

LICENSING PANEL**13 DECEMBER 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 E Class, registration OU69 RGO as a Private Hire Vehicle, outside of the criteria for licensing Private Hire Vehicles which states that the front windscreen must allow at least 75% of light through, the front side windows must allow at least 70% of light through and the windows rear of the B-pillar must allow a minimum light transmission of 30%. The proprietor has also requested an exemption from the legal requirement to display Private Hire Vehicle Licence Plates and the conditions relating to displaying door signs on the vehicle.

RECOMMENDATIONS

The Licensing Panel is recommended to:

1. Determine whether to license a Mercedes-Benz E Class, registration OU69 RGO as a Private Hire Vehicle outside of the criteria for licensing Private Hire Vehicles which states that the front windscreen must allow at least 75% of light through, the front side windows must allow at least 70% of light through and the windows rear of the B-pillar must allow a minimum light transmission of 30%.
2. Determine whether to grant an exemption from the legal requirement to display Private Hire Vehicle Licence Plates on the vehicle.
3. Determine whether to grant an exemption from the requirement to display door signs on the vehicle.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATION

- 1.1 The Licensing Authority have received a request to licence a Mercedes-Benz E Class, registration OU69 RGO outside of the 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 criteria for licensing Private Hire Vehicles. Licensing Officers do not have delegated authority to grant an exemption from displaying licence plates or door signs on Private Hire Vehicles.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 That the application to license a Mercedes-Benz E Class, registration OU69 RGO be determined by an Officer in accordance with the criteria for licensing Private Hire Vehicles within the Council's Statement of Hackney Carriage and Private Hire Licensing Policy which would result in the request 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 allow at least 75% of light through, the front side windows must allow at least 70% of light through and the windows rear of the B-pillar must allow a minimum light transmission of 30%."
- 3.2 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.

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 current conditions that licensed Private Hire Vehicles must comply with includes the following:

- 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. The door sign must measure at least 590mm wide by 220mm in height, be complete in one piece, and shall contain the following information:
 - a. the words “ADVANCE BOOKINGS ONLY” or “PRIVATE HIRE ONLY” in uppercase letters measuring at least 50% of the height of the name of the operator on the door sign and in all cases at least 30mm high. This wording must be positioned above all other information contained on the door sign.
 - b. the name of the private hire operator for which work is being undertaken. The word “taxi”, “cab”, “hire” or any word of similar meaning or appearance to any of those words must not be included.
 - c. the preferred method of contact of the private hire operator for which work is being undertaken. This may include a telephone number, website address, smartphone/web app name, or similar.
- As an alternative to affixed door signs a private hire vehicle may have the following information displayed as livery on at least both sides of the vehicle:
 - d. the words “ADVANCE BOOKINGS ONLY” or “PRIVATE HIRE ONLY” in uppercase letters measuring at least 50% of the height of the name of the operator contained within the livery and in all cases at least 30mm high. This wording must be positioned above all other information contained within the livery.
 - e. the name of the private hire operator for which work is being undertaken. The word “taxi”, “cab”, “hire” or any word of similar meaning or appearance to any of those words must not be included.
 - f. the preferred method of contact of the private hire operator for which work is being undertaken. This may include a telephone number, website address, smartphone/web app name, or similar.
 - g. the name of the private hire operator and preferred method of contact may be displayed within the bottom 10 cm of the rear window.
- A magnetic or adhesive sign containing the name of the private hire operator may be displayed on the bonnet or rear of a private hire vehicle.

3.4 The proprietor of the vehicle, Mr Sherlock, has applied to licence the vehicle outside of the current criteria for licensing private hire vehicles in order to provide an executive travel service.

3.5 Mr Sherlock is the proprietor of a Mercedes-Benz E Class, Registration Y5 APX which is currently licensed as a private hire vehicle. On 10 November 2023 Mr Sherlock was granted an exemption from displaying licence plates and door signs on the vehicle. On 3 December 2024 the engine seized on this vehicle, and as a

consequence Mr Sherlock has purchased the Mercedes-Benz E Class, registration OU69 RGO which he is now seeking to be licensed as a Private Hire Vehicle.

3.6 Should the Licensing Panel determine that the vehicle may be licensed as a Private Hire Vehicle, the issuing of the licence will be subject to the vehicle passing an MOT and Compliance Test.

3.7 The vehicle will be available for inspection at the meeting.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no specific 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 (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. This Section provides that where a licence under Section 48 of this Act is in force for a vehicle, the Council which issued the licence may, by a 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 so apply while the notice is carried 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 (which requires a driver's badge to be displayed) shall not apply to the driver of the vehicle.

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 directly 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 provides a form of recognition and reference to members of the public that the vehicle is licensed. The absence of plates and 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 the Equality Act 2010 and in particular the Public Sector Equality Duty under Section 149 of the Equality Act 2010 when determining the matter.

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
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
Licensing Panel	10 November 2023