



LICENSING PANEL

12 APRIL 2024

REPORT TITLE	PRIVATE HIRE VEHICLE LICENCE APPLICATION
REPORT OF	DIRECTOR OF LAW AND CORPORATE SERVICES

REPORT SUMMARY

The purpose of this report is for the Licensing Panel to consider an application to license a Fiat Ducato, registration number BU16 JWO as a Private Hire Vehicle, outside of 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 Licensing Panel is recommended to determine whether to license a Fiat Ducato, registration number BU16 JWO, 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 The Licensing Authority have received an application to license a Fiat Ducato, registration number BU16 JWO, outside of the current criteria for licensing Private Hire Vehicles. It is a delegated function of the Licensing Panel to determine whether to license a vehicle as a Private Hire Vehicle when it does not comply with the current criteria for licensing Private Hire Vehicles.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 That the application to license a Fiat Ducato, registration number BU16 JWO, 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 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 are set out in Appendix 5 of the Statement of Hackney Carriage and Private Hire Licensing Policy. This document is attached at Appendix 1 to this report.
- 3.3 In addition to the above criteria set out in Appendix 1 to this report, on 13 November 2019 the Licensing Health and Safety General Purposes Committee resolved that:
- 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 and must load the wheelchair using a tailgate system.
- 3.4 The proprietor of the vehicle, Disability Transportation Services Ltd, has applied to license the vehicle as a Private Hire Vehicle without the restriction that it may only be used to undertake home to school contract work. Disability Transportation Services Ltd were issued a Private Hire Operator Licence on 26 October 2023 and the licence is due to expire on 25 October 2028.
- 3.5 The date of first registration of this vehicle is 3 March 2016.
- 3.6 The vehicle has been examined at one of the Council's authorised testing stations and the MOT and Compliance pass certificates will be provided in advance of the meeting.
- 3.7 The vehicle will be available for inspection at the meeting.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no financial implications arising directly 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 Licensing Panel must be satisfied that the vehicle is safe, suitable and comfortable to be licensed as a Private Hire Vehicle. The vehicle has been examined at one of the Council's authorised testing stations and has passed the MOT and Compliance tests.

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
MOT pass certificate
Compliance Test pass certificate
Licensing Health and Safety General Purposes Committee minutes – 13 November 2019
Statement of Hackney Carriage and Private Hire Licensing Policy
Local Government (Miscellaneous Provisions) Act 1976
Equality Act 2010
European Environment Agency Report 2018

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