



Licensing, Health and Safety and General Purposes Committee

Date:	Wednesday, 22 March 2017
Time:	6.00 pm
Venue:	Committee Room 1 - Wallasey Town Hall

Contact Officer: Anne Beauchamp
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AGENDA

1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee are asked to declare any disclosable pecuniary and non pecuniary interests, in connection with any application on the agenda and state the nature of the interest.

2. MINUTES (Pages 1 - 4)

To approve the accuracy of the minutes of the meeting held on Wednesday 25 January 2017.

3. APPOINTMENT TO THE LICENSING PANEL

Councillor Denise Roberts sadly passed away on 8 February, 2017. As a result, a vacancy has arisen for an appointment to be made to the Licensing Panel.

4. HACKNEY CARRIAGE VEHICLE LICENCES (Pages 5 - 12)

5. PERIODIC REVIEW OF LICENSING FEES FOR TAXIS AND PRIVATE HIRE VEHICLES (Pages 13 - 18)

6. PERIODIC REVIEW OF LICENSING FEES FOR MARRIAGE PREMISES LICENCES (Pages 19 - 22)

- 7. PERIODIC REVIEW OF LICENSING FEES SEXUAL ENTERTAINMENT VENUE LICENCES (Pages 23 - 26)**
- 8. EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

The following items contain exempt information.

RECOMMENDATION: That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

- 9. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR**

To consider any other business that the Chair accepts as being urgent.

LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Wednesday, 25 January 2017

Present: Councillor W J Davies (Chair)

Councillors	R L Abbey	D Roberts
	T Johnson	G Watt
	A Hodson	D Mitchell
	P Stuart	

Apologies: Councillor I Lewis

17 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

18 MINUTES

Resolved – That the minutes of the meeting held on 23 November 2016 be approved.

19 WIRRAL AWARD 2016

The Assistant Director – Law and Governance, requested that the Committee agree that the Wirral Award 2016 be conferred on the nominees recommended by the Wirral Award Working Party held on 15 December 2016. The Wirral Award was intended to confer civic recognition upon individuals or organisations resident or located in Wirral for an outstanding achievement within the previous twelve months, or for distinguished service to the Borough over a period of twenty years or more.

It was reported that once nominations were agreed, a presentation ceremony would be arranged which would be attended by The Mayor of Wirral, the Leader of the Council, Group Leaders, the Chair of the Licensing, Health and Safety and General Purposes Committee, the Chief Executive and the nominees plus one guest each.

Resolved - That the Wirral Award 2016 be conferred on the recipients recommended by the Wirral Award Working Party, and that the suggested arrangements be agreed.

20 **HACKNEY CARRIAGE VEHICLE CRITERIA AND LICENCE CONDITIONS**

The Managing Director for Delivery sought Members' approval of revised Hackney Carriage Criteria and Licence Conditions.

The Licensing Manager reported that the current criteria and conditions had not been subject to review since they had been approved on 2 March 2006. Members were advised that officers had now reviewed both the criteria and conditions in consultation with other Merseyside authorities with a view to developing a more consistent approach across Merseyside.

It was reported that consultation had taken place on the revised criteria and conditions by means of a newsletter to all licence holders in November 2016 and also at meetings of the Hackney Carriage and Private Hire Joint Consultative Committee (JCC). During the consultation period two representations had been received and a further meeting of the JCC had taken place on 10 January 2017. In light of the representations made, the draft criteria and conditions had been reviewed and some amendments had been made. Subsequently Members of the JCC were content with the proposed changes.

The draft document had been circulated to Members ahead of the meeting. The Licensing Manager requested that should Members approve the draft criteria and conditions, delegated authority be given to officers to update the compliance testing document in accordance with the draft criteria and conditions.

Resolved –

- (1) That the revised Hackney Carriage Vehicle Criteria and Conditions be approved to take effect within two months of the date of this meeting.**
- (2) That delegated authority be given to officers to update the compliance testing document in accordance with the approved Criteria and Conditions.**

21 **REVIEW OF HACKNEY CARRIAGE FARES**

The Managing Director for Delivery requested Members' consideration of representations received in respect of a proposed increase to the Hackney Carriage fare tariff.

The Licensing Manager advised that further to a meeting of this Committee on 23 November 2016, the proposed increase had been advertised on the Council website and in the Wirral Globe for a period of fourteen days and that during the consultation process two representations had been received in

respect of the proposed increase which had been circulated to Members at the meeting.

The two drivers who had made the representations were in attendance and advised that they objected to the proposed increase in fare tariff. They expressed their concerns that this would have a negative impact on the business for hackney carriage drivers.

Mr D Cummins, Unite the Union and Mr G Gregory were also in attendance. They advised that due to the increase in the cost of living, the proposed increase in fares would go some way towards recovering costs. They also referred to the fact that there had been no increase in fares since December 2012.

It was moved by Councillor A Hodson and seconded by Councillor D Mitchell that –

“The proposed increase to the Hackney Carriage fare tariff be approved.”

Resolved - That the proposed increase to the Hackney Carriage fare tariff be approved.

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LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

22 MARCH 2017

REPORT TITLE	HACKNEY CARRIAGE VEHICLE LICENCES
REPORT OF	MANAGING DIRECTOR FOR DELIVERY

REPORT SUMMARY

The purpose of this report is to update Members regarding the current position relating to the number of Hackney Carriage Vehicle Licences that are available to receive applications and for Members to consider a revised allocation procedure for allocating Hackney Carriage Vehicle Licences.

RECOMMENDATION/S

That Members consider a revised allocation procedure for allocating available Hackney Carriage Vehicle Licences.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 There are currently 31 Hackney Carriage Vehicle Licences available and a number of enquiries have been received regarding applications for new Licences. The current allocation procedure costs approximately £600.00 to administer each time licences become available.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There is no provision for other options to be considered.

3.0 BACKGROUND INFORMATION

- 3.1 On 23 January 2012 Members of this Committee resolved to impose a limit of 289 on the number of Hackney Carriage Vehicle Licences that could be issued by the Council. The limit was set at 289 following recommendations made by Halcrow Group Limited who undertook an independent study of the demand for hackney carriages in Wirral during June 2011.
- 3.2 Following a period of public consultation Members of the Licensing Health and Safety and General Purposes Committee resolved at their meeting on 25 September 2012 that a random selection process be approved for the allocation of available licences.
- 3.3 Members also resolved that the random selection process will be made using a computer programme at appropriate future meetings of the Licensing Panel. The current procedure is attached at Appendix 1.
- 3.4 Officers have sought to allocate Hackney Carriage Vehicle Licences that have become available due to the proprietors of these vehicles either not renewing these licences or surrendering them. Officers have followed the procedure for allocating these licences adopted by this Committee. The last process was undertaken between 1 December 2016 and January 2017. This resulted in three applications being submitted.
- 3.5 At the time that the current procedure was adopted by this Committee it was anticipated that licences would only become available infrequently and would subsequently require a process to manage a number of applications that would be higher than the number of licences available. This has not been the case and as stated above following the last process the Council received three applications which were allocated in accordance with the resolution made by this Committee on 19 November 2014
- 3.6 The current process of allocating licences which includes writing to every licence holder and publishing a notice in the local newspaper costs approximately £600 and results in a very low number of applications being received, a number which is far less than the number of licences available. It is proposed that the Council maintain a notice on the Council's website advising the public of the number of licences that

are available at any one time and that licences are subsequently issued to applicants that meet the criteria for licensing Hackney Carriage Vehicles.

- 3.7 Members are asked to consider amending the current allocation process to that detailed in Appendix 2.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are costs implications to undertake the current allocation procedure.

5.0 LEGAL IMPLICATIONS

- 5.1 A decision of the Committee may be subject to legal challenge.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 6.1 There are no specific implications arising from this report.

7.0 RISKS

- 7.1 There are no specific implications arising from this report.

8.0 ENGAGEMENT/CONSULTATION

This is not a matter that requires consultation.

9.0 EQUALITY IMPLICATIONS

- 9.1 There are no specific implications arising from this report.

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APPENDICES

Appendix 1 – Current allocation procedure

Appendix 2 – Proposed allocation procedure

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Health and Safety and General Purposes Committee	19 November 2014

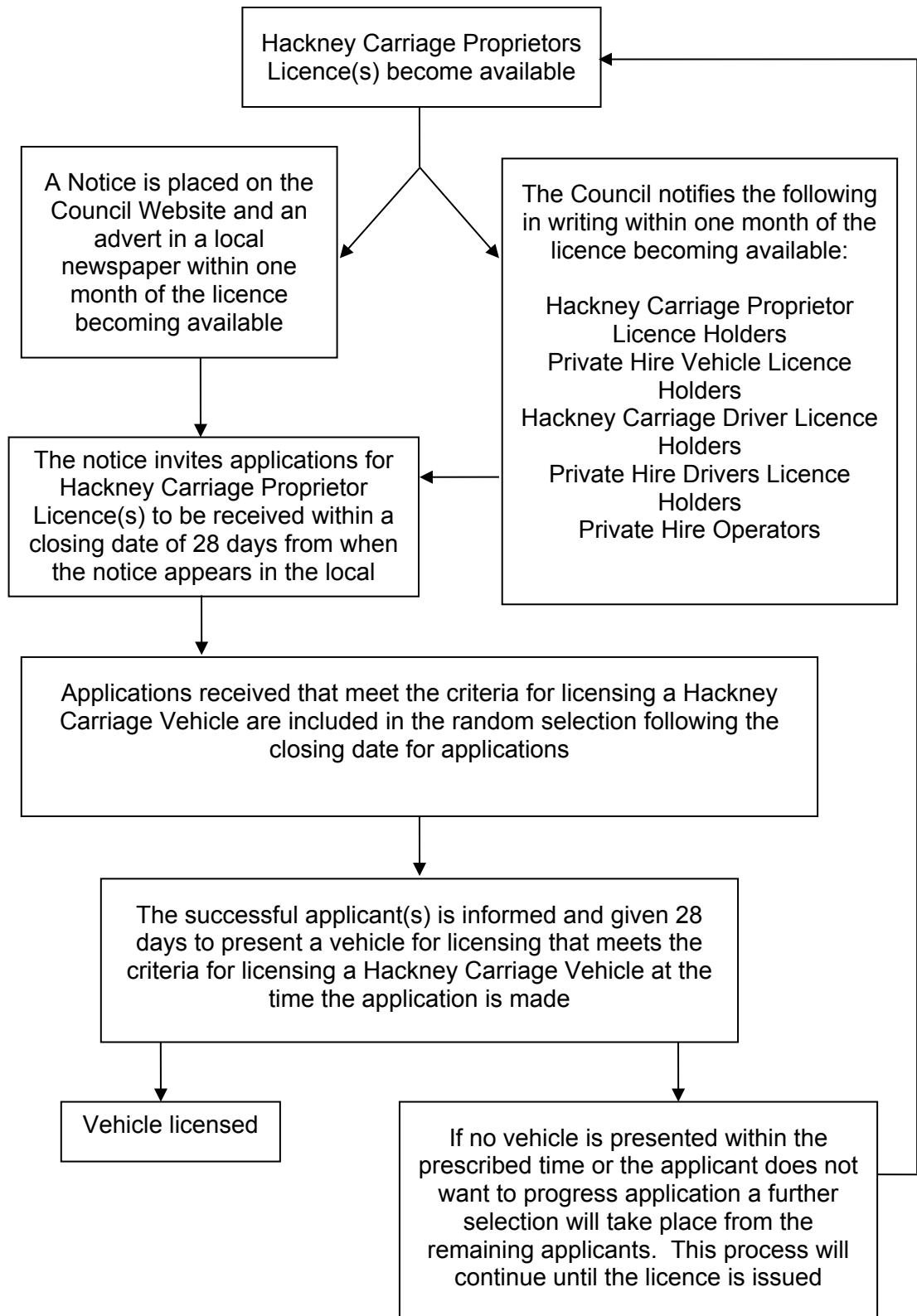
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Random Section Procedure for the Allocation of Hackney Carriage Proprietor Licences

- Hackney Carriage Proprietor Licence(s) become available
- The Council notifies the following in writing within one month of the licence becoming available:

Hackney Carriage Proprietor Licence Holders
Private Hire Vehicle Licence Holders
Hackney Carriage Driver Licence Holders
Private Hire Drivers Licence Holders
Private Hire Operators
- A Notice is placed on the Council Website and an advert is placed in a local newspaper within one month of the licence becoming available.
- The notice invites applications for Hackney Carriage Proprietor Licence(s) to be received within a closing date of 28 days from when the notice appears in the local newspaper.
- Applications received that meet the criteria for licensing a Hackney Carriage Vehicle will be allocated a sequential number as they are received in the Licensing Office. The application numbers will be input into the random selection process to generate the order in which licences can be offered to applicants.
- Available licences will be allocated from this list in order, starting with the first application on the list
- The successful applicant(s) is informed and given 28 days to present a vehicle for licensing that meets the criteria for licensing a Hackney Carriage Vehicle at the time the application is made.
- **Outcome:**
 - 1) Vehicle licensed
 - 2) If no vehicle is presented within the prescribed time or the applicant does not want to progress the application a further selection will take place from the remaining applicants. This process will continue until the licence is issued.

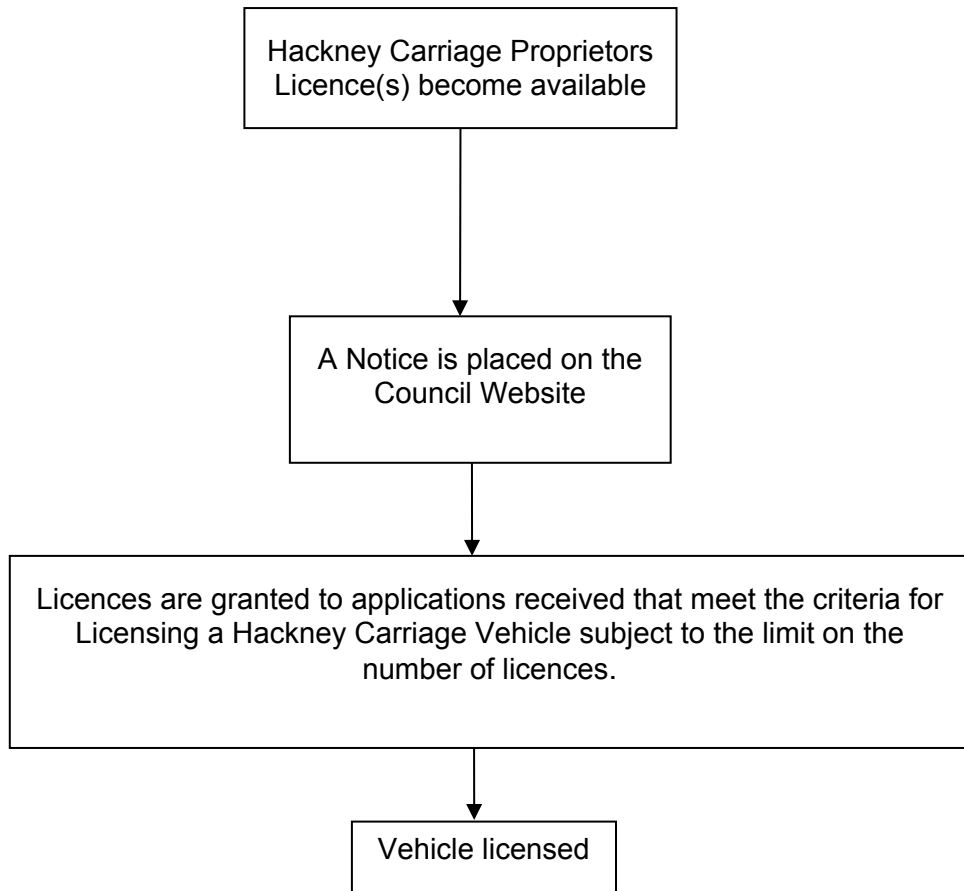
Random Section Procedure for the Allocation of Hackney Carriage Proprietor Licences



**Procedure for the Allocation of
Hackney Carriage Proprietor Licences**

- Hackney Carriage Proprietor Licence(s) become available
- A Notice is placed on the Council Website stating the number of licences that are available.
- Applications received.
- Licences are granted to applications received that meet the criteria for Licensing a Hackney Carriage Vehicle subject to the limit on the number of licences.
- Should the Council receive a greater number of applications than the number of licences available at any one time the applications will be referred to the Licensing Panel where they will be allocated through a random selection process.

Procedure for the Allocation of Hackney Carriage Proprietor Licences





LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

22 MARCH 2017

REPORT TITLE	PERIODIC REVIEW OF LICENSING FEES FOR TAXIS AND PRIVATE HIRE VEHICLES
REPORT OF	MANAGING DIRECTOR FOR DELIVERY

REPORT SUMMARY

The purpose of this report is for Members of the Licensing Health and Safety and General Purposes Committee to review and approve the licence fees in respect of Hackney Carriage, Private Hire and Operator Licences with effect from 26 April 2017.

RECOMMENDATION/S

That Members of the Licensing Health and Safety and General Purposes Committee review and approve the licence fees as set out in Appendix 1 in respect of Hackney Carriage, Private Hire and Operator Licences with effect from 26 April 2017, subject to any objections being received as part of the consultation process.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It is a statutory requirement for this Committee to review and approve the licence fees.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There is no provision for other options to be considered.

3.0 BACKGROUND INFORMATION

- 3.1 The Council are legally entitled to charge such a fee for licences that they consider reasonable with a view to recover the costs of the issue and administration of the licence.
- 3.2 Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 the cost of a licence must be related to the cost of the licensing scheme itself. It is therefore appropriate for a local authority to recover their administrative and other associated costs.
- 3.3 At a meeting of this Committee on 7 July 2015 Members were advised that the income received by Licensing over the following 3 years would be reduced as a result of a change in legislation which was to direct licensing to issue licences for a period of three years and five years where they had previously been issued on an annual basis. Members were advised at that time that there was a risk that the income received may not cover the costs of issuing and administering the Hackney Carriage and Private Hire Driver Licences as well as the Operator Licences as this was the first time that the Council would be issuing licences that are valid for more than a year. Members were advised at that time that the costs of these changes would be kept under review and may require further amendments to the fee structure.
- 3.4 The fees for Hackney Carriage, Private Hire and Operator Licences are reviewed on an annual basis to determine whether the income received from the previous year has been in line with the cost of delivering the service. This review has been undertaken and it has been identified that the projected income received for the financial year 2016 - 2017 will not cover the costs of delivering the service.

4.0 PROPOSED FEES

- 4.1 A review of the licensing budget for 2016 - 2017 in respect of the expenditure and income relating to the issue and the administration of licences for Hackney Carriage and Private Hire vehicles, Drivers and Operators has identified a projected deficit of income against expenditure. In addition there will be a 1% increase in staffing costs in 2017-2018.

- 4.2 The proposed fees set out in the table in Appendix 1 are considered appropriate to recover the administration and associated costs of the service.
- 4.3 Members are asked to approve the fee structure proposed in Appendix 1 and that the fees in respect of Hackney Carriage and Private Hire Vehicle Licences and Private Hire Operators Licences be advertised for a period of 28 days. If any objections are received, they will be reported back to this Committee for consideration. If no objections are received Members are asked to approve the implementation of the fee structure in Appendix 1 from 26 April 2017.

5.0 FINANCIAL IMPLICATIONS

- 5.1 There are cost implications to the Council in undertaking this legal duty and this is recognised in the legislation which gives provision for the Council to recover the costs of administering the scheme and to ensure compliance.

6.0 LEGAL IMPLICATIONS

- 6.1 A decision of the Committee may be subject to legal challenge.

7.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 7.1 There are implications to the Council in undertaking this legal duty and this is recognised in the legislation which gives provision for the Council to recover the costs of administering the scheme and to ensure compliance.

8.0 RELEVANT RISKS

- 8.1 There are risks that the costs associated with the administration of licences for taxis and private hire may not be recovered should the licence fee not be increased.

9.0 ENGAGEMENT/CONSULTATION

- 9.1 Increases in respect of Hackney Carriage and Private Hire Vehicle Licences and Private Hire Operators Licences must be advertised for a period of 28 days and if any objections are received, they will be reported back to this Committee for consideration.

10.0 EQUALITY IMPLICATIONS

- 10.1 There are no specific implications arising from this report.

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APPENDICES

- **APPENDIX 1 – Fee structure**

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Health and Safety and General Purposes Committee	7 July 2015
Licensing Health and Safety and General Purposes Committee	16 March 2016

HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE FEES

	Current Fee	Proposed Fee
New Driver Licence Application Fee	£58	£64
Grant of Private Hire / Hackney Carriage Driver Licence – 3 years	£120	£132
Renewal Private Hire / Hackney Carriage Driver Licence – 3 years	£120	£132
Grant of Private Hire / Hackney Carriage Driver Licence – 12 months	£45	£50
Renewal Private Hire / Hackney Carriage Driver Licence – 12 months	£45	£50
Grant of Private Hire / Hackney Carriage Driver Licence to holder of a current Hackney Carriage / Private Hire Driver Licence (second licence)	£30	£35
Renewal of second Driver Licence at same time as renewal of first Driver Licence	£20	£25
New Private Hire Vehicle Licence - 12 months	£175	£192
Renewal Private Hire Vehicle Licence - 12 months	£170	£187
New Hackney Carriage Vehicle Licence - 12 months	£170	£192
Renewal Hackney Carriage Vehicle Licence - 12 months	£170	£187
New Private Hire Vehicle Licence - 6 months	£95	£105
Renewal Private Hire Vehicle Licence - 6 months	£90	£100
New Hackney Carriage Vehicle Licence - 6 months	£90	£105
Renewal Hackney Carriage Vehicle Licence - 6 months	£90	£100
Private Hire Operator - 1 vehicle 5 years	£480	£528
Private Hire Operator - 2-10 vehicles 5 years	£849	£934
Private Hire Operator - 11-50 vehicles 5 years	£1,070	£1,177
Private Hire Operator - 51+ vehicles 5 years	£1,290	£1,419
Private Hire Operator - each extra office	£52	£58
Vehicle Licence transfer	£20	£23
Replacement front vehicle plate/rear vehicle plate and issue a new licence	£32	£35
Replacement rear vehicle plate and issue a new licence	£27	£30
Replacement front vehicle plate/rear vehicle plate – plate damaged)	£10	£10
Replacement driver badge	£10	£10
Replacement/copy licence	£10	£10
Change of address (with new licence(s) issued)		£10

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LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

22 MARCH 2017

REPORT TITLE	PERIODIC REVIEW OF LICENSING FEES FOR MARRIAGE PREMISES LICENCES
REPORT OF	MANAGING DIRECTOR FOR DELIVERY

REPORT SUMMARY

The purpose of this report is for Members of the Licensing Health and Safety and General Purposes Committee to review and approve the licence fees in respect of Marriage Premises with effect from 1 April 2017.

RECOMMENDATION

That Members of the Licensing Health and Safety and General Purposes Committee approve the Marriage Premises Licence fee of £970 with effect from 1 April 2017.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It is a statutory requirement for this Committee to approve the licence fee.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There is no provision for other options to be considered.

3.0 BACKGROUND INFORMATION

- 3.1 The Council are legally entitled to charge such a fee for licences that they consider reasonable with a view to recovering the full cost of providing the service. It is therefore appropriate for the Council to recover all administrative and other associated costs.
- 3.2 The current fee for a Marriage Premises Licence is £370. This was set following a review in 2015 which considered an increase in cost to the service resulting in a 2.2% rise in staffing costs. To date any review of this fee has not taken into consideration the full potential cost to the service of issuing this type of licence. These costs can include at least one inspection of the premises, the cost of staff resources which includes input from the Superintendent Registrar and the fact that the application may be referred to a Licensing Panel for determination. This full cost review has now been undertaken and consideration has been given to the fact that from April 2017 the licensing function will be subject to a 1% increase in staffing costs. Members are therefore asked to approve an increase in the licensing fee for Marriage Premises to £970 to reflect the average cost of the administration of the licence and other associated costs.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are implications to the Council in undertaking this legal duty and this is recognised in the legislation which gives provision for the Council to recover the costs of administering the scheme and to ensure compliance.

5.0 LEGAL IMPLICATIONS

- 5.1 A decision of this Committee can be subject to a legal challenge.

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 risks that the costs associated with the administration of licences for Marriage Premises may not be recovered should the licence fee not be increased.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Consultation is not a legal requirement when setting this fee.

9.0 EQUALITY IMPLICATIONS

9.1 There are no specific implications arising from this report.

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APPENDICES

None

REFERENCE MATERIAL

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing, Health and Safety, and General Purposes Committee	28 January 2015
Licensing Health and Safety and General Purposes Committee	16 March 2016

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LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

22 MARCH 2017

REPORT TITLE	PERIODIC REVIEW OF LICENSING FEES SEXUAL ENTERTAINMENT VENUE LICENCES
REPORT OF	MANAGING DIRECTOR FOR DELIVERY

REPORT SUMMARY

The purpose of this report is for Members of the Licensing Health and Safety and General Purposes Committee to review and approve the licence fee in respect of Sexual Entertainment Venue Licences with effect from 1 April 2017.

RECOMMENDATION

That Members of the Licensing Health and Safety and General Purposes Committee approve the Sexual Entertainment Venue fee of £1240 with effect from 1 April 2017.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It is a statutory requirement for this Committee to approve the licence fee.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There is no provision for other options to be considered.

3.0 BACKGROUND INFORMATION

- 3.1 The Local Government (Miscellaneous Provisions) Act 1982 enables the authority to charge the applicant for the grant, renewal or transfer of a licence a “reasonable fee”. All costs of providing the service should be included in the fee so that there is no subsidisation by council tax payers.
- 3.2 Whilst authorities should not charge unfairly large fees it is possible to set fees which reflect the true costs of providing an efficient licensing service.
- 3.3 The current application fee and renewal fee for a Sexual Entertainment Venue Licence is £1,226. A review of the costs of administering this process and ensuring compliance has been undertaken and it has been identified that from April 2017 the licensing function will be subject to a 1% increase in staffing costs. Members are therefore asked to approve an increase in the licensing fee for Sexual Entertainment Venues to £1240 to reflect the increase in this cost of the administration.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are financial implications to the Council in undertaking this legal duty and this is recognised in the legislation which gives provision for the Council to recover the costs of administering the scheme and to ensure compliance.

5.0 LEGAL IMPLICATIONS

- 5.1 A decision of this Committee can be subject to legal action.

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 risks that the costs associated with the administration of licences for Sexual Entertainment Venues may not be recovered should the licence fee not be increased.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 There is no legal requirement for consultation to be undertaken when setting this fee.

9.0 EQUALITY IMPLICATIONS

- 9.1 There are no specific implications arising from this report.

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None

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