



Licensing, Health and Safety and General Purposes Committee

Date: Wednesday, 24 May 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 22 March 2017.

3. APPOINTMENT OF THE LICENSING PANEL (Pages 5 - 8)

4. PERIODIC REVIEW OF LICENSING FEES FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND VEHICLES, AND PRIVATE HIRE OPERATORS (Pages 9 - 16)

5. 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.

6. 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, 22 March 2017

Present: Councillor WJ Davies (Chair)

Councillors T Johnson I Lewis
A Hodson D Mitchell
P Stuart J McManus
G Watt

Apologies: Councillor R Abbey

22 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.

23 MINUTES

Resolved – That the minutes of the meeting held on Wednesday 25 January 2017 be approved.

24 TRIBUTE TO COUNCILLOR DENISE ROBERTS

The Chair referred to the recent death of Councillor Denise Roberts. The Chair, together with Councillors A Hodson and D Mitchell, spokespersons of the Committee, paid tribute to her memory.

25 APPOINTMENT TO THE LICENSING PANEL

The Committee were invited to appoint to the vacancy that had arisen on the Licensing Panel.

Resolved – That Councillor Chris Meaden be appointed to the Licensing Panel.

26 HACKNEY CARRIAGE VEHICLE LICENCES

The Managing Director for Delivery updated Members regarding the current position relating to the number of Hackney Carriage Vehicle Licences that were available to receive applications and requested that Members consider a revised allocation procedure for allocating Hackney Carriage Vehicle Licences.

The Licensing Manager referred to the limit of 289 on the number of Hackney Carriage Vehicle Licences that could be issued by the Council which had been

imposed by this Committee on 23 January 2012 and that a random selection process was currently used for the allocation of available licences.

Members were advised that the current process of allocating licences costs approximately £600 and results in a very low number of applications being received, far less than the number of licences available. It was therefore proposed that the Council maintain a notice on the Council's website advising the public of the number of licences that were available at any one time and that licences were subsequently issued to applicants that met the criteria for licensing Hackney Carriage Vehicles. Also that should the Council receive a greater number of applications than the number of licences available at any one time, the applications would be referred to the Licensing Panel where they would be allocated through a random selection process.

It was moved by Councillor D Mitchell and seconded by Councillor P Stuart that –

“The revised allocation procedure for allocating available Hackney Carriage Vehicle Licences as set out within Appendix 2 of the report be approved.”

Resolved – That the revised allocation procedure for allocating available Hackney Carriage Vehicle Licences as set out within Appendix 2 of the report be approved.

27 PERIODIC REVIEW OF LICENSING FEES FOR TAXIS AND PRIVATE HIRE VEHICLES

The Managing Director for Delivery requested that Members review and approve the licence fees in respect of Hackney Carriage, Private Hire and Operators Licences with effect from 1 May 2017. It was reported that the fees must be reviewed on an annual basis to determine whether the income received for the previous year had been in line with the cost of delivering the service.

The Licensing Manager reported that the annual review of the fees for Hackney Carriage, Private Hire and Operator Licences had been undertaken and it had been identified that the projected income received for the financial year 2016-2017 would not cover the costs of delivering the service.

It was also reported that further to a review of the licensing budget for 2016-2017 in respect of the expenditure and income relating to the issue and administration of licences for Hackney Carriage and Private Hire vehicles, Drivers and Operators, had identified a projected deficit of income against expenditure. In addition there would be a 1% increase in staffing costs in 2017-2018.

The Licensing Manager referred to Appendix 1 of the report which set out the proposed fees which were considered appropriate to recover the administration and associated costs of the service.

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

“That the licence fees in respect of Hackney Carriage, Private Hire and Operator Licences as set out in Appendix 1 of the report be approved with effect from 1 May 2017 subject to any objections being received as part of the consultation process.”

Resolved – That the licence fees in respect of Hackney Carriage, Private Hire and Operator Licences as set out in Appendix 1 of the report be approved with effect from 1 May 2017 subject to any objections being received as part of the consultation process.

28 **PERIODIC REVIEW OF LICENSING FEES FOR MARRIAGE PREMISES LICENCES**

The Managing Director for Delivery requested that Members review and approve the licence fees in respect of Marriage Premises with effect from 1 April 2017.

The Licensing Manager reported that the Council were legally entitled to charge such a fee for licences that they considered reasonable with a view to recovering the full cost of providing the service.

It was reported that the current fee for a Marriage Premises Licence was £370 which had been set following a review in 2015. The Licensing Manager advised that any review of this fee had not taken into consideration the full potential cost to the service of issuing this type of licence. The details of what could be included in the cost were outlined and Members were advised that a full cost review had been undertaken which included consideration that from April 2017 the licensing function would be subject to a 1% increase in staffing costs. Members were therefore requested 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.

It was moved by Councillor G Watt and seconded by Councillor D Mitchell that –

“the Marriage Premises Licence fee of £970 be approved with effect from 1 April 2017.”

Resolved – That the Marriage Premises Licence fee of £970 be approved with effect from 1 April 2017.

29 **PERIODIC REVIEW OF LICENSING FEES SEXUAL ENTERTAINMENT VENUE LICENCES**

The Managing Director for Delivery requested that Members review and approve the licence fee in respect of Sexual Entertainment Venue Licences with effect from 1 April 2017.

The Licensing Manager reported that the Local Government (Miscellaneous Provisions) Act 1982 enabled the authority to charge the applicant for the grant, renewal or transfer of a licence, a “reasonable fee” and that all costs of providing the service should be included in the fee so that there would be no subsidisation by council tax payers.

The Licensing Manager reported that the current application fee and renewal fee for a Sexual Entertainment Venue Licence was £1,226 and that further to a review of the costs of administering this process and ensuring compliance had been undertaken, it had been identified that the licensing function would be subject a 1% increase in staffing costs. Members were therefore requested to approve an increase in the licensing fee for Sexual Entertainment Venues to £1240 to reflect the increase in this cost of the administration.

It was moved by Councillor A Hodson and seconded by Councillor P Stuart that –

“The Sexual Entertainment Venue fee of £1240 be approved with effect from 1 April 2017.”

Resolved – That the Sexual Entertainment Venue fee of £1240 be approved with effect from 1 April 2017.



Licensing, Health and Safety and General Purposes Committee Wednesday, 24 May 2017

| | |
|----------------------|--|
| REPORT TITLE: | APPOINTMENT OF THE LICENSING PANEL |
| REPORT OF: | Assistant Director – Law and Governance |

REPORT SUMMARY

The purpose of this report is to enable the Committee to undertake a review of the Licensing Panel and to appoint Members to serve on that Panel if it is to be retained in 2017-2018. The appointment of Members to this Panel is undertaken by the parent Committee.

RECOMMENDATION/S

The Committee is requested:

- (i) to agree the terms of reference of the Licensing Panel set out in this report unless amended or otherwise changed by Council or the Licensing, Health and Safety and General Purposes Committee.
- (ii) to appoint members to the Licensing Panel, including the appointment of the Chairperson, Vice-Chairperson, Spokespersons and named deputies, for 2017/18.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

The Committee is required to appoint Members to serve on the Licensing Panel.

2.0 OTHER OPTIONS CONSIDERED

No other options were considered beyond those outlined in the report.

3.0 BACKGROUND INFORMATION

Standing Order 33(1) requires that Committees should keep the need for panels under review and, in particular, the position must be reviewed at the first meeting of a Committee in each municipal year.

Only named deputies may attend panel meetings in place of a permanent member. Standing Order 25(6)(a) permits appointment of up to a maximum of eight deputies for each political group. It should be noted that deputies are normally called to serve in the order in which they are nominated.

Unless appointed as full members, the Leaders and Deputy Leaders of the three largest political groups represented on the Council are entitled to attend meetings of all Committees, Sub-Committees and Panels, with the right to speak at the Chair's invitation, but not to vote (Standing Order 25(5) refers).

3.1 Licensing Panel

(a) Terms of Reference

- (1) To consider and determine licensing/registration/permit/consent matters except those dealt with by this Committee, the Licensing Act 2003 Committee, or matters delegated to the Assistant Chief Executive.
- (2) To exercise the powers and duties of the Council under the provisions of the Safety of Sports Grounds Act 1975 as regards the issue, monitoring, enforcement, review, amendment and renewal of safety certificates and the review of arrangements relating thereto.

(b) Membership

If the Licensing Panel was to continue with seven members as in 2016-2017, the allocation of those places has to be politically proportionate. The Membership of the Licensing Panel (including deputies) for 2016-2017 consisted of seven members in the ratio 4:2:1 as shown below:-

| | <u>Members</u> | <u>Deputies</u> |
|-------------------------------|---|--|
| 4 Labour Councillors | Bill Davies (Chair) Ron Abbey Chris Meaden Paul Stuart | George Davies Phil Brightmore Julie McManus Christina Muspratt Anita Leech Jean Stapleton Christine Spriggs Mike Sullivan |
| 2 Conservative Councillors | Andrew Hodson David Burgess-Joyce | Steve Williams David Elderton Adam Sykes Les Rowlands Cherry Povall Gerry Ellis Geoffrey Watt John Hale |
| 1 Liberal Democrat Councillor | Dave Mitchell (s) | Alan Brighthouse Phil Gilchrist Christopher Carubia Stuart Kelly |

3.2 If the Membership of the Licensing Panel is to continue with seven Members, the ratio would be 4:2:1.

4.0 FINANCIAL IMPLICATIONS

There are no implications arising directly from this report.

5.0 LEGAL IMPLICATIONS

There are no implications arising directly from this report.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

There are no implications arising directly from this report.

7.0 RELEVANT RISKS

There is a requirement under the Council's Constitution that a Licensing Panel is appointed.

8.0 ENGAGEMENT/CONSULTATION

It is for political groups to decide how they wish to allocate their Licensing Panel places.

9.0 EQUALITY IMPLICATIONS

There is no relevance to equality

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APPENDICES

None

REFERENCE MATERIAL

Previous reports on the appointment of Licensing Panel Membership and the Council's Constitution.

SUBJECT HISTORY (last 3 years)

| Council Meeting | Date |
|--|---------------------|
| Licensing, Health & Safety & General Purposes Committee | 25 May 2016 |
| Licensing, Health & Safety & General Purposes Committee | 2 June 2015 |
| Licensing, Health & Safety & General Purposes Committee | 18 June 2014 |



LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

24 MAY 2017

| | |
|---------------------|---|
| REPORT TITLE | PERIODIC REVIEW OF LICENSING FEES FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND VEHICLES, AND PRIVATE HIRE OPERATORS |
| REPORT OF | MANAGING DIRECTOR FOR DELIVERY |

REPORT SUMMARY

The purpose of this report is for Members to consider a representation received regarding the proposed increase in licence fees in respect of Hackney Carriage, Private Hire and Operator Licences.

RECOMMENDATION/S

That Members consider whether it is appropriate to approve the licence fees as set out in Appendix 1 in respect of Hackney Carriage, Private Hire and Operator Licences in light of the representation 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 Act) 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 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. A review was undertaken and it was identified that the projected income received for the financial year 2016 - 2017 would not cover the costs of delivering the service.
- 3.4 On 22 March 2017 Members of this Committee resolved to approve the licence fees in respect of Hackney Carriage, Private Hire and Operator Licences with effect from 1 May 2017 subject to any objections being received as part of the consultation process.
- 3.5 The Act states that if an objection is received and not withdrawn the district council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the district council after consideration of the objections.
- 3.6 During the consultation period a representation was received from Unite, a copy of which is attached at Appendix 2.
- 3.7 Members are asked to consider whether to approve the licensing fees set out in Appendix 1 in light of the representation received as part of the consultation process.
- 3.8 If Members approve the revised licensing fees a date must be set for the fees to come into force which must be no later than 1 July 2017.

4.0 FINANCIAL IMPLICATIONS

- 4.1 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.

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 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.

7.0 RELEVANT RISKS

- 7.1 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.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 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 any objections received are reported back to this Committee for consideration.

9.0 EQUALITY IMPLICATIONS

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

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APPENDICES

Appendix 1 - Fee structure

Appendix 2 – Representation from Unite

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 |
| Licensing Health and Safety and General Purposes Committee | 22 March 2017 |

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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North West/584 WIRRAL TAXI BRANCH

Branch Chair: Derek Cummins
derek.cummins@aol.co.uk

Branch Secretary: Mark Royden
mark.Royden@unitetheunion.org,

Re: Taxi & Private Hire Licence Fee Increases

To Whom it may concern.

I would like to object to the proposed rises in taxi licensing fees on the following grounds.

a) Lack of Consultation.

Traditionally licensing officers would bring licensing fee proposals to the Joint Consultative Committee (JCC) in order to discuss the proposed changes with both hackney and private hire representatives. At the most recent JCC 15 February 2017, there was no mention of the proposed increases.

In addition, last year the trade representatives complained that notification for the Licensing, Health and Safety and General Purposes Committee (GP) had become erratic, and that trade representatives had missed several important GP meetings. It was agreed at a JCC that the council would no longer send out hard copies of the GP agenda, but the representatives would sign up to an online scheme that 'flags' the relevant committees. Neither I nor any other of the representatives received notification of the GP 22 March 2017, which is why no one from the trade was in attendance for this important meeting.

b) Disproportionate Increase in Licensing Fees

In 2016 Licensing Fees rose by 4%, which was three times the level of inflation, nevertheless licence fees had remained static for some time, and the trade was in agreement that a rise was justified.

This year proposed increase works out at an average increase of 11.2% whereas general inflation stands at 1.6%.

Although we are aware that the purpose of licensing fees is to recoup the cost of operation of the licensing section and therefore any increase won't necessarily shadow general inflation, because the figures may include hiring extra staff, demand surveys etc. Nevertheless it is hard to see a justification of a tenfold increase in 12 months given that in some cases, for example the processing of driver licences (badges), the cost of operation has decreased on account of the issue going from annually to every three years.

Yours Sincerely


Derek Cummins, Chair
Mark Royden, Branch Secretary (NW/584 Unite the Union Taxi Branch)



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