WIRRAL

LICENSING PANEL

27 JUNE 2019

REPORT TITLE	**PRIVATE HIRE VEHICLE LICENCE**
REPORT OF	**CORPORATE DIRECTOR FOR BUSINESS MANAGEMENT**

REPORT SUMMARY

The purpose of this report is to consider an application to license a Mercedes Vito 114 Tourer as a private hire vehicle to permit rear windows outside the current criteria which states that side and rear windows must allow at least 70% of light to be transmitted through and to permit two passengers to be carried in the front. Members are also asked to consider allowing the vehicle to be exempt from displaying Private Hire Vehicle Licence plates and the drivers of the vehicle to be exempt from wearing a Private Hire Driver Badge.

RECOMMENDATION/S

That the Panel consider whether or not to license this vehicle in accordance with the application and to provide the proprietor of the vehicle with a notice providing an exemption from the requirement to display Private Hire Vehicle Licence plates on the vehicle and to exempt the drivers from the requirement to wear a Private Hire Driver Badge.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

1.1 It is a delegated function of this Panel to determine matters relating to Private Hire Licences where officers do not have delegated authority.

2.0 OTHER OPTIONS CONSIDERED

2.1 There is no provision for other options to be considered.

3.0 BACKGROUND INFORMATION

3.1 Mr Reay is the proprietor of a currently licensed Private Hire Vehicle, a Ford Tourneo, which carries eight passengers and is subject to the standard Private Hire Vehicle Licence conditions.

3.2 Mr Reay wishes to change his vehicle and purchase a Mercedes Vito 114 Tourer which is fitted with side and rear windows which do not allow 70% of light to be transmitted through. The vehicle is also fitted with two passenger seats in the front.

3.3 Three previous applications to license a Mercedes Vito to carry two passengers in the front have been refused by the Licensing Panel as Members did not consider that two passengers can be carried in comfort and safety in the front of the vehicle due to the position of the gear stick/handbrake. The last application was refused on 14 February 2014

3.4 Mr Reay is the holder of a Private Hire Operator Licence and trades as Marine Park Transfers. He undertakes work for corporate clients only, taking bookings at least 24 hours in advance.

3.5 Members are also asked to consider allowing the vehicle to be licensed with side and rear windows which do not allow 70% of light to be transmitted through, for the vehicle to be exempt from displaying Private Hire Vehicle Licence plates and the drivers of the vehicle to be exempt from wearing a Private Hire Driver Badge.

3.6 In September 2017 Members of the Licensing Health and Safety and General Purposes Committee approved criteria for licensing Private Hire Vehicles, a copy of which is attached at Appendix 1. Members should note the criteria in paragraph 36 relating to tinted windows.

3.7 The Council may exempt a vehicle from the requirement to display a plate or wear a badge in accordance with section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 which states:

(3) Where a licence under section 48 of this Act is in force for a vehicle, the council which issued the licence may, by notice in writing given to the proprietor of the vehicle, provide that paragraph (a) of subsection (6) of that section shall not apply to the vehicle on any occasion specified in the notice or shall not apply while the notice is in the vehicle; and on any

occasion on which by virtue of this subsection that paragraph does not apply to a vehicle section 54(2)(a) of this Act shall not apply to the driver of the vehicle.

3.8 This provides that a notice can be given by the Council that removes the need to display a plate and also dispenses with the requirement contained in section 54(2) of the Act that the driver should wear his badge in such a position and manner as to be plainly and distinctly visible.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no specific implications arising from this report.

5.0 LEGAL IMPLICATIONS

5.1 A decision of this Panel can be subject to appeal.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

6.1 There are no specific implications arising from this report.

7.0 RELEVANT RISKS

7.1 The criteria and conditions that apply to the licensing of vehicles and drivers are put in place for the safety and comfort of passengers using private hire vehicles.

8.0 ENGAGEMENT/CONSULTATION

8.1 This is not a matter that requires consultation.

9.0 EQUALITY IMPLICATIONS

9.1 There are no specific implications arising from this report.

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APPENDICES

Appendix 1 – Criteria for licensing Private Hire Vehicles

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

APPENDIX 1

Private Hire Vehicle Criteria

The legislation gives local authorities a wide discretion over the types of vehicles that can be licensed as private hire vehicles.

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.

In this document the "Licensing Authority" means Wirral Council, its Licensing Health and Safety and General Purposes Committee, its Licensing Panel and its Officers.

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. Further tests and inspections may be carried out as directed by the Licensing Authority or Merseyside Police.

MOT or Compliance Test Pass Certificates submitted more than 28 days after the date of test will not be accepted.

A vehicle licensed as a private hire or hackney carriage vehicle with any other local authority will not be licensed by Wirral Council.

VEHICLE AGE POLICY

1. Vehicles must be under 10 years of age from the date of manufacture or date of first registration, whichever is the earliest.

2. Once a vehicle reaches 6 years of age it will be required to be tested every six months and a six monthly licence will be issued.

3. Any vehicle which is more than 9 years and 6 months old will be issued with a licence that will expire on the day before it reaches 10 years old

GENERAL CONSTRUCTION

4. The vehicle must be fitted with at least 4 doors and 4 wheels

5. The vehicle must be capable of carrying at least 4 and not more than 8 passengers in addition to the driver.

6. The vehicle must be fitted (in addition to the front drivers and passengers doors) with at least two side/rear opening doors and all doors must be easily accessible to all passengers and capable of being opened from inside.

7. Any vehicle with a top tread for the entrance which exceeds 38cm must be fitted with a step to allow easy access to and egress from the vehicle. Any vehicle that does not have a step fitted must carry a portable step to be available for use by all passengers.

8. The vehicle must comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980 and the Motor Vehicle (Type Approval) Regulations (Great Britain)

1984 and be M1 type approved in accordance with European Whole Vehicle Type Approval 70/156/EEC as amended.

9. Any converted vehicles will be required to hold the appropriate low volume type approval certificate in the M1 classification or the appropriate Individual Vehicle Approval Certificate.

10. The vehicle presented for approval must, as a minimum, comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

11. The steering wheel must be on the offside of the vehicle.

12. Unless approved by the Licensing Authority no fittings outside of the manufacturer's specification may be attached to or be carried upon the inside or outside of the vehicle.

13. Any vehicle that has been the subject of significant damage rectification repairs will not be licensed unless such repairs have been carried out in accordance with the manufacturer's specification.

14. Any vehicle which has been disposed of under an insurance salvage agreement 9 category A or B will not be licensed.

15. Where bench seats are fitted to the rear of the vehicle one person will be counted for each complete length of 16" measured in a straight line lengthwise along the front of the seat.

BODYWORK

16. The vehicle must be free from corrosion, damage, or unsatisfactory repairs.

17. Paintwork must be of a high standard and the colour and finish of all panels must match exactly.

WHEELS AND TYRES

18. Where a vehicle is supplied with alloy wheels, all four road wheels must be of the same type and pattern.

19. Where a vehicle is supplied with wheels intended to be fitted with wheel trims, all four road wheels must be fitted with wheel trims of the same pattern.

20. Alloy wheels, wheel rims, and fitted wheel trims must be free from damage and defects which affect the safety, appearance, or integrity of the wheel.

21. Part-worn and remould tyres must comply with the Motor Vehicle Tyres (Safety) Regulations 1994.

22. All tyres, including the spare where applicable, must be the correct size, speed, and load rating for the vehicle as per the manufacturer's specification.

23. All tyres, including the spare where applicable, must be properly inflated in accordance with both the vehicle and tyre manufacturer's specification.

24. All tyres, including the spare where applicable, must have a continuous tread depth of at least 1.6mm across the central three quarters of the breadth of the tyre, and visible tread across the remaining breadth of the tyre.

25. All tyres, including the spare where applicable, must be free from cuts and other defects.

26. The vehicle must carry a method for dealing with a tyre should it become defective. This method must be in accordance with the manufacturer's specification which may be one of the following:

    a. full size spare wheel **-** which must be the same size and type as the four road wheels and be fitted with a tyre of the same size, speed, and load rating as the four road wheels. Proper tools and equipment for changing the wheel must also be carried.

    b. space saver spare wheel **-** which must be the correct size and type for the vehicle and be fitted with a tyre of the correct size, speed, and load rating. The tyre must be correctly inflated in accordance with the manufacturer's specifications. Proper tools and equipment for changing the wheel must also be carried.

    c. run-flat tyres - which must be fitted to all four road wheels. Run-flat tyres may only be used if the vehicle is fitted with an appropriate and serviceable tyre pressure monitoring system (TPMS).

    d. emergency tyre sealant and compressor/inflator pack – which must be permanently marked with the vehicle registration number.

ELECTRICAL EQUIPMENT

27. Any additional electrical installation to the original vehicle equipment must be adequately insulated and be protected by suitable fuses. Any electrical installation and components within the vehicle must meet the electromagnetic compatibility (EMC) requirements of UNECE Regulation 10 and be marked accordingly.

INTERIOR LIGHTING

28. Interior lighting must be provided in accordance with the manufacturer's specification. No additional lighting may be fitted.

SEATS

29. Seats must be secure and covered with an appropriate material which must be properly upholstered and in good and clean condition, free from rips, tears and holes.

30. If seat covers are used they must be correctly fitted, in a good and clean condition and free from rips, tears and holes.

SEAT BELTS

31. Vehicles must be fitted with lap and diagonal seatbelts on all seats, including rear facing seats, as per the manufacturer's specification.

32. Seatbelts and seatbelt mechanisms must be in good working order and free from frays, cuts, and other damage, and show no evidence of repair.

33. For the avoidance of doubt any cut, frayed or damaged seatbelt must have been replaced and not repaired.

WINDOWS

34. Windows must be provided at the sides and at the rear of the vehicle.

35. Passenger door windows must be capable of being easily opened by passengers when seated.

36. The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through.

HEATING AND VENTILATION

37. A heating and ventilation system must be provided and must be in good working order.

DOORS

38. All doors must be easily accessible to all passengers and capable of being opened from inside. It must be clear to passengers how to operate the doors of the vehicle.

Hinged and sliding doors

39. When the vehicle is stationary, the passenger doors must be capable of being opened from the inside and outside of the vehicle by one operation of the latch mechanism.

40. Where sliding doors are fitted an audible or visual warning must be fitted in the driver's compartment indicating when any door is open.

41. Where sliding doors are fitted there must be a sign within the passenger compartment, clearly visible to all passengers, giving instructions on the correct operation of the passenger door.

Electric doors

42. Where electric doors are fitted:

    - A sign must be clearly displayed inside the vehicle providing instructions on the correct operation of the door opening and closing mechanism.

    - The door system design shall incorporate a method to detect an obstruction in the path of a closing door. When an obstruction is detected, the door system shall react in a manner that will allow the obstruction to be released

    - A method for detecting an obstruction and preventing the closure of a powered door shall be included as part of the design of the door controls.

FLOOR COVERING

43. The floor of the vehicle must be covered in an appropriate non-slip material which must be free from rips, tears, and holes.

44. All floor covering fitted must be of uniform colour and material.

LUGGAGE

45. There must be provision for the safe carrying of luggage commensurate with the number of passengers being carried in the vehicle.

46. Provision must be made for luggage to be kept separate and secured from the passenger seating area.