



## Regulatory Panel

<b>Date:</b>	<b>Wednesday, 16 December 2020</b>
<b>Time:</b>	<b>10.00 a.m.</b>
<b>Venue:</b>	Microsoft Teams

This meeting will be webcast at  
<https://wirral.public-i.tv/core/portal/home>

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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. APPLICATION TO LICENSE A FORD KUGA AS A PRIVATE HIRE VEHICLE (Pages 1 - 10)**

**3. PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD FOCUS, REGISTRATION NUMBER LM10 ADV (Pages 11 - 14)**

**4. APPLICATION TO LICENSE AN LTI TX4 AS A HACKNEY CARRIAGE VEHICLE (Pages 15 - 18)**

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## REGULATORY PANEL

16 DECEMBER 2020

<b>REPORT TITLE</b>	<b>APPLICATION TO LICENSE A FORD KUGA AS A PRIVATE HIRE VEHICLE</b>
<b>REPORT OF</b>	<b>DIRECTOR OF LAW AND GOVERNANCE</b>

### REPORT SUMMARY

The purpose of this report is for the Regulatory Panel to consider whether to license the Ford Kuga as a Private Hire Vehicle.

### RECOMMENDATION/S

That the Regulatory Panel considers whether or not to license the Ford Kuga as a Private Hire Vehicle and whether to license the diesel fuelled Ford Kuga registration number SD16 HLX.

## **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 That consideration of the matter be delegated to officers.

### **3.0 BACKGROUND INFORMATION**

- 3.1 An application has been received from Mr M Thomas to license a Ford Kuga as a Private Hire Vehicle. The Ford Kuga is not a model currently licensed as a Private Hire Vehicle.

- 3.2 In September 2017 Members of the Licensing Health and Safety and General Purposes Committee approved criteria for licensing Private Hire Vehicles. The criteria states that:

- 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.
- Although the criteria set out in this document may have been met, approval for the issuing of a licence may be withheld if the Licensing Authority is of the opinion that the vehicle is unsuitable for use as a private hire vehicle to transport members of the public for hire and reward.
- A vehicle that meets the criteria to be licensed as a private hire vehicle must have passed the MOT and Compliance Test in accordance with the Licensing Authority's procedure for testing vehicles before it can be licensed and before each renewal of that licence.

- 3.3 A copy of the criteria is attached at Appendix 1.

- 3.4 The Regulatory Panel is asked to consider whether the Ford Kuga complies with the Council's criteria for licensing Private Hire Vehicles and whether it is a suitable vehicle to be licensed.

- 3.5 Should the Regulatory Panel be satisfied that the Ford Kuga should be licensed as a Private Hire Vehicle in Wirral Members are further asked to consider whether to license the diesel fuelled Ford Kuga registration number SD16 HLV.

- 3.6 The vehicle has been tested at one of the council's authorised testing stations and the certificates will be available at the meeting.

### **4.0 FINANCIAL IMPLICATIONS**

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

## 5.0 LEGAL IMPLICATIONS

5.1 The Local Government (Miscellaneous Provisions) Act 1976 Section 48 provides that a district council shall not grant a licence unless it is satisfied that the vehicle is:

- Suitable in type, size and design for use as a Private Hire Vehicle
- Not of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage
- In a suitable mechanical condition
- Safe and
- Comfortable
- That there is in force in relation to the use of the vehicle a policy of insurance

5.2 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. The vehicle has been examined at one of the Council's authorised testing stations and has passed the MOT and Compliance tests.

## 8.0 ENGAGEMENT/CONSULTATION

8.1 This is not a matter that requires consultation.

## 9.0 EQUALITY IMPLICATIONS

9.1 There are no specific implications arising from this report.

## 10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 Private Hire Vehicles contribute to harmful emissions including particulate matter, hydrocarbons and carbon monoxide which can be harmful to health.

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## APPENDICES

Appendix 1 - Private Hire Vehicle Criteria

SUBJECT HISTORY (last 3 years)Council Meeting	Date
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# **PRIVATE HIRE VEHICLE LICENCE**

## **CRITERIA**

**September 2017**





# Private Hire Vehicle Criteria

The legislation gives local authorities a wide discretion over the types of vehicles that can be licensed as private hire vehicles.

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.

In this document the "Licensing Authority" means Wirral Council, its Licensing Health and Safety and General Purposes Committee, its Licensing Panel and its Officers.

Although the criteria set out in this document may have been met, approval for the issuing of a licence may be withheld if the Licensing Authority is of the opinion that the vehicle is unsuitable for use as a private hire vehicle to transport members of the public for hire and reward.

A vehicle that meets the criteria to be licensed as a private hire vehicle must have passed the MOT and Compliance Test in accordance with the Licensing Authority's procedure for testing vehicles before it can be licensed and before each renewal of that licence. Further tests and inspections may be carried out as directed by the Licensing Authority or Merseyside Police.

MOT or Compliance Test Pass Certificates submitted more than 28 days after the date of test will not be accepted.

A vehicle licensed as a private hire or hackney carriage vehicle with any other local authority will not be licensed by Wirral Council.

## VEHICLE AGE POLICY

1. Vehicles must be under 10 years of age from the date of manufacture or date of first registration, whichever is the earliest.
2. Once a vehicle reaches 6 years of age it will be required to be tested every six months and a six monthly licence will be issued.
3. Any vehicle which is more than 9 years and 6 months old will be issued with a licence that will expire on the day before it reaches 10 years old

## GENERAL CONSTRUCTION

4. The vehicle must be fitted with at least 4 doors and 4 wheels
5. The vehicle must be capable of carrying at least 4 and not more than 8 passengers in addition to the driver.
6. 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.
7. 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.
8. 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.

9. 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.
10. 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.
11. The steering wheel must be on the offside of the vehicle.
12. Unless approved by the Licensing Authority no fittings outside of the manufacturer's specification may be attached to or be carried upon the inside or outside of the vehicle.
13. Any vehicle that 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.
14. Any vehicle which has been disposed of under an insurance salvage agreement 9 category A or B will not be licensed.
15. Where bench seats are fitted to the rear of the vehicle one person will be counted for each complete length of 16" measured in a straight line lengthwise along the front of the seat.

#### **BODYWORK**

16. The vehicle must be free from corrosion, damage, or unsatisfactory repairs.
17. Paintwork must be of a high standard and the colour and finish of all panels must match exactly.

#### **WHEELS AND TYRES**

18. Where a vehicle is supplied with alloy wheels, all four road wheels must be of the same type and pattern.
19. Where a vehicle is supplied with wheels intended to be fitted with wheel trims, all four road wheels must be fitted with wheel trims of the same pattern.
20. Alloy wheels, wheel rims, and fitted wheel trims must be free from damage and defects which affect the safety, appearance, or integrity of the wheel.
21. Part-worn and remould tyres must comply with the Motor Vehicle Tyres (Safety) Regulations 1994.
22. All tyres, including the spare where applicable, must be the correct size, speed, and load rating for the vehicle as per the manufacturer's specification.
23. All tyres, including the spare where applicable, must be properly inflated in accordance with both the vehicle and tyre manufacturer's specification.
24. All tyres, including the spare where applicable, must have a continuous tread depth of at least 1.6mm across the central three quarters of the breadth of the tyre, and visible tread across the remaining breadth of the tyre.
25. All tyres, including the spare where applicable, must be free from cuts and other defects.
26. The vehicle must carry a method for dealing with a tyre should it become defective. This method must be in accordance with the manufacturer's specification which may be one of the following:

- a. full size spare wheel - which must be the same size and type as the four road wheels and be fitted with a tyre of the same size, speed, and load rating as the four road wheels. Proper tools and equipment for changing the wheel must also be carried.
- b. space saver spare wheel - which must be the correct size and type for the vehicle and be fitted with a tyre of the correct size, speed, and load rating. The tyre must be correctly inflated in accordance with the manufacturer's specifications. Proper tools and equipment for changing the wheel must also be carried.
- c. run-flat tyres - which must be fitted to all four road wheels. Run-flat tyres may only be used if the vehicle is fitted with an appropriate and serviceable tyre pressure monitoring system (TPMS).
- d. emergency tyre sealant and compressor/inflator pack – which must be permanently marked with the vehicle registration number.

## **ELECTRICAL EQUIPMENT**

27. Any additional electrical installation to the original vehicle equipment must be adequately insulated and be protected by suitable fuses. Any electrical installation and components within the vehicle must meet the electromagnetic compatibility (EMC) requirements of UNECE Regulation 10 and be marked accordingly.

## **INTERIOR LIGHTING**

28. Interior lighting must be provided in accordance with the manufacturer's specification. No additional lighting may be fitted.

## **SEATS**

29. Seats must be secure and covered with an appropriate material which must be properly upholstered and in good and clean condition, free from rips, tears and holes.
30. If seat covers are used they must be correctly fitted, in a good and clean condition and free from rips, tears and holes.

## **SEAT BELTS**

31. Vehicles must be fitted with lap and diagonal seatbelts on all seats, including rear facing seats, as per the manufacturer's specification.
32. Seatbelts and seatbelt mechanisms must be in good working order and free from frays, cuts, and other damage, and show no evidence of repair.
33. For the avoidance of doubt any cut, frayed or damaged seatbelt must have been replaced and not repaired.

## **WINDOWS**

34. Windows must be provided at the sides and at the rear of the vehicle.
35. Passenger door windows must be capable of being easily opened by passengers when seated.
36. The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through.

## **HEATING AND VENTILATION**

37. A heating and ventilation system must be provided and must be in good working order.

## **DOORS**

38. All doors must be easily accessible to all passengers and capable of being opened from inside. It must be clear to passengers how to operate the doors of the vehicle.

### **Hinged and sliding doors**

39. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle by one operation of the latch mechanism.

40. Where sliding doors are fitted an audible or visual warning must be fitted in the driver's compartment indicating when any door is open.

41. Where sliding doors are fitted there must be a sign within the passenger compartment, clearly visible to all passengers, giving instructions on the correct operation of the passenger door.

### **Electric doors**

42. Where electric doors are fitted:

- A sign must be clearly displayed inside the vehicle providing instructions on the correct operation of the door opening and closing mechanism.
- The door system design shall incorporate a method to detect an obstruction in the path of a closing door. When an obstruction is detected, the door system shall react in a manner that will allow the obstruction to be released
- A method for detecting an obstruction and preventing the closure of a powered door shall be included as part of the design of the door controls.

## **FLOOR COVERING**

43. The floor of the vehicle must be covered in an appropriate non-slip material which must be free from rips, tears, and holes.

44. All floor covering fitted must be of uniform colour and material.

## **LUGGAGE**

45. There must be provision for the safe carrying of luggage commensurate with the number of passengers being carried in the vehicle.

46. Provision must be made for luggage to be kept separate and secured from the passenger seating area.



## REGULATORY PANEL

16 DECEMBER 2020

<b>REPORT TITLE</b>	<b>PRIVATE HIRE VEHICLE LICENCE APPLICATION</b>
<b>REPORT OF</b>	<b>DIRECTOR OF LAW AND GOVERNANCE</b>

### REPORT SUMMARY

The purpose of this report is to consider an application to re-license a Ford Focus, registration number LM10 ADV, beyond the normal over-age date for a licensed Private Hire Vehicle.

### RECOMMENDATION/S

That the Panel considers whether or not to license the vehicle for 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 That consideration of the matter be delegated to officers.

### **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.

3.2 The proprietor of the vehicle, Mr Jeonney, has applied to license the vehicle for six months.

3.3 The vehicle has been licensed as a Private Hire Vehicle since 20 February 2018 and the current licence is due to expire on 16 December 2020.

3.4 The date of first registration of this vehicle is 16 June 2010.

3.5 On expiry of a previous licences on 16 June 2020 an application to grant a six month licence was considered under delegated authority and the application was granted.

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.

### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are no specific implications arising from this report.

### **5.0 LEGAL IMPLICATIONS**

5.1 The Local Government (Miscellaneous Provisions) Act 1976 Section 48 provides that a district council shall not grant a licence unless it is satisfied that the vehicle is:

- Suitable in type, size and design for use as a Private Hire Vehicle
- Not of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage
- In a suitable mechanical condition
- Safe and
- Comfortable
- That there is in force in relation to the use of the vehicle a policy of insurance

5.2 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. The vehicle has been examined at one of the Council's authorised testing stations and has passed the MOT and Compliance tests.

## **8.0 ENGAGEMENT/CONSULTATION**

8.1 This is not a matter that requires consultation.

## **9.0 EQUALITY IMPLICATIONS**

9.1 There are no specific implications arising from this report.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 Private Hire Vehicles contribute to harmful emissions including particulate matter, hydrocarbons and carbon monoxide which can be harmful to health.

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## **BACKGROUND PAPERS**

MOT certificate

Compliance pass certificate

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
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## REGULATORY PANEL

16 DECEMBER 2020

<b>REPORT TITLE</b>	<b>APPLICATION TO LICENSE AN LTI TX4 AS A HACKNEY CARRIAGE VEHICLE</b>
<b>REPORT OF</b>	<b>DIRECTOR OF LAW AND GOVERNANCE</b>

### REPORT SUMMARY

The purpose of this report is for Members to consider an application to license the following vehicle, namely an LTI TX4, registration number DK09 DCO, as a Hackney Carriage Vehicle.

### RECOMMENDATION/S

That members consider whether or not to license the vehicle registration number DK09 DCO as a Hackney Carriage Vehicle.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

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

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 That consideration of the matter be delegated to officers.

### **3.0 BACKGROUND INFORMATION**

- 3.1 The current criteria that a Hackney Carriage Vehicle must comply with before being granted a licence includes the following:

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

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

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

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

- 3.3 In accordance with the resolution in paragraph 3.2 Members are asked to consider the application submitted by the applicant, Mr Vose, to change the vehicle that is currently licensed as a Hackney Carriage Vehicle, registration number SK03 BWD which is 17 years old, to the vehicle registration number DK09 DCO which is 11½ years old.

- 3.4 The current vehicle is licensed until 25 December 2020.
- 3.5 Members are asked to consider the application and determine if there is good reason to act outside of the current policy and license the vehicle, registration number DK09 DCO as a Hackney Carriage Vehicle.
- 3.6 Mr Vose is the proprietor of four licensed Hackney Carriage Vehicles and two licensed Private Hire Vehicles.

#### **4.0 FINANCIAL IMPLICATIONS**

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

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 A district council may require any Hackney Carriage licensed by them under the Town Police Clauses Act 1847 to be of such design or appearance or bear any such distinguishing marks as shall clearly identify it as a Hackney Carriage.
- 5.2 A district council may attach to the grant of licence of a Hackney Carriage such conditions as the district council consider reasonably necessary.
- 5.3 A decision of this Panel can be subject to legal challenge.

#### **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 hackney carriage vehicles.

#### **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 This is not a matter that requires consultation.

#### **9.0 EQUALITY IMPLICATIONS**

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

#### **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

- 10.1 Diesel-fuelled vehicles are major sources of harmful pollutants, such as ground-level ozone and particulate matter, often in the form of black smoke, along with a number of other chemical compounds such as volatile organic compounds, hydrocarbons, carbon monoxide, ozone, lead, and various oxides of nitrogen.

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