaviour by noise that is made late at night.
14.	Empty cans and broken bottles around the area.
15.	Discarded beer cans and bottles on the bowling green on Boundary Road. The congregation of drunks on the bowling green and in the passage between 33 and 35 Boundary Road.
16.	In the summer months it is very bad around my shop. The side of News and Booze is not a safe place. We have problems with our A board being kick over and balloons getting pulled off.
17.	Kids and adults sit on benches and grass area on the river bank drinking until late at night. There are several incidents every summer when the Police have been called due to fighting and people falling into the River. An incident this year involved over 30 drunken teenagers fighting. They were running through gardens with knives, bottles and branches as weapons. Last year, two gangs of girls fighting. Drug dealers meeting to sell drugs outside my house on a bench who sit there all day drinking. Would like DPPO enforced by more Police and CCTV. Neighbours houses been broken in to, windows smashed and items stolen from gardens.
18.	Observed on numerous occasions aggressive behaviour, begging and drunkenness. Residents are put off from using New Ferry as a shopping area as they find this behaviour intimidating.
19.	Youngsters drinking in subway between New Chester Road and Easton Road. Youths gathering in the park.
20.	Debris left in children's play group. Damage to swings and slides.
21.	Teens fighting/arguing outside of the proposed DPPO area but have been drinking within the proposed DPPO area.
22.	Individuals waling around carrying cans of high alcohol beer. Can be very intimidating.
23.	Drunken people in New Ferry Park and in the shopping area. People begging for money to buy alcohol. Drunken people urinating in the street.

24.	If this order is adopted I feel it is essential that the Police react to residents reports of public drinking.
25.	Residents have complain in community meeting regarding nuisance drinking of alcohol on parks and along Bebington Road.  Not good to walk around the area when you feel intimidated by licensed premises out spilling onto pavements.
26.	The bus stop outside our premises has been badly damaged on a number of occasions.
27.	I have witnessed drunken / drugged youths in New Ferry Park vandalising the children's play area, setting bins on fire and damaging cars in Grove Street Car Pak.  I have witnessed / experienced drunken behaviour including swearing, spitting, littering and intimidation in the New Ferry shopping precinct.  New Ferry is becoming an unpleasant place to live through anti-social behaviour.
28.	Fighting outside of my flat.  Arguments between men and woman, banging and smashing things up in the Street.
29.	Violence on Thorburn Road where both the Police and the Fire Brigade have attended.  I have experienced males and females drunk at all hors of the day / night on Bebington Road.  I have experienced people lying on grass verges drunk.
30.	Excessive noise and anti-social behaviour emanating from the centre of New Ferry.  A cumulative impact policy is required to stop or limit the opening or extension of licensed premises.  Problems caused are litter, broken glass, intimidating behaviour outside the pub and bars.  The conduct of the licensees of certain premises is such that their licences should be reviewed and revoked.
31.	Please do what is necessary to clean up New Ferry and make it a more pleasant place to live.
32.	Groups of under aged males asking people to purchase alcohol in shops.
33.	Groups of young hoodies hanging within the subway shouting at people as they pass. People by off licences and New Ferry Shopping area stopping people for money for cans of beer and cigarettes. Customers shouting outside the Wirral Hotel and Bertha Macs.
34.	Lived in area for 9 years and up until the past couple of years never known the area to be problematic. We now increasingly notice problem associated with public drinking.  Have had to pick up bottles and clear up smashed bottles from

	<p>our garden.</p> <p>Vehicle has been damaged from a wine bottle being thrown at it.</p>
35.	<p>I have noticed drunken behaviour outside of a new pub in the New Ferry pedestrianised area.</p> <p>This must have put families and the elderly off coming to do their shopping.</p>
36.	<p>Good news. Keep it up.</p>
37.	<p>You can hear them coming across the square arguing. They stop on the path alongside my home with terrible language.</p> <p>I heard crash of glass on Friday night. My path was a mass of broken glass.</p>
38.	<p>Feel intimidated by drunkards within the New Ferry pedestrianised area, particularly outside the Bistro Bar and Shillings.</p> <p>Has Shillings got a designated smoking area at the back? This should be addressed.</p>
39.	<p>Bad language and large groups of people outside of pubs.</p> <p>A feeling of great intimidation.</p> <p>Litter, cans, glasses.</p> <p>Wing mirror damage by youths hanging around the garages being Bebington Road and Primrose Hill.</p>
40.	<p>People spilling out of pubs in the New Ferry Precinct and I feel uncomfortable with this.</p>
41.	<p>People with cans in their hands. Don't speak to them because they ask for money of they get abusive when you say sorry I'm skint.</p>
42.	<p>The bowling green on Boundary Road is used by drinkers and seats are available. If it is more difficult for drinkers in New Ferry Precinct they may migrate to the bowling green and cause a nuisance.</p> <p>Would you consider the bowling green area as part of the DPPO?</p>
43.	<p>I live across form the Tennis Courts and in the summer months youths sit on the field drinking alcohol until late at night.</p> <p>This is the same in New Ferry Park.</p>
44.	<p>We have experienced large numbers of youths gathering around the local areas which have resulted in damage to our car.</p> <p>Every weekend there is lots of noise and disturbances coming from New Ferry Park. We believe this is linked to the consumption of alcohol.</p>
45.	<p>Drinking and fighting and loud abusive language in Onslow Park.</p> <p>Empty cans and strong smell of urine and graffiti within the Subway.</p> <p>People of all ages drinking and empty bottles and cans strewn opposite Derwent Lodge on New Ferry Road.</p>



	The whole area is awash with tines mainly in the summer months.
46.	<p>Daily problems I have to face with my grandchildren includes gangs asking to go in to shops to buy alcohol for them. Seeing both male and females walking around with cans of beer in their hands asking for money.</p> <p>The side of the Co-op is a meeting point at night time.</p> <p>Should make all of New Ferry a DPPO.</p> <p>Need to have measures in place for public houses in New Ferry Precinct to stop gangs of youths hanging outside of them.</p> <p>Too many anti-social attractions in the area including too many public houses and too many places selling alcohol.</p>
47.	<p>People sitting on benches drinking and making remarks to you as you pass by the.</p> <p>They can be quite aggressive.</p> <p>It is very intimidating and frightening especially if you are on your own.</p>
48.	<p>New Ferry used to be a lovely shopping centre, now it is a boozers paradise.</p> <p>Full of drug users and nuisance.</p>
49.	People have been drinking in most of these areas.
50.	<p>I have seen people drinking by the beach by Thorburn Road.</p> <p>Also smoking weed and causing nuisance.</p>
51.	New Ferry Park.
52.	<p>I would like to say that he don't have any trouble in our neighbourhood. It is a good area, good people. You are doing a good job patrolling it.</p> <p><b>NOTE:</b> This individual agrees to a DPPO.</p>
53.	The Village Hall might be closed. Should stay open to keep people of the street.
54.	Should expand the area into Rock Ferry

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**Disagree to Designated Public Places Order**

1.	I'd like to know just what is the nuisance. I've not heard of any nuisance or trouble. Litter is my worry. It will all be up to our knees. That is 'people' trouble.
2.	Whilst I accept that alcohol can sometimes be behind incidents involving nuisance etc in the area, I cannot see why there is a need to give any additional powers to the Police to deal with it. Its just more nanny-state nonsense.

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Chief Superintendent John Martin  
 Merseyside Police  
 Manor Road Police Station, Manor Road, Wallasey, Wirral CH44 1DA  
 Tel: 0151-777-2000 Fax: 0151-777-2010  
 Email: John.Martin@merseyside.pnn.police.uk

Mrs. Margaret O'Donnell  
 Licensing Manager  
 Dept. of Law, HR & Asset Management  
 Wirral Metropolitan Borough Council  
 Town Hall  
 Brighton Street  
 Wallasey  
 WIRRAL  
 CH44 8ED

Our Ref. JM/ST

Your ref.

Date: 22<sup>nd</sup> March 2013

Dear Mrs. O'Donnell

### **DESIGNATED PUBLIC PLACES ORDER (DPPO)**

In response to your consultation in relation to a DPPO in the New Ferry area, I outline below the nature of the problems experienced and my view on the appropriateness of designating the mapped area.

#### **NATURE OF THE PROBLEM:**

New Ferry is an area of social deprivation and in recent years has suffered an increase in unemployment. The area around the shopping centre has become increasingly run down with a significant number of shop closures on the periphery of the shopping area. New Ferry shopping precinct did, however, remain popular with local people.

In the last couple of years there has been an increase in the amount of street drinking in the New Ferry area, largely unreported to the Police, which is having a negative impact on the shopping area. In May and June 2012 local shop owners and workers from 14 premises were approached by the Police and agreed to provide evidence on this issue. In addition, local people continue to talk to the local Neighbourhood Policing Team and Police incident logs, arrests and crime reports provide supporting evidence.

In their statements shop owners/workers report almost daily issues with street drinkers in the shopping area. The drinkers are noisy, often using offensive language and are regularly abusive to passers-by. They spit on the floor and shop windows and, in their drunken state, they often fall against shop windows as they go through the precinct, scaring staff and causing a risk of damage. They also pester customers for loose change. They have a tendency to gather together.

People who work in the local shops and charities feel intimidated, as do customers who are consequently deterred from using the shops. Shop owners report a decline in customers, particularly the elderly and women. Local people have told Officers that they get the bus into Birkenhead rather than face the street drinkers.



The street drinkers do go in to some of the shops and have caused damage to stock as well as being abusive to staff and customers. Some shop staff allege that the street drinkers steal their stock, although the smaller stores do not report this to the Police. Arrests and convictions relating to shoplifting in the larger shops confirm the involvement of some of the street drinkers in this crime.

From a policing perspective, the street drinkers in New Ferry are a contributor to reports of anti-social behaviour in the area. Whilst I believe it is significantly under-reported, Officers have been called to deal with incidents involving them on a regular basis. They have been arrested for being drunk and disorderly, for Public Order Act offences, for shoplifting and, more rarely, for violence offences. They contribute disproportionately to both crime and the fear of crime in the area. Many incidents and offences occur during the day.

In addition to this there are reports of drinking outside on-licensed premises in the area which increases anxieties.

The Port Sunlight Village Trust reports that the problem of street drinking spills over into their area and directly affects tourists and residents in Port Sunlight. Port Sunlight security staff have had to deal with the street drinkers on occasions and the Trust believe that they have a negative impact on the image of Port Sunlight.

The evidence provided in the original file relates to the May/June 2012 period and since then both the Neighbourhood Policing Team and the Licensing Unit have put a lot of work into reducing the problem, providing a more regular presence in the area and checking licensed premises amongst other measures. Whilst this has had some success, local residents and shop owners continue to raise concerns with Officers and to ask for an alcohol free zone. Incidents continue to be reported both officially and to Officers on patrol and at Meetings.

I believe that a Designated Public Places Order covering the proposed area would be a significant contribution in assisting Officers to deal with the ongoing problems. Currently Officers have no powers to prevent street drinking unless the drinkers are being disorderly in front of Officers or unless they commit a criminal offence and a witness is available and prepared to attend court. Many people in the area feel intimidated by the street drinkers and will not come forward or provide evidence. A DPPO gives Officers the power to confiscate their alcohol and acts as a major deterrent to the street drinkers, particularly those who come in to the area from Birkenhead and elsewhere. An added benefit is that it negates the need to call the various on-licensed premises in for review to change their conditions to prevent customers from drinking on the street.

The areas of greatest concern are: the shopping area; the car park at the rear of the Co-Op Supermarket (Woodhead Street); Grove Street (including the car park) and Grove Square; New Ferry Park; and the routes the street drinkers take to the car park/viewing point on The Esplanade – New Ferry Road & Thorburn Road.

In summary, I fully support the introduction of a DPPO for the proposed area and would like to see it introduced as quickly as possible. I believe it to be a proportionate and necessary measure to deal with ongoing problems suffered by residents and businesses and would assist the policing of the area.

Yours sincerely



**JOHN MARTIN**  
**CHIEF SUPERINTENDENT**  
**WIRRAL AREA COMMANDER**

## Model sign

**This area has been designated under the  
Local Authorities (Alcohol Consumption in Designated Public Places)  
Regulations 2007**



If you continue to drink alcohol in this area designated under section 13 of the Criminal Justice and Police Act 2001 when asked not to do so by a police officer or any other person designated to carry out this task under sections 41 and 42 of the Police Reform Act 2002, or fail to surrender any alcohol to a police officer in this area, you may be arrested and would be liable on conviction to a

**Maximum fine of £500**

- Each sign erected should also indicate the effect the order will have at particular times in relation to each category of premises specified in section 3 (3) (b) of the 2007 Regulations – please see Section 2 (Consultation).

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## WIRRAL COUNCIL

### LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

22 MAY 2013

<b>SUBJECT:</b>	<b>PRIVATE HIRE VEHICLE AGE POLICY – OUTCOME OF CONSULTATION</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>STRATEGIC DIRECTOR OF REGENERATION AND ENVIRONMENT</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### 1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is for Members to consider the outcome of the consultation that has taken place in respect of a review of the current Age Policy relating to the licensing of Private Hire Vehicles and determine whether there should be any change to the current policy.

#### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 The current private hire vehicle licence criteria does not allow a vehicle to be licensed beyond the date eight years from the date of first registration, unless the Council is satisfied that the vehicle is suitable, having regard to mileage, appearance, condition and safety features. This criteria relating to the age of the vehicle was imposed to improve the standard of vehicle being licensed for private hire.
- 2.2 Private hire vehicle licences are issued on a twelve monthly basis, however once a vehicle reaches six years old, six monthly licences are issued until the vehicle reaches eight years old.
- 2.3 Once a vehicle reaches eight years old, if the proprietor considers it to be in exceptional condition an application can be made to re-license the vehicle for a further six months. That licence can be issued under delegated authority, subject to the vehicle being inspected by officers and being considered to be suitable as in paragraph 2.1 above. Any further application cannot be granted under delegated authority and must be referred to the Licensing Panel.

- 2.4 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a Council may license a private hire vehicle if it is satisfied
- (a) that the vehicle is:
- (i) suitable in type, size and design for use as a private hire vehicle;
  - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
  - (iii) in a suitable mechanical condition;
  - (iv) safe; and
  - (v) comfortable;
- (b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988,
- 2.5 In the case of R v Hyndburn Borough Council ex parte Rauf and Kasim (1992), the High Court held that it was possible to impose the condition on the grant of a licence that no licence would be granted to a vehicle that was over a specified age.
- 2.6 In respect of age policies for licensing vehicles the Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance indicates that an upper age policy may not be appropriate and instead twice yearly testing should take place for vehicles over a certain age. They provide an example of twice yearly tests for vehicles more than five years old.
- 2.7 On 12 December 2012 Members approved a draft consultation document to be circulated in order to seek views from Private Hire and Hackney Carriage Vehicle licence holders and members of the public in respect of a review of the current Age Policy relating to the licensing of Private Hire Vehicles. It was also resolved that the consultation should take place over a period of three months.
- 2.8 The consultation took place through an online questionnaire on the Council website. All 1284 licence holders were notified of the consultation through a newsletter sent directly to them advising them of the consultation and directing them to the website. A copy of the consultation document is attached at **Appendix 1**.
- 2.9 The consultation exercise has now been completed and this report provides the results of the consultation.
- 3.0 SURVEY RESULTS**
- 3.1 The detailed responses to the consultation including all comments received are attached at **Appendix 2**.
- 3.2 A total of 174 responses to the consultation have been received.
- 3.3 Question 1 of the consultation document asked respondents to choose one of six options. A summary of the responses to each of the options is shown below.

Option	Response count	Response percent
Retain the current age policy of eight years with six monthly testing from six years	33	19.1%
Reduce the upper age limit to less than eight years	10	5.8%
Increase the upper age limit to more than eight years	23	13.3%
Increase the upper age limit to ten years	47	27.2%
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age	52	30.1%
Introduce criteria relating to the mileage of the vehicle	8	4.6%

One respondent did not answer the question.

- 3.4 The second question asked for views in respect of proposals for a specific age limit for licensing Private Hire vehicles. A total of 124 responses were received. A number of responses did not indicate an age limit. The 98 responses that did indicate a specific age limit are shown below.

Suggested age limit	Number of responses
3 years	2
New vehicles to be no more than 3 years old	1
4 years	1
5 years	11
6 years	4
7 years	1
8 years	14
8 years or 100K miles whichever is sooner	1
10 years	38
12 years	14
10 - 12 years	1
15 years	9
20 years	1

3.5 The third question invited views in respect of the vehicle age from which six monthly testing should take place. A total of 124 responses were received. A number of responses did not indicate an age for six monthly testing. The 114 responses that did indicate a specific age of vehicle are shown below.

Suggested age for six monthly testing	Number of responses
New licence	4
1 year	2
3 years	15
4 years	2
5 years	10
6 years	29
6 years or 80,000miles whichever is sooner	1
7 years	6
8 years	31
9 years	3
10 years	10
40,000 miles	1

3.6 Respondents were given the opportunity to suggest criteria in respect of licensing vehicles according to the mileage of the vehicle and also make any other comments. These answers and comments have been tabulated in the table showing the full survey results attached at **Appendix 2**.

3.7 It is evident from the consultation that the majority of respondents consider that a licensed private hire vehicle should be no more than ten years old and that six monthly tests should be introduced at six years or less. Currently 99% of licensed private hire vehicles are eight years old or less with one vehicle being over ten years old.

#### **4.0 OTHER LOCAL AUTHORITIES**

4.1 The following table indicates the age policy for licensing private hire vehicles in neighbouring local authorities.

Local Authority	Age limit for annual licence	Age limit for six monthly licence	Upper age limit
Knowsley	none	All licences	none
Sefton	Up to 8 years old	Over 8 years old	none
Liverpool	Up to 8 years old	Over 8 years old	none
St Helens	none	All licences	none
Cheshire West and Chester	Up to 5 years old	Over 5 years old	10 years old
	A new licence will only be issued to vehicles no more than 3½ years old. When a proprietor wishes to change their vehicle the new vehicle must be no more than 3½ years old. However, where a vehicle has been written off as a result of an accident the proprietor may license a vehicle of up to the equivalent age of the vehicle that has been written off.		
Wirral	Up to 6 years old	Over 6 years old	8 years old

#### **5.0 RELEVANT RISKS**

5.1 There are none arising directly from this report.

#### **6.0 OTHER OPTIONS CONSIDERED**

6.1 This report asks Members to consider a number of options in determining the age policy relating to the licensing and testing of private hire vehicles.

#### **7.0 CONSULTATION**

7.1 Consultation has taken place over a three month period.

#### **8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

8.1 There are no specific implications arising from this report.

#### **9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

9.1 There are no specific resource implications.

## **10.0 LEGAL IMPLICATIONS**

10.1 A decision of the Committee may be subject to legal challenge.

## **11.0 EQUALITIES IMPLICATIONS**

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

Yes. The Equality Impact Assessment was attached to the report dated 12 December 2012.

## **12.0 CARBON REDUCTION IMPLICATIONS**

12.1 The age of vehicles may have an effect on the carbon footprint of licensed vehicles.

## **13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

13.1 There are Community Safety implications arising out of this report due to the safety aspects of private hire vehicles

## **14.0 RECOMMENDATION/S**

14.1 That Members consider the responses received through the consultation that has been undertaken as well as their duty to protect the public, and determine an age policy in respect of the licensing and testing of private hire vehicles having regard to the factors of reliability, safety, comfort and overall standards of vehicle licensed by the Council.

## **15.0 REASON FOR RECOMMENDATION/S**

15.1 It is a delegated function of this Committee to review the Private Hire Vehicle Licence policies.

**REPORT AUTHOR:** *Margaret O'Donnell*  
*Licensing Manager*  
telephone: (0151) 691 8476  
email: [margaretodonnell@wirral.gov.uk](mailto:margaretodonnell@wirral.gov.uk)

## **APPENDICES**

Appendix 1 – Consultation Document

Appendix 2 – Survey comments

# Consultation on a review of the current Age Policy relating to the licensing of Private Hire Vehicles.

## Background

The current private hire vehicle licence conditions do not allow a vehicle to be licensed beyond the date eight years from the date of first registration, unless the Council is satisfied that the vehicle is suitable, having regard to mileage, appearance, condition and safety features. This condition relating to the age of the vehicle was imposed to improve the standard of vehicle being licensed for private hire.

Private hire vehicle licences are issued on a twelve monthly basis, however once a vehicle reaches six years old, six monthly licences are issued until the vehicle reaches eight years old.

There are cost implications to vehicle owners in respect of six monthly testing and licences, due to the cost of the Compliance and MOT tests and the cost of the licences.

Currently 68% of licensed Private Hire Vehicles are under five years old and 32% are between five and ten years old. There are no vehicles currently licensed that are over ten years old.

The Council is seeking views in respect of a review of the current Age Policy relating to the licensing of Private Hire Vehicles.

In respect of age policies for licensing vehicles the Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance published in 2010 indicates that an upper age policy may not be appropriate and instead twice yearly testing should take place for vehicles over a certain age. They provide an example of twice yearly tests for vehicles more than five years old. The Guidance document can be viewed at <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>



**Please select one of the following options.**

- Retain the current age policy of eight years with six monthly testing from six years
  
- Reduce the upper age limit to less than eight years.
  - If so, what age limit would you suggest below eight years? ..... years
  
  - From what age would you suggest six monthly testing should take place if your proposed age limit was adopted? ..... years
  
- Increase the upper age limit to more than eight years?
  - If so, what upper age limit would you suggest ..... years
  
  - From what age would you suggest six monthly testing should take place if your proposed age limit was adopted? ..... years
  
- Increase the upper age limit to ten years.
  - From what age would you suggest six monthly testing should take place if The upper age limit was ten years? ..... years
  
- Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.

Introduce criteria relating to the mileage of the vehicle

What would you suggest for this criteria in respect of licensing vehicles according to the mileage of the vehicle?

**Please use this space to provide any other comments**

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**Thank you for taking the time to complete the survey. Your comments will inform our decision on the new policy. The results will be available through a report to the Licensing Health and Safety and General Purposes Committee**

Please select one of the following options.	What age limit would you suggest?	From what age would you suggest six monthly testing should take place if your proposed age limit was adopted?	What would you suggest for the criteria in respect of licensing vehicles according to the mileage of the vehicle?	Do you have any other comments?
Retain the current age policy of eight years with six monthly testing from six years.	5	3	unlimited, it should depend on the vehicle condition, and moreover the cabin comfort for the passenger - high mileage will mean potentially uncomfortable seats.	
Retain the current age policy of eight years with six monthly testing from six years.	8	4	Testing every 10,000 miles	No
Retain the current age policy of eight years with six monthly testing from six years.	8	6		
Retain the current age policy of eight years with six monthly testing from six years.	8	6	I don't feel that the mileage is particularly relevant as it is the over all condition of the vehicle that should be monitored for wear and tear and suitability as being roadworthy.	No
Retain the current age policy of eight years with six monthly testing from six years.	8	6		
Retain the current age policy of eight years with six monthly testing from six years.	8	6	mileage isn't an issue on modern cars, its condition that is more important	I have travelled in cabs in other boroughs who have eased restrictions, some of the cabs are sheds
Retain the current age policy of eight years with six monthly testing from six years.	8	6		
Retain the current age policy of eight years with six monthly testing from six years.	8	6		
Retain the current age policy of eight years with six monthly testing from six years.	9	7	no idea	no
Retain the current age policy of eight years with six monthly testing from six years.	6years	6years	base it on average mileage	customer safety is priority, the newer the taxi the better the safety will be.
Retain the current age policy of eight years with six monthly testing from six years.	8 years	5 years	Less than 150,000 miles.	
Retain the current age policy of eight years with six monthly testing from six years.	8 years	same as is now		

Retain the current age policy of eight years with six monthly testing from six years.	8. As it is currently	5 years		
Retain the current age policy of eight years with six monthly testing from six years.	Eight years	Four years	twice yearly checks from four years old should cover the question of mileage.The eight year retirement of a cab should cover interior wear and tear .	taxi driver being hard up is a sham.I know a few, two have just left for Vegas for the second time in twelve months.I am not prepared to sit on a worn out stained dirty piece of cloth so they can make it three.They spend four times the declared income and work for dissolved companies,you would be best looking into this
Retain the current age policy of eight years with six monthly testing from six years.	Keep at 8 years	Keep at 8 years, then 6 monthly	Mileage is not an issue, if it passes a compliance test that should be the criteria	If it is not broke, do not fix it, certificate of compliance is there for safety of the public, keep it for that purpose.
Retain the current age policy of eight years with six monthly testing from six years.	Keep it at 8 years	6	None	None
Retain the current age policy of eight years with six monthly testing from six years.	Retain it	Na	Na	If taxi drivers want to make a living providing a taxi service then the need to be responsible for ensuring vehicles are safe. Dont start cutting corners and letting standaerds slip like with everything else
Retain the current age policy of eight years with six monthly testing from six years.				
Retain the current age policy of eight years with six monthly testing from six years.				
Retain the current age policy of eight years with six monthly testing from six years.				
Retain the current age policy of eight years with six monthly testing from six years.				
Retain the current age policy of eight years with six monthly testing from six years.				
Retain the current age policy of eight years with six monthly testing from six years.				
Retain the current age policy of eight years with six monthly testing from six years.				
Retain the current age policy of eight years with six monthly testing from six years.				
Retain the current age policy of eight years with six monthly testing from six years.				
Retain the current age policy of eight years with six monthly testing from six years.				

Retain the current age policy of eight years with six monthly testing from six years.				
Retain the current age policy of eight years with six monthly testing from six years.				
Retain the current age policy of eight years with six monthly testing from six years.				
Retain the current age policy of eight years with six monthly testing from six years.				PHVs are in good condition, which is important for safety. It also requires operators to commit to providing a good standard of service to the public. The option to introduce 6-monthly testing regardless of vehicle age appears to put too much onus on the operator. .
Retain the current age policy of eight years with six monthly testing from six years.				
Retain the current age policy of eight years with six monthly testing from six years.				
Retain the current age policy of eight years with six monthly testing from six years.				
Retain the current age policy of eight years with six monthly testing from six years.				
Reduce the upper age limit to less than eight years.	5	from the start	20000 miles	
Reduce the upper age limit to less than eight years.	6	6	The vehicle will show wear and tear with high mileage . This should be looked at a six years with the on going 6 month check	I think The Licensing Manager changes and allows rules for people that are in her favour. The real driver who pay the required amount and adhere to the rules and there RE OTHERS SHE ALLOWS TO GET AWAY WITH MURDER. 2 TEIR SYSTEM
Reduce the upper age limit to less than eight years.	6	6years	milage isnt a problem if the vehicles roadworthy and clean	for the licensing offices to act when they recieve complaints from the public about certain drivers overcharging constanly and do something about it not to brush it under the carpet,we as drivers pay their wages its about time Mrs Calvert and her staff done what they get paid to do
Reduce the upper age limit to less than eight years.	7	7	why would milage make any difference if the vehicle has passed its test and is roadworthy then thats fine	why are hackneys working on private hire systems and charging time and a half for 5/6 seater jobs and every otherjob using the meter instead of the cheapest tarrif and nothing ever gets done

Reduce the upper age limit to less than eight years.	6 years	every 6 months	over 100.000 miles every 10.000 miles	maintain a high safely standard rather than a poorer one
Reduce the upper age limit to less than eight years.	6years	Mileage criteria maybe evry 40k	As above	
Reduce the upper age limit to less than eight years.	Five years	Five years		
Reduce the upper age limit to less than eight years.				
Reduce the upper age limit to less than eight years.				
Reduce the upper age limit to less than eight years.				
Increase the upper age limit to more than eight years.	10	5	VEHICLES OVER 100,00 MILES TO HAVE 6 MONTHLY CHECKS (PRIVATE HIRE AND HACKNEY CARRIAGE	
Increase the upper age limit to more than eight years.	10	5		
Increase the upper age limit to more than eight years.	10	9	long as it passes m.o.t mileage not an issue	
Increase the upper age limit to more than eight years.	12	8	As long as vehicle is properly maintained and this can be shown ie compulsory servicing as per manufacturer guidelines,mileage irrelevant.	
Increase the upper age limit to more than eight years.	12	8		IF A VEHICLE IS OK FOR THE ROAD WITH AN ORDINARY M.O.T THERE IS NO REASON WHY IT CAN NOT BE FOR USE AS PRIVATE HIRE.
Increase the upper age limit to more than eight years.	12	10	N/a	no
Increase the upper age limit to more than eight years.	12 years or longer	8 years	As long as the vehicle is in very good condition,it shouldn`t not matter what mileage is on the vehicle.	Vehicles last much longer than they us to,so age should be extended.Chester and Ellesmere port have vehicles older than 8 years.
Increase the upper age limit to more than eight years.	12years	10years	does not matter on mieage just the conditon of the car.	

Increase the upper age limit to more than eight years.	12years	6years	None. Purely based on vehicle age and physical condition	Possible extra checks on vehicles registered as Cat C on VOSA's database due to possible poor quality repairs being carried out to return them to the road.
Increase the upper age limit to more than eight years.	12years old	10 years old	If the vehicle is tested and meets my standards mileage should not matter .	As a private hire driver i have found it very difficult when looking for a car on a budget .. I have always found myself with high mileage cars that were on the age limit , were as i could of bought if there was an olderage limit i could of purchased a better condition car with less miles eg 2005 vauxhall vectra 125000 miles fair condition £2000 2003 vauxhall vectra 50000 miles immaculate condition £1200 Same car same features , what does age matter !!!!
Increase the upper age limit to more than eight years.	12yrs	7yrs	i don't see what the mileage has got to do with it if the car passes the test clean and tidy regularly serviced which is to a drivers benefit mileage should not come into question	i think it is about time with modern cars these days the age limit is increased not forgetting the economic climate we are living in
Increase the upper age limit to more than eight years.	15 years	8years	I wouldn't , as long as the car was fit for purpose then mileage should not be an issue	
Increase the upper age limit to more than eight years.	any	8		
Increase the upper age limit to more than eight years.	any age as long as can pass test	5 years		
Increase the upper age limit to more than eight years.	no age limit	8 years	not relevant as vehicle in good condition and service will go round the clock	
Increase the upper age limit to more than eight years.	no age limit		if it passes the emissions test it should not matter	provided it passes the VOSA test then it is roadworthy
Increase the upper age limit to more than eight years.	none	5	Mileage of vehicles is irrelevant, if as parts wear they are replaced with new genuine manufactured replacement items then the vehicle is 'As new'. Any reputable driver/company would follow this practice as it is their livelihood at the end of the day.	All boroughs should follow the same set of rules be it on age limits or any other matter.
Increase the upper age limit to more than eight years.	none	none	none	not should be sufficient

Increase the upper age limit to more than eight years.	none	none	none	The condition of the vehicle should be determined by the annual test and not artificially determined by the Local Authority. If the vehicle is clean and safe, and legally passes the existing stringent Taxi test, then its age and mileage has no effect on its use as a taxi and in fact quite the opposite. The cost/benefit analysis for a driver to replace cars with newer cars, that are quickly deteriorated by passengers, is heavily against a driver/owner.
Increase the upper age limit to more than eight years.	none	six	none	
Increase the upper age limit to more than eight years.	Would not have a limit, as long as vehicle is safe and clean	10 years	Mileage would not matter as long as it passes the mot/taxi test	Think the current rules are ridiculous, us drivers have to spend fortunes on new cars, take out loans etc to pay for them, some have to rent them at £90 per week as they can't afford a new car or get credit forcing them to sometimes work a 70 hour week, its just wrong
Increase the upper age limit to more than eight years.				
Increase the upper age limit to more than eight years.				
Increase the upper age limit to ten years.	10	5	Mileage is irrelevant if the vehicle has been properly maintained. Which is why I'd allow a well looked after 10 year old car, but with a reduction in the 6 month test age to 5 years to catch out lower mileage vehicles that HAVEN'T been maintained. My qualification....a recently retired PH driver who had cars with up to 250k on the clock.	I always thought it ridiculous that WBC has no conditions attached to boot size. I'm not advocating a policy requiring estates because many hatches actually have a bigger boot space than some estates. An example being my Vectra hatchback that had a bigger capacity than a Focus estate. It could be based on a simple cc formula, to ensure that a car turning up to find a family needing the airport with 3 large or 4 small cases could fit in. I did jobs where the people (who don't always say where they're going....particularly on auto-bookings) had to wait for me or another large car to come because the original car despatched wasn't up to the job. Also on enforcement, with random inspections...just forget dents and scratches...nobody in the public is bothered by a car with a dent in the wing. What they DO complain about is dirty interiors. Andy Steele...ex PH
Increase the upper age limit to ten years.	10	6	Mileage should not make a difference as mot would pick up faults so long vehicle is kept in a good condition.	
Increase the upper age limit to ten years.	10	6	75k	
Increase the upper age limit to ten years.	10	7	If a car runs well and is in good condition then 10 years is not old	
Increase the upper age limit to ten years.	10	8	The test it takes now will suffice ... Weather its done the miles	



Increase the upper age limit to ten years.	10	8	Less than 150000 miles	
Increase the upper age limit to ten years.	10	8	non	milage criteria would be difficult to implement due to different performance of vehicle types i.e could the same criteria be applied to a Ford Focus and a BMW ? In these times of reduced margin any increase in costs is pushing drivers to extend working hours and days this constitutes a far greater saftey risk then a well maintained 10year old car
Increase the upper age limit to ten years.	10	8	none	
Increase the upper age limit to ten years.	10 yrs	none six monthly testing is not needed	Mileage does not matter on modern cars provided they well serviced.	
Increase the upper age limit to ten years.	10 years	1 year	as long as the vehicle meets the above mileage is not a problem.	the vehicles that the council license reflects upon them.
Increase the upper age limit to ten years.	10 years	10 years	mileage with modern cars is not an issue so long as properly serviced and maintained.	
Increase the upper age limit to ten years.	10 years	10 yrsrs		
Increase the upper age limit to ten years.	10 years	5 years	No restriction Modern diesel cars are able to run to very high mileages if serviced correctly Also how the vehicle is driven and maintained is more important than whats on the "clock"	In the current economical situation I would say its a "Fair Policy" to allow vehicles to be licensed up to 10 years with 6 month tests from 5 years,this would ensure that drivers,even with newer cars,that drive slightly "Fast" would still have the suspension ,tyres and lights checked more often. I think the age of the car and mileage is far less important than the condition of the car. Many thanks
Increase the upper age limit to ten years.	10 years	6 years	none	
Increase the upper age limit to ten years.	10 years	6 years	vehicle should have no more than 3 hundred thousand on the clock	
Increase the upper age limit to ten years.	10 years	8 years	I think the condition and safety of the vehicle is more salient than the mileage, so I don't believe a mileage related criteria is relevant	
Increase the upper age limit to ten years.	10 years	8 years	none	
Increase the upper age limit to ten years.	10 years	8 years	unfair, some cars can be bought unknowingly clocked by seller.	Hurry up council this has been a long overdue. cost of car, fuel and insurance etc is making this trade impossible to earn a living wage. 10 years for a car would make it more affordable. Modern cars are more reliable and safer than ever before.

Increase the upper age limit to ten years.	10 years	8 years	As long it's in good condition mileage doesn't matter	Modern cars, are better built, re safety features, and doesn't matter how much mileage as long as it is safe.
Increase the upper age limit to ten years.	10 years	8 years	none if car is roadworthy	in these times of financial hardness a longer life of vehicles makes more sense and reduce the width of back seat to accomodate more fuel efficient cars in these enviroment friendly times.
Increase the upper age limit to ten years.	10 years	8 years	I think as long as the owners can provide evidence that there vehicle has been properly serviced at correct intervals the vehicle should be allowed to work upto 10 years with 12 monthly testing	
Increase the upper age limit to ten years.	10 years	from 6 years as normal	as long as vehicles pass the m.o.t at that time	its a lot easier to renew and cheaper to renew the carpet and engine than thousands fore another car.
Increase the upper age limit to ten years.	10 years max	Six years	the cars go through government MOT and are also checked by council officials for the condition of the car. When they get to six years old, they are MOT'd twice a year, and I think that in itself shows that the car is more than road worthy.	None
Increase the upper age limit to ten years.	10 yrs	8 yrs	Mileage is just a number and I personally don't think it should be an issue. If a car is well looked after a modern engine can easily pass 200,000 miles.	
Increase the upper age limit to ten years.	10years	6 years		
Increase the upper age limit to ten years.	10yrs	7yrs	as long as the vehicle is in good order and repair,mileage should be irrelevant.	
Increase the upper age limit to ten years.	12 years	10 years	mileage shouldn't be put into consideration when testing for a licence.	
Increase the upper age limit to ten years.	12 years	10 years	unlimited mileage its only interior @exterior.For the public. Engine would be controlled by the emissions test on the M.O.T.	Perfectly good vehicles have to be passed on at eight years causing hardship to owners.Also the need to,M.O.T a brand new car or one that is not three years old is ridiculous
Increase the upper age limit to ten years.	12 YEARS	9 YEARS	The mileage of a vehicle is of no importance if the vehicle is kept in a satisfactory condition.	
Increase the upper age limit to ten years.	12years	from 10 years	according to the vehicle age.	we are not earning that much money to buy a new car every eight years and doing mot every six month.so kindly increas the age limte.

Increase the upper age limit to ten years.	15 but think it really more depends on the type and condition of car.....that's most important.	10..... Taxi mot and services are enough already, plus council random stop checks. So that already is 4 checks in 1 year period, which in the government taxi laws is more than enough already	Mileage should not come into it, as some taxi do airport runs and as we all know motor way miles is different to local round town miles. Make model condition of car most important	A £15,000 2006 Audi a6 Avant full service history is a lot different to £4000 2006 vauxall vectra with no service history. Different league. but getting treated the same.....which car is doing a better job, and presenting the council better?????.....so why should Audi have 6 months checks.....
Increase the upper age limit to ten years.	any	year 9		
Increase the upper age limit to ten years.	As most vehicles age so well now, i feel 10yrs is fair.	6 monthly testing after 8yrs	I don't believe the vehicles mileage should be taken into account at all. The vast majority of vehicles will not reach the age limit criteria, as the engines would expire before then anyway.	Regarding the attachments of licence plates to vehicles: We agree that velcro is an unsuitable and unreliable method. But double sided tape and especially cable ties are more than adequate and secure and fit for purpose. I have seen Approved double sided tape and cable ties available from Halfords and Wilko's. We feel it is unfair and unsuitable punishment to be suspended for using cable ties, and ask for leniency. Regarding hackney carriage taxis queuing in West Kirby: Hackney carriage's are queuing and waiting for extended periods of time on the double yellow lines outside The Wro and The Red Door businesses, between the hours of 9 and 12pm, every Friday and Saturday night. The que is causing a dangerous hazard for all drivers pulling out from Bridge Road as the Hackneys are obscuring visibility to the junction. This is a very busy area during these times, as customers and staff of these businesses are crossing the street. Double yellow lines are for dropping off and picking up only. The private hire vehicles are being forced to double park or park across the street to collect booki
Increase the upper age limit to ten years.	at least 10 years	8 years onwards	none	
Increase the upper age limit to ten years.	ten	eight	that all vehicles are subjected to a criteria check on the appearance of exterior and interior making sure that vehicle is in a suitable condition and vehicle plates are to be renewed every six months from the age of eight years old and and mileage should be wavered on the aspects of the quailty and maintainance of the vehicle	
Increase the upper age limit to ten years.	Ten years	After eight years	None	
Increase the upper age limit to ten years.	ten years	ten years	Mileage shouldn't be the major concern, so long as the vehicle is safe for the passengers and is well looked after.	I think a cap of eight years is too low for vehicles in this day and age, also in this economic climate it is unfair to expect cab drivers to be changing there cars when in some cases they may have a lot of life left in them.

Increase the upper age limit to ten years.	Unlimited	8 years	As long as the vehicle is in good roadworthy condition as per the MOT test, and the bodywork is damage free and interior clean and tidy, the mileage is irrelevant. Vehicles today can expect to reach mega miles and still run perfectly well. Maybe the council could insist on inspection of servicing records	This survey is long overdue, having to replace what can be a perfectly servicable vehicle at eight years old is a nonsense and puts driver in debt needlessly.
Increase the upper age limit to ten years.		6 YEARS		
Increase the upper age limit to ten years.				
Increase the upper age limit to ten years.				
Increase the upper age limit to ten years.				
Increase the upper age limit to ten years.				
Increase the upper age limit to ten years.				
Increase the upper age limit to ten years.				
Increase the upper age limit to ten years.				
Increase the upper age limit to ten years.				
Increase the upper age limit to ten years.				
Increase the upper age limit to ten years.				
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	3			

Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	5	6 months		
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	5	From new, the mechanical state of taxis can depreciate quickly	Nothing	Yes, more regulations around taxi drivers hours, their speed and also pricing to be visible in the taxi and enforcement operations
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	8	3	150000	more on the spot testing
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	10	3		
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	10	8	Body work,emissions,brakes and steering	They should be subject to the same procedures as buses.
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	15	8	No limit as there are hackney carriages with 1000000 miles on the clock	This would reduce financial strain on taxi drivers
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	15	8	The shouldnt be a limit on miles the mot test would sort that out	You should cap the amount of badges you give out and do more about drivers who break rules

Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	15	8	Silly idea	
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	15	8 years	none	So long as a vehicle is well maintained and looked after and is roadworthy it should be allowed on the road as a taxi.
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	20	10	as long as its in good condition mileage shouldnt come in to it	talk to the people that matter because its their lively hoods you are trying to change and maybe they might make a ..better living out of it instead of working 70 plus hours a week . if you do 6 months test bring the price down along with the cost of plates
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	10/15/2013	8		
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	-	6	this makes more sense than the age of the car as you can assume its like non-taxis, some that will be run into the ground by the more aggressive drivers and others that plod along on a sunday pace.	as long as it is in good working order and a presentable condition i dont see an issue. an increase of re-assesments or spot checks would ensure that safe practise is being met.
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	10 years	6 years	Once between 100 000 - 150 000 miles has been reached, tested every 6 months.	As long as I car, has safety features and is clean and tidy, that should be all that matters. I have been in a 16 year old private hire vehicle in chester, and that was in better condition than some of the newer cars I have been in.
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	10 years	as at present 6 years	mileage should be irrelevant provided the vehicle passes the relevant test and is considered to be of good order	thank you for being open minded enough to consider this general proposal.

<p>Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.</p>	<p>10-12yr</p>	<p>after 6yr old do 6monthly plating</p>	<p>as long as engine working correctly then let it work on</p>	<p>i used to work in private hire office's and they asked for this a few yrs ago as long as driver look after there vehicle then there shouldn't be a problem as by the time they finish paying finance on their vehicle then they have to start over again and there is that many private hire now the drivers are struggling and working longer hr's off which is dangerous to try and earn a living then they have to get new car's. Other area's as in Neston E'port Chester Wrexham have the policy your thinking about and it seems to off worked for them over the yrs you let Hackney Carriage Drivers have there vehicle an quite a lot are approx 15yr old so i think if they can have their vehicle on the road that long give private hire a chance</p>
<p>Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.</p>	<p>12 years</p>	<p>7 years</p>	<p>if vehicle has been maintained to the highest condition mileage should not count</p>	
<p>Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.</p>	<p>12 years</p>	<p>3 years</p>	<p>A "well maintained" vehicle can easily cope with 300,000 miles. I therefore suggest 250,000 miles</p>	<p>I believe that the MOT should be carried out every 6 months after the vehicle is 3 years old on the grounds that taxis tend to do more mileage than the average vehicle. Also settle cars are not owned by the driver and therefore tend to be less cared for so at least every 6 months they would be subject to cleanliness and safety checks. The extra cost to carryout 6 monthly MOTs is only a minor increase in running costs to the owner but a clear advantage for the public.</p>
<p>Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.</p>	<p>15 years</p>	<p>3 years onwards</p>	<p>mileage is irrespective</p>	
<p>Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.</p>	<p>15 years</p>	<p>8 years</p>	<p>Any mileage</p>	
<p>Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.</p>	<p>15 years.</p>	<p>3 years old or older.</p>	<p>Mileage is of no relevance, which the Council never seems to grasp. Any vehicle can continue to function with higher miles on te clock if you keep throwing money at it, it should be purely down to condition inside and out. By introducing the restricted ages on vehicles, it now means a vehicle is judged by the letters or numbers on it's registration plate, hence why there are far more vehicles plated that have been write offs or severely accident damaged. Most private hire drivers aren't stupid, we are NOT going to try and run a car with 250k miles on the clock, it's not viable nor is it reliable enough.</p>	<p>As i am forced to purchase a newer vehicle, the quality has suffered for the price. However, if there was a far broader spectrum of vehicle age allowed, i would much rather use an older Mercedes or Audi or Lexus which i can buy for half the price of my base level Kia. But the policy of age related cars has NOT increased the quality of vehicles, it has only pushed people like myself, a typical PH driver, into buying the best AGE car i can for the LEAST money. Personally, no driver will drive something not reliable so the mileage issue is a misconception. My opinion, open up the age, 6 month plates on anything over 3 years old and absolutely NO vehicles that are prior write offs.</p>

Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	3 years	3 years		
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	4 years	As normal new cars. Three years.		
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	5 years	12 months	A maximum mileage should be set for each 6 month period so if a vehicle exceeds the set mileage it would be subject to a retest.	To subject Private Hire vehicles to a 6 month test period with a mileage limitation would assist in the control of second hand vehicles bought for use as taxi's where there is no history of use or service & maintenance
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	5 years	3 years	more checks on the emissions	have the testing completed by only 1 or 2 approved garages therefore eliminating the garages that are owned or ran by "mates" and maybe not up to standard
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	5 years	3 years	pollution control in regards to emissions a more thorough check	The testing should be carried out in only one or two council approved centers therefore eliminating the tests done by "mates"
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	5 years	3years		
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	I would propose no age limit subject to condition AND a maximum emissions class being used (to try and incentivise a lower carbon fleet)	3 years (MOT for cars at this age)	None	See my point on carbon above, this would be a good time to introduce an emissions criteria.



Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	None	8 years	Mileage irrelevant	By removing the age limit you would be helping drivers health by reducing the financil burden of new car purchase, thus reducing working hours which are already insane
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	none	from new	any mileage limit is stupid as it is not an indicator of vehicle condition	get a life
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	Obviously we dont want cars from 1980s on the road but think a limit will be irrelevant if the car is well looked after.	6 years	Today's vehicles mileage should not come into it as long as the car is in very good condition and looks presentable	I am a NVQ Assessor for RPVD and I have delivered this course in Sheffield, Chesterfield, Leeds, Kirkby, St helens, Sefton and the Wirral. In each of these areas the age restrictions are different. I have always said out of all these areas Wirral is the most strict when it comes to plating a car. The reason is you could get an 6-8 year old car which has been used a lot and looks a bit worse for wear, but on the other hand you could get a 10 year old car which has been well looked after and looks in top condition. I think the MOT test station should have the responsibility of saying which car is suitable or not regarding the comestics of a vehicle. Obviously it can also be regulated by the councils weekly out and about checks and if they think standards are not being met then that mot station should be contacted and appropriate action taken.
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	Same age limit as placed on Hackney Carriages at present. (You may HAVE to do this under European legislation on Restriction of Trade)	Same as for a new car's first MOT. Namely, 3 years.	Mileage is irrelevant as modern cars are built to cover many more miles than cars built 10 years ago.	I believe that the Authority's current policies with regard to Private Hire and Hackney Carriages is liable to put the Authority in a precariouse position as regards to European legislation on Restriction of Trade. It is my humble opinion that it is only a matter of time before the Authorities position is challenged in the European Courts and that the Authority will be unable to explain why there is a current restriction on the age of a Private Hire taxi and yet none on Hackney carriages.
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	Same as hackneys	6 years	As long as the vehicle is in a safe condition	No
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.	unlimted	5		

<p>Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.</p>	<p>unlimited</p>	<p>6 years</p>		
<p>Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.</p>				
<p>Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.</p>				
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<p>Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.</p>	<p>None</p>	<p>Six years</p>	<p>None, why penalise a vehicle based on mileage?                  If a vehicle is well maintained and serviced to a high standard but has a mileage of over two hundred thousand miles, is that vehicle in poorer condition than a vehicle that is neglected and unmaintained but less than half the mileage?                  Surely the reason why we pay for a "taxi test" is because the increased fee in comparison to the MOT is for the extra checks? If the Ministry of Transport deem the vehicle to be roadworthy, and the vehicle conforms to all other aspects why discriminate a car merely on its age or mileage?</p>	<p>One must first thank Wirral Borough Council for consulting on the age policy on private hire vehicles. Upon reading the questionnaire it seems evident that serious consideration is being given to changing from an age cap to a mileage cap on vehicles. There should be no age or mileage limit on a vehicle, the taxi test is supposed to be there to not only check the roadworthiness of the vehicle but also the suitability and maintenance of the vehicle. If the condition of the vehicle is not adequate it will not pass. If seats are frayed, carpets torn etc. the vehicle is not "taxi fit" and therefore cannot be licenced. Mileage and age should not be the predetermining factors of a vehicles suitability to perform. This is lazy and discriminatory. There is a belief that WBC Licencing would rather see a thousand category d insurance write offs all under eight years of age on the street, rather than well maintained "straight" vehicles. At present I have a 2004 registered vehicle that I have to appeal to keep on the road. The vehicle has never been involved in a collision and has exactly the same panels as the day it came off the assembly line. In contrast I could get a damage repaired vehicle consisting of parts and panels from a number of different vehicles from many different years, and stick them all together but as long as the registration document said the vehicle is under the present cut off point a licence would be issued. It makes one wonder what standards Wirral Borough Council is interested in. I would suggest that market forces should determine the vehicles. As cars get older they invariably need more maintaining and attention, they are also more likely to breakdown. When your vehicle is your livelihood you cannot afford to be off the road, or facing continuous repair fees. Cars will be replaced, when the cost of maintaining is no longer viable. There is also the factor that vanity will ensure that vehicles will be replaced in the same way as most car owner's upgrade and change over time. The current six month testing of vehicles over six years should stay in place. There should be no transferring of vehicles from one owner to another after six years. This will ensure the well maintained and looked after vehicles stay on the road and the lesser vehicles disappear from the taxi ranks to private owners. There should be no age limit on a vehicle, or mileage limit. If the vehicle passes the taxi test at the designated testing station the vehicle is road legal and 'taxi fit'.</p>
<p>Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.</p>				

Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.				
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.				
Introduce criteria relating to the mileage of the vehicle.	8yrs or 100k mileage which ever is the soonest	6yrs or 80k mileage	100k except in exceptional circumstances	
Introduce criteria relating to the mileage of the vehicle.	I would suggest a 3 year age limit on first licence. How long a vehicle remains licenced would be down to experts on safety for the vehicle and include standards for aesthetic appearance	Happy with the 6 year rule	I suggest you seek proper advice from people who know about motor engines	Whilst I don't specifically feel that the age of a vehicle necessarily makes it more road worthy or safer for the public, I find that older vehicles are noisier and create more disturbance in the later hours of the day. I feel that it is the overall vehicle that should have set standards. Safety is a priority over aesthetic appearances but emissions and noise are also important
Introduce criteria relating to the mileage of the vehicle.	N/A	10	Need to cobsider general wear & tear & whether vehicle has been in any accidents apart from ensuring repairs & maintenance conply with manufacturers requirements	
Introduce criteria relating to the mileage of the vehicle.	No greater than five years.	Six months from first registration as a private hire vehicle.	Licence revoked at 80,000 miles.	
Introduce criteria relating to the mileage of the vehicle.		8		
Introduce criteria relating to the mileage of the vehicle.				
Introduce criteria relating to the mileage of the vehicle.				

<p>Introduce criteria relating to the mileage of the vehicle.</p>				
	<p>5 years</p>	<p>Abolished</p>	<p>mileage should not predetermine the suitability of a vehicle to carry passengers, however mileage should determine frequency of maintenance checks/ services. Example: A service or mini MOT should be carried out every 12 months, 6 months after/ before the annual MOT, proof of this should be provided and any works required carried out within 1 month of the test. This would in effect create a 2 yearly safety/ roadworthy check, this policy should also be applicable for newly registered vehicles too, this would make it fair to all, but also make newer vehicles just as safe as any other.</p>	

## WIRRAL COUNCIL

### LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

22 MAY 2013

<b>SUBJECT:</b>	<b>HACKNEY CARRIAGE VEHICLE CHANGE OF VEHICLE POLICY – OUTCOME OF CONSULTATION</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>STRATEGIC DIRECTOR OF REGENERATION AND ENVIRONMENT</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### 1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is for Members to consider the outcome of the consultation that has taken place in respect of the adoption of a policy relating to the age of a vehicle to be licensed when a Hackney Carriage Vehicle Proprietor wishes to change their vehicle.

#### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 Within the lifetime of a Hackney Carriage Vehicle Licence, the proprietor may consider it necessary or desirable to replace the original vehicle with another. This may be because the proprietor has purchased another vehicle or because a vehicle has been involved in an accident or breakdown. There is no mechanism within the legislation to transfer the licence to a substitute vehicle.
- 2.2 In the absence of a statutory mechanism, it is necessary for the proprietor to surrender the licence in respect of the original vehicle, and for the local authority to issue a new licence in respect of the replacement vehicle.
- 2.3 This process poses no problem where there is an unlimited number of hackney carriages and the local authority does not have an age policy in respect of the licensing of Hackney Carriage Vehicles. If there is a limit in place, it is essential that this process is undertaken in the clear recognition that the original licence holder will be issued with a new licence. To achieve this it is vital that this process is not regarded as the issue of a surrendered licence, but rather, the only mechanism whereby a replacement vehicle can be licensed.
- 2.4 The same approach must be taken in respect of vehicles which have been damaged as a result of an accident, or which need to be taken off the road for a lengthy period for maintenance. Regardless of the time period the replacement vehicle is to be used for, a process as outlined above must be undertaken for the replacement vehicle, and again when the original vehicle is returned to service.

- 2.5 The criteria for a new Hackney Carriage Vehicle to be licensed includes the requirement that the vehicle must be three years old or less from the date of manufacture or registration, whichever is the earlier.
- 2.6 Currently, an informal policy has been established through custom and practice dating back to when the Council previously had a limit on the number of vehicle licences. Under this custom and practice a vehicle may be changed on an existing licence subject to the change of vehicle being the same age or younger than the vehicle on the existing licence.
- 2.7 The current practice favours some proprietors more than others in that, for example, a proprietor with a fifteen year old vehicle could replace it with a fourteen year old vehicle but a proprietor with a five year old vehicle would have to replace it with a vehicle no more than five years old.
- 2.8 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 Act of 1847 such conditions as the district council may consider reasonably necessary.
- 2.9 On 12 December 2012 Members approved a draft consultation document to be circulated in order to seek views from Private Hire and Hackney Carriage Vehicle licence holders and members of the public in respect of the adoption of a policy relating to circumstances when a Hackney Carriage Vehicle Proprietor wishes to change their vehicle.
- 2.10 The consultation took place through an online questionnaire on the Wirral website. All 1284 licence holders were notified of the consultation through a newsletter sent directly to them advising them of the consultation and directing them to the website. A copy of the consultation document is attached at **Appendix 1**.
- 2.11 The consultation exercise has now been completed and this report provides the results of the consultation.

### **3.0 SURVEY RESULTS**

- 3.1 The response to the consultation can be summarised as follows.
- 3.2 A total of 67 responses to the consultation were received through the Council website and 109 hard copy responses were received. Of the hard copy responses 108 are from licensed hackney carriage drivers who included their details and one from a member of the public.
- 3.3 Question 1 of the consultation document asked respondents to choose one of four options. The responses to each of the options are shown below.



Option	Response count	Response percent
A replacement vehicle should be of the same age or younger than the vehicle subject to the existing licence	22	12.6%
A replacement vehicle should be no more than ten years old	11	6.3%
A vehicle of any age should be allowed to be licensed as a replacement vehicle	138	79.3%
Another age limit should be imposed on a replacement vehicle	3	1.7%

Two respondents did not answer the question.

- 3.4 The second question asked respondents to suggest an age limit for a replacement vehicle. A total of 23 responses were received as follows:

Suggested age limit	Number of responses
None	7
As it stands	1
5 years	2
5 – 6 years	1
8 years or 100K miles whichever is sooner	1
10 years	3
12 years	3
17 years	1
20 years	3
Unsure	1

- 3.5 Respondents were given the opportunity to make any other comments regarding an age policy and these have been tabulated and attached at **Appendix 2**.
- 3.6 It is clear from the responses received that, whilst the consultation was open to members of the public, over 90% of the responses have been received from licence holders and that it is therefore licence holders who consider a vehicle of any age should be allowed to be licensed. It is important that Members give consideration to the reliability and safety of vehicles and the comfort of passengers when determining conditions that are considered to be reasonably necessary.

- 3.7 The age policy of three years old or less for licensing new hackney carriage vehicles was introduced in 1998 with the aim of continuously improving the standard of comfort and safety of licensed vehicles. Currently the majority of licensed hackney carriage vehicles (59%) are ten years old or less with 75% being twelve years old or less.
- 3.8 The current informal policy of requiring a replacement vehicle to be the same age or less prevents the age profile of vehicles from decreasing. Members may therefore consider it appropriate to formally adopt this policy and introduce a ten year age limit to address the wide discrepancy that can occur between a proprietor of a vehicle of five years old and a proprietor of a twenty year old vehicle.

#### 4.0 OTHER LOCAL AUTHORITIES

- 4.1 The following table indicates the policy relating to the age of a vehicle to be licensed when a proprietor wishes to change their vehicle, in neighbouring local authorities.

Local Authority	Replacement vehicle age
Knowsley	No older than the currently licensed vehicle
Sefton	Under 11 years old
Liverpool	Any age
St Helens	Any age
Cheshire West and Chester	3½ years old However, where a vehicle has been written off as the result of an accident the proprietor may license a vehicle of up to the equivalent age of the vehicle to be written off.
Wirral	No older than the currently licensed vehicle

- 4.2 It is evident from the table above that four of the six local authorities, including Wirral, currently have an age restriction that applies when a proprietor wishes to change their hackney carriage vehicle.

#### 5.0 RELEVANT RISKS

- 5.1 There are none arising directly from this report.

#### 6.0 OTHER OPTIONS CONSIDERED

- 6.1 This report asks Members to consider a number of options in determining the age policy relating to circumstances when a Hackney Carriage Vehicle Proprietor wishes to change their vehicle.

## **7.0 CONSULTATION**

7.1 Consultation has taken place over a three month period.

## **8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

8.1 There are no specific implications arising from this report.

## **9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

9.1 There are no specific resource implications.

## **10.0 LEGAL IMPLICATIONS**

10.1 A decision of the Committee may be subject to legal challenge.

## **11.0 EQUALITIES IMPLICATIONS**

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

Yes. The Equality Impact Assessment was attached to the report dated 12 December 2012.

## **12.0 CARBON REDUCTION IMPLICATIONS**

12.1 The age of vehicles may have an effect on the carbon footprint of licensed vehicles.

## **13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

13.1 There are Community Safety implications arising out of this report due to the safety aspects of hackney carriage vehicles

## **14.0 RECOMMENDATION/S**

14.1 That Members consider the responses received through the consultation that has been undertaken as well as their duty to protect the public, and determine an age policy relating to circumstances when a Hackney Carriage Vehicle Proprietor wishes to change their vehicle.

## **15.0 REASON FOR RECOMMENDATION/S**

15.1 It is a delegated function of this Committee to review the Hackney Carriage Vehicle Licence policies.

**REPORT AUTHOR:** *Margaret O'Donnell*  
*Licensing Manager*  
telephone: (0151) 691 8476  
email: [margaretodonnell@wirral.gov.uk](mailto:margaretodonnell@wirral.gov.uk)

**APPENDICES**

Appendix 1 – Consultation Document

Appendix 2 – Survey comments

# Consultation on the Policy to be adopted when a Hackney Carriage Vehicle Proprietor wishes to change their vehicle

## Background

The criteria for granting a new Hackney Carriage Vehicle Licence includes that every vehicle must be three years old or less from the date of first registration or date of manufacture, whichever is the earlier.

Currently, an informal policy has been established through custom and practice dating back to when the Council previously had a limit on the number of Hackney Carriage Vehicle licences it would issue. Under this current custom and practice a vehicle may be changed on an existing licence subject to the replacement vehicle being the same age or younger than the vehicle on the existing licence.

The practice of changing a vehicle can arise for a number of reasons, including; following an accident or a vehicle becoming uneconomical to run.

The Council is seeking views in respect of the adoption of a policy relating to the age of the Hackney Carriage Vehicle that is to be licensed in place of a vehicle that is subject to an existing licence.

**Please select one of the following options.**

**Tick one box only**

A replacement vehicle must be of the same age or younger than the vehicle subject to the existing licence

A replacement vehicle must be no more than ten years old

Another age limit should be imposed on a replacement vehicle

If so, what age limit would you suggest ..... years

A vehicle of any age should be allowed to be licensed as a replacement vehicle

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**Please use this space to provide any other comments**

**Thank you for taking the time to complete the survey. Your comments will inform our decision on the new policy. The results will be available through a report to the Licensing Health and Safety and General Purposes Committee**

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Some Hackneys I have had the misfortune to ride in, around wirral lately appear to be falling apart they certainly need there suspension seeing to. The phrase 'bone shaker' comes to mind quite often. And I certainly do not feel safe and secure in them.
Some of the hackney carriages on wirral roads are positively antiques and are not providing a good customer experience.
The age of cab would not bother me as a regular taxi user as long as it gets me home I'm happy
As long as its roadworthy and gets me home I'm happy
any for replacement 10 years for new buisness
Any vehicle that meets the passing standards should be allowed to be licenced. Hackney carriage vehicles are purpose built and have a life expectancy of well over one million miles. Bringing in an age limit upon replacement will NOT increase standards as it has to pass the same test. Newer is not better ask any TX11 or TX1111 owner.
is older than the previous vehicle on a vehicle licence. This would enable a driver who has their vehicle written off in an accident or stolen and not recovered to purchase another cab without any undue financial hardship when the pay out is insufficient to replace the vehicle like for like. Insurers never pay the true value, to an owed, of any vehicle.
As long as a vehicle is able to past the MOI and compliance tests it should be licenced. This should be the case for both existing and replacement vehicles. An older vehicle that has been well looked after could be in better condition than a newer one
As long as it passes all the relevant tests.
As long as it passes MOT
As long as its in good condition i dont see a problem
as long as its safe and roadworthy and in good condition it shouldnt be a problem
as long as the vehicle complies with MOT and town hall standards
As long as the vehicle passes the criteria set out in the bylaws then there shouldn't be any problems with the age of the vehicle. The cost of a new replacement vehicle is on the rise all the time and getting out of reach of all drivers with running costs at an all time high.
I think it is all down to the condition of the vehicle .

I think there could be instances where a driver can no longer afford to run a newer model and would like to change his/her vehicle to a lower cost older vehicle. The current policy does not enable a driver to do this. This could mean the driver being forced to run a high cost vehicle and struggle to meet payments and provide a stable income for their family. In effect if the trade becomes quieter the driver could be forced into poverty.

If a licence is able to be transferred to an older vehicle what is to stop owners from obtaining their first licence on a 3 years old vehicle then transferring it to a cheaper older vehicle? Whilst I don't agree that the age of a vehicle actually guarantees any more safety than an older vehicle the overall experience of being transported in an older more rickety but safe vehicle cannot be pleasant

if replacing an accident damaged hackney any age ( because of the price difference in a hackney to a private hire car ) to get a new business hackney up to 10 years old

In the current economic climate who could afford to buy a new cab. As long as it passes the MOT test and is in good condition, why force someone to change their vehicle. If an age limit was to come in, I fear I would be forced off the road unable to afford to purchase a new cab. Even if I could afford to buy a new cab I would then change my working hours and stop working nights. Who wants to have house bricks and stones thrown at a nice shiny new cab? The only way I could buy a new vehicle would be if the council were to maybe offer me an interest free loan of £34,000 over a 20 year period

interior inspection for passenger comfort should be considered

most hackneys are coach built so no restrictions should be applied.

provided the vehicle passes the VOSA test then it is deemed roadworthy, with possibly 6 monthly tests after a replacement any age new business up to 10 years old Hackneys are so much more expensive compared to a

normal car there are no private hire cars out there that cost £30,000 a up to 3 year old Hackney costs £25,000-£30,000 how can you expect a hackney driver to afford a new 1, when a private hire driver can pay from £2,000 for a car under 6 years old seems very 1 sided to me

'permanent' replacements and not temporary replacements such as when the vehicle subject to the existing licence is out of action. To permit a vehicle of any age to be licensed as a replacement vehicle could result in operators seeking a licence with a 'young' vehicle and then replacing the service with a vehicle of poorer quality. If older replacement vehicles were to be accepted, there needs to be suitable checks made before the replacement vehicle is put into operation to ensure that it is fit for purpose, and be subject to 6-monthly checks if older than 6 years (like PVHs).

THE HACKNEY TRADE IN WIRRAL IS HARD ENOUGH TRYING TO EARN A LIVING IN THE PRESENT ECONOMIC CLIMATE. THE RULES SHOULD BE LEFT AS THEY ARE AS IT SEEMS WBC IS TRYING TO MAKE THINGS MORE DIFFICULT FOR HACKNEY DRIVERS.

There is no reason for altering the present regulations, providing the vehicle is capable of passing the required test. It is impossible to finance newer cabs on such meagre earnings.

they are a working vehicle used 365 days a year, even looking after the vehicle with regular servicing and maintenance after 5 years you should be looking to replace your vehicle, if finances allow.

With hackney carriage taxis being road tested twice a year when they are over 10 years old they are generally in very good condition, and as long as the owner looks after his/her vehicle (a requirement by law anyway) you can well find an older taxi in better condition than say a 7 to 10 year old vehicle.

I say if its in good condition and passes everything then it should be alright

If condition of vehicle is better and cleaner it would be fairer

As long as the vehicle meets the council's compliance examination, the age of the hackney carriage should not enter the equation

As long as the vehicle is a fit and proper condition to comply with the law. Age doesn't come into it.

So long as it has full MOT and is clean and tidy

The trade does not warrant new vehicles due to lack of work to support the up keep

And this would be if cab passes all tests and is fully road worth why not. As all other cars vans lorries buses that are on the road only have to do this

If your vehicle has a valid MOT it should be valid for 12 months regardless of age

The job doesn't warrant a 3 year or less vehicle as there isn't much money about

If the vehicle has a 12 month VOSA certificate. Then that should be enough

If it is road worthy

As long as vehicle in good condition and maintained age should not matter

Its not the plate that dose the work. It is the vehicle. If it passes its test you should be able to work it at any age

If the cab passed test wots the problem

If the cab one is in a good condition why not

If its roadworthy and MOTable you should be allowed to operate he vehicle

As long as the vehicle meets the required standards then there is no issue

If road worthy why not license

Got 2 b road worthy

Keep people working

If passes MOT what's wrong with it, a MOT says it's road worthy

As long as the cab passes test, any age

Should not be forced to re finance or into further debt

If the cab fits the criteria then it should be passed for the purpose, no matter what age

If the cab passes MOT its fit to be on the road

If its road legal and passes all relevant test why should its age be a factor

a cab passes council requirements for MOT and compliance then I feel it is for public service at any age

The age of the vehicle has no connection with a hackney carriage fitness test, I speak from experience having previously owned a cab for thirty years

If it is fit and roadworthy

as long as it passes its MOT and its safe on road its safe for customers

As long as pass the MOT and body job OK

If its fit for purpose

If the cab is fit for the road and passes its test it should be allowed to be licensed as these cab are purpose built

If it passed the test why should it have to be 3 years on

As long as its fit for use

If the vehicle passes the stringent MOT test then there should no problem

As long as the cab passes an MOT it shouldn't matter what age it is

If I buy a cab which passes the compliance test, the age shouldn't matter

If it passes compliance test it should be licenced

A vehicle of any age should be OK if it has past the test