

LICENSING PANEL**10 NOVEMBER 2023**

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

REPORT SUMMARY

The purpose of this report is for the Licensing Panel to consider an application to license a Mercedes-Benz E220, registration number PE20 PGZ as a Private Hire Vehicle, outside the current criteria for licensing Private Hire Vehicles, which states that side and rear windows must allow at least 70% of light to be transmitted through.

The report also includes a request by the proprietor of the vehicle namely a Mercedes-Benz E220 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 license a Mercedes-Benz E220, registration number PE20 PGZ as a Private Hire Vehicle, outside the current criteria for licensing Private Hire Vehicles, which states that side and rear windows must allow at least 70% of light to be transmitted through.

The Licensing Panel is also 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 PE20 PGZ.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATION

- 1.1 The Licensing Authority have received an application to license a Mercedes-Benz E220, registration number PE20 PGZ, outside of the current criteria for licensing Private Hire Vehicles. It is a delegated function of the Licensing Panel to determine whether to licence a vehicle as a Private Hire Vehicle when it does not comply with the current criteria for licensing Private Hire Vehicles. The proprietor of the vehicle, Mr Cadden, undertakes work providing an executive travel service and considers that it is appropriate to request the exemptions due to the type of work that he undertakes for customers who do not want the vehicle to be identified as a Private Hire Vehicle.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 That the application to license a Mercedes-Benz E220, registration number PE20 PGZ, be determined by an Officer in accordance 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 The current criteria that vehicles must comply with before being granted a Private Hire Vehicle Licence as set out in the Council's Statement of Hackney Carriage and Private Hire Licensing Policy includes the following:
- The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through.
- 3.2 The proprietor of the vehicle, Mr Cadden, has applied to license the vehicle as a Private Hire Vehicle to undertake work providing an executive travel service.
- 3.3 The date of first registration of the vehicle is 16 March 2020.
- 3.4 Mr Cadden has held a Private Hire Driver Licence since 15 April 2013. Mr Cadden also holds a Private Hire Operator Licence which was granted on 2 February 2015.
- 3.5 Mr Cadden has also made a request to be exempt from displaying Private Hire Vehicle Licence Plates and door signs on the vehicle providing details of the Private Hire Operator due to the type of work he will be undertaking as an executive travel service so that he can offer a discreet service to his customers.
- 3.6 It is a legal requirement that when a Private Hire Vehicle Licence is granted the Licensing Authority must issue a plate or a disc identifying that vehicle as a Private Hire Vehicle.
- 3.7 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.

3.8 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.

3.9 Should the Licensing 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.

3.10 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 and pursuant to Section 48 (6) the plate must be exhibited on the 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

Application form
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 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