

REGULATORY PANEL

Friday, 13 May 2022
Times Not Specified

Present: Councillor
Councillors M Booth C O'Hagan
D Mitchell A Wright

Apologies Councillors A Hodson

177 APPOINTMENT OF CHAIR

In the absence of the Chair, it was –

Resolved that Councillor Max Booth be appointed Chair of the Regulatory Panel for this meeting only.

178 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.

No such declarations were made.

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

The Director of Law and Governance reported upon an application received to licence a Peugeot 508, registration number DG17 FSN as a Private Hire Vehicle outside the current criteria which states that rear and side windows must allow at least 70% of light to be transmitted through.

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

In determining the application Members gave consideration to the criteria for licensing Private Hire Vehicles, Members of the Regulatory Panel also had regard to the fact that the vehicle had a glass roof feature which provided additional light into the vehicle and reduced the impact of the tinted side windows.

Resolved – That

(1) the application to license the Peugeot 508 registration number DG17 FSN, as a Private Hire Vehicle be granted

(2) the licence be issued with a condition requiring the glass roof cover to remain open when carrying fare paying passengers.

180 **APPLICATION TO LICENSE THE VOLVO V60 AS A PRIVATE HIRE VEHICLE**

The Director of Law and Governance reported upon an application received to determine whether the Volvo V60 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 Volvo V60 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 Volvo V60, registration number KM65 CEN as a Private Hire Vehicle. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members.

The proprietor of the vehicle attended the meeting and Members of the Panel inspected the vehicle.

Resolved – That

- (1) the Volvo V60 meets the criteria for licensing Private Hire Vehicles.**
- (2) the application to license the Volvo V60, registration number KM65 CEN as a Private Hire Vehicle be granted to carry 4 passengers.**

181 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.

182 PRIVATE HIRE DRIVER LICENCE (SJI)

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

SJI attended the meeting and made representations. SJI responded to questions from members and the legal advisor to the Panel.

Members considered carefully the responses made by SJI.

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

183 PRIVATE HIRE DRIVER LICENCE (MSF)

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

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

Members considered carefully the responses made by MSF.

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 (2:2) Chair's Casting Vote – That MSF's application for a Private Hire Driver Licence be granted subject to the successful completion of a Taxi Driver Course which includes an assessment of his driving skills.

184 **PRIVATE HIRE DRIVER LICENCE (SS)**

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

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

Members of the Panel and their legal advisor questioned SS.

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.

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 SS's application for a Private Hire Driver Licence be refused.

185 **PRIVATE HIRE DRIVER LICENCE (RAC)**

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

RAC did not attend and had advised that the Panel should determine the matter in his absence.

In the absence of RAC, a Licencing Officer took questions from the Panel and their legal advisor.

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.

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 RAC’s Private Hire Driver Licence be revoked with immediate effect.