

WIRRAL COUNCIL

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES  
COMMITTEE

28 JULY 2010

**HACKNEY CARRIAGE VEHICLE LICENCE - APPLICATION**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 Members are asked to consider an application to license the following vehicle: a LTI TXI, registration number T947 BFM, as a hackney carriage vehicle.

**2.0 BACKGROUND**

- 2.1 The current criteria that a hackney carriage vehicle must comply with before being granted a licence is as follows:
- (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 a 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).
- 2.2 A month prior to the expiry date of a licence a renewal reminder letter is sent to the licence holder. This letter indicates the date that the licence is due to expire and states that there are no "days of grace" for licences and that the licence expires on the date given. The renewal reminder letter also advises that the application to renew must be submitted well in advance to ensure that the licence can be renewed before it expires. A copy of the renewal reminder letter is attached at Appendix A
- 2.3 On 2 April 2009 a newsletter was sent to all hackney carriage vehicle licence holders, including Mr Davies, reminding them that once a hackney carriage vehicle licence expires it could not be renewed and a new licence application would have to be made. The applicant would therefore have to comply with the terms and conditions required of the new licence. Furthermore, the vehicle

would have to comply with the criteria as detailed in paragraph 2.1 above. A copy of the newsletter is attached at Appendix B.

- 2.4 Mr Davies is the proprietor of vehicle registration number T947 BFM, which is eleven years old. The vehicle was licensed as a hackney carriage vehicle until 6 April 2010. Mr Davies failed to apply to renew the licence prior to this date.

### **3.0 THE APPLICATION**

- 3.1 Mr Davies contacted the Licensing Office on 5 March 2010 to report that his vehicle had been involved in an accident. The vehicle was inspected by a Licensing Enforcement Officer who considered the vehicle was not fit to be used for public hire purposes. The office issued a vehicle licence suspension notice on 5 March 2010 requiring the vehicle to be repaired and presented for re-inspection by 5 April 2010, the day before the expiry of the licence.
- 3.2 Mr Davies did not apply to renew the licence prior to the expiry date, nor did he contact the Licensing Office to advise the current position in relation to the repair of the vehicle.
- 3.3 Mr Davies applied for a new Hackney Carriage Vehicle Licence on 28 April 2010, however the vehicle had not at that time been tested at one of the Council's appointed testing stations. The vehicle was subsequently tested and a compliance pass certificate was issued, dated 10 May 2010.
- 3.4 Mr Smith from Matrix Solicitors represents Mr Davies and has submitted a letter and supporting documentation relating to the matter and this is attached at Appendix C.
- 3.5 Reference is made in the attached correspondence to the fact that the suspension notice is still in force and that at no time has Mr Davies been notified that the suspension has been lifted and therefore to date that licence must be preserved. This is not the case. As stated further in the correspondence, the Licensing Authority has no discretion to grant a renewal of the licence for Mr Davies' vehicle after 6 April 2010 the date on which it expired. Section 43 of the Town Police Clauses Act 1847 provides that a licence issued to the proprietor of a hackney carriage vehicle shall be in force for one year only.

### **4.0 FINANCIAL & STAFFING IMPLICATIONS**

- 4.1 There are no financial implications arising out of this report.

### **5.0 EQUAL OPPORTUNITIES IMPLICATIONS**

- 5.1 There are no equal opportunities implications arising out of this report.

### **6.0 ANTI POVERTY IMPLICATIONS**

6.1 There are no specific anti poverty implications arising directly out of this report.

## **7.0 SOCIAL INCLUSION IMPLICATIONS**

78.1 There are no specific social inclusion implications arising directly out of this report.

## **8.0 LOCAL AGENDA 21 IMPLICATIONS**

8.1 Hackney carriages are an important component in an integrated transport policy.

## **9.0 LOCAL MEMBER SUPPORT IMPLICATIONS**

9.1 This report affects the entire Borough.

## **10.0 COMMUNITY SAFETY IMPLICATIONS**

10.1 There are community safety implications arising out of this report due to the safety aspects of hackney carriage vehicles.

## **11.0 PLANNING IMPLICATIONS**

11.1 There are no planning implications arising out of this report.

## **12.0 BACKGROUND PAPERS**

12.1 The application form applying for the grant of a Hackney Carriage Vehicle Licence.

## **13.0 RECOMMENDATION**

13.1 Members are asked to consider whether or not to license this vehicle applying the conditions previously attached to the vehicle prior to the expiry on 6 April 2010.

This report was prepared by Margaret Calvert who can be contacted on 0151 691 8476.

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Fax: 0151-691-8215  
Email: [licensing@wirral.gov.uk](mailto:licensing@wirral.gov.uk)

Date: As Postmark

Renewal of Vehicle Licence Number: **113**

**GREEN LTI TXI** Registration No. **T947 BFM**

Renewal Type: **Hackney Vehicle**

According to our records, the licence detailed above is due to expire on **6th April 2010**.

- You must apply to renew well in advance of this date to ensure that your licence can be renewed before it expires.
- **To make an appointment to renew your licence you can telephone 0151 691 8043 or call into any Council One Stop Shop.**
- **There are no “days of grace” for licences.**
- The licence expires on the date given.
- Do not wait until the last few days of the licence to apply for renewal.
- Licences can be renewed up to one month in advance.

Should you wish to renew this licence, and no significant changes have taken place since your last application, the following are required:

- The declaration form on the reverse of this letter which must be completed and signed
- Proof of address if any change since last application
- The appropriate licence fee – ( 6 month licence - £84.70 / 12 month licence £160.20)
- Insurance certificate
- Compliance test pass certificate (**from one of the 4 appointed testing stations**)
- MOT certificate (**from one of the 4 appointed testing stations**)
- V5C Logbook
- Current vehicle licence plate

If any significant changes have taken place, you will need to complete a full application form – available from your local One Stop Shop, online at [www.wirral.gov.uk](http://www.wirral.gov.uk) or the Licensing Office.

Notes:

- If you do not wish to renew a vehicle licence then the plate must be returned to the Licensing Office immediately or in any case within seven days of the expiry of the licence. Failure to do so is an offence and may result in prosecution.
- The Council has a responsibility to protect public funds and, in this regard, may use information you have provided on this form to prevent and detect fraud and to comply with statutory obligations, and may share the information, for the same purposes, with other organisations responsible for handling public funds.

# Renewal Declaration

Mr JS Davies  
6 Manor Mews  
Manor Lane  
Liscard  
Wirral  
CH45 7HH

Telephone Number:

Mobile phone  
number:

Email address:

Date Of Birth:

\_\_\_ / \_\_\_ / \_\_\_

I wish to apply for renewal of my vehicle licence and

## I declare that

- ☐ I reside at the address given
- ☐ No significant changes have been made to the information given in my last application.
- ☐ I understand that if I have made any false statement or omitted any material particular(s) I may be liable to prosecution.

Signature: .....

Date: .....

Completed forms should be submitted, with the appropriate documents and fee, to the Licensing Office before the expiry date of the current licence. If all is in order, the licence will be renewed.

## For Office Use Only:

Documents checked and originals/copies attached:		WK/210004337	
<input type="checkbox"/> V5C (Logbook)	<input type="checkbox"/> Valid Insurance Document	<input type="checkbox"/> Proof of Address (if changed)	
<input type="checkbox"/> Current plate	<input type="checkbox"/> Compliance test pass slip	<input type="checkbox"/> MOT certificate	
	Amount	Date	Receipt No.
Licence Fee paid	£ _____		
Checked by (Officer signature)			



## **SPRING 2009 INFORMATION**

### **RENEWAL OF VEHICLE LICENCES**

It is essential to renew your Hackney Carriage Vehicle Licence no later than the date upon which it expires. Failure to renew your licence before it expires means that your vehicle is not licensed and must not be used as a hackney carriage.

It is stated clearly on all renewal notices that you must renew your licence before it expires and that there are no days of grace.

If you fail to renew your Hackney Carriage Vehicle Licence before its expiry date you will be required to apply for a new licence and must comply with the terms and conditions required of that new licence current at that time.

Should you require any further advice regarding this matter please contact Margaret Calvert on 0151 691 8476