



## Licensing Panel

**Date:** Friday, 9 May 2014

**Time:** 9.45 am

**Venue:** Committee Room 3 - Wallasey Town Hall

**Contact Officer:** Anne Beauchamp

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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. APPLICATION FOR A PERMIT TO MAKE A STREET COLLECTION OR SALE (Pages 1 - 2)

### 3. HACKNEY CARRIAGE PROPRIETOR LICENCE ALLOCATION POLICY - RANDOM SELECTION PROCESS (Pages 3 - 8)

### 4. OVERAGE VEHICLE - VAUXHALL ASTRA, REGISTRATION NUMBER DE52 HNK (Pages 9 - 12)

### 5. OVERAGE VEHICLE - VAUXHALL ASTRA, REGISTRATION NUMBER DA04 TVP (Pages 13 - 16)

### 6. APPLICATION TO LICENSE TWO FRONT SEAT PASSENGERS - VAUXHALL VIVARO REGISTRATION NUMBER FN57 WVZ (Pages 17 - 20)

### 7. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR - PART 1

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

**8. 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.

**9. PRIVATE HIRE DRIVER LICENCE - CONVICTION (PM) (Pages 21 - 24)**

**10. PRIVATE HIRE DRIVER LICENCE - APPLICATION (BJL) (Pages 25 - 28)**

**11. PRIVATE HIRE DRIVER LICENCE - APPLICATION (BPAG) (Pages 29 - 32)**

**12. PRIVATE HIRE DRIVER LICENCE - CONVICTION (ALJ) (Pages 33 - 36)**

**13. 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

9 MAY 2014

<b>SUBJECT:</b>	<b>APPLICATION FOR A PERMIT TO MAKE A STREET COLLECTION OR SALE</b>
<b>WARD AFFECTED:</b>	<b>SEACOMBE, WALLASEY, NEW BRIGHTON, LEASOWE &amp; MORETON EAST, HOYLAKES &amp; MEOLS, WEST KIRBY &amp; THURSTASTON</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 an application for a Street Collection Permit.

#### 2.0 BACKGROUND

2.1 The Council has resolved to grant Street Collection Permits on a Saturday only, to national and local Wirral charities, with only one collection being carried out on any one Saturday in any one area.

#### 3.0 APPLICATION

3.1 An application for a Street Collection Permit has been received from Caroline Soul who wishes to collect cash for Cancer Research on Sunday 11 May 2014. The collection is to take place during The Wirral Coastal Walk 2014, an annual event organised by The Rotary Club of North Wirral.

3.2 As the request is for a permit for a street collection on a Sunday and is across Wirral, the application cannot be determined under delegated powers.

#### 4.0 FINANCIAL AND STAFFING IMPLICATIONS

4.1 There are no financial or staffing implications from this report.

#### 5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 There are none arising from this report.

#### 6.0 LOCAL AGENDA 21 IMPLICATIONS

6.1 There are none arising directly from this report.

#### 7.0 HUMAN RIGHTS IMPLICATIONS

7.1 Article 6, of the First Protocol, concerned with the right to a fair hearing, may be applicable.

## **8.0 COMMUNITY SAFETY IMPLICATIONS**

8.1 Effective control of Licensing Legislation can assist in raising standards and improve the perception of community safety.

## **9.0 PLANNING IMPLICATIONS**

9.1 There are none arising from this report.

## **10.0 ANTI-POVERTY IMPLICATIONS**

10.1 There are none arising from this report.

## **11.0 SOCIAL INCLUSION IMPLICATIONS**

11.1 There are none arising from this report.

## **12.0 BACKGROUND PAPERS**

12.1 Application form applying for a Street Collection Permit.

## **13.0 RECOMMENDATIONS**

13.1 The Licensing Panel are asked to consider the application for a Street Collection Permit.

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## WIRRAL COUNCIL

### LICENSING PANEL

9 MAY 2014

<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 the four available Hackney Carriage Vehicle Licences.

#### **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 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 30 April 2014.
- 2.5 Twenty three applications have been received. In accordance with the procedure approved by the Licensing Health and Safety and General Purposes Committee a Random Selection Process must now take place to choose four applications from the twenty three. Each application has been allocated a number between 1 and 23.
- 2.6 Members are asked to run the computer programme which will randomly select four numbers between 1 and 23. The applications that have been allocated those four numbers will be the successful applications. Applicants have been advised that the random selection process will take place at the meeting and may attend. Applicants who are 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.

2.7 If any 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 applications. This process will be repeated until four licences have 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 four available Hackney Carriage Vehicle Proprietor Licences 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**

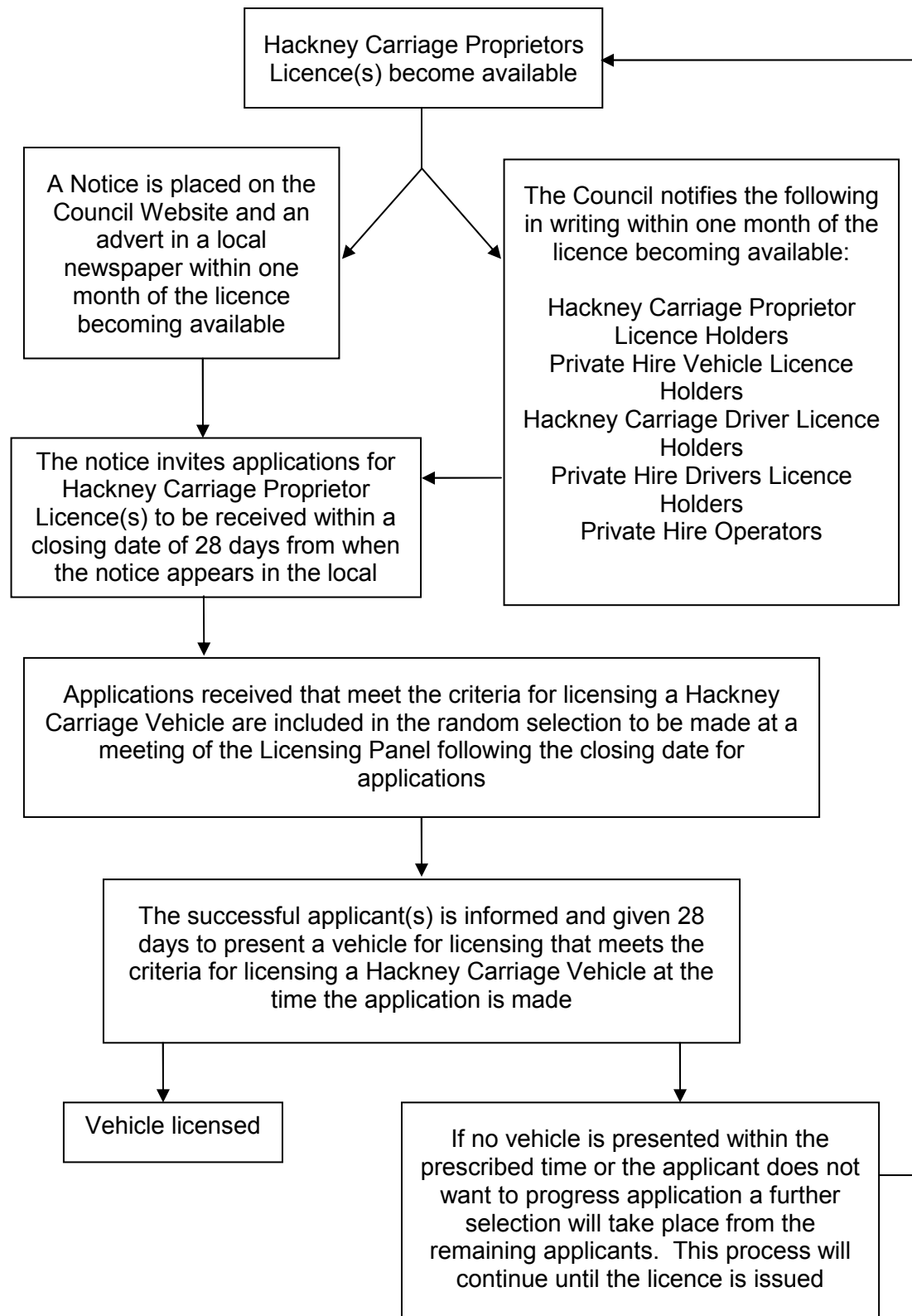
Licensing Health and Safety and General Purposes Committee Report and minutes dated 7 November 2012.

### **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

9 MAY 2014

<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 2002 and the current licence expires on 14 May 2014.
- 3.3 The date of first registration of this vehicle is 11 November 2002.

- 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, 14 May 2013 and 14 November 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

9 MAY 2014

<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 DA04 TVP, 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 Peers 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 3 December 2008 and the current licence expires on 2 June 2014.
- 3.3 The date of first registration of this vehicle is 26 May 2004.
- 3.4 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.

**REPORT AUTHOR:** **Margaret Calvert**  
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## **REFERENCE MATERIAL**

Private Hire Vehicle Licence application form  
Compliance test pass certificate

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## WIRRAL COUNCIL

### LICENSING PANEL

9 MAY 2014

<b>SUBJECT:</b>	<b>PRIVATE HIRE VEHICLE LICENCE – VAUXHALL VIVARO – APPLICATION TO LICENSE TWO FRONT SEAT PASSENGERS</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 license a Vauxhall Vivaro as a private hire vehicle to carry eight passengers, two passengers being carried in the front.

#### **2.0 BACKGROUND AND KEY ISSUES**

- 2.1 The vehicle, registration number FN57 WVZ is currently licensed to carry seven passengers, one being carried in the front.

- 2.2 Council policy, which is reflected in the Private Hire Vehicle Licence Conditions, allows non-standard vehicles (ie MPV's, people carriers) to be licensed as private hire vehicles subject to the standard Private Hire Vehicle Licence Conditions and the following additional conditions:-

- (1) There must only be the number of passengers seats fitted in the vehicle for which the vehicle is licensed.
- (2) Two fire extinguishers must be kept in the vehicle, one to be in the front and the other in the rear.
- (3) Vehicles to be fitted (in addition to the front drivers and passengers doors) with at least two side/rear opening doors and all doors must be easily accessible to all passengers and capable of being opened from inside.
- (4) A step (which must be approved by the Council) must be available for use at all times.
- (5) A sign on the rear of the seats in the vehicle must be displayed indicating there is a step available for use and indicating exit doors.
- (6) Seat belts shall be provided for every passengers the vehicle is licensed by this Council to carry.

- 2.3 The standard private hire vehicle conditions specify that the proprietor shall only allow one person to be carried in the front of the vehicle apart from the driver.
- 2.4 Members have previously considered applications to license a Volkswagen Caravelle, a Volkswagen Transporter, a Ford Tourneo and a Renault Trafic to carry two front seat passengers. These applications were granted by the Licensing Health and Safety and General Purposes Committee.
- 2.5 Members have also previously considered applications to license a Mercedes Vito to carry two front seat passengers. These applications were refused.
- 2.6 In determining previous applications Members considered the following:
- Whether there was sufficient space for two adult passengers to sit comfortably and safely in the front of the vehicle
  - Access to passenger seatbelts
  - Whether passengers could exit the vehicle safely in an emergency
  - The position of the gearstick/handbrake, and the effect this would have on the comfort of the middle passenger.
- 2.7 The vehicle will be available for inspection at the meeting.

### **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 No because there is no relevance to equality.

## **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 community safety implications arising out of this report due to the safety aspects of private hire vehicles.

## **12.0 RECOMMENDATION**

12.1 That the Panel consider whether or not to license the Vauxhall Vivaro to carry eight passengers, two passengers being carried in the front.

## **13.0 REASON FOR RECOMMENDATION**

13.1 It is a delegated function of this Panel to determine applications for Private Hire Vehicle Licences in circumstances when an officer does not have such delegated powers.

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