

# LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Monday, 13 September 2010

Present: Councillor S Taylor (Chair)

Councillors WJ Davies I Lewis  
S Niblock K Wood  
T Anderson D Roberts

Deputies: Councillors G Watt (In place of G Ellis)  
P Glasman (In place of J Salter)  
A Bridson (In place of R Wilkins)

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

Members were asked to consider whether they had any personal or prejudicial interests in connection with any items on the agenda and, if so, to declare them and state what they were.

Councillor S Niblock declared a personal interest by virtue of his Membership of Merseyside Fire and Rescue Authority (minute 19 post refers).

Councillor K Wood declared a personal interest by virtue of her Membership of the Police Authority.

Councillor D Roberts declared a personal interest by virtue of her Membership of Merseyside Fire and Rescue Authority.

## 15 MINUTES

**Resolved - That the minutes of the meeting held on 28 July 2010 be approved.**

## 16 TAXI LICENSING BUDGET

The Director of Law, HR and Asset Management submitted a report providing Members with a breakdown of income and expenditure in relation to Hackney Carriage and Private Hire Licensing. This followed receipt of a Freedom of Information request for a detailed breakdown of income and expenditure relating to Taxi and Private Hire functions for the periods 2007/8, 2008/9 and 2009/10. In response to the request the information was provided with the report. At the last meeting of this Committee, Members requested that a report be brought to the Committee to explain the reason for the deficit in the budget of £33,115 and its relation to the recharge in respect of the One Stop Shop Service.

It was reported that there was an excess of income over expenditure of £2,822 in 2007/8 and subsequently there was no licence fee increase for 2008/9. A deficit of income to expenditure of £1,747 occurred in 2008//9. For 2009/10 there was a deficit between income and expenditure of £33,115. This sum reflected the effect of the apportionment to Licensing of the total cost for the provision of the One Stop Shop Service of the Council. This charge is balanced by an equivalent budget provided for the purpose.

It was further reported that the financing of the One Stop Shops was made through recharges to those departments using the service. The total budget to Licensing for the One Stop Shop Service for 2009/10 was £66,905.86 and of this £37,467 was attributed to the Taxis account. The total apportionment was based on the following elements: number of queries handled, the complexity rating attached to the enquiries, average handling time for each enquiry, and a unit charge. Licensing enquiries had been rated with a complexity of 3, (1 being the lowest and 4 being the highest level), the handling time had been set at 19 minutes and the total enquiries for the year were stated to be 7,435. Thus, this formula determined the proportion of the total cost that was applicable to each service area. For the purpose of the Freedom of Information request the actual amount of the One Stop Shop Recharge apportioned to Taxi and Private Hire Licences for 2009/10 was based on the percentage of total employee time spent on Taxis which equated to 56%.

Members were informed that the recharge of the One Stop Shop Service to other departments was an 'uncontrollable budget' meaning that the service receiving the charge (in this case Licensing) was not able to directly affect the amount as the charges and costs were not incurred by themselves but were incurred by the department making the recharge (One Stop Shops) and it was simply a proportion of the total charge which was then passed onto them. A budget is allocated to each department and then at the year end it is the actual cost that is then charged out. During the budget process each year the budget for the recharge is reviewed and amended in accordance with the latest percentage figures provided. This budget was shown as a separate line within the receiving department's cost centre. The code and amount were shown within their normal range of codes for their cost centre but was solely for the purpose of allocating the One Stop Shop Service recharge and was not available for any other purpose.

Members were advised that to improve the accessibility of licensing services and to support the policy to migrate services to One Stop Shop Service, the licensing service had sought to develop the delivery of licensing services through the One Stop Shops. The recharge to Licensing reflected the early operation of the arrangements. The apportioned recharge and the service that was being provided were being reviewed.

Mr N Kent, Finance Department responded to questions from Members.

**It was moved by Councillor Lewis and seconded by Councillor Sue Taylor that**

-

“(1) A further report regarding One Stop Shop Charges be brought back to the next meeting of this Committee and that a member of staff from the Finance Department attend the meeting to outline the report.”

(2) A recommendation be added to the motion to note that the costs of the One Stop Shop are not met by licence fees.”

**The motion was put and carried (9:0)**

**Resolved -**

(1) That Members receive the budget report for consideration and request a further report concerning the outcome of the review of One Stop Shop recharges be brought back to the next meeting of this Committee with a member of staff from Finance in attendance.

(2) That it be noted that the costs of the One Stop Shop are not met by licence fees.

17 **HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER DRESS CODE**

The Director of Law, HR and Asset Management submitted a report which sought Members approval of a dress code for all licensed hackney carriage and private hire drivers.

Members were informed that the current Private Hire Driver Licence conditions required that a private hire driver was clean and respectable in their dress and person, however, there was no provision under legislation to impose conditions on a hackney carriage driver licence. The report gave details regarding acceptable standards of dress.

Mr D Cummins (United Union) addressed the Committee and expressed his views on the report. He felt that the wording should be more clearly defined and referred to there being no legislation to impose the dress code as a condition of a licence.

Councillor Sue Taylor explained that the code was in draft form and would be defined more clearly when it had been agreed.

The Licensing Manager informed Members that the draft code was in line with other codes in the region and it was expected that it would be complied with voluntarily. Mr D K Abraham, Legal Advisor to the Committee advised Members that the Code was not a legal requirement but that it would provide good guidance and best practice for drivers to follow.

Councillor Niblock stated that the Code would be difficult to enforce and could not take immediate effect as it needed to be more clearly defined

**It was moved by Councillor K Wood and seconded by Councillor B Davies that**  
-

“The Council should adopt the dress code for Hackney Carriage and Private Hire Drivers as detailed in the report with immediate effect and operators be contacted and asked to provide shirts for drivers in support of the dress code.

**The motion was put and carried (9:1).**

**Resolved -**

**(1) That the Council should adopt the dress code for Hackney Carriage and Private Hire Drivers as detailed in the report with immediate effect.**

**(2) That operators be contacted and asked to provide shirts for drivers in support of the dress code.**

**18 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER CONVICTIONS POLICY**

The Director of HR, Law and Asset Management submitted a report which sought Members approval of a revised policy in relation to the criteria applicable when considering an applicant for a Private Hire or Hackney Carriage Driver Licence who has criminal convictions.

The report gave details regarding the guidance issued to district councils when deciding to grant licences to hackney carriage and private hire drivers and outlined the timescales during which licence applications should be considered further to an applicant being convicted of an offence. A summary of the proposed key changes to the existing policy was attached to the report.

The Chair supported the report and invited comments from Members.

Councillor Niblock welcomed the new policy, however, he was opposed to changing the number of years an applicant was expected to remain free of conviction for some offences from 3 years in the current policy to 3 to 5 years as he felt this would be a retrograde step. He also felt that the paragraph regarding renewals should be set out clearly.

Councillor Niblock also pointed out that the new policy stated that an applicant would be referred to the Licensing Panel if they had 10 or more penalty points on their driving licence for convictions for miscellaneous offences and felt that this should remain at 6 points as within the existing policy.

Mr Ken Abraham, Legal Advisor to the Committee pointed out that each case was determined upon its own merits and therefore it would be the decision of Members of the Committee whether or not to allow each application.

Councillor Bridson expressed her concerns regarding convictions of drunkenness and felt that a more pro-active approach should be taken with regard to this. The Licensing Manager confirmed that safety campaigns were undertaken with drivers and this message could be included within one of these campaigns.

**It was moved by Councillor Sue Taylor and seconded by Councillor Glasman that -**

“The number of penalty points an applicant would have on their driving licence for convictions for miscellaneous offences before being referred to the Licensing Panel would remain at 6.”

**The motion was put and carried (10:0).**

**It was moved as an amendment to the motion by Councillor Niblock and seconded by Councillor Bridson that -**

“The number of years an applicant was expected to remain free of conviction for some offences would remain at 3 years”

**The amendment to the motion was put and lost (2:8).**

**It was then moved as a further amendment by Councillor Sue Taylor and seconded by Councillor Ian Lewis that -**

“The policy detailed in Appendix 3 within the report be adopted with immediate effect by the Committee as the policy to be used when determining applications for Hackney Carriage and Private Hire Driver Licences when considering licensed drivers who incur a criminal conviction.”

**The motion as now amended was put and carried (9:0) (Councillor Niblock abstaining).**

**Resolved - That the policy detailed in Appendix 3 within the report be adopted with immediate effect by the Committee as the policy to be used when determining applications for Hackney Carriage and Private Hire Driver Licences when considering licensed drivers who incur a criminal conviction with the amendment that the number of penalty points an applicant would have on their driving licence for convictions for miscellaneous offences before being referred to the Licensing Panel would remain at 6.**

## 19 **CONSULTATION - MINIMUM PRICE FOR ALCOHOL**

Councillor Steve Niblock declared a personal interest in this matter by virtue of being a Member of Merseyside Fire and Rescue Authority.

The Director of Law, HR and Asset Management submitted a report which sought the views of Members in relation to a consultation by the Liverpool City Region Cabinet into proposals to seek a local by-law to enforce a minimum price for alcohol.

The report gave details of a number of authorities that supported minimum pricing and Members were informed that a minimum price per unit of alcohol would apply to both on and off licences. Information was given within the report upon the projected impact on alcohol related deaths in Merseyside.

Councillor Bill Davies drew Members' attention to the quote stated within the report which gave the view of the Chief Medical Officer of Health, Sir Liam Donaldson and felt that this was one of the biggest problems facing society.

Councillor Sue Taylor advised that the effects of alcohol related diseases on young people were getting out of hand and felt that it was time to take a lead and do something positive.

Councillor Steve Niblock asked how the number of units would be calculated. The Licensing Manager referred to the formula for the calculation of units and informed Members that existing legislation prohibits irresponsible drinks promotions at premises where the sale of alcohol is for consumption on the premises.

Councillor Ian Lewis referred to the recommendation of the report and welcomed the opportunity for consultation on this policy.

**It was moved by Councillor Sue Taylor and seconded by Councillor Ian Lewis that -**

“(1) The Council seeks views on the introduction of minimum pricing of alcohol from the public, partner agencies, those organisations that support individuals with alcohol addiction and community and voluntary groups and that the results of consultations be brought to the next meeting of the Licensing Committee.

(2) Members endorse the usage of Section 235 of the Local Government Act 1972 for the introduction of a local byelaw to deal with this issue if appropriate.”

**The motion was put and carried (10:0)**

**Resolved -**

**(1) That the Council seeks views on the introduction of minimum pricing of alcohol from the public, partner agencies, those organisations that support individuals with alcohol addiction and community and voluntary groups and that the results of consultations be brought to the next meeting of the Licensing, Health and Safety and General Purposes Committee.**

**(2) That Members endorse the usage of Section 235 of the Local Government Act 1972 for the introduction of a local byelaw to deal with this issue if appropriate.**

## 20 MEMBER TRAINING

The Director of Law, HR and Asset Management submitted a report requesting Members to identify their training needs.

Members were informed that as they undertook a quasi judicial function in respect of Licensing decisions, it was important therefore that they were able to undertake these duties with knowledge of the relevant legislation and an understanding of the legal process.

Members were asked to consider their training needs and preferred method of training in order that officers could develop a schedule of training and source appropriate training.

**It was moved by Councillor Sue Taylor and seconded by Councillor Ian Lewis that -**

“Members identify their training needs in order that a schedule of training requirements could be developed and appropriate training sourced and that a further report be submitted to the Committee that would identify relevant external and internal training opportunities.”

The motion was put and carried (10:0).

**Resolved** -

(1) That Members identify their training needs in order that a schedule of training requirements could be developed and appropriate training sourced.

(2) That a further report be submitted to the Licensing, Health and Safety and General Purposes Committee that would identify relevant external and internal training opportunities.

21 **ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR - STREET COLLECTION**

The Director of Law, HR and Asset Management reported upon an application that had been received from the Alzheimer's Society for a street collection permit for a collection to be held on a Sunday. The collection was to take place on the New Brighton Promenade. As the request was for the permit for a street collection on a Sunday, the Director was unable to determine the application under his delegated powers.

**Resolved** - That the application for a Street Collection Permit by the Alzheimer's Society on New Brighton Promenade, be approved.