



Regulatory and General Purposes Committee

Date:	Thursday, 23 March 2023
Time:	6.00 p.m.
Venue:	Committee Room 1 - Wallasey Town Hall

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Please note that public seating is limited therefore members of the public are encouraged to arrive in good time.

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AGENDA

- 1. WELCOME AND INTRODUCTION**
- 2. APOLOGIES**
- 3. 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 item on the agenda and state the nature of the interest.

- 4. PUBLIC AND MEMBER QUESTIONS**

- 4.1 Public Questions**

Notice of question to be given in writing or by email by 12 noon, Monday 20 March 2023 to the Council's Monitoring Officer via this link: [Public Question Form](#) and to be dealt with in accordance with Standing Order 10.

For more information on how your personal information will be used, please see this link: [Document Data Protection Protocol for Public Speakers at Committees | Wirral Council](#)

Please telephone the Committee Services Officer if you have not received an acknowledgement of your question by the deadline for submission.

4.2 Statements and Petitions

Notice of representations to be given in writing or by email by 12 noon, Monday 20 March 2023 to the Council's Monitoring Officer (committeeservices@wirral.gov.uk) and to be dealt with in accordance with Standing Order 11.1.

Petitions may be presented to the Committee if provided to Democratic and Member Services no later than 10 working days before the meeting, at the discretion of the Chair. The person presenting the petition will be allowed to address the meeting briefly (not exceeding three minute) to outline the aims of the petition. The Chair will refer the matter to another appropriate body of the Council within whose terms of reference it falls without discussion, unless a relevant item appears elsewhere on the Agenda. If a petition contains more than 5,000 signatures, it will be debated at a subsequent meeting of Council for up to 15 minutes, at the discretion of the Mayor.

Please telephone the Committee Services Officer if you have not received an acknowledgement of your statement/petition by the deadline for submission.

4.3 Questions by Members

Questions by Members to dealt with in accordance with Standing Orders 12.3 to 12.8.

5. MINUTES (Pages 1 - 4)

To approve the accuracy of the minutes of the meeting held on 1 February 2023.

6. MINUTES OF THE REGULATORY PANEL (Pages 5 - 14)

To approve the accuracy of the minutes of the meetings of the Regulatory Panels held on 13 January and 2 February 2023.

- 7. AMENDMENT TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE CONDITIONS (Pages 15 - 18)**
- 8. REVIEW OF LICENCE FEES FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS (Pages 19 - 28)**

The agenda for this item may not be suitable to view for people with disabilities, users of assistive technology or mobile phone devices. Please contact margaretodonnell@wirral.gov.uk if you would like this document in an accessible format.

Terms of Reference

The terms of reference for this committee can be found at the end of this agenda.

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REGULATORY AND GENERAL PURPOSES COMMITTEE

Wednesday, 1 February 2023

Present:

Councillor A Hodson (Chair)

Councillors	C O'Hagan	M Collins
	S Bennett	L Fraser
	C Davies	S Williams
	J Hoey	C Cooke
	C Jones	D Mitchell
	D Kenny	K Greaney
	M Booth	A Wright (In place of D Burgess- Joyce)

19 **WELCOME AND INTRODUCTION**

The Chair welcomed everyone to the meeting and those watching the webcast.

20 **APOLOGIES**

The Chair confirmed that apologies had been received from Councillor D Burgess-Joyce with Councillor A Wright deputising.

21 **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 item on the agenda and state the nature of the interest.

No such declarations were made.

22 **PUBLIC AND MEMBER QUESTIONS**

The Chair reported that no questions, statements or petitions had been received from members of the public or from any Members.

23 **MINUTES**

Resolved – That the accuracy of the minutes of the meeting held on 16 November 2022 be approved.

24 **MINUTES OF THE REGULATORY PANEL**

Resolved – That the accuracy of the minutes of the meetings of the Regulatory Panel held on 11 and 25 November 2022 and 2, 9 and 16 December 2022 be approved.

25 **BOROUGH ELECTION FEES & CHARGES**

The Director of Law and Governance submitted a report detailing the proposed fees to be paid to the Returning Officer and his staff employed to undertake duties at the local elections held within the Borough.

The Electoral Services Manager reported that the next scheduled local elections would take place on Thursday 4 May 2023 and the local election fees for 2023 were set in in Appendix 1 to the report. The fees and charges had been considered and endorsed by the Returning Officer.

Members were advised that consideration had been given to a range of fees which could be paid to the Returning Officer and that the recommendation put forward had been informed by both national guidance and information gathered from other Merseyside Local Authorities. Annual fees were uprated using the retail price index percentage increase. It was reported that in accordance with the Representation of the People's Act 1983, the cost of a local government election would be met from the local authority budget.

Discussions took place in respect of staff receiving their salary and a fee when undertaking election duties and it was suggested that this be investigated over the next four years.

Resolved (by assent) – That the fees to be paid to the Returning Officer and his staff employed to undertake duties at the local elections held within the Borough as set out within Appendix 1 to the report be endorsed.

26 **POLLING PLACES REVIEW**

The Head of Democratic and Member Services submitted a report which set out the findings following a review undertaken in respect of the use of polling station venues in two wards which were currently used as polling places for the purposes of Local Authority, Parliamentary and other elections.

The Electoral Services Manager informed Members that the report provided guidance on selecting polling places and an outline of alternative polling places which had been identified by the Returning Officer. It was reported that local Ward Members had been consulted in respect of options and costs associated with the hire of alternative venues were detailed within Appendix 2 to the report.

It was reported that a review of two venues which had been used as polling places in May 2022 was commissioned by the Returning Officer as a result of the Elections Office being informed that the venues in question would not be available for the delivery of the May 2023 Local Authority Election and that associated costs and Member views were detailed within Appendix 1 to the report.

The Electoral Services Manager referred to the objective criteria that are used when considering the overall suitability of a polling place or polling station.

Members were advised that it was recommended that the polling station for polling district HE be moved from Bromborough Civic Centre to The Village Hall, St Barnabas Church due to the Civic Centre having been closed since March 2020 with no plans to reopen and that the polling station for polling district VF be moved from Wallasey Village Library to St Hilary's Church due to the library having to undergo some building work prior to reopening, the dates for which had not been confirmed.

Resolved (by assent) –

- (1) That the report be noted.**
- (2) That the relocation of the two polling places as detailed within the report be agreed in readiness for the May 2023 Local Authority Elections in that the polling station for polling district HE be moved to The Village Hall, St Barnabas Church; and the polling station for polling district VF be moved to St Hilary's Church.**

27 **WIRRAL AWARDS 2022**

The Director of Law and Governance submitted a report requesting agreement from the Committee that the Wirral Award be conferred on the nominees as recommended by the Wirral Award Working Party held on 12 January 2023. The Wirral Award is intended to confer civic recognition upon individuals or organisations resident or located in Wirral for an outstanding achievement within the previous twelve months, or for distinguished service to the Borough over a period of twenty years or more.

It was reported that once nominations were agreed, certificates would be awarded to the successful nominees at a special ceremony to be held at a suitable venue.

Members considered the recommendations of the Wirral Award Working Party and the nominations which were attached to the report as an exempt appendix.

Resolved –

- (1) That the Wirral Award 2022 be conferred upon those recipients recommended by the Wirral Award Working Party.
- (2) That appropriate arrangements be made for the recipients of the Award to be invited to a special ceremony.

28 **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 item of business on the grounds that it involves 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.

29 **WIRRAL AWARD 2022 - EXEMPT APPENDIX - RECOMMENDATIONS OF THE WIRRAL AWARD WORKING PARTY**

Resolved – That the appendix attached to the report containing the nomination forms for the Wirral Award 2022 is exempt under Section 100 (A)(4) of the Local Government Act 1972, Paragraph 1 of Part 1 of Schedule 12A (as amended) to that Act on the grounds that it involves the likely disclosure of exempt information. Consideration had been given to the Public Interest Test.

REGULATORY PANEL

Friday, 13 January 2023

Present: Councillor A Hodson (Chair)

Councillors S Bennett
L Fraser
D Mitchell

105 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.

106 PRIVATE HIRE VEHICLE LICENCE APPLICATION - CITROEN RELAY, REGISTRATION NUMBER NJ60 OAE

The Head of Legal Services reported upon an application received to license a Citroen Relay, registration number NJ60 OAE, outside the current age policy for licensing Private Hire Vehicles. The vehicle had been licensed as a Private Hire Vehicle since 6 August 2018 and the current licence was due to expire on 5 February 2023. The date of first registration of the vehicle was 17 September 2010. It was reported that should a licence be granted, 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 MOT and Compliance pass certificates had been provided to Members.

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

Resolved – That the application to license the Citroen Relay, registration number NJ60 OAE, as a Private Hire Vehicle be granted for six months.

107 PRIVATE HIRE VEHICLE LICENCE APPLICATION - VAUXHALL INSIGNIA, REGISTRATION NUMBER BL12 RTO

The Head of Legal Services reported upon an application received to license a Vauxhall Insignia, registration number BL12 RTO, outside the current age policy for licensing Private Hire Vehicles.

This application was withdrawn prior to the hearing.

108 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - VOLKSWAGEN PASSAT, REGISTRATION NUMBER VA62 NLT**

The Head of Legal Services reported upon an application received to license a Volkswagen Passat, registration number VA62 NLT, outside the current age policy for licensing Private Hire Vehicles. The vehicle had been licensed as a Private Hire Vehicle since 26 March 2018 and the current licence was due to expire on 30 January 2023. The date of first registration of the vehicle was 30 January 2013. 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 Volkswagen Passat, registration number VA62 NLT, as a Private Hire Vehicle be granted for six months subject to documentation being provided to the Licensing Authority confirming that the advisories referred to on the MOT certificate had been carried out.

109 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - VAUXHALL ASTRA, REGISTRATION NUMBER BT12 YFP**

The Head of Legal Services reported upon an application received to license a Vauxhall Astra, registration number BT12 YFP, outside the current age policy for licensing Private Hire Vehicles. The vehicle had been licensed as a Private Hire Vehicle since 21 February 2018 and the current licence was due to expire on 16 January 2023. The date of first registration of the vehicle was 16 July 2012. The vehicle had been examined at one of the Council's authorised testing stations and the MOT and Compliance pass certificates had been provided to Members.

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

Resolved – That the application to license the Vauxhall Astra, registration number BT12 YFP, as a Private Hire Vehicle be granted for six months.

110 **HACKNEY CARRIAGE VEHICLE LICENCE APPLICATION - LTI TX4, REGISTRATION NUMBER LS07 GPF**

The Head of Legal Services reported upon an application received to license a LTI TX4, registration number LS07 GPF, outside the current age policy for

licensing Hackney Carriage Vehicles. The vehicle was first licensed as a Hackney Carriage Vehicle on 16 December 2009 and the most recent licence expired on 17 December 2022 as the applicant was unable to have repairs completed on the vehicle or have the vehicle tested in advance of the licence expiring. The date of first registration of the vehicle was 10 May 2007. 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 attended the meeting together with Gary Gregory, Unite the Union with the vehicle which was inspected by Members.

Resolved – That the application to license a LTI TX4, registration number LS07 GPF as a Hackney Carriage Vehicle be granted.

111 **HACKNEY CARRIAGE VEHICLE LICENCE APPLICATION - HYUNDAI IONIQ 5**

The Head of Legal Services reported upon an application received to determine whether the Hyundai Ioniq 5 should be licensed as a Hackney Carriage Vehicle and whether the electric powered Hyundai Ioniq 5 registration number KY22 XMG should be licensed as a Hackney Carriage Vehicle.

The criteria for licensing Hackney Carriage Vehicles includes a requirement for the vehicle to be purpose built and built to accommodate disabled passengers in wheelchairs within the rear passenger compartment. The criteria were set out within Appendix 1 attached to the report. The Hyundai Ioniq 5 is not a purpose built Hackney Carriage Vehicle and it is not wheelchair accessible in that it is not possible for a wheelchair using passenger to remain seated in their wheelchair whilst travelling in the vehicle. The date of first registration of the vehicle is 3 March 2022.

Members of the Regulatory Panel were asked to consider whether the Hyundai Ioniq 5 may be licensed as a Hackney Carriage Vehicle and, if so, whether to license the electric powered Hyundai Ioniq 5, registration number KY22 XMG as a Hackney Carriage Vehicle. The vehicle had not yet been examined at one of the Council's authorised testing stations.

The proprietor of the vehicle attended the meeting together with individuals in support of the application.

Resolved –

- (1) That the Hyundai Ioniq 5 was not of such design to be licensed as a Hackney Carriage Vehicle outside of the current criteria for licensing Hackney Carriage Vehicles.**

- (2) That the application to license the electric powered Hyundai Ioniq 5, registration number KY22 XMG as a Hackney Carriage Vehicle be refused.

Councillor L Fraser left the meeting.

112 **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 item of business on the grounds that it involves 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.

113 **PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCE APPLICATIONS (KMC)**

The Head of Legal Services submitted a report for Members to consider whether KMC should be granted a Private Hire Driver Licence and a Hackney Carriage Driver Licence

KMC and their partner attended the meeting and made representations in respect of the application.

Members of the Panel and their legal advisor questioned KMC.

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 KMC’s application for a Private Hire Driver Licence and a Hackney Carriage Driver Licence be granted.

REGULATORY PANEL

Thursday, 2 February 2023

Present: Councillors A Hodson (Chair)
S Bennett
D Mitchell

114 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.

115 PRIVATE HIRE VEHICLE LICENCE APPLICATION - RENAULT TRAFIC, REGISTRATION NUMBER LX61 DGE

The Director of Law and Governance reported upon an application received to license a Renault Trafic, registration number LX61 DGE, outside the current age policy for licensing Private Hire Vehicles. The vehicle had first been licensed as a Private Hire Vehicle on 3 September 2018 and the current licence was due to expire on 21 February 2023. The date of first registration of the vehicle was 21 February 2012. It was reported that should a licence be granted, 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 MOT and certificate had been provided to Members. The vehicle had not yet passed the Compliance test due to repairs required to the paintwork.

The Fleet Manager of A Team Wirral Ltd was present at the meeting together with a representative of Unite the Union and the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Renault Trafic, registration number LX61 DGE, as a Private Hire Vehicle be granted for six months subject to having passed the Compliance Test.

116 PRIVATE HIRE VEHICLE LICENCE APPLICATION - IVECO DAILY, REGISTRATION NUMBER WA60 EWG

The Director of Law and Governance reported upon an application received to license a Iveco Daily, registration number WA60 EWG, outside the current

age policy for licensing Private Hire Vehicles. The vehicle had first been licensed as a Private Hire Vehicle on 31 August 2018 and the current licence was due to expire on 16 February 2023. The date of first registration of the vehicle was 20 December 2010. It was reported that should a licence be granted, 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 MOT and Compliance pass certificates had been provided to Members.

The Fleet Manager of A Team Wirral Ltd was present at the meeting together with a representative from Unite the Union and the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Iveco Daily, registration number WA60 EWG, as a Private Hire Vehicle be granted for six months.

117 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - CHEVROLET CRUZE, REGISTRATION NUMBER MK13 EYD**

The Director of Law and Governance reported upon an application received to license a Chevrolet Cruze, registration number MK13 EYD, outside the current age policy for licensing Private Hire Vehicles. The vehicle had first been licensed as a Private Hire Vehicle on 17 August 2021 and the current licence was due to expire on 16 February 2023. The date of first registration of the vehicle was 18 March 2013. 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 Chevrolet Cruze, registration number MK13 EYD, as a Private Hire Vehicle be granted for six months.

118 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD MONDEO, REGISTRATION NUMBER DA62 HKY**

The Director of Law and Governance reported upon an application received to license a Ford Mondeo, registration number DA62 HKY, outside the current age policy for licensing Private Hire Vehicles. The vehicle had first been licensed as a Private Hire Vehicle on 13 February 2015 and the current licence was due to expire on 4 February 2023. The date of first registration of the vehicle was 4 February 2013. 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 DA62 HKY, as a Private Hire Vehicle be granted for six months.

119 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - TOYOTA VERSO, REGISTRATION NUMBER FRZ 4870**

The Director of Law and Governance reported upon an application received to license a Toyota Verso, registration number FRZ 4870, outside the current age policy for licensing Private Hire Vehicles. The vehicle had first been licensed as a Private Hire Vehicle on 17 January 2020 and the current licence was due to expire on 22 February 2023. The date of first registration of the vehicle was 22 February 2013. 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 Toyota Verso, registration number FRZ 4870, as a Private Hire Vehicle be granted for six months.

120 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - SKODA OCTAVIA, REGISTRATION NUMBER DK13 JPY**

The Director of Law and Governance reported upon an application received to license a Skoda Octavia, registration number DK13 JPY, outside the current age policy for licensing Private Hire Vehicles. The vehicle had first been licensed as a Private Hire Vehicle on 8 March 2013 and the current licence was due to expire on 19 February 2023. The date of first registration of the vehicle was 1 March 2013. 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 Skoda Octavia, registration number DK13 JPY, as a Private Hire Vehicle be granted for six months.

121 **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 item of business on the grounds that it involves 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.

122 **PRIVATE HIRE DRIVER LICENCE REVIEW (GSA)**

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

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

Members considered carefully the responses made by GSA.

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 GSA be allowed to continue to hold a Private Hire Driver Licence.**
- (2) That GSA be issued with a written warning as to their future conduct.**

123 **PRIVATE HIRE DRIVER LICENCE APPLICATION (IH)**

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

Members of the Panel and their legal advisor questioned IH.

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 IH’s application for the grant of a Private Hire Driver Licence be refused.

124 **PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCE APPLICATIONS (AH)**

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

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

Members of the Panel and their legal advisor questioned AH.

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 (2:1 Councillor S Bennett dissenting) – That AH’s application for a Private Hire Driver Licence and a Hackney Carriage Driver Licence be granted for a year.

125 **PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCE APPLICATIONS (LS)**

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

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

Members of the Panel questioned LS.

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 LS’s application for a Private Hire Driver Licence and a Hackney Carriage Driver Licence be granted.

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REGULATORY AND GENERAL PURPOSES COMMITTEE

23 MARCH 2023

REPORT TITLE	AMENDMENT TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE CONDITIONS
REPORT OF	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is for the Committee to consider an amendment to the Hackney Carriage Vehicle Licence conditions and the Private Hire Vehicle Licence conditions.

The Wirral Plan sets out a number of priorities for the council to consider. The content of this report supports the priority of working for a prosperous, inclusive economy - helping businesses to thrive and creating jobs and opportunities for all.

This matter affects all Wards within the Borough.

RECOMMENDATION

The Regulatory and General Purposes Committee is recommended to approve the amendment of the Hackney Carriage Vehicle Licence conditions and the Private Hire Vehicle Licence conditions so that the requirement to display a vehicle identification card within a Hackney Carriage Vehicle or Private Hire Vehicle no longer applies with effect from 27 March 2023.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 There is no legal requirement for a vehicle identification card to be displayed inside a licensed vehicle as both Hackney Carriage and Private Hire Vehicles have a licence plate displayed on the outside of the vehicle. It has been identified that whilst the card may be displayed inside the vehicle the information held on the card is not easily accessible to passengers within the vehicle and therefore is not used by passengers to identify the vehicle.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The Committee may determine that there should be no change to the current conditions attached to Hackney Carriage and Private Hire Vehicle Licences, however it is considered appropriate to remove the condition as this will not impact on public safety.

3.0 BACKGROUND INFORMATION

- 3.1 The current conditions attached to Hackney Carriage and Private Hire Vehicle Licences issued by the Council include the requirement that a vehicle identification card displaying the licence number of the vehicle must be displayed inside the vehicle in such a manner that is clearly visible to persons inside the vehicle.
- 3.2 A review of compliance with the above requirement has identified that often the card is displayed on the dashboard of Private Hire Vehicles resulting in the information not being accessible to passengers travelling in the rear of the vehicle. Whilst in most cases the card is found to be displayed on the window partition within Hackney Carriage Vehicles the information on the card identifying the vehicle is replicated on the light box inside this type of vehicle.
- 3.3 Should a passenger wish to complain to the Licensing Authority about a licensed driver or journey they have taken in a licensed vehicle, the details of the vehicle are displayed on licence plates attached to the vehicle. In addition, the details of the driver can be found on the badge worn by the driver and carried within the vehicle.
- 3.4 It is considered appropriate to remove the requirement to display a vehicle identification card inside any Hackney Carriage or Private Hire Vehicle licensed by the Council as the card does not provide any further information to passengers to identify the vehicle or the driver that is not available in another format on or inside the vehicle. The Committee is therefore requested to remove the requirement to display a vehicle identification card inside a Hackney Carriage or Private Hire Vehicle that is currently contained within the Council's conditions attached to Hackney Carriage and Private Hire Vehicle Licences.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There is a cost to the Licensing Authority in supplying vehicle identification cards each time a licence is issued. The removal of the condition will result in an approximate saving of £2,722 during the financial year 2023/ 2024 which can be taken into account when determining vehicle licence fees.

5.0 LEGAL IMPLICATIONS

- 5.1 The requirement for a Hackney Carriage Vehicle to display a plate on the outside of the vehicle is contained within Section 51 of the Town Police Clauses Act 1847.
- 5.2 Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council may attach to the grant of a licence of a Hackney Carriage Vehicle under the Town Police Clauses 1847 such conditions as the district council may consider reasonably necessary.
- 5.3 Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 states that “A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.”
- 5.4 Section 48(5) states that where a district council grant under this section a vehicle licence in respect of a private hire vehicle they shall issue a plate or disc identifying that vehicle as a private hire vehicle in respect of which a licence has been granted.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 6.1 There will be no significant impact on the Licensing Team should there be a revision to the Hackney Carriage and Private Hire Vehicle Licence conditions as recommended.

7.0 RISKS

- 7.1 The risk to public safety in removing the requirement to display a vehicle identification card should not put the safety of the public at any increased risk as the removal of this requirement does not prevent the licensed vehicle from being identified.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 As this is a minor variation to the conditions attached to Hackney Carriage and Private Hire Vehicle Licence conditions it is not considered necessary to undertake a consultation exercise.

9.0 EQUALITY IMPLICATIONS

- 9.1 The potential impact has been reviewed and it is considered that this amendment to Hackney Carriage and Private Hire Vehicle Licence conditions will have no direct impact on any of the protected groups.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

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

10.2 Hybrid and electric cars emit less greenhouse gases and air pollutants than petrol and diesel cars. (Source: European Environment Agency report 2018)

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are none arising directly from the content of this report.

REPORT AUTHOR: Margaret O'Donnell
Licensing Manager
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APPENDICES

None

BACKGROUND PAPERS

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

Hackney Carriage Vehicle Licence Conditions

Private Hire Vehicle Licence Conditions

TERMS OF REFERENCE

This report is being considered by the Regulatory and General Purposes Committee who are delegated to determine such matters in accordance with Section 8.2 of the Regulatory and General Purposes Committee's Terms of Reference set out in the constitution.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Regulatory and General Purposes Committee	15 September 2021



REGULATORY AND GENERAL PURPOSES COMMITTEE

23 MARCH 2023

REPORT TITLE	REVIEW OF LICENCE FEES FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS
REPORT OF	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is for the Committee to consider the approval of revised fees in respect of Hackney Carriage and Private Hire Driver Licences.

The Wirral Plan sets out a number of priorities for the council to consider. The content of this report supports the priority of working for a prosperous, inclusive economy - helping businesses to thrive and creating jobs and opportunities for all.

This matter affects all Wards within the Borough.

RECOMMENDATION

The Regulatory and General Purposes Committee is recommended to approve the licence fees in respect of Hackney Carriage and Private Hire Driver Licences as set out in Appendix 2 attached to this report to have effect from 1 April 2023.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATION

- 1.1 A review of the Licensing Budget in respect of the income and expenditure relating to Hackney Carriage and Private Hire licensing functions has identified a significant gap between the income received from the licence fees and the costs associated with the provision of these statutory functions.
- 1.2 The review has identified that not all of the functions currently associated with the application process for Hackney Carriage or Private Hire Driver licences are included in the current application fee. Whilst the current fee does cover the cost of a single appointment with a Licensing Officer it does not take into account the full cost of administering the Knowledge Test, English written and oral tests or Safeguarding training, or officer time providing information to assist a new applicant through the process. The costs incurred in referring an individual where relevant to the Regulatory Panel are also not currently taken into account in the current fee structure.
- 1.3 A Hackney Carriage or Private Hire Driver Licence is normally issued for a period of three years and there are associated administrative costs during this period which are also not being fully recovered.
- 1.4 It is considered that the costs associated with Hackney Carriage Vehicles, Private Hire Vehicles and Private Hire Operator licences at this time are being recovered from the current fees received in respect of these functions. Therefore, there is no current proposal to amend these fees.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The Committee do not approve any amendments to the current licence fees or consider reducing the fees. Neither of these options are considered to be appropriate as this would result in there being an increase in the burden of costs on the Council when there is provision for the Council to recover these costs from licence fees. The fees were last reviewed in March 2019.

3.0 BACKGROUND INFORMATION

- 3.1 The Council is legally entitled to charge such a fee for licences that they consider reasonable with a view to recover the costs of the issue and administration of licences for Hackney Carriage and Private Hire Drivers. The Council may also charge such fees for the grant of vehicle and operators licences as may be resolved from time to time to cover in whole or in part the reasonable cost of carrying out inspections of vehicles, the provision of Hackney Carriage Stands as well as any reasonable administrative or other costs associated with these functions.
- 3.2 The fees for Hackney Carriage and Private Hire licensing functions have previously been reviewed on an annual basis to determine whether the income received from the previous year has been in line with the cost of delivering the service.
- 3.3 Following a review undertaken in March 2019 it was identified that there was no reason to amend the fees as the income received was sufficient to cover the costs

associated with these functions at that time. Due to the unprecedented circumstances of the COVID-19 Pandemic it has not been possible to undertake a meaningful review of these licence fees since that time. The Committee have therefore not amended the level of fees since 2018. The current table of licence fees is attached at Appendix 1 to this report.

- 3.4 The most recent review undertaken in February 2023 has identified that in order to recover the costs of providing the statutory functions in respect of Hackney Carriage and Private Hire Drivers there is a need to increase the fees associated with these functions. The Committee is therefore asked to approve the table of proposed fees set out in Appendix 2 to this report and for these fees to have effect from 1 April 2023.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are cost implications to the Council in undertaking the statutory functions associated with Hackney Carriage and Private Hire Licences.
- 4.2 The cost of providing the statutory functions in respect of Hackney Carriage and Private Hire Licences during the financial year 2022 / 2023 has been calculated as being £358,317.00. The projected income due to be received by the end of this financial year is £302,018. There is therefore a projected gap of £56,299.00 between the income received in respect of these licences and the costs associated with providing these functions.
- 4.3 It has been calculated that should the fees shown in Appendix 2 attached to this report be approved this could generate sufficient income to recover the costs of administering the functions related to Hackney Carriage and Private Hire Driver Licences. It is possible that the required income is not achieved or that it is exceeded. Should there be any excess of income received above the costs incurred by the Licensing Service or should there be a deficit, these factors will be taken into account at the next review.

5.0 LEGAL IMPLICATIONS

- 5.1 Section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.
- 5.2 Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part—

(a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;

- (b) the reasonable cost of providing hackney carriage stands; and
- (c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 6.1 There are implications to the Council in undertaking this legal duty and this is recognised in the legislation which gives provision for the Council to recover the costs of administering the scheme and to ensure compliance. Should the service not recover the costs of exercising their functions this may result in a reduction in staff resources currently working to full capacity in order to deliver statutory functions.

7.0 RELEVANT RISKS

- 7.1 The current fees are not recovering the costs of the administration and associated costs of providing Hackney Carriage and Private Hire Driver Licences. There is a risk that should this continue to be the case there will be an impact on the delivery of the service through a reduction in staffing levels which could impact on public safety and compliance with the Council's statutory duties. Alternatively the costs of providing the service will have to be further sought from Council tax payers. There is also a risk that an individual may seek to be licensed by another local authority due to an increase in licence fees, however this is not a new factor as licence fees do differ across each local authority depending upon their costs.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 There is no legal requirement to consult upon the proposals set out in this report.

9.0 EQUALITY IMPLICATIONS

- 9.1 This has been reviewed and it is considered that an amendment to the fees for Hackney Carriage and Private Hire Drivers will have no direct impact on any of the protected groups.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 There are none arising directly from the content of this report.

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 There are none arising directly from the content of this report.

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APPENDICES

Appendix 1 – Current table of licence fees

Appendix 2 – Proposed amendments to Hackney Carriage and Private Hire Driver Licence Fees

BACKGROUND PAPERS

Local Government (Miscellaneous Provisions) Act 1976

Open for Business – Local Government Association Guidance on locally set licence fees

Licensing Budget Monitoring Report January 2023

TERMS OF REFERENCE

This report is being considered by the Regulatory and General Purposes Committee which has delegated authority to determine such matters in accordance with Section 8.2 of the Regulatory and General Purposes Committee's Terms of Reference set out in the constitution.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Health and Safety and General Purposes Committee	20 March 2019

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Wirral Council Private Hire and Hackney Carriage Licence fees

Private Hire / Hackney Carriage Driver

	Duration	Fee
Application Fee	n/a	£64
Disclosure and Barring Service (DBS) Fee	n/a	£44
Driver licence	3 years	£132
Driver licence	1 year	£50
Replacement/copy driver licence	n/a	£10
Replacement driver badge	n/a	£10
Grant of a second driver licence	to expiry of first licence	£35
Renewal of second driver licence	to expiry of first licence	£25

Private Hire Operator

	Duration	Fee
1 vehicle	5 years	£528
2 – 10 vehicles	5 years	£934
11 – 50 vehicles	5 years	£1,177
51+ vehicles	5 years	£1,419
Each additional premises	n/a	£58

Private Hire / Hackney Carriage Vehicle licence

	Duration	Fee
Private Hire Vehicle – New	1 year	£192
Private Hire Vehicle – New	6 months*	£105
Private Hire Vehicle – Renewal	1 year	£187
Private Hire Vehicle – Renewal	6 months*	£100
Hackney Carriage Vehicle - New	1 year	£192
Hackney Carriage Vehicle - New	6 months^	£105
Hackney Carriage Vehicle - Renewal	1 year	£187
Hackney Carriage Vehicle - Renewal	6 months^	£100
Transfer of Licence	n/a	£23
Change of vehicle	n/a	£35
Replacement Vehicle Licence	n/a	£10
Replacement Vehicle Plate(s)	n/a	£35
Replacement plate fixing bracket	n/a	£5

* private hire vehicles are licensed for 6 months once the vehicle is 6 years old

^ hackney carriage vehicles are licensed for 6 months once the vehicle is 10 years old

Fees effective from 1 May 2018

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Proposed Revision to Private Hire and Hackney Carriage Driver Licence fees

Private Hire / Hackney Carriage Driver licence	Duration	Current Fee	Proposed Fee
Application Fee	n/a	£64	£125
Driver licence (Grant / Renewal)	3 years	£132	£187
Driver licence (Grant / Renewal)	1 year	£50	£75
Second licence (Grant)	3 years	£35	£40
Second licence (Renewal)	3 years	£25	£40
Replacement badge (s)	n/a	£10	£14
Replacement licence (s)	n/a	£10	£0
Change of address (Replacement licence (s))	n/a	£10	£0

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Regulatory and General Purposes Committee – Terms of Reference

The principal role of the Regulatory and General Purposes Committee is as the administrative committee, established as an ordinary committee and acting under delegation pursuant to sections 101 and 102 of the Local Government Act 1972, and responsible for making decisions as licensing and registration authority on all regulatory matters not otherwise delegated to the Planning Committee or reserved to the Licensing Act Committee.

The Committee is charged by full Council to fulfil all of those functions, more particularly described as set out at Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), and associated matters, including but not limited to:

- (a) functions relating to licensing, registration and ancillary matters other than those falling within the remit of the Licensing Act Committee, including but not limited to:
 - acupuncture, tattooing, ear-piercing and electrolysis;
 - caravan sites;
 - charity collections and street collections;
 - hackney carriage and private hire vehicle licences, drivers and operators;
 - entertainments;
 - market and street trading,
 - pleasure boats and pleasure vessels;
 - scrap yards;
 - sex shops and sex establishments;
 - solemnisation of marriages;
 - theatres and cinemas;
 - zoos, animal trainers and exhibitors and dangerous wild animals;
- (b) functions relating to health and safety at work, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer;
- (c) functions relating to sea fisheries;
- (d) functions relating to statutory nuisance and contaminated land;
- (e) the passing of a resolution that schedule 2 to The Noise and Statutory Nuisance Act 1993 should apply in the authority's area;
- (f) commons regulation and town and village greens, the power to apply for an enforcement order against unlawful works on registered common land, the power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference and the power to institute proceedings for offences in respect of unclaimed land;
- (g) the power to make a closing order on a takeaway food shop;
- (h) the obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976;

- (f) functions relating to elections and electoral registration not otherwise reserved to Full Council, including the making of recommendations to the Council as to recommendations to the Secretary of State on ward boundaries;
- (g) Power to consider and make recommendations to the Council on matters relating to the name and status of the Borough and individuals; and
- (h) making recommendations to Council on the promotion or approval of local bill.