

LICENSING PANEL**10 NOVEMBER 2023**

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

REPORT SUMMARY

The purpose of this report is for the Licensing Panel to consider a request by the proprietor of a licensed Private Hire Vehicle namely a Mercedes-Benz E220, registration number Y5 APX to be granted an exemption from the requirement to display Private Hire Vehicle Licence Plates and door signs providing details of the Private Hire Operator.

RECOMMENDATIONS

The Licensing Panel is recommended to determine whether to grant an exemption from the requirement to display Private Hire Vehicle Licence Plates and door signs providing details of the Private Hire Operator in respect of a Licensed Private Hire Vehicle namely a Mercedes-Benz E220, registration number Y5 APX.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATIONS

- 1.1 Mr Sherlock 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 Y5 APX 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 Council's 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.
- 3.3 The conditions attached to the Private Hire Vehicle Licence include the following requirement in respect of door signs:
- 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.
- 3.4 The Mercedes-Benz E220, registration number Y5 APX was first licensed as a Private Hire Vehicle on 3 November 2022 and the current licence is due to expire on 2 May 2024. The vehicle currently complies with the conditions set out in paragraph 3.2 and 3.3 above.
- 3.5 The date of first registration of the vehicle is 19 June 2017.

3.6 Mr Sherlock has held a Private Hire Driver Licence since 2 August 2017. Mr Sherlock also holds a Private Hire Operator Licence which was granted on 1 July 2019.

3.7 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. However the Council may exempt a vehicle from the requirement to display a plate in accordance with section 75 (3) of the Local Government (Miscellaneous Provisions) Act 1976.

5.4 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 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. This risk can be mitigated by the imposition of additional conditions on the Private Hire Vehicle Licence and the Private Hire Operator Licence.

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
Statement of Hackney Carriage and Private Hire Licensing Policy

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)

Council Meeting	Date