

**LICENSING PANEL****28 JULY 2023**

<b>REPORT TITLE</b>	<b>PRIVATE HIRE VEHICLE LICENCE REQUEST</b>
<b>REPORT OF</b>	<b>DIRECTOR OF LAW AND GOVERNANCE</b>

**REPORT SUMMARY**

The purpose of this report is for the Licensing Panel to consider a request by the proprietor Mr Richards to exempt a Mercedes-Benz E220, registration number V60 RCR from:

1. Displaying Private Hire Vehicle Licence plates
2. Displaying door signs which provide details of the Private Hire Operator

**RECOMMENDATIONS**

The Licensing Panel is recommended to determine whether to exempt a Mercedes-Benz E220, registration number V60 RCR from:

1. Displaying Private Hire Vehicle Licence plates
2. Displaying door signs which provide details of the Private Hire Operator

## **SUPPORTING INFORMATION**

### **1.0 REASON FOR RECOMMENDATIONS**

- 1.1 Mr Richards provides an executive travel service and considers that having an exemption to displaying vehicle licence plates and door signs on the vehicle will enable him to offer a more discreet service to his customers who do not want the vehicle to be identified as a Private Hire Vehicle.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 That the request to exempt the Mercedes-Benz E220, registration number V60 RCR from displaying vehicle licence plates and door signs, 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 application being refused.

### **3.0 BACKGROUND INFORMATION**

- 3.1 It is a legal requirement that when a Private Hire Vehicle Licence is granted the council must issue a plate or a disc identifying that vehicle as a Private Hire Vehicle.
- 3.2 The Licensing Authority currently issue two vehicle licence plates at the time when a Private Hire Vehicle Licence is granted. The licence plates must be displayed on the outside of the vehicle in accordance with the following conditions:
- The large vehicle licence plate identifying the vehicle as a private hire vehicle (rear plate) must at all times be securely fixed externally to the rear of the vehicle in a manner approved by Wirral Council in a prominent position ensuring that the whole plate is clearly visible and it does not obscure or alter any of the information printed thereon.
  - The small vehicle licence plate identifying the vehicle as a private hire vehicle (front plate) must at all times be securely fixed externally to the front of the vehicle in a manner approved by Wirral Council in a prominent position ensuring that the whole plate is clearly visible and it does not obscure or alter any of the information printed thereon.
  - At no time must the licence plates be wilfully or negligently concealed from public view.
  - A magnetic or adhesive door sign must be affixed on either both front or both rear doors of the vehicle at all times when the vehicle is available for use as a private hire vehicle.
- 3.3 The Mercedes-Benz E220, registration number V60 RCR was first licensed as a Private Hire Vehicle on 1 December 2021 and the current licence is due to expire on 30 November 2023. The vehicle currently complies with the conditions set out in paragraph 3.2 above.
- 3.4 The date of first registration of the vehicle is 1 March 2019.

3.5 Mr Richards has held a Private Hire Driver Licence since 24 December 2013 and the current licence is due to expire 23 December 2024. Mr Richards has held a Private Hire Operator Licence since 6 April 2016 and the current licence is due to expire 19 January 2027.

3.6 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 (2) of the Local Government (Miscellaneous Provisions) Act 1976 states that a council may attached to the grant of a licence such conditions as they may consider reasonably necessary including conditions requiring or prohibiting the display of signs on or from the vehicle from which the licence relates.

5.3 Section 48 (5) of the Local Government (Miscellaneous Provisions) Act 1976 states that where a district council grant a vehicle licence in respect of a Private Hire Vehicle they shall issue a plate identifying that vehicle as a Private Hire Vehicle.

5.4 Section 48 (6) of the Local Government (Miscellaneous Provisions) Act 1976 states that no person shall use a Private Hire Vehicle unless the plate is exhibited on the vehicle in such a manner as the district council shall prescribe by condition attached to the grant of the licence.

5.5 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.

## **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 Licensing Panel must be satisfied that the vehicle is safe, suitable and comfortable to be licensed as a Private Hire Vehicle.

7.2 The display of plates and door signs provide a form of recognition and reference to members of the public that the vehicle is licensed. The absence of plates or door signs may affect the ability of members of the public to report incidents relating to the driver of the vehicle.

## **8.0 ENGAGEMENT/CONSULTATION**

8.1 This is not a matter that requires consultation.

## **9.0 EQUALITY IMPLICATIONS**

9.1 The Licensing Panel must have regard to their Public Sector Equality Duty when considering the application.

## **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**

Private Hire Vehicle Licence conditions  
European Environment Agency Report 2018  
Local Government (Miscellaneous Provisions) Act 1976

**TERMS OF REFERENCE**

This report is being considered by the Licensing Panel who are delegated to determine such matters in accordance with Section 8.4 of the Licensing 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)**

<b>Council Meeting</b>	<b>Date</b>