



Licensing Panel

Date: Friday, 21 June 2019

Time: 9.45 a.m.

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 Panel are asked to declare any disclosable pecuniary and non pecuniary interests, in connection with any application on the agenda and state the nature of the interest.

2. EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

The following item: **Item 3 – Private Hire Licence (JP)** contains 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 item 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.

3. PRIVATE HIRE DRIVER LICENCE (JP) (Pages 1 - 6)

4. PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD MONDEO, REGISTRATION NUMBER YC09 JBE (Pages 7 - 10)

The Corporate Director for Business Management reported upon an application received to re-licence a Ford Mondeo, registration number YC09 JBE, beyond the normal over-age date for a licensed private hire vehicle.

5. **HACKNEY CARRIAGE VEHICLE LICENCE APPLICATION, FORD TOURNEO CUSTOM A-CABBI (Pages 11 - 16)**
6. **PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD TOURNEO CUSTOM A-CAB (Pages 17 - 22)**

Agenda Item 3

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LICENSING PANEL

21 JUNE 2019

REPORT TITLE	PRIVATE HIRE VEHICLE LICENCE APPLICATION
REPORT OF	CORPORATE DIRECTOR FOR BUSINESS MANAGEMENT

REPORT SUMMARY

The purpose of this report is to consider an application to re-license a Ford Mondeo, registration number YC09 JBE, beyond the normal over-age date for a licensed private hire vehicle.

RECOMMENDATION/S

That the Licensing Panel considers whether or not to re-license the vehicle for a further six months.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It is a delegated function of this Panel to determine applications for private hire vehicle licences where the vehicle is over ten years old.

2.0 OTHER OPTIONS CONSIDERED

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

3.0 BACKGROUND INFORMATION

- 3.1 Private hire vehicle licences are issued on a twelve monthly basis until a vehicle reaches six years old, when six-monthly licences are issued until the vehicle reaches ten years old.
- 3.3 The proprietor of the vehicle, Mr Ahmed, has applied to re-license his vehicle for a further six months.
- 3.4 The vehicle has been licensed as a private hire vehicle since 7 March 2016 and the current licence was due to expire on 5 May 2019, however it has been extended to the date of this meeting.
- 3.5 The date of first registration of this vehicle is 5 May 2009.
- 3.6 The vehicle has been examined at one of the Council's authorised testing stations and the pass certificates will be available at the meeting.
- 3.7 The vehicle will be available for inspection at the meeting.

4.0 FINANCIAL IMPLICATIONS

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

5.0 LEGAL IMPLICATIONS

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

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

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

7.0 RELEVANT RISKS

- 7.1 There are safety implications arising out of this report due to the safety aspects of private hire vehicles.

ENGAGEMENT/CONSULTATION

8.1 This is not a matter that requires consultation.

8.0 EQUALITY IMPLICATIONS

9.1 There are no specific implications arising from this report.

REPORT AUTHOR: Margaret Calvert
Licensing Team Leader
telephone: 0151 691 8476
email: margaretcalthert@wirral.gov.uk

REFERENCE MATERIAL

MOT certificate

Compliance pass certificate

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

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LICENSING PANEL

21 JUNE 2019

REPORT TITLE	APPLICATION TO APPROVE THE FORD TOURNEO CUSTOM A-CABBI REAR LOADING WHEELCHAIR ACCESSIBLE VEHICLE TO BE LICENSED AS A HACKNEY CARRIAGE VEHICLE
REPORT OF	CORPORATE DIRECTOR FOR BUSINESS MANAGEMENT

REPORT SUMMARY

The purpose of this report is for Members to consider an application to approve the Ford Tourneo Custom A-Cabbi rear loading wheelchair accessible vehicle to be licensed as a Hackney Carriage Vehicle.

RECOMMENDATION/S

That Members consider whether or not to approve the Ford Tourneo Custom A-Cabbi rear loading wheelchair accessible vehicle to be licensed as a Hackney Carriage Vehicle.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It is a delegated function of this Panel to approve vehicles that can be licensed as Hackney Carriage Vehicles.

2.0 OTHER OPTIONS CONSIDERED

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

3.0 BACKGROUND INFORMATION

- 3.1 Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 gives the local authority discretionary powers to require any hackney carriage vehicle licensed by them to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

- 3.2 The Council's criteria for licensing vehicles as Hackney Carriage Vehicles states that:

- All vehicles must be purpose built and built to accommodate disabled passengers in wheelchairs in the rear passenger compartment.
- All vehicles must comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980 and the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984. Every new vehicle offered for approval must comply in all respects with the British and European vehicle regulations and be M1 type approved in accordance with European Whole Vehicle Type Approval 70/156/EEC as amended. Those vehicles which do not hold M1 type approval must be presented with approved certification that the specific vehicle meets the requirements of M1 category.
- All vehicles must have separate driver and rear passenger compartments, separated by a transparent partition in accordance with the manufacturer or vehicle converter's original specification.
- Vehicles presented for approval must comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

- 3.3 Mr Shaun Marnell is the proprietor of a company that sells and repairs vehicles including Hackney Carriage and Private Hire Vehicles. Mr Marnell is seeking to license the Ford Tourneo Custom A-Cabbi rear loading wheelchair accessible vehicle as a Hackney Carriage Vehicle.

- 3.4 There are currently no rear loading wheelchair accessible vehicles licensed as Hackney Carriage Vehicles in Wirral.

- 3.5 Mr Marnell purchases registered Ford Tourneo vehicles and carries out a conversion of the vehicle to enable it to load wheelchairs from the rear of the vehicle. This conversion includes installing a ramp, altering the headroom in the rear and installing seatbelts for the wheelchair and user. It is understood that these vehicles may be new or used vehicles at the time of the conversion.
- 3.6 On 9 November 2018 Members of the Licensing Panel resolved that the Ford Tourneo Custom A-Cabbi rear loading wheelchair accessible vehicle be approved to be licensed as a Hackney Carriage Vehicle, subject to each vehicle being presented for licensing with a satisfactory Individual Vehicle Approval (IVA) Certificate.
- 3.7 Mr Marnell subsequently advised the Licensing Authority that he had arranged for the vehicle to be taken to a testing station which is authorised to undertake IVA testing. He reported that he was advised that it was not possible to issue an IVA Certificate as the vehicle had Whole Vehicle Type Approval.
- 3.8 Officers subsequently sought and obtained advice from the Vehicle Certification Agency regarding the status of documents submitted in support of the application to approve the Ford Tourneo Custom A-Cabbi rear loading wheelchair accessible vehicle. Advice was also sought as to the nature and extent of testing that takes place as part of an Individual Vehicle Approval and Whole Vehicle Type Approval.
- 3.9 Following the outcome of these enquiries it was considered appropriate to request that Members review the decision made on 9 November 2018.
- 3.10 On 26 April 2019 Members of the Licensing Panel resolved to set aside their decision of 9 November 2018.
- 3.11 Since the meeting on 9 November 2018 Mr Marnell has advised that he can obtain independent evidence in respect of the standard and safety of the work undertaken on the vehicles he converts which could satisfy the Licensing Authority that the vehicle is safe and suitable to be licensed as a Hackney Carriage Vehicle. Mr Marnell advised that this evidence can be provided by the Vehicle Occupant Safety Centre (VOSC).
- 3.12 An independent homologation engineer who works with VOSC, Denzil Brunning, will attend the Licensing Panel meeting to answer any questions members may have.
- 3.13 Mr Brunning has inspected many vehicles for Low Volume Type approval, Individual Vehicle Approval and European Type Approval over a period of 30 years.
- 3.14 Mr Brunning's current projects include IVA and full European Type Approval of Motor caravans, Ambulances, Wheelchair Accessible Vehicles, Sports Cars and Goods Vehicles. He works with manufacturers to advise them on current legislation and make sure their products comply, then produces their application paperwork and will liaise with the authorities to obtain the necessary vehicle approvals.
- 3.15 Mr Brunning, has advised that he proposes to conduct a full inspection of the A-Cabbi rear loading wheelchair accessible vehicle taxi conversion against EC Directive 2007/46/EC as amended. He will then produce an information package

which shows how the vehicle design complies with the legislation as a post-registration conversion. If the vehicle does not fully comply he will not release the information package. Mr Brunning has advised that the inspection could cover any additional requirements laid down by the Council. Subsequent vehicles would be independently inspected by Russell Edmunds of VOSC.

- 3.16 If Members approve this vehicle to be licensed as a Hackney Carriage Vehicle Mr Marnell intends to supply converted vehicles to the Hackney Carriage Trade.
- 3.17 In determining whether this vehicle may be approved to be licensed as a Hackney Carriage Vehicle Members are advised to consider the impact of licensing rear loading wheelchair accessible vehicles on the use of Hackney Carriage Ranks due to the space required for the ramp to be extended at the rear of the vehicle.
- 3.18 The Council's Interim Traffic Network Manager has been consulted in respect of the use of a rear loading wheelchair accessible vehicle on a Hackney Carriage Rank and has reported that in respect of public safety a rear loading vehicle can present problems because the passenger can only access the vehicle from the road. In order for a wheelchair passenger to enter a rear-loading vehicle, it is necessary for them to be moved into the road either facing, or with their back to, oncoming traffic. This also requires the wheelchair user to be manoeuvred down a kerb.
- 3.18 The officer further advises that some ranks are not conducive to rear loading vehicles as the passengers' safety may be put at risk by being placed in the road prior to loading. There could also be visibility problems with other drivers not seeing the wheelchair user hidden behind the taxi. He further stated that there is also a practical issue for the licensed drivers in ensuring that there is sufficient space behind the taxi whenever they arrive at their destination so the wheelchair user can safely exit the vehicle.

4 FINANCIAL IMPLICATIONS

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

5 LEGAL IMPLICATIONS

- 5.1 A decision of this Panel can be subject to legal challenge.

6 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

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

7 RELEVANT RISKS

- 7.1 There are safety implications arising out of this report due to the safety aspects of hackney carriage vehicles.

8 ENGAGEMENT/CONSULTATION

- 8.1 This is not a matter that requires consultation.

9 EQUALITY IMPLICATIONS

9.1 There are no specific implications arising from this report.

REPORT AUTHOR: Margaret Calvert
Licensing Team Leader
telephone: (0151) 691 8476
email: margaretcavert@wirral.gov.uk

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Panel	9 November 2018
Licensing Panel	26 April 2019

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LICENSING PANEL

21 JUNE 2019

REPORT TITLE	APPLICATION TO APPROVE THE FORD TOURNEO CUSTOM A-CAB REAR LOADING WHEELCHAIR ACCESSIBLE VEHICLE TO BE LICENSED AS A PRIVATE HIRE VEHICLE
REPORT OF	CORPORATE DIRECTOR FOR BUSINESS MANAGEMENT

REPORT SUMMARY

The purpose of this report is for Members to consider an application to approve the Ford Tourneo Custom A-Cab rear loading wheelchair accessible vehicle to be licensed as a Private Hire Vehicle.

RECOMMENDATION/S

That Members consider whether or not to approve the Ford Tourneo Custom A-Cab rear loading wheelchair accessible vehicle to be licensed as a Private Hire Vehicle.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It is a delegated function of this Panel to approve vehicles that can be licensed as Private Hire Vehicles.

2.0 OTHER OPTIONS CONSIDERED

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

3.0 BACKGROUND INFORMATION

- 3.1 Wirral Council must be satisfied that vehicles licensed as private hire vehicles are suitable in type, size and design for use as private hire vehicles, that it is in a suitable mechanical condition and is safe and comfortable.

- 3.2 The Wirral Council criteria for licensing vehicles as Private Hire Vehicles states that:

- The vehicle must be fitted with at least 4 doors and 4 wheels
- The vehicle must be capable of carrying at least 4 and not more than 8 passengers in addition to the driver.
- The vehicle must be fitted (in addition to the front drivers and passengers doors) with at least two side/rear opening doors and all doors must be easily accessible to all passengers and capable of being opened from inside.
- Any vehicle with a top tread for the entrance which exceeds 38cm must be fitted with a step to allow easy access to and egress from the vehicle. Any vehicle that does not have a step fitted must carry a portable step to be available for use by all passengers.
- The vehicle must comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980 and the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984 and be M1 type approved in accordance with European Whole Vehicle Type Approval 70/156/EEC as amended.
- Any converted vehicles will be required to hold the appropriate low volume type approval certificate in the M1 classification or the appropriate Individual Vehicle Approval Certificate.
- The vehicle presented for approval must, as a minimum, comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

- 3.3 Mr Shaun Marnell is the proprietor of a company that sells and repairs vehicles including Hackney Carriage and Private Hire Vehicles. Mr Marnell is seeking to license the Ford Tourneo Custom A-Cab rear loading wheelchair accessible vehicle as a Private Hire Vehicle.

- 3.4 There are currently no rear loading wheelchair accessible vehicles licensed as Private Hire Vehicles in Wirral.
- 3.5 Mr Marnell purchases registered Ford Tourneo vehicles and carries out a conversion which includes installing a ramp, altering the headroom in the rear and installing seatbelts for the wheelchair and user. It is understood that these vehicles may be new or used vehicles at the time of the conversion.
- 3.6 On 9 November 2018 Members of the Licensing Panel resolved that the Ford Tourneo Custom A-Cab rear loading wheelchair accessible vehicle be approved to be licensed as a Private Hire Vehicle, subject to each vehicle being presented for licensing with a satisfactory Individual Vehicle Approval (IVA) Certificate.
- 3.7 Mr Marnell subsequently advised the Licensing Authority that he had arranged for the vehicle to be taken to a testing station which is authorised to undertake IVA testing. He reported that he was advised that it was not possible to issue an IVA Certificate as the vehicle had Whole Vehicle Type Approval.
- 3.8 Officers subsequently sought and obtained advice from the Vehicle Certification Agency regarding the status of documents submitted in support of the application to approve the Ford Tourneo Custom A-Cab rear loading wheelchair accessible vehicle. Advice was also sought as to the nature and extent of testing that takes place as part of an Individual Vehicle Approval and Whole Vehicle Type Approval
- 3.9 Following the outcome of these enquiries it was considered appropriate to request that Members review the decision made on 9 November 2018.
- 3.10 On 26 April 2019 Members of the Licensing Panel resolved to set aside their decision of 9 November 2018.
- 3.11 Since the meeting on 9 November 2018 Mr Marnell has advised that he can obtain independent evidence in respect of the standard and safety of the work undertaken on the vehicles he converts which could satisfy the Licensing Authority that the vehicle is safe and suitable to be licensed as a Private Hire Vehicle. Mr Marnell advised that this evidence can be provided by the Vehicle Occupant Safety Centre (VOSC).
- 3.12 An independent homologation engineer who works with VOSC, Denzil Brunning, will attend the Licensing Panel meeting to answer any questions members may have.
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- 3.15 Mr Brunning, has advised that he proposes to conduct a full inspection of the A-Cab rear loading wheelchair accessible vehicle conversion against EC Directive

2007/46/EC as amended. He will then produce an information package which shows how the vehicle design complies with the legislation as a post-registration conversion. If the vehicle does not fully comply he will not release the information package. Mr Brunning has advised that the inspection could cover any additional requirements laid down by the Council. Subsequent vehicles would be independently inspected by Russell Edmunds of VOSC.

- 3.16 If Members approve this vehicle to be licensed as a Private Hire Vehicle Mr Marnell intends to supply converted vehicles to the Private Hire Trade.
- 3.17 The Council's Interim Traffic Network Manager has been consulted in respect of the use of a rear loading wheelchair accessible vehicle and has reported that in respect of public safety a rear loading vehicle can present problems if the passenger accesses the vehicle from the road. In order for a wheelchair passenger to enter a rear loading vehicle, it is necessary for them to be moved into the road either facing, or with their back to, oncoming traffic. This also requires the wheelchair user to be manoeuvred down a kerb.
- 3.18 The officer has further reported that there is also a practical issue for the licensed driver in ensuring that there is sufficient space behind the vehicle whenever they arrive at their destination so the wheelchair user can safely exit the vehicle.

3 FINANCIAL IMPLICATIONS

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

4 LEGAL IMPLICATIONS

- 5.1 A decision of this Panel can be subject to legal challenge.

5 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

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

6 RELEVANT RISKS

- 7.1 There are safety implications arising out of this report due to the safety aspects of private hire vehicles.

7 ENGAGEMENT/CONSULTATION

- 8.1 This is not a matter that requires consultation.

9 EQUALITY IMPLICATIONS

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SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Panel	9 November 2018
Licensing Panel	26 April 2019

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