

REGULATORY PANEL

Friday, 8 April 2022

Present: Councillor A Hodson (Chair)
Councillors M Booth D Mitchell
D Burgess-Joyce

160 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.

161 PRIVATE HIRE VEHICLE LICENCE APPLICATION - CITROEN RELAY, REGISTRATION NUMBER GN61 JWW

The Director of Law and Governance reported upon an application received to license a Citroen Relay, registration number GN61 JWW outside of the current age policy for licensing Private Hire Vehicles.

The applicant was unable to present the vehicle for consideration.

Resolved – That this matter be deferred to a future date.

162 PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD TRANSIT, REGISTRATION NUMBER EK54 YFW

The Director of Law and Governance reported upon an application received to license a Ford Transit, registration number EK54 YFW, outside the current age policy for licensing Private Hire Vehicles. The vehicle had previously been licensed as a Private Hire Vehicle from 19 March 2018 until 18 March 2022 when the licence expired. The vehicle could not be relicensed due to a delay in obtaining a number of parts to enable it to be repaired prior to being presented for the MOT and Compliance tests. The date of first registration of the vehicle was 18 October 2004. The vehicle would be used to undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Council to transport children to and from educational establishments. 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 license the Ford Transit, registration number EK54 YFW, as a Private Hire Vehicle be granted for six months.

163 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - PEUGEOT BOXER, REGISTRATION NUMBER WX61 BZD**

The Director of Law and Governance reported upon an application received to license a Peugeot Boxer, registration number WX61 BZD, outside the current age policy for licensing Private Hire Vehicles.

The application had subsequently been withdrawn.

Resolved – That this matter be withdrawn.

164 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD MONDEO, REGISTRATION NUMBER YD12 MHO**

The Director of Law and Governance reported upon an application received to license a Ford Mondeo, registration number YD12 MHO, outside the current age policy for licensing Private Hire Vehicles. The vehicle had been licensed as a Private Hire Vehicle from 21 June 2019 until 24 March 2022 when the licence expired. The date of first registration of the vehicle was 24 March 2012. 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 license the Ford Mondeo, registration number YD12 MHO, as a Private Hire Vehicle be granted for six months.

165 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD MONDEO, REGISTRATION NUMBER SP12 TFU**

The Director of Law and Governance reported upon an application received to license a Ford Mondeo, registration number SP12 TFU, outside the current age policy for licensing Private Hire Vehicles. The vehicle had been licensed as a Private Hire Vehicle from 1 November 2018 to 1 April 2022 when the licence expired. The date of first registration of the vehicle was 1 April 2012. 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 license the Ford Mondeo, registration number SP12 TFU, as a Private Hire Vehicle be granted for six months.

166 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - PEUGEOT 308, REGISTRATION NUMBER DX12 GAU**

The Director of Law and Governance reported upon an application received to license a Peugeot 308, registration number DX12 GAU, outside the current age policy for licensing Private Hire Vehicles. The vehicle had been licensed as a Private Hire Vehicle from 21 July 2015 to 18 July 2020 and then since 10 August 2020 with the licence due to expire on 18 April 2022. The date of first registration of the vehicle was 18 April 2012. 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 license the Peugeot 308, registration number DX12 GAU, as a Private Hire Vehicle be granted for six months.

167 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - PEUGEOT 3008, REGISTRATION NUMBER YH12 UCM**

The Director of Law and Governance reported upon an application received to license a Peugeot 3008, registration number YH12 UCM, outside the current age policy for licensing Private Hire Vehicles. The vehicle had been licensed as a Private Hire Vehicle since 14 November 2017 and the current licence was due to expire on 12 April 2022. The date of first registration of the vehicle was 13 April 2012. 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 license the Peugeot 3008, registration number YH12 UCM, as a Private Hire Vehicle be granted for six months.

168 **APPLICATION TO LICENSE THE TESLA MODEL S AS A PRIVATE HIRE VEHICLE**

The Director of Law and Governance reported upon an application received to determine whether the Tesla Model S meets the Council's criteria for licensing Private Hire Vehicles.

In September 2017 Members of the Licensing, Health and Safety and General Purposes Committee approved criteria for licensing Private Hire Vehicles. The criteria were set out within Appendix 1 attached to the report and state 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.

Members of the Regulatory Panel were asked to consider whether they were satisfied that the Tesla Model S complied with the Council's criteria for licensing Private Hire Vehicles and whether it was a suitable vehicle to be licensed. Should this be the case Members were further asked to consider whether to license this electric-fuelled Tesla Model S, registration number LC67 DJE as a Private Hire Vehicle.

It was reported that the applicant had not yet purchased the vehicle, which was currently located in Luton. It was reported that the cost of the vehicle was £38,990 and the applicant advised that he did not want to purchase the vehicle unless it was determined that a Tesla Model S could be licensed as a Private Hire Vehicle with Wirral Council.

Should the Panel determine that this vehicle may be licensed as a Private Hire Vehicle, it would be examined at one of the Council's authorised testing stations for the purposes of an MOT and Compliance Test. Members were provided with a copy of the Auto Trader advert for the vehicle which was attached at Appendix 2 to the report.

The proprietor of the vehicle attended the meeting.

Resolved –

- (1) That the Tesla Model S meets the criteria for licensing Private Hire Vehicles.
- (2) That the application to license the Tesla Model S, registration number LC67 DJE as a Private Hire Vehicle be granted subject to receipt of MOT and Compliance certificates.

169 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - PEUGEOT 508, REGISTRATION NUMBER DG17 FSN**

The Director of Law and Governance reported upon an application received to license a Peugeot 508, registration number DG17 FSN, 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.

The applicant did not attend the meeting.

Resolved – That the applicant be allowed to attend a future meeting of the Regulatory Panel should they wish to pursue the application.

170 **APPLICATION TO LICENSE THE KIA XCEED AS A PRIVATE HIRE VEHICLE**

The Director of Law and Governance reported upon an application received to determine whether the Kia XCeed meets the Council's criteria for licensing Private Hire Vehicles.

In September 2017 Members of the Licensing, Health and Safety and General Purposes Committee approved criteria for licensing Private Hire Vehicles. The criteria were set out within Appendix 1 attached to the report and state 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.

Members of the Regulatory Panel were asked to consider whether they were satisfied that the Kia XCeed complied with the Council's criteria for licensing Private Hire Vehicles and whether it was a suitable vehicle to be licensed. Should this be the case Members were further asked to consider whether to license this diesel-fuelled Kia XCeed, registration number FV70 WBP as a Private Hire Vehicle. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available.

The proprietor of the vehicle attended the meeting with the vehicle which was inspected by Members.

Resolved –

- (1) That the Kia XCeed meets the criteria for licensing Private Hire Vehicles.**
- (2) That the application to license the Kia XCeed, registration number FV70 WBP as a Private Hire Vehicle be granted.**

171 **APPLICATION TO LICENSE THE HONDA CR-V AS A PRIVATE HIRE VEHICLE**

The Director of Law and Governance reported upon an application received to determine whether the Honda CR-V meets the Council's criteria for licensing Private Hire Vehicles.

In September 2017 Members of the Licensing, Health and Safety and General Purposes Committee approved criteria for licensing Private Hire Vehicles. The criteria were set out within Appendix 1 attached to the report and state 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.

The applicant did not attend the meeting.

Resolved – That the applicant be allowed to attend a future meeting of the Regulatory Panel should they wish to pursue the application.

172 **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.

173 **HACKNEY CARRIAGE DRIVER LICENCE (MJD)**

The Director of Law and Governance submitted a report for Members to consider whether MJD should be granted a Hackney Carriage Driver Licence.

MJD attended the meeting and made representations in respect of the application.

Members of the Panel and their legal advisor questioned MJD.

Members gave due consideration to the representations made and exercised their rights to consider each case on its individual merits in light of the representations made.

Resolved – That MJD’s application for a Private Hire Driver Licence be granted.

174 **PRIVATE HIRE DRIVER LICENCE (SMMCC)**

The Director of Law and Governance submitted a report for Members to consider whether SMcC should continue to hold a Private Hire Driver Licence.

SMcC attended the meeting and made representations. SMcC responded to questions from Members and the legal advisor to the Panel.

Members considered carefully the responses made by SMcC.

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.

Resolved –

(1) That SMcC be allowed to continue to hold a Private Hire Driver Licence subject to the completion of the next available Driver Awareness Course.

(2) That SMcC be given a written warning as to his future conduct.

175 **PRIVATE HIRE DRIVER LICENCE (NU)**

The Director of Law and Governance submitted a report for Members to consider whether NU should continue to hold a Private Hire Driver Licence.

NU attended the meeting and made representations. NU responded to questions from Members and the legal advisor to the Panel.

Members considered carefully the representations made by NU.

In determining the matter Members gave serious consideration to their overriding responsibility in respect of the protection and safety of the public. The Panel applied the principle of proportionality enshrined within the Human Rights Act 1998 and considered that in seeking to ensure the legitimate aim of the protection and safety of the public, a revocation of the licence with immediate effect was justified in the circumstances.

Resolved – That, in the interests of public safety, NU’s Private Hire Driver Licence be revoked with immediate effect.

176 **PRIVATE HIRE DRIVER LICENCE (LSF)**

The Director of Law and Governance reported upon an application received by LSF for the grant of a Private Hire Driver Licence. LSF attended the meeting with his solicitor and made representations in respect of the application.

Members gave due consideration to the representations made and exercised their right to consider each case on its individual merits in light of the representations made.

In determining the matter Members also gave serious consideration to their overriding responsibility in respect of the protection and safety of the public. The Panel applied the principle of proportionality enshrined within the Human Rights Act 1998.

Resolved – That LSF’s application for the grant of a Private Hire Driver Licence be refused.