



Regulatory and General Purposes Committee

Date:	Wednesday, 7 June 2023
Time:	6.00 p.m.
Venue:	Committee Room 1, Birkenhead Town Hall

Contact Officer: Anne Beauchamp
Tel: 0151 691 8322
e-mail: annebeauchamp@wirral.gov.uk
Website: www.wirral.gov.uk

Please note that public seating is limited therefore members of the public are encouraged to arrive in good time.

Wirral Council is fully committed to equalities and our obligations under The Equality Act 2010 and Public Sector Equality Duty. If you have any adjustments that would help you attend or participate at this meeting, please let us know as soon as possible and we would be happy to facilitate where possible. Please contact committeeservices@wirral.gov.uk

This meeting will be webcast at
<https://wirral.public-i.tv/core/portal/home>

AGENDA

- 1. WELCOME AND INTRODUCTION**
- 2. APOLOGIES**
- 3. 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 item on the agenda and state the nature of the interest.

- 4. PUBLIC AND MEMBER QUESTIONS**

4.1 Public Questions

Notice of question to be given in writing or by email by 12 noon, Friday 2 June 2023 to the Council's Monitoring Officer via this link: [Public Question Form](#) and to be dealt with in accordance with Standing Order 10.

For more information on how your personal information will be used, please see this link: [Document Data Protection Protocol for Public Speakers at Committees | Wirral Council](#)

Please telephone the Committee Services Officer if you have not received an acknowledgement of your question by the deadline for submission.

4.2 Statements and Petitions

Notice of representations to be given in writing or by email by 12 noon, Friday 2 June 2023 to the Council's Monitoring Officer (committeeservices@wirral.gov.uk) and to be dealt with in accordance with Standing Order 11.1.

Petitions may be presented to the Committee if provided to Democratic and Member Services no later than 10 working days before the meeting, at the discretion of the Chair. The person presenting the petition will be allowed to address the meeting briefly (not exceeding three minute) to outline the aims of the petition. The Chair will refer the matter to another appropriate body of the Council within whose terms of reference it falls without discussion, unless a relevant item appears elsewhere on the Agenda. If a petition contains more than 5,000 signatures, it will be debated at a subsequent meeting of Council for up to 15 minutes, at the discretion of the Mayor.

Please telephone the Committee Services Officer if you have not received an acknowledgement of your statement/petition by the deadline for submission.

4.3 Questions by Members

Questions by Members to dealt with in accordance with Standing Orders 12.3 to 12.8.

5. MINUTES (Pages 1 - 4)

To approve the accuracy of the minutes of the meeting held on 23 March 2023.

6. MINUTES OF THE REGULATORY PANEL (Pages 5 - 26)

To approve the accuracy of the minutes of the meetings of the Regulatory Panels (now re-named as Licensing Panels) held on 3 March 2023, 5 April 2023, 28 April 2023 (am) and 28 April 2023 (pm).

- 7. APPOINTMENT OF MEMBERS TO THE LICENSING PANEL AND THE CHARITABLE TRUSTS SUB-COMMITTEE (Pages 27 - 32)**
- 8. CONFERMENT OF THE TITLE OF HONORARY ALDERMAN (Pages 33 - 36)**
- 9. HONORARY FREEDOM OF THE BOROUGH (POSTHUMOUS AWARD) – PAUL O’GRADY MBE DL (Pages 37 - 42)**

Terms of Reference

The terms of reference for this committee can be found at the end of this agenda.

This page is intentionally left blank

REGULATORY AND GENERAL PURPOSES COMMITTEE

Thursday, 23 March 2023

Present: Councillor A Hodson (Chair)

Councillors	C O'Hagan	D Burgess-Joyce
	S Bennett	M Collins
	C Davies	L Fraser
	J Hoey	S Williams
	C Jones	C Cooke
	D Kenny	D Mitchell
	M Booth	K Greaney

30 WELCOME AND INTRODUCTION

The Chair welcomed everyone to the meeting and those watching the webcast.

31 APOLOGIES

No apologies for absence had been received.

32 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 item on the agenda and state the nature of the interest.

No such declarations were made.

33 PUBLIC AND MEMBER QUESTIONS

The Chair reported that no questions, statements or petitions had been received from members of the public or from any Members.

34 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 1 February 2023 be approved.

35 MINUTES OF THE REGULATORY PANEL

Resolved – That the accuracy of the minutes of the meetings of the Regulatory Panel held on 13 January and 2 February 2023 be approved.

36 **AMENDMENT TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE CONDITIONS**

The Director of Law and Governance submitted a report for the Committee to consider an amendment to the Hackney Carriage Vehicle Licence conditions and the Private Hire Vehicle Licence conditions so that the requirement to display a vehicle identification card within a Hackney Carriage Vehicle or Private Hire Vehicle no longer applies with effect from 27 March 2023.

The Licensing Manager reported that it had been identified that the information on the card was not easily accessible to passengers in the rear of Private Hire Vehicles as it was usually displayed on the dashboard of the vehicle. The Licensing Manager further advised that whilst it may be more visible inside a Hackney Carriage Vehicle, details of the licence number of this type of vehicle is also displayed on a light box inside the vehicle and the information identifying the vehicle is replicated on the light box. Members of the Committee were informed that details of both Hackney Carriage and Private Hire vehicles are also displayed on licence plates attached to the vehicle and details of the driver are on the badge worn by the driver and carried within the vehicle.

The Licensing Manager informed Members of the Committee that should the condition be removed this would result in an approximate saving of £2,722 during the financial year 2023/24 which could be taken into account when determining vehicle licence fees.

In response to questions from Members, the Licensing Manager advised that officers had raised the question regarding the necessity to have the window card and following some deliberation it had been considered that there would be no risk to the public in removing the requirement.

Resolved (by assent) – That the Hackney Carriage Vehicle Licence conditions and the Private Hire Vehicle Licence conditions be amended so that the requirement to display a vehicle identification card within a Hackney Carriage Vehicle or Private Hire Vehicle no longer applies with effect from 27 March 2023.

37 **REVIEW OF LICENCE FEES FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

The Director of Law and Governance submitted a report requesting that the Committee consider and approve revised fees in respect of Hackney Carriage and Private Hire Driver Licences.

The Licensing Manager reported that a significant gap had been identified between the income received from the licence fees and the costs associated with the provision of these statutory functions.

Members were informed that the review had identified that the current application fee did not take into account the full cost of administering the whole application process for Hackney Carriage or Private Hire Driver licences.

The Licensing Manager reported that the fees for Hackney Carriage and Private Hire licensing functions had previously been reviewed on an annual basis and following a review undertaken in March 2019 it had been identified that there had been no reason to amend the fees as the income received had been sufficient to cover the costs. The Committee had therefore not amended the level of fees since 2018. Following the review undertaken in February 2023 it had been identified that in order to recover the costs there was a need to increase the fees as there had been a projected gap of £56,299.00. It had been calculated that the proposed fees as set out in Appendix 2 to the report could generate sufficient income to recover the costs of administering the functions related to Hackney Carriage and Private Hire Driver Licences.

Members discussed the current fees and proposed fees in respect of change of address and replacement licences and raised concerns regarding the significant increase in the fee for new applicants. In response, the Licensing Manager referred to the increase for renewal which would affect current drivers which was from £132 to £187, replacement licences were not frequently requested and were now emailed, therefore the significant increase was the fee for new applicants which was to cover costs which had not been accounted for previously and in effect there was no increase as they are new applications and this was a one off fee for the application process.

In response to concerns that the increase in fees may discourage new applications for drivers and that current drivers may leave, the Licensing Manager advised that this was a risk and would be kept under review and that there had been a reduction in licensed drivers since 2019. The numbers of current Private Hire drivers and Hackney Carriage Drivers were provided which were 1,150 and 275 respectively and within this figure some Hackney Carriage Drivers also held Private Hire Driver licences. It was hoped that the efficient and effective service provided would encourage applicants to come to Wirral and that the fees would be value for money.

Members queried the numbers of drivers currently and prior to the Covid-19 pandemic and the Licensing Manager advised that some licensed drivers had left, however the new case management system did not provide previous numbers to make a comparison.

The Licensing Manager further confirmed that the fees would be kept under review.

On a motion by Councillor M Collins and seconded by Councillor D Burgess-Joyce, it was -

Resolved – That the licence fees in respect of Hackney Carriage and Private Hire Driver Licences be approved as set out in Appendix 2 attached to the report, subject to the amendment of retaining the current £10 fee for replacement licences with effect from 1 April 2023.

38 **THANKS TO COUNCILLOR DAVE MITCHELL**

The Chair expressed his thanks to Councillor Dave Mitchell for his 40 years' service, having been an excellent Councillor for his ward and for his help and contributions to this Committee and the Council.

Councillor Mitchell expressed his thanks to officers and Members of the Committee.

REGULATORY PANEL

Friday, 3 March 2023

Present: Councillors S Bennett
M Booth
C Cooke
D Mitchell

126 APPOINTMENT OF CHAIR

In the absence of the Chair, it was –

Resolved – That Councillor S Bennett be appointed Chair for this meeting.

127 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel 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.

128 PRIVATE HIRE VEHICLE LICENCE APPLICATION - RENAULT MASTER, REGISTRATION NUMBER EX59 GNK

The Director of Law and Governance reported upon an application received to license a Renault Master, registration number EX59 GNK, outside the current age policy for licensing Private Hire Vehicles. The vehicle had first been licensed as a Private Hire Vehicle on 21 March 2019 and the current licence was due to expire on 19 March 2023. The date of first registration of the vehicle was 21 September 2009. It was reported that should a licence be granted, the vehicle would be used to undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Council to transport children to and from educational establishments. The vehicle had been examined at one of the Council's authorised testing stations and the MOT and Compliance pass certificates had been provided to Members.

The proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Renault Master, registration number EX59 GNK, as a Private Hire Vehicle be granted for six months.

129 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - CITROEN RELAY, REGISTRATION NUMBER GN61 JWV**

The Director of Law and Governance reported upon an application received to license a Citroen Relay, registration number GN61 JWV, outside the current age policy for licensing Private Hire Vehicles. The vehicle had first been licensed as a Private Hire Vehicle on 23 October 2018 and the current licence was due to expire on 3 March 2023. The date of first registration of the vehicle was 9 January 2012. It was reported that should a licence be granted, the vehicle would be used to undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Council to transport children to and from educational establishments. The vehicle had been examined at one of the Council's authorised testing stations and the MOT and Compliance pass certificates had been provided to Members.

The proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Citroen Relay, registration number GN61 JWV, as a Private Hire Vehicle be granted for six months.

130 **PRIVATE HIRE VEHICLE LICENCE - FORD TOURNEO, REGISTRATION NUMBER AJ12 NVA**

The Director of Law and Governance reported upon an application received to license a Ford Tourneo, registration number AJ12 NVA, outside the current age policy for licensing Private Hire Vehicles. The vehicle had first been licensed as a Private Hire Vehicle on 23 December 2019 and the current licence was due to expire on 3 March 2023. The date of first registration of the vehicle was 13 June 2012. It was reported that should a licence be granted, the vehicle would be used to undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Council to transport children to and from educational establishments. The vehicle had been examined at one of the Council's authorised testing stations and the MOT and Compliance pass certificates had been provided to Members.

The proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Citroen Relay, registration number AJ12 NVA, as a Private Hire Vehicle be granted for six months.

131 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - CITROEN RELAY, REGISTRATION NUMBER BX12 BVL**

The Director of Law and Governance reported upon an application received to license a Citroen Relay, registration number BX12 BVL, outside the current age policy for licensing Private Hire Vehicles. The vehicle had first been licensed as a Private Hire Vehicle on 2 January 2020 and the current licence was due to expire on 22 March 2023. The date of first registration of the vehicle was 15 March 2012. It was reported that should a licence be granted, the vehicle would be used to undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Council to transport children to and from educational establishments. The vehicle had been examined at one of the Council's authorised testing stations and the MOT and Compliance pass certificates had been provided to Members.

The proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Citroen Relay, registration number BX12 BVL, as a Private Hire Vehicle be granted for six months subject to documentation being provided to the Licensing Authority confirming that the advisories referred to on the MOT certificate had been carried out.

132 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - VOLKSWAGEN PASSAT, REGISTRATION NUMBER VO13 NMV**

The Director of Law and Governance reported upon an application received to license a Volkswagen Passat, registration number VO13 NMV, outside the current age policy for licensing Private Hire Vehicles. The vehicle had first been licensed as a Private Hire Vehicle on 10 June 2016 and the current licence was due to expire on 25 March 2023. The date of first registration of the vehicle was 25 March 2013. The vehicle had been examined at one of the Council's authorised testing stations and the MOT and Compliance pass certificates had been provided to Members.

The proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Volkswagen Passat, registration number VO13 NMV, as a Private Hire Vehicle be granted for six months.

133 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - MERCEDES-BENZ V220, REGISTRATION NUMBER NE11 LOV**

The Director of Law and Governance reported upon an application received to license a Mercedes-Benz V220, registration number NE11 LOV, as a Private Hire Vehicle outside the current criteria which states that side and rear windows must allow at least 70% of light to be transmitted through.

The current criteria that vehicles must comply with before being granted a Private Hire Vehicle Licence as set out in the Statement of Hackney Carriage and Private Hire Licensing Policy states that: The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through.

It was reported that the date of first registration of the vehicle was 9 November 2018 and should a licence be granted, the vehicle would be used for executive travel service. The applicant had previously attended the Licensing Panel on 14 September 2018 when a request to be exempt from displaying the plates on the vehicle licensed at that time and from wearing a Private Hire Driver badge was granted due to the type of work undertaken as an executive travel service.

The applicant attended the meeting with the vehicle which was inspected by Members.

In determining the application, Members took into consideration that the vehicle would be used for executive travel service.

Resolved –

(1) That due to the restricted use of this vehicle, the application to license the Mercedes-Benz V220, Registration Number NE11 LOV, as a Private Hire Vehicle be granted with the following conditions:

- **Seats must be configured to allow passengers who are seated in the vehicle direct access to the doors at all times; and**
- **Signs must be displayed to clearly indicate the position of the integrated door releases.**

(2) That the proprietor of the vehicle registration number NE11 LOV be provided with a notice providing an exemption from the requirement to display Private Hire Vehicle Licence plates and doorsigns on the vehicle with the following conditions to be applied to the Private Hire Vehicle Licence and the Private Hire Operator Licence:

- **All bookings must be made at least 24 hours in advance.**
- **Payment for all bookings must be requested through an invoicing system.**

- **The operator must communicate with customers for each booking taken, by text or email, with the following information:**

- **Private Hire Driver name**
- **Private Hire Driver photograph**
- **Private Hire Driver badge number**
- **Private Hire Vehicle registration number**

For the avoidance of doubt, the above conditions also apply in respect of drivers and vehicles undertaking work for bookings subcontracted to other private hire companies.

134 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - MERCEDES-BENZ V220, REGISTRATION NUMBER KS66 KRG**

The Director of Law and Governance reported upon an application received to license a Mercedes-Benz V220, registration number KS66 KRG, as a Private Hire Vehicle outside the current criteria which states that side and rear windows must allow at least 70% of light to be transmitted through.

The current criteria that vehicles must comply with before being granted a Private Hire Vehicle Licence as set out in the Statement of Hackney Carriage and Private Hire Licensing Policy states that: The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through.

It was reported that the date of first registration of the vehicle was 17 February 2017 and should a licence be granted, the vehicle would be used for executive travel service.

The applicant attended the meeting with the vehicle which was inspected by Members.

In determining the application, Members took into consideration that the vehicle would be used for executive travel service.

Resolved –

(3) That due to the restricted use of this vehicle, the application to license the Mercedes-Benz V220, Registration Number KS66 KRG, as a Private Hire Vehicle be granted with the following conditions:

- **Seats must be configured to allow passengers who are seated in the vehicle direct access to the doors at all times; and**

- Signs must be displayed to clearly indicate the position of the integrated door releases.
- (4) That the conditions of the applicant's Private Hire Operator Licence be applied: that the applicant be provided with a notice providing an exemption from the requirement to display Private Hire Vehicle Licence plates and doorsigns on the vehicle with the following conditions to be applied to the Private Hire Vehicle Licence and the Private Hire Operator Licence:
- All bookings must be made at least 24 hours in advance.
 - Payment for all bookings must be requested through an invoicing system.
 - The operator must communicate with customers for each booking taken, by text or email, with the following information:
 - Private Hire Driver name
 - Private Hire Driver photograph
 - Private Hire Driver badge number
 - Private Hire Vehicle registration number

For the avoidance of doubt, the above conditions also apply in respect of drivers and vehicles undertaking work for bookings subcontracted to other private hire companies.

135 **EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraph 1 of Part I of Schedule 12A (as amended) to that Act. The Public Interest Test had been applied and favoured exclusion.

136 **HACKNEY CARRIAGE DRIVER LICENCE REVIEW (JMA)**

The Director of Law and Governance submitted a report for Members to consider whether JMA should continue to hold a Hackney Carriage Driver Licence.

JMA attended the meeting together with the Chair of Unite the Union and made representations. JMA and the representative of Unite the Union responded to questions from Members and the legal advisor to the Panel.

Members considered carefully the responses made by JMA.

Members gave due consideration to all of the representations made and exercised their rights to consider each case on its individual merits in light of the representations made.

Resolved – That JMA be allowed to continue to hold a Hackney Carriage Driver Licence.

137 **PRIVATE HIRE DRIVER LICENCE APPLICATION (NH)**

The Director of Law and Governance submitted a report for Members to consider whether NH should be granted a Private Hire Driver Licence.

NH attended the meeting and made representations in respect of the application. NH responded to questions from Members of the Panel and the legal advisor to the Panel.

Members gave due consideration to the representations made and exercised their rights to consider each case on its individual merits in light of the representations made.

Resolved (3:1 Councillor S Bennett dissenting) - That NH's application for a Private Hire Driver Licence be granted.

138 **PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCE APPLICATIONS (PGJ)**

The Director of Law and Governance submitted a report for Members to consider whether PGJ should be granted a Private Hire Driver Licence and a Hackney Carriage Driver Licence.

PGJ attended the meeting and made representations in respect of the application. PGJ responded to questions from Members of the Panel and the legal advisor to the Panel.

Members gave due consideration to the representations made and exercised their rights to consider each case on its individual merits in light of the representations made.

Resolved - That PGJ's application for a Private Hire Driver Licence and a Hackney Carriage Driver Licence be granted.

139 **PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCE APPLICATIONS (JPP)**

The Director of Law and Governance submitted a report for Members to consider whether JPP should be granted a Private Hire Driver Licence and a Hackney Carriage Driver Licence.

JPP attended the meeting and made representations in respect of the application. JPP responded to questions from Members of the Panel and the legal advisor to the Panel.

Members gave due consideration to the representations made and exercised their rights to consider each case on its individual merits in light of the representations made.

Resolved - That JPP's application for a Private Hire Driver Licence and a Hackney Carriage Driver Licence be granted.

140 PRIVATE HIRE DRIVER LICENCE APPLICATION (NSM)

The Director of Law and Governance reported upon an application received by NSM for the grant of a Private Hire Driver Licence.

NSM attended the meeting and made representations in respect of the application. NSM responded to questions from Members of the Panel and their legal advisor.

Members gave due consideration to the representations made and exercised their right to consider each case on its individual merits in light of the representations made.

In determining the matter Members also gave serious consideration to their overriding responsibility in respect of the protection and safety of the public. The Panel applied the principle of proportionality enshrined within the Human Rights Act 1998.

Resolved (3:1 Councillor M Booth dissenting) - That NSM's application for the grant of a Private Hire Driver Licence be refused.

REGULATORY PANEL

Wednesday, 5 April 2023

Present: Councillors A Hodson (Chair)
S Bennett
D Burgess-Joyce
C Davies
D Mitchell

141 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel 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.

142 PRIVATE HIRE VEHICLE LICENCE REQUEST - KIA CEED, REGISTRATION NUMBER LG13 MXN

The Director of Law and Governance reported upon an application received to license a Kia Ceed, registration number LG13 MXN, outside the current age policy for licensing Private Hire Vehicles. The vehicle had been licensed as a Private Hire Vehicle since 22 October 2019 and the current licence was due to expire on 8 April 2023. The date of first registration of the vehicle was 9 April 2013. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved –

- (1) That the application to license the Kia Ceed, registration number LG13 MXN, as a Private Hire Vehicle be granted for six months.
- (2) That a Conditions Notice be issued requiring the rubber seal on the nearside rear door panel to be sealed properly and stone chip marks on the bonnet and marks on the bumper to be repaired and the vehicle to be presented to a Licensing Officer for inspection with the work completed.

143 PRIVATE HIRE VEHICLE LICENCE REQUEST - TOYOTA PRIUS, REGISTRATION NUMBER EK12 TYG

The Director of Law and Governance reported upon an application received to license a Toyota Prius, registration number EK12 TYG, outside the current age policy for licensing Private Hire Vehicles. The vehicle had first been licensed as a Private Hire Vehicle on 23 July 2020 and the current licence was due to expire on 5 April 2023. The date of first registration of the vehicle was 28 March 2012. The vehicle had been examined at one of the Council's authorised testing stations and the MOT and Compliance pass certificates had been provided to Members.

The proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Toyota Prius, registration number EK12 TYG, as a Private Hire Vehicle be granted for six months.

144 **PRIVATE HIRE VEHICLE LICENCE REQUEST - VAUXHALL ZAFIRA, REGISTRATION NUMBER AF13 PSY**

The Director of Law and Governance reported upon an application received to license a Vauxhall Zafira, registration number AF13 PSY, outside the current age policy for licensing Private Hire Vehicles. The vehicle had first been licensed as a Private Hire Vehicle on 25 November 2019 and the current licence was due to expire on 5 April 2023. The date of first registration of the vehicle was 22 March 2013. The vehicle had been examined at one of the Council's authorised testing stations and the MOT and Compliance pass certificates had been provided to Members.

The proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Vauxhall Zafira, registration number AF13 PSY, as a Private Hire Vehicle be granted for six months.

145 **PRIVATE HIRE VEHICLE LICENCE REQUEST - FORD MONDEO, REGISTRATION NUMBER YR13 KHG**

The Director of Law and Governance reported upon an application received to license a Ford Mondeo, registration number YR13 KHG, outside the current age policy for licensing Private Hire Vehicles. The vehicle had first been licensed as a Private Hire Vehicle on 6 December 2019 and the current licence was due to expire on 5 April 2023. The date of first registration of the vehicle was 29 March 2013. The vehicle had been examined at one of the Council's authorised testing stations and the MOT and Compliance pass certificates had been provided to Members.

The proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Ford Mondeo, registration number YR13 KHG, as a Private Hire Vehicle be granted for six months.

146 **PRIVATE HIRE VEHICLE LICENCE REQUEST - MERCEDES-BENZ E300**

The Director of Law and Governance reported upon an application received to license a Mercedes-Benz E300, as a Private Hire Vehicle outside the current criteria which states that side and rear windows must allow at least 70% of light to be transmitted through. The application also included a request by the proprietor to be exempt from displaying vehicle licence plates and door signs on the vehicle which provided details of the Private Hire Operator.

The current criteria that vehicles must comply with before being granted a Private Hire Vehicle Licence as set out in the Statement of Hackney Carriage and Private Hire Licensing Policy states that: The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through.

It was reported that the date of first registration of the vehicle was March 2023 and should a licence be granted, the vehicle would be used to undertake work providing an executive travel service.

It was further reported that should the application be granted it would be necessary for the vehicle to be examined at one of the Council's authorised testing stations in order for it to receive a valid MOT and Compliance certificate.

The applicant attended the meeting with the vehicle which was inspected by Members.

In determining the application, Members took into consideration that the vehicle would be used for executive travel service.

Resolved –

- (1) That due to the restricted use of this vehicle, the application to license the Mercedes-Benz E300, as a Private Hire Vehicle be granted.**
- (2) That the proprietor of the vehicle be provided with a notice providing an exemption from the requirement to display Private Hire Vehicle Licence plates and door signs on the vehicle with the**

following conditions to be applied to the Private Hire Vehicle Licence and the Private Hire Operator Licence:

- **All bookings must be made at least 24 hours in advance.**
- **Payment for all bookings must be requested through an invoicing system.**
- **The operator must communicate with customers for each booking taken, by text or email, with the following information:**
 - **Private Hire Driver name**
 - **Private Hire Driver photograph**
 - **Private Hire Driver badge number**
 - **Private Hire Vehicle registration number**

For the avoidance of doubt, the above conditions also apply in respect of drivers and vehicles undertaking work for bookings subcontracted to other private hire companies.

147 EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraph 1 of Part I of Schedule 12A (as amended) to that Act. The Public Interest Test had been applied and favoured exclusion.

148 PRIVATE HIRE DRIVER LICENCE APPLICATION (JJS)

The Director of Law and Governance reported upon an application received by JJS for the grant of a Private Hire Driver Licence.

JJS attended the meeting and made representations in respect of the application. JJS responded to questions from Members of the Panel and their legal advisor.

Members gave due consideration to the representations made and exercised their right to consider each case on its individual merits in light of the representations made.

In determining the matter Members also gave serious consideration to their overriding responsibility in respect of the protection and safety of the public. The Panel applied the principle of proportionality enshrined within the Human Rights Act 1998.

Resolved - That JJS's application for the grant of a Private Hire Driver Licence be refused.

149 **PRIVATE HIRE DRIVER LICENCE APPLICATION (RAC)**

The Director of Law and Governance submitted a report for Members to consider whether RAC should be granted a Private Hire Driver Licence, however RAC had withdrawn the application prior to the hearing.

150 **PRIVATE HIRE DRIVER LICENCE APPLICATION (SM)**

The Director of Law and Governance submitted a report for Members to consider whether SM should be granted a Private Hire Driver Licence.

SM attended the meeting and made representations in respect of the application. SM responded to questions from Members of the Panel and the legal advisor to the Panel.

Members gave due consideration to the representations made and exercised their rights to consider each case on its individual merits in light of the representations made.

Resolved (3:2 Councillors A Hodson and D Burgess-Joyce dissenting) - That SM's application for a Private Hire Driver Licence be granted.

151 **PRIVATE HIRE DRIVER LICENCE APPLICATION (SAC)**

The Director of Law and Governance submitted a report for Members to consider whether SAC should be granted a Private Hire Driver Licence.

SAC attended the meeting and made representations in respect of the application. SAC responded to questions from Members of the Panel and the legal advisor to the Panel.

Members gave due consideration to the representations made and exercised their rights to consider each case on its individual merits in light of the representations made.

Resolved - That SAC's application for a Private Hire Driver Licence be granted.

152 **THANKS TO OFFICERS FROM COUNCILLOR D MITCHELL**

Councillor Dave Mitchell requested to place on record his thanks to officers for their support in light of his forthcoming retirement from the Council.

This page is intentionally left blank

REGULATORY PANEL

Friday, 28 April 2023

Present:
Councillor A Hodson (Chair)
Councillors M Booth
K Greaney
S Williams

153 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel 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.

154 PRIVATE HIRE VEHICLE LICENCE REQUEST - AUDI A4, REGISTRATION NUMBER OV13 NYS

The Director of Law and Governance reported upon an application received to license a Audi A4, registration number OV13 NYS, outside the current age policy for licensing Private Hire Vehicles. The vehicle had first been licensed as a Private Hire Vehicle on 17 November 2022 and the current licence was due to expire on 14 May 2023. The date of first registration of the vehicle was 14 May 2013. The vehicle had been examined at one of the Council's authorised testing stations and the MOT and Compliance pass certificates had been provided to Members.

A friend of the proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Audi A4, registration number OV13 NYS, as a Private Hire Vehicle be granted for six months.

155 EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraph 1 of Part I of Schedule 12A (as amended) to that Act. The Public Interest Test had been applied and favoured exclusion.

156 PRIVATE HIRE DRIVER LICENCE APPLICATION (SB)

The Director of Law and Governance reported upon an application received by SB for the grant of a Private Hire Driver Licence.

SB attended the meeting and made representations in respect of the application. SB responded to questions from Members of the Panel and their legal advisor.

Members gave due consideration to the representations made and exercised their right to consider each case on its individual merits in light of the representations made.

In determining the matter Members also gave serious consideration to their overriding responsibility in respect of the protection and safety of the public. The Panel applied the principle of proportionality enshrined within the Human Rights Act 1998.

Resolved - That SB's application for the grant of a Private Hire Driver Licence be refused.

157 **PRIVATE HIRE DRIVER LICENCE APPLICATION (SM)**

The Director of Law and Governance reported upon an application received by SM for the grant of a Private Hire Driver Licence.

SM did not attend the meeting.

Resolved - That SM be invited to attend a future meeting of the Regulatory Panel should they wish to pursue their application.

158 **PRIVATE HIRE DRIVER LICENCE (NP)**

The Director of Law and Governance submitted a report for Members to consider whether NP should continue to hold a Private Hire Driver Licence.

NP attended the meeting with their legal representative and made representations. NP and their legal representative responded to questions from Members and the legal advisor to the Panel.

Members considered carefully the responses made by NP and their legal representative.

Members gave due consideration to all of the representations made and exercised their rights to consider each case on its individual merits in light of the representations made.

Resolved –

- (1) That NP be allowed to continue to hold a Private Hire Driver Licence.**
- (2) That NP be issued with a written warning as to their future conduct.**

This page is intentionally left blank

REGULATORY PANEL

Friday, 28 April 2023

Present:

Councillors M Booth
K Greaney
S Williams

159 **APPOINTMENT OF CHAIR**

Resolved – That Councillor S Williams be appointed Chair for this meeting.

160 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Panel 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.

161 **APPLICATION FOR A MARKET RIGHTS LICENCE**

The Director of Law and Governance reported upon an application received for the grant of a Market Rights Licence. The application had been made by Kimberley Harper and related to the premises known as Heswall Royal British Legion, 78 Pensby Road, Heswall, CH60 7RF.

The applicant attended the meeting together with a representative from the Heswall Royal British Legion.

The Birkenhead Market Manager and the Senior Network Manager, Highways and Infrastructure were also in attendance.

The Licensing Manager outlined the report.

It was reported that representations had been received from Highways regarding the impact the market would have on the safety of parking and traffic conditions in the area and also from the Commercial Team regarding the size of the proposed market which may have a negative impact on the town centre and local residents. Copies of the representations were available.

The applicant advised that the intention would be to hold a maximum of 25 stalls for a small farmer's market on one Sunday a month and to also to hold a Fun Day once a year with a maximum of 50 stalls which would take place on one weekend during the calendar year.

The applicant responded to questions from Members of the Regulatory Panel and their legal advisor and confirmed that they would be content for the application to be amended to reflect the intention to have a significantly reduced number of stalls and reduced number of days than requested in the original application.

The Senior Network Manager, Highways and Infrastructure addressed the Panel in respect of their concerns regarding the safety of parking and traffic conditions in the area during the proposed times that the market would take place. It was the view of the Senior Network Manager that should the application be granted a traffic marshalling plan would be required.

In response, the applicant advised that a traffic management plan would be in place which would include temporary parking restrictions and marshalling to mitigate the impact on the local highway.

The Birkenhead Market Manager addressed the Panel and acknowledged that due to the proposals outlined at the hearing, which were significantly reduced from the initial application that had been submitted, the impact on Birkenhead Market would consequently be significantly reduced.

Members of the Panel considered the significant amendments made to the application during the hearing.

Members had regard to the submissions made on behalf of Highways and Birkenhead Market.

In coming to their decision, Members took into account that due to the amended application which both reduced the number of stalls and the number of days that the market would operate, it had been recognised that the potential impact on Birkenhead Market had been significantly reduced.

Members had regard to the fact that measures could be put in place to manage the traffic flow when the market takes place.

Resolved – That the application to grant a Market Rights Licence to allow a permanent market to take place at Heswall Royal British Legion be granted with effect from 1 July 2023 with the following conditions:

- **The market will be restricted to the sale of food and drink only which can take place on no more than one Sunday per calendar month with a maximum number of 25 stalls;**

- **The market will be permitted to sell food, drink and other goods on one occasion per calendar year which can take place on no more than two consecutive days with a maximum number of 50 stalls;**
- **The Licence Holder must put in place a robust traffic management plan which includes temporary parking restrictions and marshalling to mitigate the impact on the local highway; and**
- **Traders are permitted to set up from 09:00 and the site must be cleared no later than 17:00.**

This page is intentionally left blank



REGULATORY AND GENERAL PURPOSES COMMITTEE

Wednesday, 7 June 2023

REPORT TITLE:	APPOINTMENT OF MEMBERS TO THE LICENSING PANEL AND THE CHARITABLE TRUSTS SUB-COMMITTEE
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is for the Regulatory and General Purposes Committee to:

- i) note the process for appointing Members to the Charitable Trusts Sub-Committee, the Terms of Reference of which have been approved by Council; and
- ii) agree that the Director of Law and Governance (Monitoring Officer) be given delegated authority to convene Licensing Panels for the purposes of carrying out the Council's functions to deal with applications, determinations and reviews of licences or registrations, and any related matter, in respect of any licensed activity that is the responsibility of the Authority (other than under the Licensing Act 2003 or the Gambling Act 2005)

This matter affects all Wards within the Borough.

RECOMMENDATIONS

The Regulatory and General Purposes Committee is recommending to:

- (1) note the Terms of Reference of the Charitable Trusts Sub-Committee and the Licensing Panel as referred to in paragraphs 1.1 and 1.3 of this report.
- (2) authorise the Director of Law and Governance (Monitoring Officer) to carry out the wishes of the Group Leaders in allocating Members to membership of the Charitable Trusts Sub-Committee and to appoint those Members with effect from the date at which the proper officer is advised of the names of such Members.
- (3) give delegated authority to the Director of Law and Governance (Monitoring Officer), in consultation with the Chair and Spokespersons to convene Licensing Panels as and when required for the purposes of carrying out the Council's functions to deal with applications, determinations and reviews of licences or registrations, and any related matter, in respect of any licensed

activity that is the responsibility of the Authority (other than under the Licensing Act 2003 or the Gambling Act 2005) and agree that the term of membership be continued until such time as a new Regulatory and General Purposes Committee is appointed.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATIONS

- 1.1 The Terms of Reference of the Regulatory and General Purposes Committee as contained in the Constitution (approved by Council on 24 May 2023), requires the Committee to appoint five (5) of its members, politically balanced, to the Charitable Trusts Sub-Committee.
- 1.2 The Charitable Trusts Sub-Committee has responsibility for discharging the Council's functions as corporate trustee of the Wirral Borough Council Mayor's Charity.
- 1.3 The Terms of Reference as amended at Council on 24 May 2023 also allow for the convening of Licensing Panels of between three (3) and five (5) members of the Regulatory and General Purposes Committee, exempt from political balance but not formed solely by members of one Group, with responsibility for the Council's functions to deal with applications, determinations and reviews of licences or registrations, and any related matter, in respect of any licensed activity that is the responsibility of the Authority (other than under the Licensing Act 2003 or the Gambling Act 2005).

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The terms of reference of both the Charitable Trusts Sub-Committee and Licensing Panels, and the relevant rules of procedure are set out within the Constitution of the Council. As such no other options can be considered.

3.0 BACKGROUND INFORMATION

- 3.1 Once appointed to the Charitable Trusts Sub-Committee Members will be responsible for discharging the Council's functions where it acts as corporate trustee of the Wirral Borough Council Mayor's Charity (Charity Number 518288).
- 3.2 Licensing Panels are convened to allow the consideration by Members of applications, determinations and reviews of licences or registrations, and any related matter, in respect of any licensed activity that is the responsibility of the Authority (other than under the Licensing Act 2003 or the Gambling Act 2005), such as skin piercing, hackney carriage and private hire vehicle, driver and operator licenses.
- 3.3 To allow effective management of applications, etc within relevant statutory timescales or otherwise in a timely manner, where the required decision is outside of officer delegated powers, a Licensing Panel can be convened consisting of between 3 and 5 members of the Committee to consider and determine the matter.

3.4 The setting up and running of Panels is an administrative function managed by the Council's Democratic Services and it is proposed to Members that they delegate authority to the Director of Law and Governance (Monitoring Officer) to convene such Panels as and when required in consultation with the Chair and Spokespersons.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications arising directly from this report.

5.0 LEGAL IMPLICATIONS

5.1 The Regulatory and General Purposes Committee's Terms of Reference require compliance with the requirements of sections 15 to 17 of the Local Government and Housing Act 1989, and the relevant regulations concerning political balance on committees and sub-committees. Such political proportionality will therefore apply to membership of the Charitable Trusts Sub-Committee but not to Licensing Panels in light of the amended Terms of Reference approved at Council on 24 May 2023 as referred to in paragraph 1.3 above.

5.2 The table below sets out the proportionality calculations for the allocation of 5 seats on the Charitable Trusts Sub-Committee.

GROUP	NO. OF SEATS
Labour	2
Conservative	1
Green	1
Liberal Democrat	1

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no resource implications arising directly from this report.

7.0 RELEVANT RISKS

7.1 There is a requirement under the Council's Constitution that Members be appointed to the Charitable Trusts Sub-Committee and that Licensing Panels are convened to carry out the Council's functions.

8.0 ENGAGEMENT/CONSULTATION

8.1 It is for the political groups to decide who they wish to nominate to the Charitable Trusts Sub Committee.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. This report has no impact on equalities.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The recommendations contained within this report are expected to have no impact on emissions of Greenhouse Gases.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are none arising directly from the content of this report.

REPORT AUTHOR: **Anne Beauchamp**
(Anne Beauchamp, Democratic Services Officer)
telephone: Tel: 0151 691 8322
email: annebeauchamp@wirral.gov.uk

APPENDICES

None

BACKGROUND PAPERS

The Council's Constitution: Part 3B Committee Terms of Reference.

TERMS OF REFERENCE

This report is being considered by the Regulatory and General Purposes Committee in accordance with Section 8.4 of its Terms of Reference.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council Meeting	6 September 2021
Council AGM Meeting	25 May 2022
Council AGM Meeting	24 May 2023

This page is intentionally left blank



REGULATORY & GENERAL PURPOSES COMMITTEE

Wednesday, 7 June 2023

REPORT TITLE:	CONFERMENT OF THE TITLE OF HONORARY ALDERMAN
REPORT OF:	DIRECTOR OF LAW & GOVERNANCE

REPORT SUMMARY

This report requests the Committee to consider whether to recommend to Council that the title of Honorary Alderman be conferred on former Councillors Tony Smith and Dave Mitchell.

The Wirral Plan 2021 - 2026 sets out the Council's vision to secure the best possible future for the Council's residents and covers the following five themes:

- A thriving and inclusive economy, creating jobs and opportunities for all.
- A clean-energy, sustainable borough, leading the way in tackling the environment crisis.
- Brighter futures for all regardless of their background.
- Safe and pleasant communities that our residents are proud of; and
- Healthy and active lives for all, with the right care, at the right time.

By recommending the recognition of eminent service to the community, the proposals within this report align with the theme of safe and pleasant communities that our residents are proud of.

This matter affects all Wards within the Borough.

RECOMMENDATION/S

The Regulatory and General Purposes Committee is requested to recommend to Council the conferment of the title of Honorary Alderman on former Councillors Tony Smith and Dave Mitchell in accordance with Section 249(1) of the Local Government Act 1972.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 Former Councillor Tony Smith was a Member of the Council from May 1995, representing Bebington Ward as Labour Party Member and has served as the Member for Upton Ward since 2004 until May 2023. Tony Smith served as Mayor of Wirral for the Municipal Year 2019-2020 which continued into 2020-2021 during Covid lockdown and is a retired teacher and Educational Psychologist. Tony Smith was also a Cabinet member for Social Inclusion and Children's Services during his service to Wirral Council.
- 1.2 Former Councillor Dave Mitchell was a Member of the Council from May 1983, representing Eastham Ward as a Liberal Democrat Member until May 2023. Dave Mitchell served as Mayor of Wirral for the Municipal Year 2013-2014. Dave Mitchell was Chair of the Planning Committee when the Wirral Waters development was approved and was also a Cabinet member for Highways and Transportation. He was also a member of the Mersey Port Health Authority and has also served on the Merseytravel Committee.
- 1.3 The Council has previously determined that former Members who have served twenty years on the Council or a predecessor Council are eligible for nomination to this award.
- 1.4 Former Councillors Tony Smith and Dave Mitchell are therefore eligible to have the title of Honorary Alderman conferred upon them. The recommendation provides the committee with the opportunity to consider this and put forward a subsequent proposal to the Council.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The alternative option is not to recommend former Councillors Tony Smith and Dave Mitchell for the position of Honorary Alderman.

3.0 BACKGROUND INFORMATION

- 3.1 Section 249 of the Local Government Act 1972 (as amended) provides that the title of Honorary Alderman or Honorary Alderwoman may be conferred by the Council on persons who are:

(a) persons of distinction; and/or

(b) who have, in its opinion, rendered eminent service to the place or area.

A full Council resolution to this effect must be passed by not less than two-thirds of the Members voting thereon at a specially convened meeting.

- 3.2 Honorary Aldermen and Alderwomen are invited to attend Council Meetings in a non-participating capacity. They do not receive any allowances or payments under section 173 – 176 of the Local Government Act 1972. Honorary Aldermen and Alderwomen are also invited to attend and take part in civic ceremonies such as Civic Sundays and Remembrance Sundays and other appropriate Civic events. The names of Honorary Aldermen and Alderwomen are inscribed on a Roll of Honour Board on the first-floor landing of Wallasey Town Hall.
- 3.3 Successful nominees for the office of Honorary Aldermen and Alderwomen of this Council have previously been awarded a suitable badge at a special ceremony. Currently, former Councillors Tony Smith and Dave Mitchell are eligible to be appointed as an Honorary Alderman / Alderwoman, based on the Council's criteria.

4.0 FINANCIAL IMPLICATIONS

- 4.1 It would be the intention to present Tony Smith and Dave Mitchell with a badge of office, the total cost of which is approximately £1600. There will also be the small cost of inscribing their names on the Roll of Honour Board which can be met from existing budgets.

5.0 LEGAL IMPLICATIONS

- 5.1 The formal decision to confer the status of Honorary Alderman/Alderwoman must be ratified by an Extraordinary Meeting of the Council. It is proposed that the Extraordinary Meeting will be scheduled at an appropriate date in the future. A full Council resolution to this effect must be passed by not less than two-thirds of the Members voting thereon at a specially convened meeting.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 It is also customary for the Council to cover the cost of hospitality provided for the newly appointed Honorary Aldermen and Alderwomen and a select number of guests. Arrangements for such an event, that could be held on the rise of an Extraordinary Council meeting. (Convened to confer the status of Honorary Alderman), would be made in consultation with the mayor. There is no specific budget head for this, but the funding required can be allocated from the Civic Services catering budget.

7.0 RELEVANT RISKS

- 7.1 There are no known risks associated with this report.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Political Group Leaders have been consulted and support the proposals.

9.0 EQUALITY IMPLICATIONS

- 9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure

equality for anyone who might be affected by a particular policy, decision, or activity. Measuring the impact of equality implications and mitigating any negative impact where possible is embedded into the core principles of good governance. There are no equality implications arising from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 This report is for information purposes and as such, there are no direct environment and climate implications.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 This report is for information purposes and as such, there are no direct Community Wealth Implications.

REPORT AUTHOR: Anne Beauchamp
Democratic Services Officer
Tel: 0151 691 8322
email: annebeauchamp@wirral.gov.uk

APPENDICES

None

BACKGROUND PAPERS

Section 249 Local Government Act 1972

TERMS OF REFERENCE

This report is being considered by the Regulatory and General Purposes Committee in accordance with Section 8.2 of its Terms of Reference

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Not applicable	



REGULATORY & GENERAL PURPOSES COMMITTEE

Wednesday, 7 June 2023

REPORT TITLE:	HONORARY FREEDOM OF THE BOROUGH (POSTHUMOUS AWARD) – PAUL O’GRADY MBE DL
REPORT OF:	DIRECTOR OF LAW & GOVERNANCE (MONITORING OFFICER)

REPORT SUMMARY

Under the Local Government Act 1972, the Council has the power to grant the title of Honorary Freeman or Freewoman of the Borough to persons of distinction who have rendered eminent Service to the Borough.

This is a very significant step for the Council to take. Very few people have been awarded this status and, it should only be awarded to someone who has made an exceptional contribution to the Borough. Paul O’Grady MBE DL, Comedian, Broadcaster, Actor and Writer who was born and raised in Birkenhead and who sadly passed away on 28th March 2023 aged 67 is considered to be within this category.

Past recipients of this award are:

- 1993 Lt. Commander Ian Fraser, VC
- 1996 Mr. Joseph Lynch, GC, BEM (GAL)
- 2005 Mr. Ray Holmes
- 2006 The Right Reverend David Urquhart
- 2006 Lord Chan of Oxton
- 2010 Mr. Stephen Maddox, OBE
- 2016 PC David Phillips
- The Hillsborough 96
- 2019 Doctor Nunzia Bertali
- 2019 2nd Lt. Jay Frederick Simpson USAF
- 2022 Baron Frank Field of Birkenhead
- 2022 Andrew Devine

The Wirral Plan 2021 - 2026 sets out the Council’s vision to secure the best possible future for the Council’s residents and covers the following five themes:

- A thriving and inclusive economy, creating jobs and opportunities for all;
- A clean-energy, sustainable borough, leading the way in tackling the environment crisis;

- Brighter futures for all regardless of their background;
- Safe and pleasant communities that our residents are proud of; and
- Healthy and active lives for all, with the right care, at the right time.

By recommending the recognition of eminent service to the community, the proposals within this report align with the theme of safe and pleasant communities that our residents are proud of.

If recommended to Council and subsequently approved a scroll will be presented to a family representative by the Mayor.

This matter affects all Wards within the Borough.

RECOMMENDATION/S

The Regulatory and General Purposes Committee is requested to recommend to Council that:

(1) in pursuance of the provisions of Section 249 (5) of the Local Government Act 1972 and in recognition of his dedicated service to the Borough, that Paul O'Grady MBE DL be posthumously admitted as Honorary Freeman of this Borough at an Extraordinary Council Meeting to be held on 10 July 2023; and

(2) officers be requested to take all the necessary actions associated with (1) above and arrange for a small civic reception for family representatives of Paul O'Grady MBE DL, and some invited guests on a mutually agreeable date following the extraordinary meeting of Council.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 To posthumously honour Paul O’Grady MBE DL Comedian, Broadcaster, Actor and Writer for his eminent service to the Borough and the people of Wirral.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The alternative option is for this Committee not to recommend to Council that Paul O’Grady MBE DL be admitted as an Honorary Freeman of this Borough.

3.0 BACKGROUND INFORMATION

- 3.1 The origin of the Freedom of the Borough goes back to early medieval times, when with the growth of the great English towns, there emerged a class of citizen known as Freemen, who enjoyed important privileges in the government of their own and in the matter of corporate property, as against strangers and the rest of the inhabitants.
- 3.2 With the passing of the Honorary Freedom of the Boroughs Act 1885 the dignity attached to the Office of Freeman was revived and enhanced. This Act conferred upon all Municipal Corporations the power to admit as Honorary Freeman of the Borough “persons of distinction and any persons who have rendered eminent services to the Borough”. This can only be achieved by the Council voting at a specially called meeting.
- 3.3 The Freedom of the Borough is the highest award the Council can bestow.
- 3.4 Paul O’Grady MBE DL was born on 14 June 1955 at St Catherine’s Hospital in Tranmere, Birkenhead. He spent his early life at the family’s rented home at 23 Holly Grove in Higher Tranmere and attended St Joseph’s Catholic Primary School. He then attended Blessed Edmund Campion R.C Secondary Modern and the Corpus Christi High School. He was enrolled in the Cub Scouts and was an altar boy at a local Catholic Church. He then joined the Marine Cadet Section of the Sea Cadet Corps and at the advice of his captain joined the Boys’ Amateur Boxing Club.
- 3.5 Paul left school aged 16 and obtained a job in the civil service, working as a clerical assistant for the DHSS at their Liverpool office. He also worked part-time at the bar of the Royal Air Forces Association (RAFA) club in Oxton.
- 3.6 Paul briefly worked as an assistant clerk at Liverpool Magistrates’ Court and subsequently as a barman at Yates’s Wine Lodge however following the birth of his daughter in May 1974 realised this wage was insufficient to support both himself and his daughter and travelled to London but only found poorly paid work as a barman. He returned to Birkenhead and was employed as an accountant in FMC Meats Merseyside, he then worked for three years at the Children’s Convalescent Home and School in West Kirby, a home for disabled and abused children.

- 3.7 Paul returned to London and whilst working for Camden Social Services, Paul O’Grady made his first attempt at putting together a drag act creating the character of Lily Savage and performed annually as Lily from 1989 to 1992. He subsequently appeared on a number of TV and radio shows and in April 1996 filmed a performance at the LWT Tower as An Evening with Lily Savage, broadcast on ITV in November and was awarded Best Entertainment Program at the 1997 National Television Awards.
- 3.8 He subsequently hosted other Entertainment programmes including game shows Blankety Blank and Eyes Down as well as travel shows. From 2004-2011, Paul had his own daytime show, The Paul O’Grady Show and Paul O’Grady Live. From 2012-2023 the documentary series Paul O’Grady: For the Love of Dogs was launched where he became an ambassador for Battersea Dogs and Cats Home.
- 3.9 In 2005, Liverpool John Moores University awarded Paul O’Grady an honorary fellowship for services to entertainment and in 2010 he received an honorary Doctor of Arts from De Montfort University in Leicester in recognition of his outstanding contribution to television, radio and the stage.
- 3.10 Paul O’Grady supported a number of philanthropic causes for carers. In 2008 he became an ambassador for Save the Children. In 2014 he co-starred in a Dementia Friends TV advertisement campaign to raise awareness about the disease. In 2015 following his work on Animal Orphans he became a patron of Orangutan Appeal UK. In September 2016, he was recognised for his work with animals when he won the award for Outstanding Contribution to Animal Welfare at the RSPCA’s Animal Hero Awards. During the last 20 years of his life he lived in Kent and accepted the unpaid position of Deputy Lieutenant of Kent in 2022.
- 3.11 Paul O’Grady died unexpectedly on 28 March 2023 at age 67. He was hailed by many as a national treasure.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The modest financial implications can be met from within existing budgets.

5.0 LEGAL IMPLICATIONS

- 5.1 The Council may by a resolution passed by not less than two-thirds of the Members voting thereon at a meeting of the Council specifically convened for the purpose with notice of the purpose, admit Paul O’Grady to be Honorary Freeman or Freewoman of the place or area for which it is the authority persons/organisations of distinction and persons/organisations who have in its opinion rendered eminent services to the Borough. (Section 249(5), of the Local Government Act 1972).

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are no implications associated with staffing, ICT or assets.

7.0 RELEVANT RISKS

7.1 There are no known risks associated with this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 Political Group Leaders have been consulted and support the proposals.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision, or activity. Measuring the impact of equality implications and mitigating any negative impact where possible is embedded into the core principles of good governance. There are no equality implications arising from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 This report is for information purposes and as such, there are no direct environment and climate implications.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 This report is for information purposes and as such, there are no direct Community Wealth Implications.

REPORT AUTHOR: Anne Beauchamp
Democratic Services Officer
Tel: 0151 691 8322
email: annebeauchamp@wirral.gov.uk

APPENDICES

None

BACKGROUND PAPERS

Wirral Council Constitution Part 5, Section 19
Online sources

TERMS OF REFERENCE

This report is being considered by the Regulatory and General Purposes Committee in accordance with Section 8.2 of its Terms of Reference

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
------------------------	-------------

Not applicable	
-----------------------	--

Regulatory and General Purposes Committee – Terms of Reference

The principal role of the Regulatory and General Purposes Committee is as the administrative committee, established as an ordinary committee and acting under delegation pursuant to sections 101 and 102 of the Local Government Act 1972, and responsible for making decisions as licensing and registration authority on all regulatory matters not otherwise delegated to the Planning Committee or reserved to the Licensing Act Committee.

The Committee is charged by full Council to fulfil all of those functions, more particularly described as set out at Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), and associated matters, including but not limited to:

- (a) functions relating to licensing, registration and ancillary matters other than those falling within the remit of the Licensing Act Committee, including but not limited to:
 - acupuncture, tattooing, ear-piercing and electrolysis;
 - caravan sites;
 - charity collections and street collections;
 - hackney carriage and private hire vehicle licences, drivers and operators;
 - entertainments;
 - market and street trading,
 - pleasure boats and pleasure vessels;
 - scrap yards;
 - sex shops and sex establishments;
 - solemnisation of marriages;
 - theatres and cinemas;
 - zoos, animal trainers and exhibitors and dangerous wild animals;
- (b) functions relating to health and safety at work, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer;
- (c) functions relating to sea fisheries;
- (d) functions relating to statutory nuisance and contaminated land;
- (e) the passing of a resolution that schedule 2 to The Noise and Statutory Nuisance Act 1993 should apply in the authority's area;
- (f) commons regulation and town and village greens, the power to apply for an enforcement order against unlawful works on registered common land, the power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference and the power to institute proceedings for offences in respect of unclaimed land;
- (g) the power to make a closing order on a takeaway food shop;
- (h) the obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976;

- (f) functions relating to elections and electoral registration not otherwise reserved to Full Council, including the making of recommendations to the Council as to recommendations to the Secretary of State on ward boundaries;
- (g) Power to consider and make recommendations to the Council on matters relating to the name and status of the Borough and individuals; and
- (h) making recommendations to Council on the promotion or approval of local bill.