

LICENSING PANEL**3 MAY 2024**

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

REPORT SUMMARY

The purpose of this report is for the Licensing Panel to consider whether to license a Mercedes-Benz E220, registration number GU69 UDM as a Private Hire Vehicle, outside the current criteria for licensing Private Hire Vehicles, which states that the side and rear windows must allow at least 70% of light to be transmitted through. The proprietor has also requested an exemption from the requirement to display Private Hire Vehicle Licence Plates on this vehicle and to exempt the driver of the vehicle from wearing their licensed Private Hire Driver Badge.

RECOMMENDATION

The Licensing Panel is recommended to determine whether to license a Mercedes-Benz E220, registration number GU69 UDM as a Private Hire Vehicle outside the current criteria for licensing Private Hire Vehicles, which states that the 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 for the vehicle to display Private Hire Vehicle Licence Plates and to exempt the driver of the vehicle from wearing their licensed Private Hire Driver Badge.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATION

- 1.1 The Licensing Authority have received an application to license a Mercedes-Benz E220, registration number GU69 UDM, outside of the current criteria and conditions 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 and conditions for licensing Private Hire Vehicles.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 That the application to license a Mercedes-Benz E220, registration number GU69 UDM outside of the current criteria and conditions for licensing Private Hire Vehicles, 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 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 It is also 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.

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 the information printed thereon."
- 3.3 The conditions attached to the Private Hire Vehicle Licence include the following requirement in respect of displaying the Private Hire Drivers badge:

- “The private hire driver’s badge must be displayed in a prominent position within the vehicle so that all details can easily be read by passengers at all times.”

3.4 The proprietor of the vehicle Mersey Chauffeurs Ltd have requested to change the vehicle on their Private Hire Vehicle Licence from a Mercedes V220D, registration FX72 OCH to a Mercedes E220, registration GU69 UDM. The current licence relating to the Mercedes V220D, registration FX72 OCH is due to expire on 5 December 2024.

3.5 Mersey Chauffeurs Ltd are the proprietor of a number of Private Hire Vehicles which are currently subject to conditions exempting licensed Private Hire Vehicles from displaying licensed plates and the drivers of the vehicles from wearing their Licensed Private Hire Drivers badge.

3.6 The date of first registration of the vehicle Mercedes E220, registration GU69 UDM is 7 October 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 attach to the grant of a licence such conditions as they may consider reasonably necessary.

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. The Council may also dispense with the requirement referred to in Section 54 (2) of the Local Government (Miscellaneous Provisions) Act 1976 that a licensed Private Hire Driver should wear their badge in such a position and manner as to be plainly and distinctly visible.

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 provides a form of recognition and reference to members of the public that the vehicle is licensed. The absence of plates 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
Statement of Hackney Carriage and Private Hire Licensing Policy
Equality Act 2010
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