



## Licensing, Health and Safety and General Purposes Committee

<b>Date:</b>	Tuesday, 25 May 2010
<b>Time:</b>	6.00 pm
<b>Venue:</b>	Committee Room 1 - Wallasey Town Hall

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### AGENDA

**1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members are asked to consider whether they have personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they are.

**2. MINUTES (Pages 1 - 2)**

To receive the minutes of the meeting held on 22 March 2010.

**3. APPOINTMENT OF VICE-CHAIR**

The Committee is invited to appoint a Vice-Chair for the ensuing municipal year.

**4. APPOINTMENT OF LICENSING PANEL (Pages 3 - 6)**

**5. ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR**

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## LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Monday, 22 March 2010

Present: Councillor S Taylor (Chair)

Councillors WJ Davies D Roberts  
A Taylor J Salter  
I Lewis S Niblock  
G Watt R Wilkins

Deputies: Councillor P Hayes (In place of T Anderson)

### 31 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were asked to consider whether they had personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

Councillor I Lewis declared his personal interest in agenda item 3 – Petition to Council – Review of Supply and Demand for Hackney Carriage Licences (see minute 33 post) by virtue of his membership of Merseytravel LTP; and on account of him having presented the petition to the Council.

### 32 MINUTES

**Resolved – That the minutes of the meeting held on 3 February 2010 be approved.**

### 33 PETITION TO COUNCIL - REVIEW OF SUPPLY AND DEMAND FOR HACKNEY CARRIAGE LICENCES

The Director of Regeneration reported that on 12 October 2009, a petition was presented to the Council on behalf of 225 hackney carriage licence holders and/or taxi proprietors, which requested that "Wirral Borough Council urgently review supply and demand of hackney carriage vehicle licences".

He commented that a review of Hackney Vehicle Licence demand was usually carried out by a Licensing Authority which sought to maintain or impose a policy to limit the number of hackney vehicle licences that it issued, where it would be beneficial to the travelling public. The unfettered discretion to limit the number of hackney licences was removed by Section 16 of the Transport Act 1985 and the Director set out the test, in relation to significant unmet demand, which now applied to Licensing Authorities who proposed to impose quantity restrictions.

However, guidance issued by the Department for Transport (DfT) placed an emphasis on the benefit or otherwise for the quality of service to the public and it

stated that most Licensing Authorities did not impose quantity restrictions. The DfT regarded an absence of quantity restrictions as best practice and it further emphasised its position in respect of such restrictions when it described as “hard to justify”, the effect a limit could have on access to the taxi market. As Wirral did not have a quantity restriction, it was under no obligation to carry out a survey. However, if a survey was undertaken, it would cost in the region of £20k - £30k.

The Director reported that a survey undertaken on behalf of the Council in 2006, by consultants Kielder Newport and West Ltd (KNW), had found that there was a small but significant level of unmet demand in Wirral, due in part to “the non-utilisation of the many ranks provided”. At the time of the survey, Wirral had 265 licensed hackney carriage vehicles and although numbers peaked in 2007/2008, they had since declined, to the present level of 287. He indicated that the levelling may suggest that given the present structure of the taxi and private hire market in Wirral, the supply and demand for hackney carriage vehicles was reaching equilibrium.

Mr D Cummins of Unite, addressed the Committee on behalf of the petitioners and referred to an e-mail he had sent to Members. He suggested that the KNW report indicated a saturated market in Wirral, which was not in the interests of the travelling public and which had contributed to over-ranking in some areas. He requested that a survey be undertaken to provide evidence to clearly demonstrate whether or not Wirral was in a saturated market and, whether or not a limit should be in place. He confirmed that the trade would accept and abide by the recommendation of an independent survey.

Members expressed concern with regard to the cost of a survey and specifically, how it would be funded, given that the taxi account covered both hackney carriages and also some 1200 private hire drivers who were not subject to such a survey and should not be expected to pay for it. The Council’s legal advisor commented also upon the significant costs that could be incurred if the authority had to defend a legal challenge in relation to limits.

Following a brief adjournment to allow clarification of legal matters, it was, on a Motion by Councillor Lewis and seconded by Councillor Hayes –

**Resolved – (9:0) (Councillor A Taylor abstaining) –**

- (1) That in view of the position in respect of the overall hackney carriage licence numbers and the Department for Transport Best Practice Guidance the Committee does consider that it is in the interests of the public to undertake a survey of supply and demand.**
- (2) That before a survey is conducted, a further report be presented to the next meeting of the Committee to include details of costs and how those costs will be recovered.**

WIRRAL COUNCIL

LICENSING, HEALTH AND SAFETY, AND GENERAL PURPOSES COMMITTEE

25 MAY 2010

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REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

## **APPOINTMENT OF THE LICENSING PANEL**

### 1. Executive 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 2010-2011. Members of panels must be appointed by the parent Committee; and appointments cannot be made by the Council.

### 2. Background

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.

As a result of a High Court judgement, 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. Licensing Panel

#### (a) Terms of Reference:

- (1) To consider and determine licensing/registration applications (except those dealt with by the Licensing Act 2003 Committee, or delegated to and granted by the Director of Law, HR and Asset Management), and to exercise the powers of the Council in relation to the suspension and revocation of licences, including the power to impose, vary or suspend conditions relating to such applications.
- (2) To consider and determine applications for stage hypnotic performances where the performer has not previously received approval.

- (3) To review cases involving the refusal or revocation of registration of civil marriage venues.
- (4) To exercise the powers and duties of the Council under the provisions of the Safety At Sports Grounds Act 1975 as regards the issue, monitoring, enforcement, review, amendment and renewal of safety certificates and the review or arrangements relating thereto.
- (5) Power to license persons to collect for charitable and other causes.

(b) Membership

If the Licensing Panel was to continue with seven members as in 2009-2010, the allocation of those places would remain as 3 Conservative; 2 Labour; and 2 Liberal Democrat. The membership of the Licensing Panel in 2009-2010 (including deputies) is shown below:

	<u>Members</u>	<u>Deputies</u>
3 Conservative Councillors:	S Taylor (Chair) D Knowles C Povall	WA Duffey Mrs SL Clarke T Anderson Leah Fraser P Hayes D Elderton PSC Johnston Mrs K Wood
2 Labour Councillors:	W J Davies* JJ Salter	DE Roberts RL Abbey I Coates Mrs C Meaden H Smith WW Smith B Kenny
2 Liberal Democrat Councillors	A Taylor* S Niblock	T Harney A Jennings D Mitchell P Reisdorf C Teggin R Wilkins

4. Financial and Staffing Implications

None

5. Other Implications

There are no implications arising out of this report in terms of equal opportunities, planning, community safety, human rights, Local Agenda 21 and local member support.

6. Access to Information

The only background papers used in the preparation of this report were departmental records on panel membership and the Constitution of the Council.

7. Recommendation

The Committee is requested:

(i) to confirm that the Licensing Panel be re-appointed for 2010-2011 with the terms of reference identified.

(ii) to appoint members to serve on the Licensing Panel in 2010-2011, including the appointment of the Chair, Vice-Chair, Spokespersons and named deputies.

BILL NORMAN  
Director of Law, HR and Asset Management

25 May 2010

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