



Licensing, Health and Safety and General Purposes Committee

Date: Monday, 28 September 2015

Time: 6.00 pm

Venue: Committee Room 1 - 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. MINUTES (Pages 1 - 6)

To approve the accuracy of the minutes of the special meetings held on 7 July and 2 September 2015.

3. INDEPENDENT SURVEY OF THE SUPPLY AND DEMAND FOR HACKNEY CARRIAGE VEHICLES IN WIRRAL (Pages 7 - 12)

4. PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE TESTING STATIONS (Pages 13 - 48)

5. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES (Pages 49 - 54)

6. PRIVATE HIRE OPERATOR LICENCES (Pages 55 - 60)

7. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR

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

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LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Tuesday, 7 July 2015

<u>Present:</u>	Councillor	WJ Davies (Chair)
	Councillors	S Niblock J Salter M Sullivan
<u>Deputies:</u>	Councillors	D Roberts (In place of C Spriggs) E Boulton (In place of L Fraser) G Ellis (In place of G Watt) D Mitchell (In place of P Williams)
<u>Apologies:</u>	Councillors	A Hodson

5 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.

6 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 2 June 2015 be approved.

7 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE RENEWAL REQUIREMENTS

The Strategic Director of Regeneration and Environment reported upon changes to the legislation in respect of the licensing of Hackney Carriage and Private Hire Drivers and requested Members to consider an amendment to the requirements for the renewal of Private Hire and Hackney Carriage Driver Licences in line with the changes coming into effect from 1 October 2015.

The Licensing Manager outlined the current requirements that must be met before an individual may be granted a Hackney Carriage or Private Hire Driver Licence. Members were advised that amendments to Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act made by the Deregulation Act 2015 would come into effect on 1 October 2015 providing that private hire and hackney carriage driver licences granted by a district council shall remain in force for three years from the date of such licence or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.

Members were requested to bring the requirements for the renewal of a Hackney Carriage or Private Hire Driver Licence in line with the issue of a three year licence from 1 October 2015. It was proposed that drivers who are currently licensed and would be due for renewal from 1 October 2015 provide evidence of the requirements set out within the report prior to the renewal of the licence and thereafter before each three year renewal date.

In response to questions from Members, the Licensing Manager confirmed that officers would take every opportunity to inform drivers of any amendments made including a newsletter to all drivers and early notification of the renewal procedure to individual drivers. The Licensing Manager also advised that drivers would be encouraged to sign up to the Disclosure and Barring Service update service which would cost £13 per year.

Members expressed concerns regarding how the Licensing Authority would be kept up to date by drivers of any actions that must be notified to Licensing including penalty points on their driving licences. The Manager advised Members that procedures would be put in place to undertake these checks when drivers attended the office in respect of their vehicles. As the prime objective is to protect members of the public, any concerns regarding the issuing of three year licences would be reported back to this Committee. Members were advised that licences could be issued for less than three years if it was appropriate in individual circumstances. Members asked whether the Council was notified by the Courts if a driver is convicted of a criminal offence.

The Head of Legal and Member Services advised that it was not incumbent upon the Courts to notify the Local Authority in respect of any convictions received by drivers as they may not be aware that they are a licensed driver, however, he would raise this issue with the court user group.

In response to Members' concerns in respect of people who had lived abroad, the Licensing Manager informed Members that a certificate of good conduct would be obtained. Members asked about a dress code in respect of drivers. It was reported that a dress code was in place for drivers on the Wirral and any concerns in respect of this would be acted upon should they be reported to officers.

The Licensing Manager reported that further to the concerns raised, the process would be monitored and Members would be updated in respect of this. Members were also advised that the legislation gives provision to issue licences for a lesser period should it be considered appropriate.

It was moved by Councillor S Niblock and seconded by Councillor J Salter that
—

“Members approve the following Policy in respect of the renewal of Private Hire and Hackney Carriage Driver licences to be effective for licences that become due for renewal from 1 October 2015:

An application to renew a Private Hire Driver Licence or a Hackney Carriage Driver Licence must include the following:

An enhanced Disclosure and Barring Service Certificate that has been issued no more than 28 days prior to the renewal date.

A completed Medical Report in accordance with the Council's Policy for Medicals to be presented within 28 days of the renewal period.

A code from the Driver and Vehicle Licensing Agency that will allow the office to access the individual's driving record before processing the renewal application.

For the avoidance of doubt an application will not be considered unless the above requirements are met on or before the renewal date. The granting of the renewal application will be subject to whether the details provided through the above documentation satisfy the requirements for the licensing of Hackney Carriage and Private Hire Drivers."

Resolved –

That Members approve the following Policy in respect of the renewal of Private Hire and Hackney Carriage Driver licences to be effective for licences that become due for renewal from 1 October 2015:

An application to renew a Private Hire Driver Licence or a Hackney Carriage Driver Licence must include the following:

An enhanced Disclosure and Barring Service Certificate that has been issued no more than 28 days prior to the renewal date.

A completed Medical Report in accordance with the Council's Policy for Medicals to be presented within 28 days of the renewal period.

A code from the Driver and Vehicle Licensing Agency that will allow the office to access the individual's driving record before processing the renewal application.

For the avoidance of doubt an application will not be considered unless the above requirements are met on or before the renewal date. The granting of the renewal application will be subject to whether the details provided through the above documentation satisfy the requirements for the licensing of Hackney Carriage and Private Hire Drivers.

8 REVIEW OF LICENSING FEES FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER AND AND PRIVATE HIRE OPERATOR LICENCES

The Strategic Director of Regeneration and Environment requested Members to review and approve the licence fees in respect of Hackney Carriage and Private Hire Driver Licences and Private Hire Operator Licences with effect from 1 October 2015.

It was reported that under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 the cost of a licence must be related to the cost of the licensing scheme itself and it was appropriate for a local authority to recover their administrative and other associated costs.

As a result of the change in the duration of Private Hire and Hackney Carriage Driver Licences for a period of three years and Private Hire Operator Licences for a period of five years a review of the fee structure was required to reflect the fact that licences would be issued for more than one year.

The fees that related to annual licences were attached to the report together with the proposed fee structure. The Licensing Manager advised that the cost of the administration of the processes had been calculated based on the revised duration of the Licences. The review had taken into consideration that there would be reduced officer time dedicated to processing licences and reduced costs in producing badges and paper licences. The proposed fees were considered appropriate to recover the costs of the issue and administration of the licences and these costs would be kept under review.

The Licensing Manager advised that no concerns in respect of the proposal had been raised by operators and that if any representations were received during the consultation period, these would be reported back to the next Committee meeting.

Members were advised that the fees would be reviewed in March 2016 and that they would be informed of any changes identified.

Members thanked the Licensing Department for their work in providing the detailed report.

It was moved by Councillor S Niblock and seconded by Councillor D Mitchell that –

“(1) Members of the Licensing, Health and Safety and General Purposes Committee review and approve the licence fees as set out in Appendix 2 of the report in respect of Hackney Carriage and Private Hire Driver Licences and Private Hire Operator Licences with effect from 1 October 2015, subject to any objections being received as part of the consultation process.

(2) That the licence fees be further reviewed in March 2016 and that if any proposed changes are identified these will be reported to a future meeting of this Committee.”

Resolved –

(1) Members of the Licensing, Health and Safety and General Purposes Committee review and approve the licence fees as set out in Appendix 2 of the report in respect of Hackney Carriage and Private Hire Driver Licences and Private Hire Operator Licences with effect from 1 October 2015, subject to any objections being received as part of the consultation process.

(2) That the licence fees be further reviewed in March 2016 and that if any proposed changes are identified these will be reported to a future meeting of this Committee.

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LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Wednesday, 2 September 2015

Present: Councillor WJ Davies (Chair)

Councillors S Niblock L Fraser
J Salter G Watt

Deputies: Councillors T Anderson (In place of A Hodson)
D Mitchell (In place of P Williams)

9 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.

10 DESIGNATION OF POLLING PLACE FOR DEVONSHIRE PARK NEIGHBOURHOOD AREA

The Head of Legal and Member Services and Monitoring Officer submitted a report for Members to designate St Joseph's Parish Centre, Greenbank Road, Birkenhead CH42 7JY as the polling place for Devonshire Park Neighbourhood Area.

It was reported that the Council has a duty under the Representation of the People Act 1983 to designate polling places and that the Localism Act 2011 and accompanying regulations allowed communities to have more control over planning and development within their area.

Following public consultation, the Devonshire Park Neighbourhood Planning Forum and its corresponding neighbourhood area were designated as a neighbourhood forum which allowed the Forum to prepare and submit a Neighbourhood Development Plan to allow them to develop land-use planning proposals for their area. The Plan would be submitted to a referendum of local electors which would be conducted in accordance with procedures similar to those used at local government elections.

The Electoral Services Manager advised that the referendum area was contained within LD polling district, however, the designated polling place for polling district LD was situated outside the referendum area boundary, therefore it was proposed that St Joseph's Parish Centre, Greenbank Road, Birkenhead CH42 7JY be considered for use as a polling place for the forthcoming referendum due to it being situated within the referendum area.

The Electoral Services Manager informed Members that there would be less than 1,000 electors attending the polling place and, in response to questions from

Members, advised that the cost of the election would be met by the development area and that the Plan put forward would be for five years should it be agreed. The Electoral Services Manager also advised that as the regulations state that the polling place should be in the neighbourhood area and due to the disruption that would be caused, the school had not been considered as an alternative.

It was moved by Councillor S Niblock and seconded by Councillor D Mitchell that –

“St Joseph’s Parish Centre, Greenbank Road, Birkenhead CH42 7JY be determined as the designated polling place for Devonshire Park Neighbourhood Area.”

Resolved – That St Joseph’s Parish Centre, Greenbank Road, Birkenhead CH42 7JY be determined as the designated polling place for the Devonshire Park Neighbourhood Area.

WIRRAL COUNCIL

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

28 SEPTEMBER 2015

SUBJECT:	INDEPENDENT SURVEY OF THE SUPPLY AND DEMAND FOR HACKNEY CARRIAGE VEHICLES IN WIRRAL
WARD AFFECTED:	ALL WARDS
REPORT OF:	STRATEGIC DIRECTOR OF REGENERATION & ENVIRONMENT
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR WJ DAVIES
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to seek the approval of Members to undertake a procurement exercise in order to appoint an independent company to carry out a survey to determine the level of demand for Hackney Carriage Vehicles in Wirral. Members are also asked to approve the proposed scope for an independent survey which is attached at Appendix 1.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 The primary legislation governing the licensing of Hackney Carriage Vehicles is the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and The Transport Act 1985.
- 2.2 Until the Transport Act 1985 came into effect Licensing Authorities had an unfettered discretion to limit the number of hackney carriage vehicles that it would license. Section 16 of The Transport Act 1985 removed that unrestricted power to limit the number of hackney carriage vehicles. As a consequence the number of hackney carriage vehicles may be limited but only on the following basis;
- ‘the grant of a licence may be refused, for the purpose of limiting the number of hackney carriages in respect of which licences are granted, if but only if, the person authorised to grant licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet’.
- 2.3 The usual method of ascertaining the level of demand is by means of an independent survey to establish the level of demand for hackney carriages.
- 2.4 On 23 January 2012 Members of this Committee resolved to impose a limit of 289 on the number of Hackney Carriage Vehicle Licences that could be issued by the Council. The limit was set at 289 following recommendations made by Halcrow Group Limited

who undertook an independent study of the demand for hackney carriages in Wirral during June 2011. This recommendation followed their findings that at the time of their study, when there were 289 hackney carriages licensed, there was no evidence of significant unmet demand for hackney carriages in Wirral. The study further reported

‘that in the medium term, however, as demand for taxis may continue to grow with the redevelopment of Wirral, it is possible that consumers may be inconvenienced by a limit of 289.’

- 2.5 As referred to in paragraph 2.2 in accordance with Section 16 of The Transport Act 1985 the Council must be satisfied that there is no significant unmet demand for hackney carriages, before refusing to grant a licence in order to limit the numbers. The legislation does not stipulate any specific frequency for the surveys, however guidance from The Department for Transport advises that any licensing authority that controls the number of taxis should ensure that this policy is based on up to date information as well as evidence of the benefits to consumers in retaining the restriction.
- 2.6 The imposition of the limit in January 2012 followed the last survey undertaken to determine the demand for hackney carriages in Wirral which took place in June 2011, it is therefore considered appropriate due to the time lapse since this study for the council to appoint an independent company to undertake a new survey into the current demand for hackney carriages in Wirral.

3.0 RELEVANT RISKS

- 3.1 The Council must be able to demonstrate that there is no significant unmet demand for hackney carriages before refusing to grant a licence in order to limit the numbers. Should the Council not undertake a survey at this time the Policy of having a limit on the number of hackney carriage licences may be successfully challenged.

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 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

- 7.1 There are none.

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

8.1 There are cost implications that will be incurred through the appointment of an independent company to undertake a survey which will be financed through income from licence fees.

9.0 LEGAL IMPLICATIONS

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

10.0 EQUALITIES IMPLICATIONS

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

No because there is no relevance to equality.

11.0 CARBON REDUCTION AND ENVIRONMENTAL 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 no Planning or Community Safety implications arising out of this report.

13.0 RECOMMENDATION/S

13.1 Members delegate officers to undertake a procurement exercise in order to appoint an independent company to establish the level of demand for Hackney Carriage Vehicles in Wirral. Members are also asked to approve the proposed scope for an independent survey which is attached at Appendix 1.

14.0 REASON FOR RECOMMENDATION/S

14.1 The council currently imposes a limit on the number of licences it will issue in respect of hackney carriage vehicles. There has been no survey to assess the level of demand for hackney carriages in Wirral since the limit of 289 was imposed in January 2012. The council must be satisfied that there is no demand for hackney carriage vehicles in Wirral that is unmet if it refuses to grant a licence in order to limit the number of hackney carriage vehicles in Wirral.

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APPENDICES

Appendix 1 Proposed scope

BACKGROUND PAPERS/REFERENCE MATERIAL

BRIEFING NOTES HISTORY

Briefing Note	Date

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Health and Safety and General Purposes Committee	28 July 2010 21 September 2011 23 January 2012

HACKNEY CARRIAGE SURVEY OF DEMAND

SCOPE

To review the provision of hackney carriages in the context of the Local Transport Plan and legislative framework.

To identify the current level of demand for hackney carriages in Wirral.

To assess whether there is any demand for hackney carriages in Wirral that is unmet.

To assess whether there is any level of latent demand for hackney carriages in Wirral.

Identify when peaks in demand occur and who may be disadvantaged through restrictions on the provision of hackney carriage services.

To investigate whether the provision of hackney carriages in Wirral meets the needs of people with disabilities.

To assess customer satisfaction with the provision of hackney carriages in Wirral.

To undertake consultation with relevant stakeholders including organisations, partnerships, groups representing people with disabilities, those who are vulnerable, students and other relevant groups, individual service users, transport providers, Merseyside Police, operators of entertainment venues including pubs, restaurants, theatres and visitor attractions both current and developing in Wirral, hospitals and education establishments.

To review the provision of ranks across Wirral identifying any improvements that could be made.

To benchmark the provision of hackney carriages and private hire vehicles in Wirral with comparable authorities.

To identify areas for improvement in the provision of hackney carriages in Wirral in the light of any findings.

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WIRRAL COUNCIL

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

28 SEPTEMBER 2015

SUBJECT:	PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE TESTING STATIONS
WARD AFFECTED:	ALL WARDS
REPORT OF:	STRATEGIC DIRECTOR OF REGENERATION & ENVIRONMENT
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR WJ DAVIES
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to seek the approval of Members to invite applications from approved MOT testing stations to be authorised as Hackney Carriage and Private Hire Vehicle Compliance Testing Stations in addition to the four garages that are currently authorised to undertake this work.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 In order to be licensed as a Private Hire or a Hackney Carriage Vehicle in Wirral the vehicle must pass the equivalent of an MOT test and the checks set out in the Hackney Carriage and Private Hire Vehicle Compliance Testing document. A copy of the compliance testing document is attached at Appendix 1.
- 2.2 On 9 November 2009 Members of this Committee resolved that the following Testing Stations be approved to undertake the testing of Private Hire and Hackney Carriage Vehicles in Wirral:
- Walsh Autos, Cleveland Street, Birkenhead
 - Village Motor Company, Cross Lane, Wallasey
 - Dane Volkswagen, New Chester Road, Bromborough
 - Wright Car Centre, Chester Road, Heswall
- 2.3 The appointment of these Testing Stations followed an invitation to all 48 MOT Testing Stations in Wirral. Completed applications were received from ten testing stations across the Borough. Each application was assessed against the same criteria and a score allocated to each testing station. Using the information provided on the assessment forms and the summary of assessment scores the above testing stations

attained the highest scores and did not score a 0 in any of the criteria upon which they were assessed. The garages are located in different areas of the Borough and at the time of their appointment were considered to be sufficient to provide a choice to drivers in terms of location and the provision of both appointment and a drop-in service.

2.4 Since the appointment of these garages in January 2010 further enquiries have been made as to how a testing station may be appointed to undertake the testing of Private Hire and Hackney Carriage Vehicles. Due to the lapse in time since the garages were appointed it is proposed that applications again be invited from Approved MOT Testing Centres in Wirral that are currently not authorised to undertake the testing of Private Hire and Hackney Carriage Vehicles in Wirral. An assessment of applications will be undertaken using the criteria applied previously and details of the responses received will be reported back to Members of this Committee for further consideration.

2.5 It is proposed that expressions of interest are invited through an advertisement in the Wirral Globe and by writing directly to each of the Testing Stations enclosing the application form shown in Appendix 2. Each application will then be assessed against the same criteria using the scoring system shown in Appendix 3.

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 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

7.1 There are none.

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

8.1 There are staffing implications arising from this report due to officer time required to send out invitations and assess applications. This will be met through existing resources.

9.0 LEGAL IMPLICATIONS

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

10.0 EQUALITIES IMPLICATIONS

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

No because there is no relevance to equality.

11.0 CARBON REDUCTION AND ENVIRONMENTAL 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 no Planning or Community Safety implications arising out of this report.

13.0 RECOMMENDATION/S

That Members instruct officers to invite applications from Approved MOT Testing Centres in Wirral that are currently not authorised to undertake the testing of Private Hire and Hackney Carriage Vehicles in Wirral to be appointed as Hackney Carriage and Private Hire Vehicle Testing Stations and report the responses and assessment results to a future meeting of this Committee.

14.0 REASON FOR RECOMMENDATION/S

14.1 The Testing Stations currently approved to undertake the testing of Private Hire and Hackney Carriage Vehicle testing were appointed in January 2010 and since that date the Council has received a number of enquiries from garages who wish to be considered appropriate to undertake this service.

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APPENDICES

Appendix 1 Compliance testing document

Appendix 2 Application form

Appendix 3 Scoring system

BACKGROUND PAPERS/REFERENCE MATERIAL

BRIEFING NOTES HISTORY

Briefing Note	Date

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

Vehicle Compliance Testing Document

To be used for all hackney carriage and private hire vehicles submitted for testing.

Licensing Section
Department of Law HR and Asset Management
Wirral Council
Town Hall
Brighton Street
Wallasey
Wirral
CH44 8ED



0151 691 8043



licensing@wirral.gov.uk



0151 691 8215

www.wirral.gov.uk

November 2008

INTRODUCTION

This document is intended to provide practical guidance to those vehicle testers charged with assessing vehicles being issued with a certificate of compliance. It will also give a general insight into the type of examination the vehicle will be subjected to before it can be issued with a certificate of compliance.

It is the responsibility of owners, operators and drivers to ensure that their vehicle complies at all times with the current rules and regulations of the appropriate Road Traffic Act and current Construction and Use Regulations. All vehicles must conform to the requirements of the M.O.T. testing standards and the requirements of the hackney carriage and private hire compliance test at all times.

Where a vehicle is found not to conform to the requirements of the M.O.T. test and/or compliance test standards that vehicle may have its licence suspended until the Council's authorised officers are satisfied that the vehicle is fit to be licensed.

Preparation of vehicle :

The exterior and underside must be clean with the engine and engine compartment having been steam cleaned.

GUIDANCE

No adaptations, alterations, modifications, additional equipment, optional extras with the exception of tow bars fitted to a professional standard, are to be fitted to the vehicles without the prior approval of the Council. Any owner wishing to alter or modify the vehicle, including the fitting of extras or alternative parts to those supplied by the manufacturer must seek prior permission from the Council. Certain modifications may require special inspection by the Council's authorised officer or his nominee before approval is given. (A fee may be applicable)

Approved compliance test stations must not issue certificates for vehicles owned by that test station. Vehicles registered in the name of an approved compliance test station must be tested by an independent approved compliance test station.

1. Both M.O T. and compliance tests must be completed at the same time by the same examiner at the same test station. Compliance failure items must be resolved with the same garage at a later date.
2. The licensing authority require hackney carriage vehicles over ten years old and private hire vehicles over six years old to be tested every six months.

IMPORTANT:

The vehicle test comprises testing of all points listed in **Section A** and **Section B** within this document. In deciding whether a vehicle satisfies each point you must have regard to the guidelines in the second column – “Reason to Fail”.

Vehicles are required to pass both **Section A** and **Section B** in order to be licensed as private hire or hackney carriage vehicles by Wirral Council.

HACKNEY CARRIAGE VEHICLES

The following vehicles have been approved to be licensed as Hackney Carriage Vehicles

LTI TXI

LTI TXII

LTI TX4

Carbodies Fairway

Metrocab

The following vehicles have been approved to be licensed as Hackney Carriage Vehicles in both the short wheelbase and long wheelbase versions.

Patons TW200

JAG VW Eurocab

JAG Mercedes T1 Eurocab

Cab Direct (Allied Vehicles) Peugeot E7

Cab Direct (Allied Vehicles) Mercedes M8

All vehicles must carry a serviceable spare wheel which must be fitted securely to the vehicle.

Any vehicle which has been the subject of significant damage rectification repairs will not be licensed unless such repairs have been carried out in accordance with the manufacturer's specification.

PRIVATE HIRE VEHICLES

Only vehicles complying with the following conditions will be considered for licensing as private hire vehicles:-

- Vehicles fitted with at least 4 doors and 4 wheels.
- Vehicles must be right-hand drive (*except special event private hire vehicles*).
- Vehicles under 8 years of age.
- Vehicles with adequate space for luggage within the car.
- Vehicles capable of carrying at least 4 and not more than 8 passengers in addition to the driver.
- Where the rear of the vehicle is fitted with bench seats the seat must measure at least 45 inches, measured in a straight line lengthwise along the front of the seat.
- The vehicle must be fitted with at least two rear vision mirrors, one of which shall be fitted internally and the other externally on the offside.
- The vehicle must carry a serviceable spare wheel which must be fitted securely to the vehicle.**
- Any vehicle which has been the subject of significant damage rectification repairs will not be licensed unless such repairs have been carried out in accordance with the manufacturer's specification.

Pre-test checklist

THE VEHICLE	REASON TO FAIL	NOTES
The exterior of the bodywork, the underside of the vehicle and engine compartment must be in a clean condition so as to facilitate full inspection of these areas.	Contamination preventing full or proper inspection.	Any vehicle presented for inspection in a dirty condition, interior, exterior, underside and engine bay, the inspection will not be carried out
Examine all floor and upholstery inside the vehicle for any damage, accumulation of dirt, dust, litter, general debris, cigarette ash, staining or excessive wear. Examine roof lining for excessive staining and any damage.	A vehicle which is in a dirty condition with accumulations of dirt, dust litter, debris damage, etc. or staining. Excessive staining or damage to roofing lining.	<i>(A new appointment will have to be made and a full fee may be payable)</i>
Check for unpleasant odours within the vehicle.	Unacceptable smells.	
Check to ensure the vehicle is free of any leakage of water, fuel and oil.	The vehicle has a leakage of fuel or oil or an excessive leakage of water.	

Section A

	THE VEHICLE	REASON TO FAIL	NOTES
	Pass MOT inspection	Vehicle does not pass current MOT test	

Section B

1	EXTERIOR OF VEHICLE	REASON TO FAIL	NOTES
1.1	Check operation of all external locks and catches, ensuring all doors can be securely closed, locked and easily opened.	Defective external door catches or locks which prevent a door opening or closing properly.	
1.2	Check reflective strips are on front and rear edges of sliding doors in hackney carriages.	Reflective strips not fitted	
1.3	Where sliding doors are fitted in a hackney carriage, check that a "Door Open" sign is fitted to the rear of the vehicle which is activated when a door is opened.	"Door Open" sign is not fitted or is inoperative.	
1.4	Check all doors to ensure that they are aligned properly, will open and close easily, and all gaps around doors are reasonably equal. Ensure boot lid opens/closes and locks correctly, and that all hinges and opening mechanisms adequately support the lid when it is in the open position.	Poorly fitting doors to the vehicle. Worn or loose locks, hinges or defective boot opening device.	*Gaps may vary on Metrocabs and LTI vehicles
1.5	Check to ensure all door hinges are in good condition allowing free movement of door.	Door hinges defective.	Only when affects operation and free movement of doors
1.6	Check all wind check positions to ensure doors are held in place when opened.	Wind checks fail to hold door in position when opened.	Any wind check strap must be of a type approved by the manufacturer. Leather check straps acceptable.
1.7	Check all doors are held in place when opened.	Door fails to hold in place when opened.	Does not apply to Metrocab and Fairway front doors
1.8	Examine the external body panels and structures for any evidence of corrosion, damage, or unsatisfactory repairs, check for the suitability of replacement panels. Ensure all gaps are reasonably equal around all panels.	Corrosion or damage to the vehicle body or structure which adversely affects the appearance and/or safety of the vehicle. Replacement panels fitted that alter the effect of impact zones. Gaps reasonably unequal around panels.	All repairs to be carried out in accordance with manufacturer's specification Sharp edges are forbidden to all parts of the vehicle (exterior panels).

1	EXTERIOR OF VEHICLE	REASON TO FAIL	NOTES
1.9	Examine the external body and paint work for damage, which adversely affects the appearance of the vehicle.	Generally poor or damaged body or paintwork, dull, not in uniform colour, and appearance, repairs visible, paint work of poor standard, overspray to any other part of the vehicle.	All paint work repairs are to be of a reasonably high standard, no sign of repairs are to be visible. Spray body guard accepted to a maximum of two inches above bumper provided it is sprayed to match existing paintwork
1.10	Examine rubber seals to doors and windows for damage, looseness or absence affecting performance of seals.	Damaged or missing, or loose door seals which may cause draught, rainwater ingress, unreasonable road noise or a trip hazard.	
1.11	Check to ensure all windows are etched with the vehicle registration, VIN or chassis number.	Vehicle identification not clearly legible on all windows.	
1.12	Windows must have no more than 25% tint value.	Any window with more than 25% tint value.	
1.13	Reversing lights must be operable when fitted.	Reversing lights not operable.	
1.14	All windows must be free of cracks and excessive marking, as set out in the MOT testers handbook.	Cracks in windscreen, rear window or any window/glass or excessive marking on any window.	
1.15	Check a moveable intermediate step is provided at each entrance into the passenger compartment of a hackney carriage where the top tread for the entrance to the passenger compartment exceeds 38cm.	Steps not fitted.	This refers to: Peugeot E7 Fiat TW200 Volkswagen Eurocab Mercedes T1 Mercedes M8 Check with Licensing Office if unclear
1.16	Check the edges of the step are marked in yellow and that the step is etched with the vehicle registration number.	Edges of step not marked in yellow or etched.	

1	EXTERIOR OF VEHICLE	REASON TO FAIL	NOTES
1.17	Check the operation of electrically operated steps.	Steps inoperable. Steps do not retract before vehicle moves off.	

2	BOOT	REASON TO FAIL	NOTES
2.1	Examine the boot interior for evidence of damage, corrosion or water penetration.	Damage to the floor of the boot, inner wing panels or lid.	
2.2	Examine interior of boot to ensure it is clean and free of dirt, dust, grease, litter, etc. Covering to be free of stains. Check boot offers adequate protection to passengers' luggage stored in the boot.	Excessive wear, damage, or staining to the boot floor. Accumulation of litter, dust or rubbish in the boot which could soil or damage luggage stored within.	
2.3	Check boot for the presence of any materials presenting a fire or fume hazard. (e.g. oil, petrol or diesel).	Containers for the storage of petrol, diesel, oil or any corrosive material shall not be carried in the vehicle.	These materials may contaminate passengers luggage or foodstuffs (Note: A five litre bottle of engine oil and water will be allowed)
2.4	Ensure boot rubber seal is not damaged. Ensure it is secure.	Damaged or loose boot seal.	

3	ENGINE COMPARTMENT	REASON TO FAIL	NOTES
3.1	Carry out visual inspection of the engine compartment for signs of fuel, oil or water leaks.	Excessive oil, fuel or water leaks.	
3.2	Examine all plastic/ rubber or metal hoses for signs of deterioration or damage.	Worn or deteriorated hoses or pipes.	
3.3	Check security of radiator and check hoses for leaks.	Leaking or insecure radiator.	
3.4	Examine engine/transmission mounts for signs of deterioration or wear.	Insecure or deteriorated engine/transmission mountings.	
3.5	Fuel cut off switch to be operable and present where known to be fitted as standard.	Switch inoperable or removed.	

4	TYRES AND SPARE WHEELS	REASON TO FAIL	NOTES
4.1	Ensure that spare wheel/tyre is of same size and construction as the road wheels or is a manufacturers supplied space saver wheel.	A spare wheel not provided with the vehicle. A wheel/tyre that is of a different size or construction. Or a non-manufacturer supplied space saver wheel.	A mix of steel and cord radials will not be accepted.
4.2	All tyres fitted to hackney carriages must be of an appropriate speed and weight rating.	Tyres not marked or of an appropriate speed and weight rating.	
4.3	Examine tyres for signs of damage or excessive uneven wear. Ensure spare tyre complies with all legal requirements for tyres when fitted to the vehicle.	Damaged, worn, substandard or otherwise illegal tyres.	A remould tyre will only be acceptable if it carries a clearly legible manufacturer mark that it conforms to British standards.
4.4	Check to ensure all tyres are inflated to the correct pressure for the vehicle.	Under inflated tyre.	
4.5	Examine the wheel brace and jack provided to ensure they are in good working order.	Failure to provide a suitable jack/wheel brace.	
4.6	Check to ensure the spare wheel is held securely in position.	Spare wheel and tools not secured properly.	
4.7	Check spare wheel rim for any signs of distortion or damage.	A seriously damaged or distorted rim, which impairs the ability to hold the tyre.	
4.8	All tyres to have minimum tread depth of 1.6mm across 75% of centre tread width with the remaining 25% to have tread pattern showing, including spare.	A tyre not showing the required tread depth.	

5	INTERIOR OF VEHICLE	REASON TO FAIL	NOTES
5.1	Three point seat belts must be fitted to all passenger seats, where applicable.	Three point seat belts not fitted or are inoperable on any passenger seat.	Liaise with Licensing Office in cases where three point seat belts are not fitted.
5.2	Remove any mats from floor and examine carpeting for signs of leakage of water into the vehicle.	Evidence of leakage of water into vehicle.	
5.3	Examine carpeting and any mats to ensure they are not worn or damaged. Or a tripping hazard.	Worn or damaged carpet or mats. Patching is not acceptable.	
5.4	Examine all seats to ensure they are properly secured to the vehicle including fixed seat cushions. Sit in each of the seats within the vehicle to ensure that all seat cushions are in good condition and offer proper support	Seats which are not adequately secured to the vehicle. Seat cushions or back rests which are in poor condition and/or offer poor support.	
5.5	Check operation of interior lights, checking both manual and door operated switches. (Note all doors to have switches fitted if fitted as standard by manufacturer.)	Faulty interior light fitting, faulty interior light switches.	
5.6	Examine rear view mirrors to ensure they are securely fixed.	A loose, cracked damaged or missing mirror, or one that impairs vision.	
5.7	Check operation of the heater and demister to ensure their correct operation.	Defective heater or demisters. Defective passenger compartment switches or switches do not light up.	
5.8	Check presence and condition of brake and clutch pedal rubbers.	Missing or worn pedal rubbers	
5.9	Check operation of rear screen heater to ensure it is functioning correctly.	Defective rear screen heater.	

5	INTERIOR OF VEHICLE	REASON TO FAIL	NOTES
5.10	Check operation of all window winders ensuring they allow lowering and raising of windows easily, check operation of all window locks and associated fittings.	Window winders that do not allow windows to be lowered/raised easily. Defective window locks or associated fittings.	Metrocab series 3 and TTT rear windows only go halfway down
5.11	Check the operation of all door release catches including motion door and safety locks to ensure that doors can be opened easily from within the vehicle. Check for presence of motion door lock warning lamps and signs and their operations.	Defective interior door release catches. Defective motion locks, motion locks fitted with override. Warning lamps inoperative, warning labels damaged or defaced. Brake safety lock not working.	
5.12	Ensure childproof locks function correctly, when fitted on private hire vehicles.	Defective childproof locks.	
5.13	Check all door handles and grab rails for condition and security. Ensure all grab handles are of a contrasting colour. Ensure childproof protection covers, where fitted, are free of damage and held in place securely on hackney carriage vehicles.	Door handles, interior trims, moulds, damaged worn or insecure.	Liaise with Licensing Office if further clarification is required.
5.14	Check a luggage grill or cover is fitted to estate cars.	Luggage grill/cover not fitted.	
5.15	Check that intercom systems (where fitted) are capable of being switched off within the passenger compartment and that there are signs clearly visible explaining their use and how to switch them off. Check that a light is visible when intercom is on.	Intercom system not clearly marked. No means of passenger isolating system easily. Warning light not working.	Check with Licensing office if testing unclear.
5.16	Check condition of all electrical wiring to ensure it is routed correctly and poses no risk or hazard to passengers.	Wiring not routed correctly. Insecure, damaged, poses a hazard or risk to passengers.	Check with Licensing Officer if testing unclear.

5	INTERIOR OF VEHICLE	REASON TO FAIL	NOTES
5.17	CCTV shall be firmly affixed when fitted. Sign warning CCTV in operation must be affixed in passenger area.	Loose camera or screen fitted. No warning sign.	Data Protection Act notice should be displayed
5.18	Check gaiter around gear lever is not split or missing.	Gaiter insecure	
5.19	Check that step is carried in MPVs.	Step not in vehicle.	
5.20	Check for signs on rear of seats indicating the availability of the step and indicating exit doors, in MPVs.	Signs not on rear of seats.	

6	FIRE EXTINGUISHERS	REASON TO FAIL	NOTES
6.1	Check to ensure that the fire extinguisher is a 1-litre (3a) rated AFFF (aqueous film forming foam) type or powder.	Fire extinguisher not of approved type or rating.	BAFE (British Approvals for Fire Equipment) is the only approved certification and maintenance scheme acceptable to the Authority. Only person /persons and or companies approved by BAFE may maintain and certify extinguishers fitted to hackney carriage or private hire vehicles. All information concerning the standards for extinguishers is contained within BS EN2
6.2	Ensure that the vehicle registration number is marked on the body of the extinguisher by permanent marker.	Vehicle registration number is not clearly marked on the extinguisher	
6.3	Ensure that seal is in place and has not been tampered with and is intact.	BAFE approved seal is not in place, or is damaged.	
6.4	Visibly check extinguisher for signs of damage.	Visible signs of damage which would impair its use.	
6.5	Extinguisher to be fitted securely in a readily accessible position.	Extinguisher not mounted securely or is not readily accessible.	
6.6	A second fire extinguisher should be fitted in the rear of MPVs.	Second fire extinguisher missing.	

7	TAXI SIGNS (Hackney Carriages)	REASON TO FAIL	NOTES
7.1	Check that roof mounted signs are properly illuminated. Ensure that the roof sign is connected to the meter switch so that the engaging of the meter automatically extinguishes the sign.	A sign is not clearly legible when illuminated. The switching of the sign does not conform to the Council's standards.	
7.2	Examine the roof-mounted sign to ensure that its size, design and construction conforms to the original manufacturer's standards, ensure the sign is not damaged and lettering is clearly legible.	A sign that does not conform to the Council's standards, the sign is not clearly legible, the sign is damaged.	
7.3	Check to ensure that the interior licence number sign is mounted securely, is clearly visible to all passengers, is illuminated as required and of a type approved by the Council. Clearly legible numbers on a contrasting background, minimum size four by three and a half inches. This to be wired direct to ignition.	Interior sign not clearly visible, damaged, illuminated, not mounted correctly or securely. Not of type approved by the Council. Not wired direct to ignition.	New or replacement vehicles can be tested without numbers on the interior licence number sign.
7.4	Check side window "For Hire" sign illuminates.	Sign inoperable.	

8	UNDERSIDE OF VEHICLE	REASON TO FAIL	NOTES
8.1	Check for excess corrosion/ damage that does not fall within the prescribed area as set out in the MOT testers manual.	Evidence of excess corrosion/ damage to underside of vehicle.	

9	WHEELCHAIR FACILITIES	REASON TO FAIL	NOTES
9.1	Anchorages must be provided for the wheelchair and occupant. These anchorages must be either chassis or floor linked.	Restraints for wheelchair and occupant must be independent of each other.	
9.2	Check condition and operation of wheelchair restraints and equipment.	Wheelchair restraints or equipment worn or damaged or missing or not functioning correctly.	
9.3	Check operation and condition of disabled person's seatbelt.	Seatbelt worn, frayed, damaged or cut.	
9.4	Check that the ramps are securely installed in the boot of vehicle where applicable.	Ramps fitted that are not fitted securely.	
9.5	Portable ramps must be etched with the vehicle registration number.	Ramps not etched with vehicle registration number.	
9.6	Examine the ramps for any damage.	Ramps in poor condition or damaged, or sharp edges showing.	
9.7	Check as applicable the non-slip provision and locating dowel pins are free of any damage.	Non-slip provision worn or damaged, locating dowels damaged, worn or missing.	



**APPLICATION FOR CONSIDERATION AS AN APPROVED
TESTING STATION FOR THE TESTING OF HACKNEY CARRIAGE VEHICLES
AND PRIVATE HIRE VEHICLES WITHIN THE BOROUGH OF WIRRAL**

Name and address of MOT Test Station (including post code):

Name of garage:

Address:

Name of applicant and contact details if different from above
(specify whether sole trader, partnership or limited company)

Please state details of all those having control and/or an interest in your business.
This is to include such persons as those having day-to-day management, company
directors and partners (including 'silent' partners)

Name	Position	Contact Tel No

(Please continue on separate sheet if required)

MOT Test Station Registration No:

Date first registered:

The answers provided in this application form will be assessed with regard to their ability to fulfil the Council's requirement in accordance with the following scale:

Unacceptable						Excellent
0	1	2	3	4		5

1 MOT Test Classes and Vehicle Types

i) Please confirm **all** of the class(es) of vehicle your testing station is able to accommodate

ii) Are you able to test larger vehicles such as stretched limousines?
(Please tick)

Yes No

Comments:

2 MOT Test Bays

The Council is seeking information in relation to the capacity of your garage facilities, given the potential number of tests and how this would relate to the work that you currently undertake.

As a minimum standard, testing stations are required to have one MOT test bay.

i) Please state the number of MOT test bays available at the testing station:

ii) Other than vehicle test bay(s) committed to undertaking vehicle inspections and testing please confirm the number(s) of other bays available to undertake general repairs to other vehicles at the same time that such inspections are taking place:

3 Nominated Testers

The Council require a level of commitment from testing stations with regard to the number(s) of Nominated Testers approved by VOSA and the hours that they work.

As a minimum standard, testing stations are required to have one full-time (or part-time equivalent) Nominated Tester working during trading hours.

i) Please state the number(s) of Nominated Testers at the testing station:

- ii) Please state below the number of Nominated Testers at the testing station who would be committed to undertaking the testing of vehicles on behalf of the Council.

As a minimum standard, testing stations are required to have available one full-time Nominated Tester (or part-time equivalent) committed for the testing of vehicles on behalf of the Council.

There are (please insert) number(s) of Nominated Tester(s) available who would undertake the testing of vehicles on behalf of the Council. Their details are as follows:

Name of tester	Hours worked per week

4 Availability for Vehicle Testing

Testing stations must be able to provide availability for a test, vehicles at times that are convenient for the owner of the vehicle, booking subject to reasonable notice.

As a minimum standard, testing stations are required to be available for the testing of vehicles on behalf of the council between the core hours of Monday to Friday between the hours of 9am and 4pm.

- i) Please state the **days and hours** that you currently trade:

- ii) If different from your normal trading hours please indicate the **days and hours** that you are prepared to offer facilities for the testing of vehicles on behalf of the Council.

- iii) Under normal conditions please give an indication of the maximum number of licensed vehicle testing 'slots' that could be available per day and per week:

Slots per day

Slots per week

- iv) **As a minimum standard, testing stations are required to undertake the testing of a vehicle with seven days advance notice.**
Please indicate the anticipated minimum period of notice that you would required in advance of a vehicle inspection and testing of re-test on behalf of the Council.

- v) The test includes an MOT test plus additional checks, please indicate the charge you will make for this service during 2009/2010:

Cost of MOT	Additional Cost for Compliance Test	Re-test Costs
£	£	£

vi) **Appointment System.**

Which of the following services do you operate:

- Appointment system
- Drop in
- Appointment and drop in

5 Approval Registration and Trade Membership

- i) If you are included on any list as an “approved” garage (eg. Wirral Borough Council Approved Motor Trader Scheme, Golden Spanner, etc) or any other scheme (please state) and the date of gaining such approval:
- ii) Please indicate if you are a member of, or are affiliated to, any other organisation or have been granted any form of “quality mark” or qualification which you feel may also be relevant to your application (and please also include the date obtained):

6 Administrative Support and Communication

The Council wishes to know if there is administrative support at your testing station and if there are good communication facilities available to provide a service to clients and the Council:

As a minimum standard testing stations are also required to have a fax machine and access to the internet.

- i) **Administrative Support** – Please state the facilities that you have to receive bookings/cancellations from clients (eg. administrative support and/or receptionist):
- ii) **Communication** – The Licensing Team are required to work very closely with any vehicle testing station that may be undertaking the testing/examination of vehicles. It is anticipated that email and fax would play a major part in any dealings that a testing station has with the Council. Please state what communication facilities you have available (eg. phone number, number of telephone lines, fax, email, website, etc):

iii) Who will be the contact manager with day to day responsibility for the testing service?

7 Public Liability Insurance and Employer Liability Insurance

The Council expects testing stations to carry public liability and employers liability insurance. In consideration of the above, please confirm:

What level of public liability you hold and the period of any policy:

What level of employer liability insurance you hold and the period of any policy:

You may be asked to provide copies of any policy documents at a later date.

8 Further Information

The licensing of private hire and hackney carriage vehicles has a direct bearing on public safety and the Council is looking for consistently high standards from the selected testing stations. Please indicate any other details which you wish to be considered in support of your application:

(Please continue on a separate sheet if required)

9 Health and Safety Questionnaire

- | | |
|--|---|
| <p>1 a) Please submit a copy of your firm's current health and safety policy</p> <p>b) On a separate sheet please outline your system for carrying out risk assessments and monitoring your performances on implementing control measures</p> | <p>Enclosed <input type="checkbox"/>
(tick if enclosed)</p> |
| <p>2 Has your firm during the last five years been prosecuted for contravention of the Health and Safety at Work etc Act 1974 or been the subject of any formal enforcement action issued by a local authority or Health and Safety Executive?</p> | <p>Yes <input type="checkbox"/>
No <input type="checkbox"/></p> |
| <p>3 How many reportable accidents/cases of ill health has your firm had under RIDDOR in the last three years?</p> | |
| <p>4 Please identify the person appointed as a competent person under the management regulations.</p> | |
| <p>5 Has your firm in the last five years been the subject of formal investigation by the Health and Safety Executive or a local authority?</p> | <p>Yes <input type="checkbox"/>
No <input type="checkbox"/></p> |

10 Service Level Agreement

- | | |
|--|---|
| <p>Have you read the proposed Service Level Agreement enclosed with these documents?</p> | <p>Yes <input type="checkbox"/>
No <input type="checkbox"/></p> |
| <p>Are you able to comply with all of the terms of the Service Level Agreement?</p> | <p>Yes <input type="checkbox"/>
No <input type="checkbox"/></p> |

Please use the space below to provide any comments you wish to make in respect of the Service Level Agreement.

Signed: Date:

Appendix 3

MOT testing station inspection visits - Scoring system

							Maximum score
Location	Residential	1	Industrial/commercial	2	Easily accessible	1	3
Waiting room/area	Good/clean/tidy	2	Basic/untidy/dirty	1	None	0	2
Viewing area	Separate	2	In workshop	1	Easily accessible	1	3
Cleanliness of workshop	Clean	1	Dirty	0			1
Tidiness of workshop	Tidy	1	Untidy	0			1
Complaints procedure	In place	2	Vague	1	None	0	2
Communication facilities	Phone	1	Fax	1	Email	1	3
Fees	Upto £50	3	£51 - £80	2	£81 +	1	3
Number of MOT bays	One	1	more than one	2			2
Number of testers	One	1	more than one	2			2
Parking facilities	Very good	2	Adequate	1	Poor	0	2
H&S policy in place	Yes	1	No	0			1
							25

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WIRRAL COUNCIL

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

28 SEPTEMBER 2015

SUBJECT:	HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES
WARD AFFECTED:	ALL WARDS
REPORT OF:	STRATEGIC DIRECTOR OF REGENERATION & ENVIRONMENT
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR WJ DAVIES
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to advise Members of the discretion provided within the changes introduced in the legislation in respect of licensing Hackney Carriage and Private Hire Drivers.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 The licensing provisions for Hackney Carriage Drivers and Private Hire Drivers are set out in Section 53 of The Local Government (Miscellaneous Provisions) Act 1976. The wording of this section currently provides that these licences ' shall remain in force for three years from the date of such licence or for such lesser period as the district council may specify in such licence. '
- 2.2 The Council currently grant Private Hire and Hackney Carriage Driver Licences for a period of 12 months.
- 2.3 The Deregulation Act 2015 amends the wording of Section 53 in respect of both Hackney Carriage and Private Hire Driver Licences to state that the licences ' shall remain in force for three years from the date of such licence or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.' This amendment comes into effect on 1 October 2015.
- 2.4 An explanation given by the Department for Transport in respect of the amendments, when the proposals were first introduced in the Deregulation Bill was as follows:

'Making the standard duration for all taxi and PHV driver licences three years; and five years for all PHV operator licences. Shorter durations will only be granted on a case by case basis where it is justifiable for a particular reason. This will reduce the financial and administrative burden of having to make frequent licence renewals.'

- 2.5 It was reported to Members at the last meeting of this Committee on 7 July 2015, that as a consequence of the amendments brought about by The Deregulation Act 2015, the Council is required to grant Private Hire and Hackney Carriage Driver Licences for a period of three years. At that meeting, Members approved the Policy attached at Appendix 1, in respect of the renewal of Private Hire and Hackney Carriage Driver Licences, as well as an amended fee structure to be applied to three year licences.
- 2.6 Whilst the Council now has in place a Policy and procedure for renewing licences for a three year period, as well as a policy for granting new licences, it can be seen that the amended wording referred to in paragraph 2.3 still provides the Council with a discretion as to how long a licence should last in the circumstances of an individual case.
- 2.7 Members are asked to consider whether they are content to delegate to officers the discretion to assess the merits of each individual case, except in circumstances when an applicant or licensed driver is referred to the Licensing Panel, when the discretion of Members of the Licensing Panel will be engaged. It is further proposed that should it be considered appropriate in the circumstances of the case to grant a licence for 12 months that the current fee structure for annual licences be applied.

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 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

- 7.1 There are none.

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 the Committee may be subject to legal challenge.

10.0 EQUALITIES IMPLICATIONS

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

No because the report advises Members of legislative changes.

11.0 CARBON REDUCTION AND ENVIRONMENTAL 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 no Planning or Community Safety implications arising out of this report.

13.0 RECOMMENDATION/S

13.1 Members note that from 1 October 2015 Private Hire and Hackney Carriage Driver licences will be granted for a period of three years. That Members delegate to officers the discretion to assess the merits of each individual case and determine whether it is appropriate in the circumstances of the case to grant a Private Hire or Hackney Carriage Driver Licence for a lesser period than three years, except in circumstances where an applicant or licensed driver is referred to the Licensing Panel when the discretion of Members of the Licensing Panel will be engaged.

13.2 That Members further resolve that should it be considered appropriate in the circumstances of the case to grant a licence for 12 months that the current fee structure for annual licences be applied.

14.0 REASON FOR RECOMMENDATION/S

14.1 To allow officers to grant licences to applicants and existing licensed Hackney Carriage and Private Hire Drivers for a lesser period than three years in the appropriate circumstances of the case without the requirement for each individual to be referred to the Licensing Panel on every occasion.

REPORT AUTHOR: *Margaret O'Donnell*
Licensing Manager
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APPENDICES

Appendix 1 Approved policy

BACKGROUND PAPERS/REFERENCE MATERIAL

BRIEFING NOTES HISTORY

Briefing Note	Date

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Health and Safety and General Purposes Committee	7 July 2015

For Private Hire Driver Licence and Hackney Carriage Driver Licences that become due for renewal from 1 October 2015 an application to renew a Private Hire Driver Licence or a Hackney Carriage Driver Licence must include the following:

An enhanced Disclosure and Barring Service Certificate that has been issued no more than 28 days prior to the renewal date.

A completed Medical Report in accordance with the Council's Policy for Medicals to be presented within 28 days of the renewal period.

A code from the Driver and Vehicle Licensing Agency that will allow the office to access the individual's driving record before processing the renewal application.

For the avoidance of doubt an application will not be considered unless the above requirements are met on or before the renewal date. The granting of the renewal application will be subject to whether the details provided through the above documentation satisfy the requirements for the licensing of Hackney Carriage and Private Hire Drivers.

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WIRRAL COUNCIL

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

28 SEPTEMBER 2015

SUBJECT:	PRIVATE HIRE OPERATOR LICENCES
WARD AFFECTED:	ALL WARDS
REPORT OF:	STRATEGIC DIRECTOR OF REGENERATION & ENVIRONMENT
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR WJ DAVIES
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to advise Members of the discretion provided following changes in the legislation in respect of licensing Private Hire Operators and to seek the approval of Members to introduce a requirement for applicants for the grant and renewal of Private Hire Operator Licences to undergo a criminal record check and obtain a Basic Disclosure from Disclosure Scotland before a licence may be granted or renewed.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 The licensing provisions for Private Hire Operators are set out in Section 55 of The Local Government (Miscellaneous Provisions) Act 1976. The wording of this section currently provides that these licences 'shall remain in force for such period, not being longer than five years, as a district council may specify in such licence.'
- 2.2 The Council currently grant Private Hire Operator Licences for a period of 12 months.
- 2.3 Members will be aware that The Deregulation Act 2015 amends the wording of Section 55 of The Local Government (Miscellaneous Provisions) Act 1976 in respect of the licensing of Private Hire Operators to state that the licences 'shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.' This amendment comes into effect on 1 October 2015.
- 2.4 An explanation given by the Department for Transport in respect of the amendments, when the proposals were first introduced in the Deregulation Bill was as follows:

'Making the standard duration for all taxi and PHV driver licences three years; and five years for all PHV operator licences. Shorter durations will only be granted on a case by case basis where it is justifiable for a particular reason. This will reduce the financial and administrative burden of having to make frequent licence renewals.'

- 2.5 It was reported to Members at the last meeting of this Committee on 7 July 2015, that as a consequence of the amendments brought about by The Deregulation Act 2015, the Council is required to grant Private Hire Operator Licences for a period of five years. At that meeting Members approved an amendment to the fee structure to reflect these changes.
- 2.6 It can be seen that the amended wording referred to in paragraph 2.3 still provides the Council with a discretion as to how long a licence should last in the circumstances of an individual case.
- 2.7 Members are asked to consider whether they are content to delegate to officers the discretion to assess the merits of each individual case, except in circumstances when an applicant or licensed Operator is referred to the Licensing Panel, when the discretion of Members of the Licensing Panel will be engaged. It is further proposed that should it be considered appropriate in the circumstances of the case to grant a licence for 12 months that the current fee structure for annual licences be applied.
- 2.8 In accordance with Section 55 of The Local Government (Miscellaneous Provisions) Act 1976 a local authority 'shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence.'
- 2.9 The Council currently seeks to establish whether an applicant for the grant or renewal of a Private Hire Operator Licence is a fit and proper person by asking them to make a statutory declaration and list any criminal convictions.
- 2.10 There are currently seventy holders of Private Hire Operator Licences who also hold a Private Hire Driver Licence and are therefore subject to an Enhanced Disclosure and Barring check every three years. Seven holders of Private Hire Operator Licences do not hold a Private Hire Driver Licence.
- 2.11 It is considered appropriate at this time, as the duration of licences granted by the Council is to change from 12 months to five years, that applicants who do not hold a Private Hire Driver Licence should be required to undergo a criminal record check and obtain a Basic Disclosure from Disclosure Scotland before a licence may be granted or renewed.
- 2.12 Unlike Hackney Carriage and Private Hire Drivers, the Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 which does not allow convictions to be considered spent when applying for certain occupations, does not cover Private Hire Operators, who are therefore subject to the workings of the Rehabilitations of Offenders Act 1974. This means that convictions become spent in relation to a Private Hire Operator. The fact that the role of the Private Hire Operator is not an exempt occupation for the 1974 Act means that it is not possible to obtain an Enhanced Disclosure and Barring Service check but an applicant can be asked to obtain a Basic Disclosure from Disclosure Scotland.
- 2.13 The proposal to introduce a criminal record check in respect of Private Hire Operators has been discussed at a meeting with representatives of licensed Private Hire Operators and there were no objections to this proposal.

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 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

7.1 There are none.

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 the Committee may be subject to legal challenge.

10.0 EQUALITIES IMPLICATIONS

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

No because the report advises Members of legislative changes.

11.0 CARBON REDUCTION AND ENVIRONMENTAL 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 as Private Hire Operators must be fit and proper persons when granted a licence and throughout its duration due to their involvement with the general public..

13.0 RECOMMENDATION/S

13.1 Members note that from 1 October 2015 Private Hire Operator Licences will be granted for a period of five years. That Members delegate to officers the discretion to assess the merits of each individual case and determine whether it is appropriate in the circumstances of the case to grant a Private Hire Operator Licence for a lesser period, except in circumstances when an applicant or licensed Operator is referred to the Licensing Panel when the discretion of the Members of the Licensing Panel will be engaged.

13.2 That Members approve the following Policy:

An applicant for the grant or renewal of a Private Hire Operator Licence must undergo a criminal record check and obtain a Basic Disclosure from Disclosure Scotland before a licence may be granted or renewed, except in circumstances where the applicant holds or is in the process of applying for a Private Hire Driver Licence.

14.0 REASON FOR RECOMMENDATION/S

14.1 To allow officers to grant licences to new and existing applicants for a lesser period than five years in the appropriate circumstances of the case without the requirement for each applicant to be referred to the Licensing Panel on every occasion.

14.2 The Council must be satisfied that the applicant for a Private Hire Operator Licence is a fit and proper person to hold such a licence.

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APPENDICES

BACKGROUND PAPERS/REFERENCE MATERIAL

BRIEFING NOTES HISTORY

Briefing Note	Date

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Health and Safety and General Purposes Committee	7 July 2015

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