



REGULATORY PANEL

19 MAY 2023

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| REPORT TITLE | PRIVATE HIRE VEHICLE LICENCE REQUEST |
| REPORT OF | DIRECTOR OF LAW AND GOVERNANCE |

REPORT SUMMARY

The purpose of this report is for the Regulatory Panel to consider a request to license a Peugeot Boxer, registration number YJ16 GWF, as a Private Hire Vehicle outside the current criteria which states that Private Hire Vehicles that are wheelchair accessible and rear loading, using a tailgate system, may only be used for home to school contract work.

RECOMMENDATION

The Regulatory Panel is recommended to determine whether to license the Peugeot Boxer, registration number YJ16 GWF, as a Private Hire Vehicle outside the current criteria which states that Private Hire Vehicles that are wheelchair accessible and rear loading, using a tailgate system, may only be used for home to school contract work.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATION

- 1.1 A request has been made to license the Peugeot Boxer, registration number YJ16 GWF outside of the current policy for licensing Private Hire Vehicles. It is a delegated function of the Regulatory Panel to determine whether to licence a vehicle as a Private Hire Vehicle where it does not comply with the current criteria for licensing Private Hire Vehicles.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 That the request to license the Peugeot Boxer, registration number YJ16 GWF, be determined by an officer in line with the current criteria for licensing Private Hire Vehicles within the Statement of Hackney Carriage and Private Hire Licensing Policy which would result in the request being refused.

3.0 BACKGROUND INFORMATION

- 3.1 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.

- 3.2 The current criteria that vehicles must comply with before being granted a Private Hire Vehicle Licence as set out in the Statement of Hackney Carriage and Private Hire Licensing Policy includes the following:

- The vehicle must be fitted with at least 4 doors and 4 wheels
- The vehicle must be capable of carrying at least 4 and not more than 8 passengers in addition to the driver.
- 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.
- 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.
- 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.
- 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.
- 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.

- 3.3 In addition to the above criteria, on 13 November 2019 the Licensing Health and Safety General Purposes Committee further resolved the following:
- Any vehicle to be licensed as a Private Hire Vehicle that is wheelchair accessible must be a side loading wheelchair accessible vehicle; or
 - Any vehicle to be licensed as a Private Hire Vehicle that is wheelchair accessible may be a side loading wheelchair accessible vehicle or a rear loading wheelchair accessible vehicle; or
 - Any vehicle to be licensed as a Private Hire Vehicle that is wheelchair accessible and is a rear loading wheelchair accessible vehicle may only be used to undertake school contract work.
- 3.4 The proprietor of the vehicle, Mr Wright, has requested that the vehicle be licensed as a Private Hire Vehicle without the restriction that it may only be used to undertake home to school contract work.
- 3.5 Mr Wright has provided the following reasons as to why the vehicle should be licensed as a Private Hire Vehicle outside of the current criteria:
- The wheelchair occupant is seated forward facing, rather than rear facing.
 - In addition to a wheelchair user, this vehicle is capable of carrying other occupants and has space for luggage and other equipment.
 - Mr Wright frequently receives requests for airport transfers, days out and events for families with a wheelchair user.
 - Mr Wright has enquiries from nursing homes and other members of the public who wish to find a suitable wheelchair service.
- 3.6 The date of first registration of the vehicle is 24 March 2016.
- 3.7 Should the Regulatory Panel determine that the vehicle may be licensed as a Private Hire Vehicle it will be necessary for it to be examined at one of the Council's authorised testing stations in order for it to receive a valid MOT and Compliance certificate.
- 3.8 The vehicle will be available for inspection at the meeting.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no specific implications arising from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 Section 48 (1) of The Local Government (Miscellaneous Provisions) Act 1976 provides that a district council shall not grant a licence unless it is satisfied that the vehicle is:
- Suitable in type, size and design for use as a Private Hire Vehicle
 - Not of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage
 - In a suitable mechanical condition
 - Safe and Comfortable

- That there is in force in relation to the use of the vehicle a policy of insurance

5.2 Section 48 (7) of The Local Government (Miscellaneous Provisions) Act 1976 states that any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court.

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 There are safety implications arising out of this report as the Regulatory Panel must be satisfied that the vehicle is safe, suitable and comfortable to be licensed as a Private Hire Vehicle.

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.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 Petrol and diesel 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.

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APPENDICES

None

BACKGROUND PAPERS

Licensing Health and Safety General Purposes Committee minutes – 13 November 2019
Statement of Hackney Carriage and Private Hire Licensing Policy
European Environment Agency Report 2018
Local Government (Miscellaneous Provisions) Act 1976

TERMS OF REFERENCE

This report is being considered by the Regulatory Panel who are delegated to determine such matters in accordance with Section 8.4 of the Regulatory and General Purposes Committee’s Terms of Reference referred to in Part 3, Section B of the Council’s constitution.

SUBJECT HISTORY (last 3 years)

| Council Meeting | Date |
|------------------------|-------------|
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