

REGULATORY PANEL

Friday, 11 June 2021

Present: Councillor A Hodson (Chair)
Councillors D Mitchell S Williams
I Williams

1 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel 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.

2 PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD MONDEO, REGISTRATION NUMBER AV60 GME

The Director of Law and Governance reported upon an application received to re-license a Ford Mondeo, registration number AV60 GME, beyond the normal over-age date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 28 January 2014 and the licence expired on 22 April 2021. The date of first registration of this vehicle was 25 September 2010. On expiry of a previous licence on 25 September 2020 an application to grant a six month licence was considered under delegated authority and the application was granted. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with his vehicle which Members of the Panel inspected.

Resolved – That the application to license the Ford Mondeo, registration number AV60 GME, as a Private Hire Vehicle be granted for four months subject to repairs being undertaken to the seat and carpets.

3 PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD FOCUS, REGISTRATION NUMBER LM10 ADV

The Director of Law and Governance reported upon an application received to re-license a Ford Focus, Registration Number LM10 ADV, beyond the normal over-age date for a licensed Private Hire Vehicle. The vehicle had been

licensed as a Private Hire Vehicle since 20 February 2018 and the current licence was due to expire on 16 June 2021. The date of first registration of the vehicle was 16 June 2010. On expiry of a previous licence on 16 June 2020 an application for a six month licence was granted under delegated authority. On 16 December 2020 an application for a six month licence was granted by the Regulatory Panel. The vehicle has been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with his vehicle which Members of the Panel inspected.

Resolved – That the application to license the Ford Focus, Registration Number LM10 ADV, as a Private Hire Vehicle be granted for six months.

4 PRIVATE HIRE VEHICLE LICENCE APPLICATION - TOYOTA PRIUS, REGISTRATION NUMBER AU60 ZXW

The Director of Law and Governance reported upon an application received to re-license a Toyota Prius, registration number AU60 ZXW, beyond the normal over-age date for a licensed Private Hire Vehicle.

The proprietor of the vehicle was unable to attend the meeting.

Resolved – That the application be deferred to a future meeting of the Regulatory Panel should the applicant wish to pursue the matter.

5 PRIVATE HIRE VEHICLE LICENCE APPLICATION - TOYOTA AVENSIS, REGISTRATION NUMBER YF11 UAU

The Director of Law and Governance reported upon an application received to re-license a Toyota Avensis, registration number YF11 UAU, beyond the normal over-age date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 13 June 2018 and the current licence was due to expire on 12 June 2021. The date of first registration of this vehicle was 6 June 2011. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with his vehicle which Members of the Panel inspected.

Resolved – That the application to re-license a Toyota Avensis, registration number YF11 UAU, as a Private Hire Vehicle be granted for six months.

6 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - MERCEDES C220, REGISTRATION NUMBER DA60 PDV**

The Director of Law and Governance reported upon an application received to re-license a Mercedes C220, registration number DA60 PDV, beyond the normal over-age date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 10 April 2019 and the licence expired on 27 February 2021. The date of first registration of the vehicle was 8 July 2010. On expiry of a previous licence on 28 August 2020 an application for a six month licence was granted under delegated authority. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with his vehicle which Members of the Panel inspected.

Resolved – That the application to re-license a Mercedes C220, registration number DA60 PDV, as a Private Hire Vehicle be granted for six months.

7 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD MONDEO, REGISTRATION NUMBER AV11 HNM**

The Director of Law and Governance reported upon an application received to re-license a Ford Mondeo, registration number AV11 HNM, beyond the normal over-age date for a licensed Private Hire Vehicle.

The proprietor of the vehicle was unable to attend the meeting.

Resolved – That the application be deferred to a future meeting of the Regulatory Panel should the applicant wish to pursue the matter.

8 **SCHOOL CONTRACT PRIVATE HIRE VEHICLE LICENCE APPLICATION - IVECO FORD DAILY, REGISTRATION NUMBER WA60 EWB**

The Director of Law and Governance reported upon an application received to re-license an Iveco Ford Daily, registration number WA60 EWB, beyond the normal over-age date for a licensed Private Hire Vehicle. The vehicle will be used exclusively to transport children to and from educational establishments. The vehicle had been licensed as a Private Hire Vehicle since 31 October 2018 and the licence expired on 8 May 2021. The date of first registration of the vehicle was 15 December 2010. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to re-license an Iveco Ford Daily, registration number WA60 EWB be granted for six months subject to the lift being repainted.

9 **SCHOOL CONTRACT PRIVATE HIRE VEHICLE LICENCE APPLICATION - IVECO FORD DAILY, REGISTRATION NUMBER N09 MUP**

The Director of Law and Governance reported upon an application received to re-license an Iveco Ford Daily, registration number N09 MUP, beyond the normal over-age date for a licensed Private Hire Vehicle. The vehicle will be used exclusively to transport children to and from educational establishments. The vehicle had been licensed as a Private Hire Vehicle since 24 January 2019 and the licence expired on 23 January 2021. The date of first registration of the vehicle was 29 July 2009. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to re-license an Iveco Ford Daily, Registration Number NG09 MUP be granted subject to a successful further MOT being completed on the vehicle.

10 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD TOURNEO, REGISTRATION NUMBER YG66 UOF**

The Director of Law and Governance reported upon an application received to license a Ford Tourneo, registration number YG66 UOF, fitted with "privacy glass" as a Private Hire Vehicle outside the current criteria which states that side and rear windows must allow at least 70% of light to be transmitted through.

In September 2017 Members of the Licensing Health and Safety and General Purposes Committee approved criteria for licensing Private Hire Vehicles. A copy of the criteria was attached at Appendix 1 to the report.

Paragraph 36 of the criteria states that: The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through.

The proprietor of Murphy's Airlink has advised that the company have taken on a new contract for clients who prefer a certain amount of privacy whilst travelling. The company also intend to expand their client base of business customers who prefer more privacy in a vehicle.

Murphy's Airlink state that they undertake longer distance airport and special event transfers and do not undertake standard private hire work.

If the Regulatory Panel approve the vehicle to be licensed as a Private Hire Vehicle outside the current criteria the company intend to purchase the vehicle for transporting their business clients. The vehicle was made available for inspection at the meeting.

Resolved – That the application to grant a licence to a Ford Tourneo, Registration Number YG66 UOF be approved with the following conditions:

- i. All bookings must be made 24 hours in advance.**
- ii. Payment can only be made using an invoicing system.**
- iii. The Private Hire Operator must communicate in advance with the customer by sharing the drivers name, vehicle registration number, licence number and photograph by text or email.**

11 **APPLICATION TO APPROVE A FORD GRAND C-MAX TO CARRY SIX PASSENGERS**

The Director of Law and Governance reported upon an application received to approve the Ford Grand C-Max as a Private Hire Vehicle to carry six passengers and whether to license the Ford Grand C-Max registration number SJ68 KKM to carry six passengers.

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.
- 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.

The Ford Grand C-Max is a model which complies with the Council's current criteria for licensing Private Hire Vehicles in that it is suitable in type, size and design, is in a suitable mechanical condition and is safe and comfortable.

The vehicle is fitted with six passenger seats however it has only been considered suitable to carry four passengers due to the positioning of the rear

two seats. A number of Ford C-Max vehicles are currently licensed to carry four passengers, however, the proprietor of the vehicle, Mr Platt, has applied to license a Ford Grand C-Max, registration number SJ68 KKM, to carry six passengers.

The Regulatory Panel was asked to consider whether the Ford Grand C-Max is now a suitable vehicle to be licensed to carry six passengers and whether to license the Ford Grand C-Max registration number SJ68 KKM to carry six passengers. The vehicle was made available to Members for inspection at the meeting.

Resolved –

- (1) That the Ford Grand C-Max may only be licensed to carry four passengers.**
- (2) That the application to approve a Ford Grand C-Max, registration number SJ68 KKM to carry six passengers be refused.**

12 **APPLICATION TO LICENSE THE MG5 EV AS A PRIVATE HIRE VEHICLE**

The Director of Law and Governance reported upon an application to consider whether to license the MG5 EV as a Private Hire Vehicle.

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.
- 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.

A copy of the criteria was attached at Appendix 1 to the report. The Regulatory Panel was asked to consider whether the MG5 EV complies with the Council's criteria for licensing Private Hire Vehicles and whether it is a suitable vehicle to be licensed. The vehicle was made available for inspection at the meeting.

Resolved – That the MG5 EV be approved as a vehicle to be licensed as a Private Hire Vehicle.

13 **APPLICATION TO LICENSE THE DYNAMO NISSAN ELECTRIC TAXI AS A HACKNEY CARRIAGE VEHICLE**

The Director of Law and Governance reported upon an application received to license the Dynamo Nissan Electric Taxi as a Hackney Carriage Vehicle.

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).

At the meeting of the Licensing, Health and Safety and General Purposes Committee on 25 November 2015 Members resolved that the consideration of applications for the approval of new makes and models of vehicles to be licensed as Hackney Carriage Vehicles be delegated to the Licensing Panel.

The vehicle has EC Vehicle Type Approval to M1 requirements and has been issued with a Vehicle Certification Agency (VCA) certificate. A copy of the certificate was attached at Appendix 1 to the report.

Type Approval is a system for testing and approving motor vehicles and for controlling conformity of production to be consistent with the approved type. Under the type approval system category M1 relates to passenger carrying vehicles having no more than eight seats in addition to the driver's seat. UK law defines a taxi as an M1 vehicle.

The vehicle was made available for inspection at the meeting.

Resolved – That the Dynamo Nissan Electric vehicle be approved as a vehicle to be licensed as a Hackney Carriage Vehicle.

14 **APPLICATION TO LICENSE AN LTI TXII AS A HACKNEY CARRIAGE VEHICLE, REGISTRATION NUMBER DK54 CZH**

The Director of Law and Governance reported upon an application received to license an LTI TXII, registration number DK54 CZH, as a Hackney Carriage Vehicle.

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).

The vehicle had been licensed as a Hackney Carriage Vehicle since before October 2008 and the licence expired on 25 October 2020. The date of first registration of the vehicle was 28 October 2004 and the vehicle is 17 years old. It therefore does not meet the criteria that every vehicle must be three years old or less. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with his vehicle which Members of the Panel inspected.

Resolved – That the application to license an LTI TXII, registration number DK54 CZH, as a Hackney Carriage Vehicle be refused.

15 **EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by paragraph 1 of Part I of Schedule 12A (as amended) to that Act. The Public Interest Test had been applied and favoured exclusion.

HACKNEY CARRIAGE DRIVER LICENCE - WMC

The Director of Law and Governance submitted a report for Members to consider whether Mr WMC should continue to hold a Hackney Carriage Driver Licence.

Mr WMC attended the meeting with his wife and made representations in respect of complaints made against him.

Members considered the complaints and the response made by Mr WMC and his wife.

Members gave due consideration to all of the representations made and exercised their rights to consider each case on its individual merits in light of the representations made. Members also had regard to the accounts provided.

Resolved – That, in light of the representations made, Mr WMC be allowed to continue to hold a Hackney Carriage Driver Licence.