



## Licensing Panel

<b>Date:</b>	<b>Friday, 15 November 2013</b>
<b>Time:</b>	<b>9.45 am</b>
<b>Venue:</b>	<b>Committee Room 2 - Wallasey Town Hall</b>

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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. HACKNEY CARRIAGE PROPRIETOR LICENCE ALLOCATION POLICY - RANDOM SELECTION PROCESS (Pages 1 - 6)**

**3. OVERAGE VEHICLE - VAUXHALL ASTRA, REGISTRATION NUMBER DE52 HNK (Pages 7 - 10)**

**4. OVERAGE VEHICLE - FORD GALAXY ZETEC TDI, REGISTRATION NUMBER OV03 NNE (Pages 11 - 14)**

**5. HACKNEY CARRIAGE VEHICLE LICENCE - APPLICATION - PEUGEOT E7, REGISTRATION NUMBER SJ57 LHB (Pages 15 - 18)**

**6. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR - PART 1**

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

**7. EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

The following items contain exempt information.

RECOMMENDATION: That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

8. **PRIVATE HIRE DRIVER LICENCE - APPLICATION (ADA) (Pages 19 - 22)**
9. **PRIVATE HIRE DRIVER LICENCE - APPLICATION (ATB) (Pages 23 - 26)**
10. **ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR - PART 2**

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

## WIRRAL COUNCIL

### LICENSING PANEL

15 NOVEMBER 2013

<b>SUBJECT:</b>	<b>HACKNEY CARRIAGE PROPRIETOR LICENCE ALLOCATION POLICY – RANDOM SELECTION PROCESS</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>REGENERATION AND ENVIRONMENT DIRECTORATE</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### 1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is for Members to undertake the random selection process for the allocation of one available Hackney Carriage Vehicle Licence.

#### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 At a meeting of the Licensing Health and Safety and General Purposes Committee on 23 January 2012 Members resolved to impose a limit of 289 on the number of Hackney Carriage Proprietor Licences issued.
- 2.2 Following a period of public consultation Members of the Licensing Health and Safety and General Purposes Committee resolved at their meeting on 25 September 2012 that a random selection process be approved for the allocation of available licences. The adopted procedure is attached at Appendix 1.
- 2.3 Members also resolved that the random selection process will be made using a computer programme at appropriate future meetings of the Licensing Panel.
- 2.4 In January 2013 the availability of four Hackney Carriage Proprietor Licences was advertised and letters sent to all Hackney Carriage and Private Hire drivers, vehicle proprietors and operators, as required in the adopted procedure. The closing date for applications was 6 February 2013. Sixteen applications were received.
- 2.5 In accordance with the procedure approved by the Licensing Health and Safety and General Purposes Committee random selection processes took place on 1 March 2013, 12 April 2013, 14 June 2013 and 13 September 2013 to allocate these licences.
- 2.6 The outcome of these processes is that one licence remains available.
- 2.7 A further Random Selection Process must now take place to choose one further applicant from the four remaining applications
- 2.8 Members are asked to run the computer programme which will randomly select one number between 1 and 4. The application that has been allocated the number

selected will be the successful application. Applicants have been advised that the random selection process will take place at the meeting and may attend. The applicant who is successful through this selection process will be contacted and will be required to present a vehicle which complies with the criteria for the granting of a Hackney Carriage Vehicle Licence, within 28 days.

- 2.9 If the applicant is unable to present a vehicle within the 28 days, a further random selection process will take place at a future Licensing Panel meeting for the remaining application. This process will be repeated until the licence has been issued.

### **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 This is not a matter which requires consultation.

### **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 There are no specific implications arising from this report.

### **8.0 LEGAL IMPLICATIONS**

- 8.1 A decision of this Panel can be subject to appeal.

### **9.0 EQUALITIES IMPLICATIONS**

- 9.1 Has the potential impact of the proposal been reviewed with regard to equality?
- 9.2 An EIA was completed in respect of the adoption of the random selection process.

### **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 specific Community Safety implications arising out of this report.

## **12.0 RECOMMENDATION**

12.1 That the Panel allocate the available Hackney Carriage Vehicle Proprietor Licence using the random number generator computer programme.

## **13.0 REASON FOR RECOMMENDATION**

13.1 It is a delegated function of this Panel to grant Hackney Carriage Vehicle Proprietor Licences using the random selection process.

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## **REFERENCE MATERIAL**

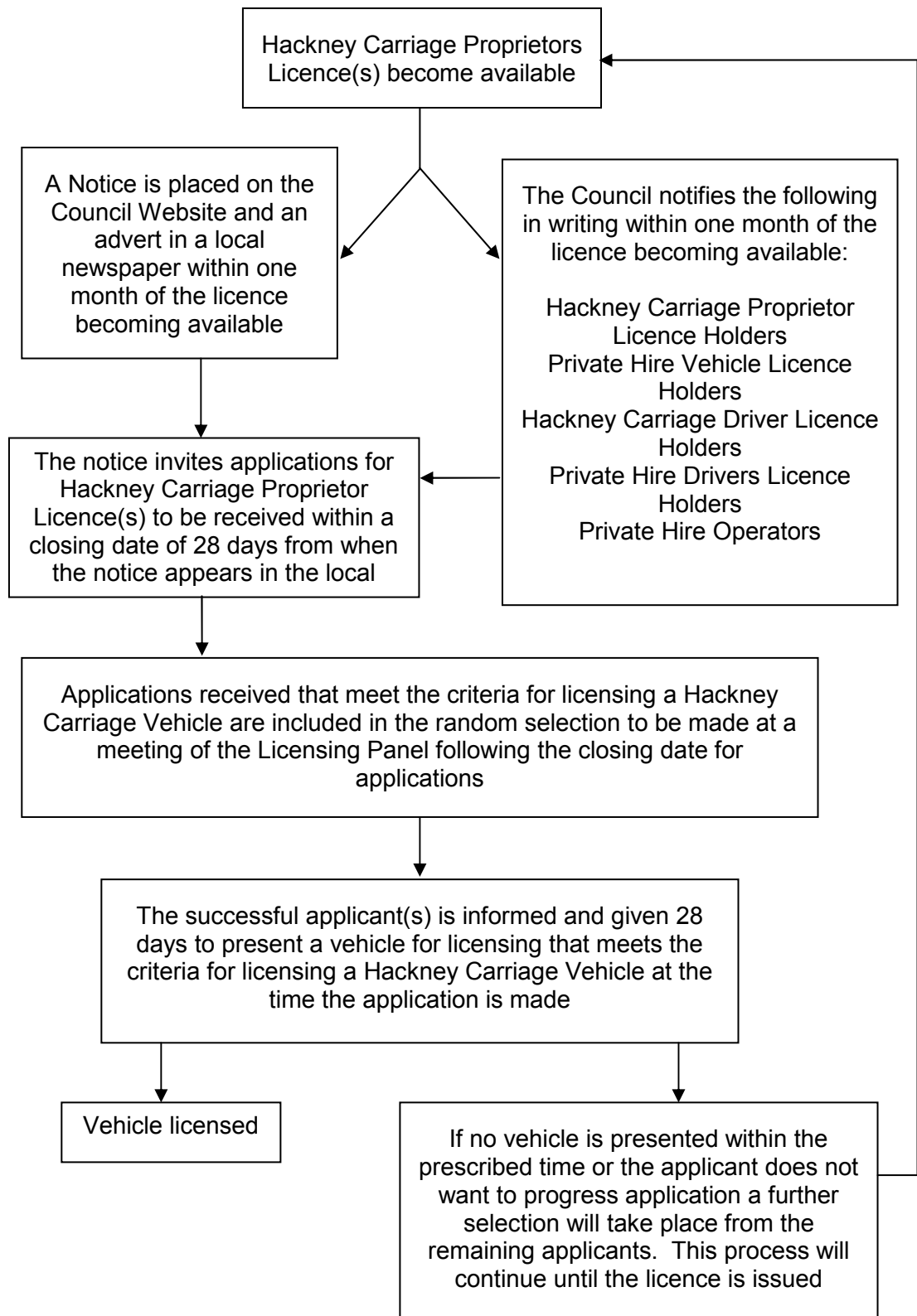
Licensing Health and Safety and General Purposes Committee Report and minutes dated 7 November 2012.

Licensing Panel reports and minutes dated 1 March 2013, 12 April 2013, 14 June 2013 and 13 September 2013.

### **Random Section Procedure for the Allocation of Hackney Carriage Proprietor Licences**

- Hackney Carriage Proprietor Licence(s) become available
- The Council notifies the following in writing within one month of the licence becoming available:  
  
Hackney Carriage Proprietor Licence Holders  
Private Hire Vehicle Licence Holders  
Hackney Carriage Driver Licence Holders  
Private Hire Drivers Licence Holders  
Private Hire Operators
- A Notice is placed on the Council Website and an advert is placed in a local newspaper within one month of the licence becoming available.
- The notice invites applications for Hackney Carriage Proprietor Licence(s) to be received within a closing date of 28 days from when the notice appears in the local newspaper.
- Applications received that meet the criteria for Licensing a Hackney Carriage Vehicle are included in the random selection to be made at a meeting of the Licensing Panel following the closing date for applications.
- The successful applicant(s) is informed and given 28 days to present a vehicle for licensing that meets the criteria for licensing a Hackney Carriage Vehicle at the time the application is made.
- **Outcome:**
  - 1) Vehicle licensed
  - 2) If no vehicle is presented within the prescribed time or the applicant does not want to progress the application a further selection will take place from the remaining applicants. This process will continue until the licence is issued.

## Random Section Procedure for the Allocation of Hackney Carriage Proprietor Licences



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## WIRRAL COUNCIL

### LICENSING PANEL

15 NOVEMBER 2013

<b>SUBJECT:</b>	<b>PRIVATE HIRE VEHICLE LICENCE APPLICATION</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 to consider an application to re-license the following vehicle: a Vauxhall Astra, registration number DE52 HNK, beyond the normal over-age date for a licensed private hire vehicle.

#### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 On 22 May 2013 Members of the Licensing Health and Safety and General Purposes Committee resolved that:

- 1 The maximum age for a vehicle to be licensed as a private hire vehicle be ten years from the date of first registration or manufacture, whichever is the earlier and that this Policy is to have immediate effect.
- 2 The Licensing Panel be delegated with the authority to act outside this policy.

- 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 ten years old.

#### 3.0 APPLICATION

- 3.1 The proprietor of the vehicle, Mr Keeley has applied to re-license his vehicle for a further six months.
- 3.2 The vehicle has been licensed as a private hire vehicle since 11 November 2001 and the current licence expires on 14 November 2013, however this has been extended to 15 November 2013, the date of this meeting.
- 3.3 The date of first registration of this vehicle is 11 November 2002. The vehicle is therefore now eleven years old.

- 3.4 On expiry of a previous licence on 11 November 2010, an application was made for a further six month licence and it was granted under delegated powers.
- 3.5 On expiry of licences on 14 May 2011, 14 November 2011, 14 May 2012, 14 November 2012 and 10 May 2013 applications were considered by the Licensing Panel to grant further six month licences and these applications were granted.
- 3.6 The vehicle has been examined at one of the Council's authorised testing stations and the pass certificate will be available at the meeting.

#### **4.0 RELEVANT RISKS**

- 4.1 There are none arising directly from this report.

#### **5.0 OTHER OPTIONS CONSIDERED**

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

#### **6.0 CONSULTATION**

- 6.1 This is not a matter which requires consultation.

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

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

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

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

#### **9.0 LEGAL IMPLICATIONS**

- 9.1 A decision of this Panel can be subject to appeal.

#### **10.0 EQUALITIES IMPLICATIONS**

- 10.1 Has the potential impact of the proposal been reviewed with regard to equality?
- 10.2 No because there is no relevance to equality.

#### **11.0 CARBON REDUCTION IMPLICATIONS**

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

## **12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

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

## **13.0 RECOMMENDATION**

13.1 That the Panel consider whether or not to re-license this vehicle for a further six months.

## **14.0 REASON FOR RECOMMENDATION**

14.1 It is a delegated function of this Panel to determine applications for Private Hire Vehicle Licences where the vehicle is over ten years old.

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## **REFERENCE MATERIAL**

Private Hire Vehicle Licence application form  
Compliance test pass certificate

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## WIRRAL COUNCIL

### LICENSING PANEL

15 NOVEMBER 2013

<b>SUBJECT:</b>	<b>PRIVATE HIRE VEHICLE LICENCE APPLICATION</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 to consider an application to renew a private hire vehicle license for a vehicle which is older than the current policy permits.

#### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 On 22 May 2013 Members of the Licensing Health and Safety and General Purposes Committee resolved that:

- 1 The maximum age for a vehicle to be licensed as a private hire vehicle be ten years from the date of first registration or manufacture, whichever is the earlier and that this Policy is to have immediate effect.
- 2 The Licensing Panel be delegated with the authority to act outside this policy.

- 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 ten years old.

#### 3.0 APPLICATION

- 3.1 The proprietor of the vehicle, Mr. Oates, has applied to renew his vehicle licence (No. 397) for a further six months. The vehicle in question is a Ford Galaxy Zetec TDI and bears the registration number OV03 NNE.
- 3.2 The vehicle has been licensed as a private hire vehicle since 2 August 2007 and the current licence expires on 20 November 2013.
- 3.3 The date of first registration of this vehicle is 21 May 2003 which makes the vehicle 10 years and 5 months old.

- 3.4 The Licensing Panel have previously considered this vehicle following applications made by Mr. Oates to grant further six month licences. The vehicle was considered at meetings held on 11 Nov 2011, 8 June 2012, 14 Dec 2012, and 10 May 2013. On each occasion the Licensing Panel saw fit to grant the licence. These applications were considered in accordance with the previous overage vehicle policy.. This is the first time the vehicle is being considered in accordance with the new policy which came into effect on 22 May 2013.
- 3.5 The vehicle has been examined at one of the Council's authorised testing stations and has passed both the MOT and compliance test. The MOT certificate and compliance test pass certificate have been seen by the Licensing Section. They can be made available at the Licensing Panel should they be required.

#### **4.0 RELEVANT RISKS**

- 4.1 There are none arising directly from this report.

#### **5.0 OTHER OPTIONS CONSIDERED**

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

#### **6.0 CONSULTATION**

- 6.1 This is not a matter which requires consultation.

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

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

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

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

#### **9.0 LEGAL IMPLICATIONS**

- 9.1 A decision of this Panel can be subject to appeal.

#### **10.0 EQUALITIES IMPLICATIONS**

- 10.1 Has the potential impact of the proposal been reviewed with regard to equality?

- 10.2 No because there is no relevance to equality.

#### **11.0 CARBON REDUCTION IMPLICATIONS**

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

## **12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

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

## **13.0 RECOMMENDATION**

13.1 That the Panel consider whether or not to re-license this vehicle for a further six months.

## **14.0 REASON FOR RECOMMENDATION**

14.1 It is a delegated function of this Panel to determine applications for Private Hire Vehicle Licences where the vehicle is over ten years old.

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## **REFERENCE MATERIAL**

Private Hire Vehicle Licence application form  
Compliance test pass certificate

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## WIRRAL COUNCIL

### LICENSING PANEL

15 NOVEMBER 2013

<b>SUBJECT:</b>	<b>HACKNEY CARRIAGE VEHICLE LICENCE - APPLICATION</b>
<b>WARD 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 an application to license the following vehicle, namely a Peugeot E7, registration number SJ57 LHB, as a Hackney Carriage Vehicle.

#### 2.0 BACKGROUND AND KEY ISSUES

2.1 The current criteria that a Hackney Carriage Vehicle must comply with before being granted a licence is as follows:

- (i) that every vehicle must comply with the Council's Hackney Carriage Vehicle Licence conditions;
- (ii) that every vehicle must be purpose built and built to accommodate wheelchair disabled passengers;
- (iii) that every vehicle must be properly tested and roadworthy to a standard approved by the Council's vehicle inspectors, such testing to include the structural integrity;
- (iv) that all vehicles licensed must be properly insured and that proof of such insurance be shown to the Council either upon application or before issue of licence;
- (v) that every vehicle must be three years old or less from the date of first registration or date of manufacture (whichever is the earlier).

2.2 On 22 May 2013 Members of the Licensing Health and Safety and General Purposes Committee resolved that:

In circumstances when a Hackney Carriage Vehicle proprietor wishes to change a Hackney Carriage Vehicle that is currently licensed to a different vehicle, the replacement vehicle must be the same age or less than the vehicle that is currently licensed up to a maximum of ten years old. Vehicles that are ten years old or more must be replaced by a vehicle that is no more than ten years old and that this Policy is to have immediate effect.

The Licensing Panel be delegated with the authority to act outside this policy.

### **3.0 APPLICATION**

- 3.1 In accordance with the resolution in paragraph 2.2 Members are asked to consider an application submitted by Tracegreen Finance to change a Hackney Carriage Vehicle. The date of first registration of the vehicle they wish to licence is September 2007. The vehicle is therefore six years old. The vehicle that has been subject to a licence was one and a half years old, therefore the requirement for the vehicle to be licensed to be the same age or younger cannot be met. Members are asked to consider the application and determine if there is good reason to act outside of the current policy and licence the vehicle, registration number SJ57 LHB.
- 3.2 The vehicle has been examined at one of the Council's authorised testing stations and the pass certificate will be available at the meeting.

### **4.0 RELEVANT RISKS**

- 4.1 There are none arising directly from this report.

### **5.0 OTHER OPTIONS CONSIDERED**

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

### **6.0 CONSULTATION**

- 6.1 This is not a matter which requires consultation.

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

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

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

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

### **9.0 LEGAL IMPLICATIONS**

- 9.1 A decision of this Committee may be subject to Appeal.

### **10.0 EQUALITIES IMPLICATIONS**

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

Yes and impact review was attached to the report dated 22 May 2013.

## **11.0 CARBON REDUCTION IMPLICATIONS**

11.1 There are no specific implications arising from this report.

## **12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

12.1 There are no Planning implications arising from this report.

## **13.0 RECOMMENDATION/S**

13.1 That members consider whether or not to license this vehicle as a Hackney Carriage Vehicle.

## **14.0 REASONS FOR RECOMMENDATION/S**

14.1 It is the delegated authority of this Panel to determine applications for Hackney Carriage Vehicle Licences where the vehicle cannot comply with the current criteria for licensing Hackney Carriage Vehicles.

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## **REFERENCE MATERIAL**

Application form

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