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REGULATORY PANEL

Friday, 11 March 2022

Present:

Councillor A Hodson (Chair)

Councillors M Booth D Mitchell
D Burgess-Joyce C O'Hagan

143 **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.

144 **MINUTE'S SILENCE**

The Chair led Members of the Panel in a minute's silence in support of the victims of the war in Ukraine.

145 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - TOYOTA PRIUS, REGISTRATION NUMBER EK12 TYG**

The Director of Law and Governance reported upon an application received to re-license a Toyota Prius, registration number EK12 TYG, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 23 July 2020 and the current licence was due to expire on 28 March 2022. The date of first registration of the vehicle was 28 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 Toyota Prius, registration number EK12 TYG, as a Private Hire Vehicle be granted for six months.

146 **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 proprietor of the vehicle was unable to attend the meeting for his vehicle to be inspected

Resolved – That the applicant be instructed to attend a future meeting of the Regulatory Panel should he wish to pursue his application.

147 **APPLICATION TO LICENSE THE VOLKSWAGEN TOURAN AS A PRIVATE HIRE VEHICLE**

The Director of Law and Governance reported upon an application received to determine whether the Volkswagen Touran 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 Volkswagen Touran 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 Volkswagen Touran, registration number SA68 RXH 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 –

- (1) That the Volkswagen Touran meets the criteria for licensing Private Hire Vehicles.**
- (2) That the application to license the Volkswagen Touran, registration number SA68 RXH as a Private Hire Vehicle be granted to carry 4 passengers.**

148 **APPLICATION TO LICENSE A VAUXHALL VIVARO VX8 AS A HACKNEY CARRIAGE VEHICLE**

The Director of Law and Governance reported upon an application received to license a Vauxhall Vivaro, registration number DX68 WYO, as a Hackney Carriage Vehicle.

The current criteria that a Hackney Carriage Vehicle must comply with before being granted a licence includes the following:

- (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 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).

The vehicle had been licensed as a Hackney Carriage Vehicle from 15 January 2019 until 14 January 2022 when the licence expired. The date of first registration of the vehicle was 20 December 2018. It therefore does not meet the criteria that every vehicle must be three years old or less. 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 with his vehicle which was inspected by Members of the Panel.

Resolved – That the application to licence the Vauxhall Vivaro VX8, registration number DX68 WYO as a Hackney Carriage Vehicle be granted.

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

The Director of Law and Governance reported upon an application received to re-license a Renault Trafic, registration number LX61 DGE, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 3 September 2018 and the current licence was due to expire on 21 February 2022 however it had been extended to the date of this meeting. The date of first registration of the vehicle was 21 February 2012. The vehicle was 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 Renault Trafic, registration number LX61 DGE, as a Private Hire Vehicle be granted for

six months subject to the plate on the front of the vehicle being renewed.

150 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - CITROEN RELAY, REGISTRATION NUMBER BX12 BVL**

The Director of Law and Governance reported upon an application received to re-license a Citroen Relay, registration number BX12 BVL, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 2 January 2020 and the current licence was due to expire on 15 March 2022. The date of first registration of the vehicle was 15 March 2012. The vehicle was 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 Citroen Relay, registration number BX12 BVL, as a Private Hire Vehicle be granted for six months subject to the off side ball joint being repaired and further inspection by a Licensing Officer.

151 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - RENAULT MASTER, REGISTRATION NUMBER EX59 GNK**

The Director of Law and Governance reported upon an application received to re-license a Renault Master, registration number EX59 GNK, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 21 March 2019 and the current licence was due to expire on 19 March 2022. The date of first registration of the vehicle was 21 September 2009. On 17 September 2021 an application was granted by the Regulatory Panel for a six month licence. 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 Renault Master, registration number EX59 GNK, as a Private Hire Vehicle be granted for six months.

152 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - IVECO FORD DAILY, REGISTRATION NUMBER LT52 PXY**

The Director of Law and Governance reported upon an application received to re-license a Iveco Ford Daily, registration number LT52 PXY, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 3 September 2018 and the current licence was due to expire on 2 March 2022 however it had been extended to the date of this meeting. The date of first registration of the vehicle was 21 February 2002. The vehicle was 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 Iveco Ford Daily, registration number LT52 PXY, as a Private Hire Vehicle be granted until the contract finishes in July and subject to the advisories on the MOT being carried out and proof of this work being provided to a Licensing Officer.

153 **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.

154 **PRIVATE HIRE DRIVER LICENCE (SIA)**

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

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

Members considered carefully the responses made by SIA.

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 (3:2) (Councillors A Hodson and D Burgess-Joyce dissenting)

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

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

155 **PRIVATE HIRE DRIVER LICENCE (AAW)**

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

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

Members of the Panel and their legal advisor questioned AAW.

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 AAW’s application for a Private Hire Driver Licence be granted.

156 **PRIVATE HIRE DRIVER LICENCE (PW)**

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

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

Members considered carefully the responses made by PW.

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 –

- (3) That PW be allowed to continue to hold a Private Hire Driver Licence.**
- (4) That PW be given a written warning as to his future conduct.**

157 **PRIVATE HIRE DRIVER LICENCE (JJA)**

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

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

Members of the Panel and their legal advisor questioned JJA.

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 JJA’s application for a Private Hire Driver Licence be granted.

158 **PRIVATE HIRE DRIVER LICENCE (SPM)**

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

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

Members considered carefully the responses made by SPM.

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 –

- (5) That SPM be allowed to continue to hold a Private Hire Driver Licence.**
- (6) That SPM be given a written warning as to his future conduct.**
- (7) That SPM must provide a DVLA check code to the Licensing Office once a month in order that a monthly check may be made with DVLA for a year and should this not be provided SPM be instructed to attend the Regulatory Panel.**

159 **PRIVATE HIRE DRIVER LICENCE (MDKR)**

The Director of Law and Governance reported upon an application received by MDKR for the grant of a Private Hire Driver Licence. MDKR attended the meeting with his wife 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 MDKR’s application for the grant of a Private Hire Driver Licence be refused.

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