

REGULATORY AND GENERAL PURPOSES COMMITTEE

Thursday, 13 June 2024

Present: Councillor A Hodson (Chair)

Councillors S Bennett G Jenkinson
L Luxon-Kewley E Tomeny
B Hall K Murphy
M Booth A Brame
G Davies G Wood
C McDonald

1 WELCOME AND INTRODUCTION

The Chair welcomed attendees and viewers to the meeting and reminded everyone that the meeting was webcast and retained on the Council's website for two years.

2 APOLOGIES

The Chair confirmed apologies for absence had been received from Councillors Paula Basnett and James Stewart Laing.

3 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Councillor Steven Bennett declared a pecuniary interest in the 'Request by Tranmere Rovers Football Club to Register as a Trademark the Tranmere Rovers Football Club Badge' item as he had previously undertaken security work for the club.

4 MINUTES

Resolved – That the minutes of the meeting held on 31 January 2024 be approved.

5 PUBLIC AND MEMBER QUESTIONS

The Chair reported that there had been no public questions, statements, petitions or questions by members.

6 MINUTES OF THE LICENSING PANEL

Resolved – That the minutes of the Licensing Panel meetings held on 10 November 2023, 13 December 2023, 18 January 2024, 9 February 2024,

15 February 2024, 8 March 2024 and 5 April 2024 be agreed as an accurate record.

7 HONORARY FREEDOM OF THE BOROUGH – DAVID ARMSTRONG

The Director of Law and Governance submitted a report requesting that Members of the Committee recommend to Council that David Armstrong be admitted as an Honorary Freeman of this Borough at an Extraordinary meeting of the Council to be held on 29 July 2024. The Civic and Electoral Services Manager reported that this was a significant step for the Council to take and the Award should only be made to someone of distinction who had made an exceptional contribution to the Borough. David Armstrong was considered to be within this category due to his eminent service to the Borough over 34 years during which he had been employed in a variety of roles including Acting Chief Executive and had consistently demonstrated dedication, commitment, flexibility and a willingness to do what was required. The Civic and Electoral Services Manager advised Members of the Committee that all Political Group Leaders had been consulted and supported the proposals.

Resolved: 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, David Armstrong be admitted as Honorary Freeman of this Borough at an Extraordinary Council Meeting to be held on 29 July 2024; and

(2) the Director of Law and Corporate Services be requested to:

(a) take all the necessary actions associated with (1) above; and

(b) arrange for a small civic reception for David Armstrong, family members and invited guests on a mutually agreeable date following the extraordinary meeting of Council.

8 APPOINTMENT OF MEMBERS TO THE LICENSING PANEL AND THE CHARITABLE TRUSTS SUB-COMMITTEE

The Senior Solicitor (Litigation and Governance) introduced the report of the Director of Law and Governance which detailed the process for appointing Members to the Charitable Trusts Sub-Committee and sought names for that Sub-Committee as well as noting its Terms of Reference. It was noted that deputies for the Sub-Committee could be drawn from remaining members of the parent Committee. The report also noted the Terms of Reference for the Licensing Panel and requested authority for the Director of Law and Corporate Services (Monitoring Officer) to convene Licensing Panels in consultation with the Chair and Spokespersons 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.

Resolved: That

(1) 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 be noted.

(2) the Director of Law and Governance (Monitoring Officer) be authorised 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) delegated authority be given 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.

9 **REQUEST BY TRANMERE ROVERS FOOTBALL CLUB TO REGISTER AS A TRADEMARK THE TRANMERE ROVERS FOOTBALL CLUB BADGE**

The Senior Solicitor (Litigation and Governance) presented the report of the Director of Law and Corporate Services which dealt with a request received by the Mayor from Tranmere Rovers Football Club to register as a trademark the Tranmere Rovers Football club badge. The badge is derived from the Council's Coat of Arms and Tranmere Rovers Football Club wish to register the badge as a trademark due to unconnected businesses using the badge unofficially.

Members questioned whether the badge was unique and noted that it contained elements of the Council badge but did not replicate it and would be used to brand their merchandise to prevent unlicensed copies.

Resolved: That the request to register as a trademark the Tranmere Rovers Football Club Badge which is derived from Wirral Borough Council's Coat of Arms be approved.

10 **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CRITERIA**

The Licensing Manager presented the report of the Director of Law and Corporate Services which considered the results of a consultation in respect

of the current criteria for licensing Hackney Carriage and Private Hire Vehicles as well details of all the written comments made by those responding to the consultation. The report provided recommended amendments to the criteria having regard to the Statutory Taxi and Private Hire Vehicle Standards and the Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice for Licensing Authorities in England. The details of relevant criteria used in the other Licensing authorities within the City Region were also provided to Members of the Committee.

Resolved: That

1. the following amendments to the criteria for licensing Hackney Carriage and Private Hire Vehicles contained within the Council's Statement of Hackney Carriage and Private Hire Licensing Policy be approved:

a) The requirement that Hackney Carriage Vehicles presented for licensing for the first time must be 3 years old or less from the date of manufacture be replaced with the following:

A vehicle presented for the grant of a Hackney Carriage Vehicle Licence with Wirral Council must have been compliant with Euro 5 emission standards at the date of first registration.

b) The requirement for MOT testing for Hackney Carriage Vehicles be replaced with the following:

A Hackney Carriage Vehicle that is 11 years of age or more from the date of first registration, will be subject to a licence of no more than 6 months and will therefore be required to pass an MOT and Compliance test every 6 months.

c) That the following criteria be removed:

In circumstances when a Hackney Carriage Vehicle proprietor wishes to change a Hackney Carriage Vehicle that is currently licensed to a different vehicle the replacement vehicle must be the same age or less than the vehicle that is currently licensed, up to a maximum of 10 years old. Vehicles that are ten years old or more must be replaced by a vehicle that is no more than ten years old.

d) The requirement that Private Hire Vehicles must be 10 years of age from the date of manufacture or date of first registration whichever is the earliest, be replaced with the following:

A vehicle presented for the grant of a Private Hire Vehicle Licence with Wirral Council must have been compliant with Euro 6 emission standards at the date of first registration.

e) The requirement for MOT testing for Private Hire Vehicles be replaced with the following:

A Private Hire Vehicle that is 8 years of age or more from the date of manufacture, will be subject to a licence of no more than 6 months and will therefore be required to pass an MOT and Compliance test every 6 months.

f) The requirement for tinted windows in respect of both Hackney Carriage and Private Hire Vehicles be amended as follows:

The front windscreen must allow at least 75% of light through, the front side windows must allow at least 70% of light through and the windows rear of the B-pillar must allow a minimum light transmission of 30%. No windows or glass fitted to the vehicle may have been subject to an enhanced film / after-market tinting post manufacture.

g) The requirement in respect of an additional step for Private Hire Vehicles be amended as follows:

A vehicle with a top tread for the entrance which exceeds 38cms from the ground must be fitted with a step to allow easy access into and egress from the vehicle. Any vehicle that does not have a step fitted must carry a portable step to be available for passengers. Both a fitted and portable step must be robust to carry the weight of a passenger and covered with a non-slip surface. The step height must be no more than 38cms from the ground. The driver of the vehicle must risk assess the use of a portable step on each occasion it is requested by a passenger.

2. That the recommended amendments to the criteria for licensing Hackney Carriage and Private Hire Vehicles have immediate effect.

3. Authorise the Licensing Manager to amend relevant licensing documents in accordance with any amendments made to the criteria for licensing Hackney Carriage and Private Hire Vehicles.
