



Licensing, Health and Safety and General Purposes Committee

Date:	Monday, 13 September 2010
Time:	6.00 pm
Venue:	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 - 6)

To receive the minutes of the meeting held on 28 July 2010.

3. TAXI LICENSING BUDGET (Pages 7 - 10)

4. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER DRESS CODE (Pages 11 - 14)

5. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER CONVICTIONS POLICY (Pages 15 - 44)

6. CONSULTATION - MINIMUM PRICE FOR ALCOHOL (Pages 45 - 50)

7. MEMBER TRAINING (Pages 51 - 52)

8. URGENT BUSINESS

To consider any other business that the Chair accepts as being urgent.

LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Wednesday, 28 July 2010

<u>Present:</u>	Councillor	S Taylor (Chair)	
	Councillors	G Ellis WJ Davies S Niblock I Lewis	K Wood J Salter R Wilkins
<u>Deputies:</u>	Councillors	P Hayes (In place of T Anderson) P Glasman (In place of D Roberts)	

6 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

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

Councillor John Salter declared a prejudicial interest in respect of item 3 - Vauxhall Vivaro - Application to Licence Two Front Seat Passengers - by virtue of his acquaintance with the applicant's son (see minute 8 post).

7 MINUTES

Resolved - That the minutes of the meeting held on 25 May 2010 be approved.

8 PRIVATE HIRE VEHICLE LICENCE - VAUXHALL VIVARO - APPLICATION TO LICENSE TWO FRONT SEAT PASSENGERS

Councillor John Salter declared a prejudicial interest in this item and left the room during its consideration.

The Director of Law, HR and Asset Management reported upon an application to license a Vauxhall Vivaro as a private hire vehicle to carry eight passengers, two passengers being carried in the front. He reported that Council policy allowed non-standard vehicles (ie MPV's people carriers) to be licensed as private hire vehicles subject to the standard Private Hire Vehicle Licence Conditions and the following additional conditions:-

(1) There must only be the number of passengers seats fitted in the vehicle for which the vehicle is licensed.

(2) Two fire extinguishers must be kept in the vehicle, one to be in the front and the other in the rear.

(3) Vehicles to be fitted (in addition to the front drivers and passengers doors) with at least two side/rear opening doors and all doors must be easily accessible to all passengers and capable of being opened from inside.

(4) A step (which must be approved by the Council) must be available for use at all times.

(5) A sign on the rear of the seats in the vehicle must be displayed indicating there is a step available for use and indicating exit doors.

(6) Seat belts shall be provided for every passenger the vehicle is licensed by this Council to carry.

The standard private hire vehicle conditions specified that the proprietor shall only allow one person to be carried in the front of the vehicle apart from the driver. However he referred to applications to license a Volkswagen Caravelle, a Volkswagen Transporter, a Ford Tourneo and a Renault Trafic to carry two front seat passengers which had been successful. Reference was also made to an application to license a Mercedes Vito to carry two front seat passengers which had been refused.

The applicant, Mr EJW, attended the meeting, presented his vehicle for examination by Members and made representations in support of his application prior to its determination.

Resolved (8:1) - That the application to license a Vauxhall Vivaro as a private hire vehicle to carry eight passengers, two passengers being carried in the front, be refused as Members felt there was not sufficient space to carry two passengers in the front of the vehicle safely and comfortably.

9 HACKNEY CARRIAGE VEHICLE LICENCE - APPLICATION TO LICENSE A FIAT TW200

The Director of Law, HR and Asset Management reported upon an application to license a Fiat TW200 as a hackney carriage vehicle.

The applicant did not attend the meeting.

Resolved - That the applicant be advised to attend a future meeting of this Committee should he wish to pursue his application.

10 HACKNEY CARRIAGE VEHICLE LICENCE - APPLICATION TO LICENSE A CARBODIES TAXI

The Director of Law, HR and Asset Management reported upon an application to license a Carbodies Taxi, registration number L578 HHV, as a hackney carriage vehicle. It was reported that as the vehicle did not strictly comply with paragraph 2(v)

of the hackney carriage licensing criteria, 'that every vehicle must be three years old or less from the date of first registration or date of manufacture (whichever is the earlier)' officers could not issue the licence under delegated authority. The Director reported that the age of the vehicle since first registration was 16 years and commented that the applicant had submitted literature in support of his application.

The applicant advised Members that he required more time in order to prepare his vehicle for inspection by Members of the Committee.

The applicant was advised that his application could not be considered without his vehicle being available for examination by Members.

Resolved (10:0) -

(1) That the application to license a Carbodies Taxi, registration number L578 HHV, as a hackney carriage vehicle be deferred.

(2) That the applicant be advised that the application will not be re-listed for consideration by the Committee unless he provides assurance that he will attend the meeting and provide the vehicle for examination by Members.

11 HACKNEY CARRIAGE VEHICLE LICENCE - APPLICATION TO LICENSE A LTI TXI

The Director of Law, HR and Asset Management reported upon an application to license a LTI TXI, registration number T947 BFM, as a hackney carriage vehicle and indicated that as its licence had expired it could not be renewed and the applicant was required to follow the process for a new licence. However, as the vehicle did not strictly comply with paragraph 2.1(v) of the hackney carriage licensing criteria, 'that every vehicle must be three years old or less from the date of first registration or date of manufacture (whichever is the earlier)' officers could not issue the licence under delegated authority. The Director reported that the age of the vehicle since first registration was eleven years and he commented that the applicant had raised extenuating circumstances in relation to the expiry date of the licence in that his vehicle had been involved in an accident and had subsequently been issued a vehicle licence suspension notice.

The Committee also considered correspondence which had been received from Matrix Solicitors, on behalf of the applicant.

Mr N Smith of Matrix Solicitors addressed the Committee on behalf of the applicant and provided detail in relation to the extenuating circumstances referred to by the applicant regarding the car accident and subsequent suspension notice. He advised that the applicant had complied with all guidance regarding the event of an accident however he did not renew his licence as he had been unable to obtain a Compliance Test Pass slip and MOT certificate as the vehicle had not been repaired and he did not consider it was necessary to do so, as the vehicle was subject to a suspension notice.

The Licensing Officer advised that in circumstances where a licence is subject to a suspension notice , should the proprietor wish to continue to have the vehicle licensed they must apply to have the Licence renewed and therefore it would still be necessary to renew the licence regardless of whether a Suspension Notice had been issued.

Resolved (10:0) - That the application to license a LTI TXI, registration number T947 BFM, as a hackney carriage vehicle be granted due to the exceptional circumstances of the application and subject to the vehicle being submitted for a further inspection by the Licensing Authority.

12 **PETITION TO COUNCIL - REVIEW OF SUPPLY AND DEMAND FOR HACKNEY CARRIAGE VEHICLE LICENCES**

The Director of Law, HR and Asset Management reported that on 12 October 2009 a petition was presented to the Council and the subsequent meeting of this Committee on 22 March 2010 to review supply and demand for hackney carriage vehicle licences. He reported that at the meeting on 22 March 2010 it was resolved that before a survey was conducted a further report be presented to this Committee to provide details of the costs of a survey and how these costs would be recovered.

The Director reported that at the meeting of this Committee held on 22 March 2010, it was resolved:

'(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 interest 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.'

It was reported that in order to obtain accurate details of the cost of a survey it would be necessary to invite tenders from prospective companies who could undertake this type of work. Information had been obtained from Sefton Council who had recently been through a tender process for such a survey during March. In response to the tendering process undertaken by Sefton Council bids were received from four companies, the lowest being £20,376 and the highest £30,470. It was appreciated that whilst there were differences in the taxi trade between Wirral and Sefton the range of these bids were likely to be indicative of the potential cost of carrying out a survey in Wirral.

The Director reported that a full tendering process could reveal differences in the depth and scope of work that may be carried out by different companies and this could be reflected in the range of costs provided. A table showing fees that would be payable in respect of hackney carriage driver and vehicle licences was included within the report. Regular reviews would have to be undertaken if a limit on hackney carriage vehicles was subsequently to be introduced as the Council would be constantly at risk of appeal against refusal, therefore an up to date survey would be a pre-requisite of defending any such appeals and surveys every three years would be

recommended to justify any policy of quantity of restriction. Similarly, defending any appeals to Court would have cost implications in respect of Court and legal fees and there would be no provision in the budget for these amounts therefore such amounts would have to be covered by an increase in licence fees.

Mr D Cummins of Unite, addressed the Committee and reiterated that the cost of the survey would be funded from licensing fees as demonstrated by other Authorities and would not impact on Council tax payers. He clarified that the survey would ascertain the level of supply and demand for hackney carriage and private hire vehicle licences.

Members asked questions regarding how long the survey would take including the tendering process and pointed out that they would need accurate figures in order to make a decision on costs.

Members of the Committee considered that both the exceptional circumstances of the application and the exceptional condition of the vehicle justified a departure from the Council's current policy of requiring a vehicle to be three years old or less from the date of manufacture or registration (whichever is the sooner) when granting a licence.

It was, on a motion by Councillor Lewis and seconded by Councillor Wood -

Resolved (10:0) - That it be agreed to proceed with the tendering process to carry out the survey and that a further report be brought back to a special meeting of this Committee at a date to be arranged providing details of tenders received.

13 ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR

The Chair accepted the following matters as urgent business:-

A. REVIEW OF OUTSTANDING BYE LAWS

Members requested that a report be brought back to the next meeting of this Committee concerning local bye laws affecting hackney drivers.

Resolved - That this be agreed.

B. FREEDOM OF INFORMATION REQUEST

Members requested that a report be brought back to the next meeting of this Committee on the breakdown of income and expenditure for taxi licensing.

Resolved - That this be agreed.

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WIRRAL COUNCIL

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE
13 SEPTEMBER 2010

TAXI LICENSING BUDGET

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to provide Members with a breakdown of income and expenditure in relation to Hackney Carriage and Private Hire Licensing.

2.0 BACKGROUND

2.1 In June 2010, the Council received 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 attached in Appendix 1, was provided. 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.

2.2 The attached breakdown shows 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 reflects 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. However, as taxi licensing fees do not reflect the element of that recharge pertinent to taxi licensing the accounts show a net deficit. The budget provided to cover the recharge means that the overall licensing budget is not overspent.

2.3 The financing of the One Stop Shops is 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 is 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 have been rated with a complexity of 3, (1 being the lowest and 4 being the highest level), the handling time has set at 19 minutes and the total enquiries for the year were stated to be 7,435. Thus, this formula determines the proportion of the total cost that is 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%.

2.4 The recharge of the One Stop Shop Service to other departments is an 'uncontrollable budget' meaning that the service receiving the charge (in this case Licensing) is not able to directly affect the amount as the charges and costs are not incurred by themselves but are incurred by the department making the recharge (One Stop Shops) and it is simply a

proportion of the total charge which is then passed onto them. A budget is allocated to each department and then at the year end it is the actual cost that it 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 shows as a separate line within the receiving department's cost centre. The code and amount are shown within their normal range of codes for their cost centre but is solely for the purpose of allocating the One Stop Shop Service recharge and is not available for any other purpose.

- 2.5 To improve the accessibility of licensing services and to support the policy to migrate services to One Stop Shop Service, the licensing service has sought to develop the delivery of licensing services through the One Stop Shops. The recharge to Licensing reflects the early operation of the arrangements. The apportioned recharge and the service that is being provided are being reviewed. A further report will be brought to this Committee to advise Members of the outcome of that review.

3.0 FINANCIAL & STAFFING IMPLICATIONS

- 3.1 There are no financial implications arising out of this report.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

- 4.1 There are no equal opportunities implications arising out of this report.

5.0 ANTI POVERTY IMPLICATIONS

- 5.1 There are no specific anti poverty implications arising directly out of this report.

6.0 SOCIAL INCLUSION IMPLICATIONS

- 6.1 There are no specific social inclusion implications arising directly out of this report.

7.0 LOCAL AGENDA 21 IMPLICATIONS

- 7.1 There are no local agenda implications arising out of this report.

8.0 LOCAL MEMBER SUPPORT IMPLICATIONS

- 8.1 This report affects the entire Borough.

9.0 COMMUNITY SAFETY IMPLICATIONS

- 9.1 There are no community safety implications arising out of this report.

10.0 PLANNING IMPLICATIONS

10.1 There are no planning implications arising out of this report.

11.0 **BACKGROUND PAPERS**

11.1 There are no background papers.

13.0 **RECOMMENDATION**

13.1 That members receive the budget report for consideration and request a further report concerning the outcome of the review of One Stop Shop recharges.

This report was prepared by Margaret O'Donnell who can be contacted on 0151 691 8606.

TAXI LICENCES - ACTUAL 2007-8 TO 2009-10

	2007-8	2008-9	2009-10
<u>Employees</u>			
Pay + oncosts	154688	182,631	188,846
Job Evaluation paid in 9/10 but relating to 7/8 & 8/9			
<u>Other Employees</u>			
Pay (incl NI & Sup)	4544	4662	4675
<u>Other Expenditure</u>			
Public Transport	191	403	184
Car Allowances	2275	2123	3161
Plates etc	32934	26860	15157
Equipment	1557	486	2195
Clothing & Uniform		150	
Computer Equipment & Maintenance	5469	2360	1977
Printing & Stationery	416	225	858
Telephones	549	120	387
Advertising	352	254	153
Consultants	8707		870
Tech Services-payment for ranks		1500	
Departmental Estab Expenses	52622	54111	55555
One Stop Shop	714	735	37467
Total Expenditure	265018	276620	311485
<u>Income</u>			
Private Hire Vehicle Licence	147357	161317	162494
Private Hire Driver Licence	43336	46702	46418
Private Hire Operator Licence	11194	10453	10967
Hackney Vehicle Licence	46167	45559	44370
Hackney Driver Licence	14142	14336	14121
Total Income	262196	278367	278370
Net Expenditure/Income	2822	-1747	33115

N.B.Excess income is shown as a minus figure

Agenda Item 4

WIRRAL COUNCIL

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES
COMMITTEE

13 SEPTEMBER 2010

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER DRESS CODE

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to seek Members approval of a dress code for all licensed hackney carriage and private hire drivers.

2.0 BACKGROUND

2.1 The current Private Hire Driver Licence conditions require that a private hire driver is clean and respectable in their dress and person

2.2 There is no provision under legislation to impose conditions on a hackney carriage driver licence. Therefore there is currently nothing in place requiring a hackney carriage driver to be clean and respectable in their dress as there is for private hire drivers.

2.3 Observations have been made regarding the dress of licensed drivers and officers have been requested to prepare a report with a view to introducing a dress code for all licensed drivers.

2.4 The introduction of a dress code has been discussed at the Hackney Carriage and Private Hire Joint Consultative Committee (JCC) and members of the JCC were supportive of such a code.

2.5 Enquiries have revealed that a number of local authorities have successfully introduced a dress code and examples have been obtained from the Policy Officer of Local Government Regulation who is currently undertaking research on the subject with a view to providing a template to assist local authorities.

2.6 A draft dress code has been prepared based on the examples forwarded and this is attached at Appendix 1.

3.0 FINANCIAL & STAFFING IMPLICATIONS

3.1 There are no financial implications arising out of this report.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications arising out of this report.

5.0 ANTI POVERTY IMPLICATIONS

5.1 There are no specific anti poverty implications arising directly out of this report.

6.0 SOCIAL INCLUSION IMPLICATIONS

6.1 There are no specific social inclusion implications arising directly out of this report.

7.0 LOCAL AGENDA 21 IMPLICATIONS

7.1 There are no specific Agenda 21 implications.

8.0 LOCAL MEMBER SUPPORT IMPLICATIONS

8.1 This report affects the entire Borough.

9.0 COMMUNITY SAFETY IMPLICATIONS

9.1 There are no community safety implications arising out of this report.

10.0 PLANNING IMPLICATIONS

10.1 There are no planning implications arising out of this report.

11.0 BACKGROUND PAPERS

11.1 There are no background papers.

12.0 RECOMMENDATION

12.1 Members are asked to consider whether the Council should adopt the dress code for hackney carriage and private hire drivers as detailed in Appendix 1 with immediate effect.

This report was prepared by Margaret Calvert who can be contacted on 0151 691 8476.



Draft Dress Code

The purpose of a driver's dress code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in Wirral to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

The Council does not impose such standards by way of conditions to any licence. It is expected, however, that such standards will be maintained at all times.

Acceptable Standard of Dress

- Footwear (shoes/trainers/sandals) for all drivers shall fit around the heel of the foot
- Clothing shall be kept in a clean condition, free from holes and rips
- Words or graphics on any clothing shall not be of an offensive or suggestive nature which may offend
- Tops must cover the midriff and shoulders
- Trousers
- Shorts shall be tailored and knee length
- Skirts shall be no shorter than knee length

We would recommend that all clothing, as a minimum should be clean, ironed and in good condition.

Unacceptable Standards of Dress

- Bare chests
- Clothing or footwear which is unclean or damaged
- Clothing printed with words, logos or graphics which may offend
- Footwear that prevents the safe operation of the licensed vehicle
- Shorts, other than smart tailored shorts
- Beach type footwear (e.g. Flip flops and mules)
- Unsuitable tracksuits or shellsuits
- Offensive tattoos must be covered, either by clothing or band aid

General

The above lists are not exhaustive and Authorised Officers of the Council will assess whether standards of dress are acceptable or not. In such instances, the Officer's decision will have effect as though it were included in the above lists and the licensed driver will be required to comply accordingly.

Non compliance with this dress code may result in the driver being reported to the Licensing Panel.

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WIRRAL COUNCIL

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

13 SEPTEMBER 2010

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER CONVICTIONS POLICY

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to seek 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 policy also covers existing drivers who may incur a criminal conviction whilst licensed as a Private Hire or Hackney Carriage Driver. In addition the draft policy sets out the criteria to be used in determining fitness and propriety.

2.0 BACKGROUND

2.1 In accordance with sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 a district council shall not grant a licence to drive a hackney carriage or private hire vehicle unless they are satisfied that the applicant is a fit and proper person to hold a driver licence.

2.2 All applicants for Hackney Carriage and Private Hire Driver Licences are subject to a criminal record check to establish any conviction, which may be relevant to the application.

2.3 The check on criminal convictions assists the Council in determining whether at the time of application for a new licence the applicant is a fit and proper person to hold a licence. Equally a criminal record check also assists a council in determining an application for the renewal of a driver licence by establishing whether since the grant of a driver licence a driver has been convicted of any offence including dishonesty, indecency or violence.

2.4 The Rehabilitation of Offenders Act 1974 was designed to set graduating timescales when convictions would be determined as spent. Amendments to this Act have resulted in all convictions being considered relevant for consideration when determining applications for Hackney Carriage and Private Hire Driver Licences.

2.5 In 1992, the Home Office published a General Policy Circular in which gives guidance to Local Authorities when considering applications for Hackney Carriage and Private Hire Driver Licences. This guidance sets general time scales after an applicant has been convicted of an offence, when licence applications should be considered. The timescales are set between three and ten years. Following the publication of this circular in 1992 Members of this Committee approved a set of guidelines in respect of applicants for Hackney Carriage and Private Hire Driver Licences in Wirral, and those guidelines are set out at Appendix 1, attached to this report. There has been no further policy document produced by the Home Office since 1992 and the Council's current guidelines have not since been subject to review.

- 2.6 The Assistant Chief Constable of Merseyside Police has recently coordinated a number of meetings of the Merseyside Licensing Authorities with a view to developing a consistent approach across Merseyside in relation to how local authorities deal with applicants and existing licensed drivers who have criminal convictions.
- 2.7 A revised policy attached as Appendix 2, has been developed to incorporate the changes needed to bring about the consistency sought by Merseyside Police. These amendments reflect the recently revised policy of Liverpool City Council and the new draft policy of Knowsley Borough Council. St Helens Council is due to revise its policy along similar lines to make the policy consistent with other Merseyside Authorities.
- 2.8 A summary of the proposed key changes to the existing policy are contained in Appendix 3.

3.0 FINANCIAL & STAFFING IMPLICATIONS

- 3.1 There are no financial implications arising out of this report.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

- 4.1 There are no equal opportunities implications arising out of this report.

5.0 ANTI POVERTY IMPLICATIONS

- 5.1 There are no specific anti poverty implications arising directly out of this report.

6.0 SOCIAL INCLUSION IMPLICATIONS

- 6.1 There are no specific social inclusion implications arising directly out of this report.

7.0 LOCAL AGENDA 21 IMPLICATIONS

- 7.1 There are no specific Agenda 21 implications arising directly out of this report.

8.0 LOCAL MEMBER SUPPORT IMPLICATIONS

- 8.1 This report affects the entire Borough.

9.0 COMMUNITY SAFETY IMPLICATIONS

- 9.1 There are Community Safety implications as hackney carriage and private hire drivers should be fit and proper persons when granted a licence and throughout its duration due to their involvement with the general public.

10.0 PLANNING IMPLICATIONS

10.1 There are no planning implications arising out of this report.

11.0 BACKGROUND PAPERS

11.1 There are no background papers.

12.0 RECOMMENDATION

12.1 That the policy detailed at Appendix 3, 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 and when considering licensed drivers who incur a criminal conviction.

This report was prepared by Margaret Calvert who can be contacted on 0151 691 8476.

CURRENT GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

GENERAL POLICY

1. Each case will be decided on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
3. The following examples afford a general guide on the action to be taken where convictions are admitted.

(a) Minor Traffic Offences

Convictions for minor traffic offences, eg obstruction, waiting in a restricted street, speeding etc, should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or private hire vehicle licence may be granted after its restoration but a warning should be issued as to future conduct.

(b) Major Traffic Offences

An isolated conviction for reckless driving or driving without due care and attention etc, should normally merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 years from convictions has elapsed.

(c) Drunkenness

(i) With Motor Vehicle

A serious view should be taken of convictions of driving or being in charge of a vehicle whilst under the influence of drink. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment is complete before a further licence application is considered.

(ii) Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above). In some cases, a warning may be sufficient.

(d) Drugs

An applicant with a conviction for a drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

(e) Indecency Offences

As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences should be refused until they can show a substantial period (at least 10 years) free of such offences (subject to the Regulation of Offenders Act 1974). If a licence is granted a strict warning as to future conduct should be issued.

(f) Violence

As hackney carriage and private hire vehicle drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

(g) Dishonesty

Hackney carriage and private hire vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

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DRAFT Policy for the licensing of Hackney Carriage and Private Hire Drivers

This policy has been produced in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 (as amended). The purpose of this policy is to explain how the Council will carry out its licensing functions in relation to drivers, and to outline the Council's criteria and standards and how to make an application.

Hackney carriage and private hire drivers must be 'fit and proper' persons to hold a licence. The Council's main consideration when determining applications is the protection and safety of the public. Licensed drivers come into regular close contact with adults, children and vulnerable people and therefore hold a position of responsibility. Prior to issuing a licence the Council must be satisfied that an applicant is 'fit and proper'. In developing this policy the Council has taken account of the relevant legislation and best practice guidance relating to hackney carriage and private hire drivers.

In determining whether an applicant is 'fit and proper' the Council will consider, amongst other things, an applicant's criminal and driving records, medical fitness, relevant skills, knowledge, experience, qualifications, and previous history as a licence holder (if applicable).

Appendix 1 of this policy provides applicants and existing drivers with guidelines relating to

- (a) the application process
- (b) the criteria to be met in order to be licensed as a driver
- (c) types of offences that will be taken into consideration when considering applications
- (d) the criteria for applicants who hold European Community or European Economic Area driving licences relating to obtaining a certificate of good conduct:
- (e) the training required and
- (f) the Council's medical standards

Licence conditions

All licences granted are subject to a number of standard conditions which must be complied with. Further conditions can be imposed by the Council if considered necessary.

Decision making

The powers of the Council will be exercised in accordance with the Council's Constitution. Each application for a licence will be considered on their merits, and the Council will provide reasons for all decisions made.

Policy review

This policy will be reviewed every 3 years. The Council will make such revisions to the policy as it considers appropriate after consultation with all interested parties and publish it accordingly.

GUIDELINES FOR APPLICANTS

Applications should be returned in person to the Licensing Office or any Council One Stop Shop

If you have any queries regarding your application please contact us on **0151 691 8043** or email licensing@wirral.gov.uk

1 PLEASE READ THIS DOCUMENT CAREFULLY BEFORE YOU COMPLETE YOUR APPLICATION FORM

- 1.1 An applicant for a new hackney carriage or private hire driver licence must satisfy the Council that they are a fit and proper person to hold a driver licence. This purpose of these guidelines is to make applicants aware of the Council's criteria and standards and how to make an application. This document also applies to existing licensed drivers.
- 1.2 Applicants must have held a full driving licence for a minimum of 12 months and the licence must be valid at the time of application. A provisional driving licence held with a driving test pass certificate will not be accepted. Your driving licence must show your current address - it is an offence to hold a driving licence if it is not registered at your current address.
- 1.3 Driving licences issued by another Member State of the European Community (EC) or one of the other countries in the European Economic Area (EEA) are acceptable providing the applicant has held the licence for at least 12 months. Further information for holders of driving licences not issued in this country, including a list of the countries within the EC and the EEA, is shown at Appendix A.
- 1.4 When completing your application form you must disclose **all** convictions (including motoring convictions), 'spent' convictions, cautions, Police warnings and reprimands, and fixed penalties. You must also tell us if you are on police bail pending the outcome of a police investigation or whether any criminal proceedings in the Magistrates or Crown Court have been commenced against you. You must also let us know if you have had any anti-social behaviour order (or other order made by a court) issued against you. Failure to fully disclose any of these matters may lead to your application being refused and to prosecution. Please do not be tempted to leave anything out. The Council can consider all convictions, including spent convictions as appropriate, in accordance with the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002.
- 1.5 The disclosure of a criminal record or other relevant information may not prevent you from gaining a licence unless the Council considers that the information makes you unsuitable. In making this decision the Council will consider the nature of an offence, when it was committed, the sentence imposed, your age when an offence was committed, your overall record of offences and any other relevant factors. Information received from you or the Criminal Records Bureau (CRB) will be kept in strict confidence while the licensing process takes its course. The Licensing Service fully complies with its obligations under the Data Protection Act 1998, the CRB Code of Practice and other relevant legislation regarding the correct handling, use, storage, retention and disposal of disclosures.

Please contact us on telephone number **0151 691 8043** if you would like to discuss your application.

2 APPLICATION PROCESS

- 2.1 Please complete an application form answering the questions fully. When you submit your application you must produce your driving licence for inspection. If you have a photocard driving licence you must produce both the photocard and the paper licence. Applicants are also required to produce proof of identity such as a birth certificate or passport, and a recent utility bill (electric, gas, phone and so on) which must display the applicants name.
- 2.2 An enhanced CRB check is carried out on all new applicants and you must fill in a CRB form provided by the Council. The CRB check is an important safety measure particularly for those working with children and vulnerable people, and the Council will receive information on all convictions, cautions, reprimands and warnings recorded against you. The CRB will send an applicant a copy of their Disclosure. The fee for this check will be paid by the applicant. Existing licensed drivers will require a CRB check every three years, although in some cases the Council may require a particular driver to have further checks.
- 2.3 The CRB cannot currently access overseas criminal records as part of its disclosure service. Therefore, an applicant who has lived in another country for a continuous period of three months or more within the last five years of the date of their licence application is required to submit a 'Certificate of Good Conduct' (or similar) from each country. This document will either confirm 'good conduct' or list any convictions recorded against an applicant. Further information on this is attached at Appendix A.

3 TRAINING

- 3.1 All new applicants must obtain one of the following Vocationally Related Qualifications (VRQ) before being granted a licence.
 - EDI Level 2 Certificate in Road Passenger Transport (Taxi and Private Hire Route)
 - Edexcel Level 2 BTEC Award in Transporting Passengers by Taxi and Private Hire

For details of where to undertake the training, please contact Tony Norbury at Merseylearn on 0151 330 1269 or 07738 887 187.

- 3.2 Once granted a licence, applicants must obtain the Level 2 National Vocational Qualification (NVQ) in Road Passenger Vehicle Driving, within 12 months. Their licence will not be renewed unless the NVQ qualification has been obtained. Further details on training are attached at Appendix C.

4 MEDICAL

- 4.1 Applicants must be medically fit to hold a drivers licence, and the Council has adopted the group two medical standards for licensed drivers. These standards, which also apply to professional drivers such as heavy goods drivers, are more stringent than the standard for car drivers and further information on the medical is attached at Appendix D. Each medical case will be considered on its merits although applicants who fail to meet the standards may be refused a licence. Further medicals may be required at the Council's discretion according to the circumstances.

A LICENCE WILL NOT BE ISSUED BY AN OFFICER UNTIL AN APPLICANT HAS MET ALL OF THE COUNCIL'S LICENSING CRITERIA.

5 LICENSING PANEL

5.1 An applicant who does not meet the Council's licensing criteria and/or if there are any concerns about an applicant being 'fit and proper', the application will be referred to the Licensing Panel who will consider the matter. Applicants will be advised of the procedure which will enable their attendance before the Licensing Panel and they will be able to attend the Panel to put their case forward. Any person refused a licence or who has a licence suspended or revoked has a right of appeal to the Magistrate's Court against the Council's decision within 21 days of being notified of the Council's decision.

6 EACH CASE WILL BE DEALT WITH ON ITS OWN MERITS.

6.1 An applicant with a current criminal conviction will not be permanently barred from obtaining a licence, but the applicant would generally be expected to be free from convictions for a number of years, depending on the nature of their particular offences, before a licence will be issued, subject to the following exceptions:

- (i) An applicant who has five or more convictions of whatever nature imposed at any time will generally not be granted a licence to drive private hire vehicles or hackney carriage vehicles.
- (ii) An applicant who has been convicted of a sexual offence at any time will generally not be granted a hackney carriage or private hire driver licence.

6.2 Each applicant with a criminal conviction(s) will be considered on their individual merits by the Licensing Panel who will decide whether the applicant is a fit and proper person to hold a licence. In certain cases, the Panel may consider it appropriate to grant a licence before the relevant period has elapsed, for instance where an offence is isolated and the circumstances of its commission are such that the Panel consider it is not relevant to the applicant's suitability as a private hire/hackney carriage driver. Alternatively, the Panel may consider that, notwithstanding the applicant being free of convictions for the relevant period, it would still be inappropriate to grant a licence.

6.3 The overriding consideration of the Panel will always be to protect the public. Applicants should be aware that the grant of a licence places a significant responsibility on the holder which by the nature of close contact with members of the public requires the holder to be a person proven to be capable of fulfilling the trust placed in them by the hirers of vehicles

6.4. Being a licensed hackney carriage or private hire driver is a responsible position and the Council takes its public protection role very seriously. The Council will only issue a licence if satisfied that a person is 'fit and proper'. If in doubt then a licence will not be issued. The Council has adopted the policy guidelines on various types of offence although any offences not specifically covered in these guidelines may still be considered, depending on the circumstances.

- 6.5 The Council can consider all criminal convictions, including spent convictions, cautions, police warnings and reprimands, fixed penalties and any anti-social order (or other order) issued by a court. The Council will also consider factors such as whether someone is on police bail pending the outcome of an investigation or whether any criminal proceedings in a court have commenced.
- 6.6 Whilst an applicant may have a number of offences that, individually, meet the Council's policy guidelines, the overall offending history will be considered when assessing suitability for a licence. The Council may depart from these guidelines at its discretion subject to the circumstances. In any case involving a sexual or serious violent offence a licence will normally be refused unless the applicant can demonstrate exceptional reasons why they should be considered 'fit and proper' to hold a licence. The policy guidelines provide a general guide to new applicants and existing licence holders on various types of offences.

7 FAILURE TO DISCLOSE A CONVICTION

It is an absolute requirement for:

- 7.1 Any person completing an application for the first time or renewing a current licence to disclose **ALL** convictions, including driving offences and all spent convictions, in the relevant box on the application form. You **MUST** disclose these convictions whether or not a Criminal Records Disclosure is to be obtained.
- 7.2 You **MUST** also tell us if you are under investigation in respect of any criminal offence.
- 7.3 Any current licensed driver who is convicted of an offence, including a driving offence, **MUST** also advise the Licensing Section in writing within a period of seven days from the date of conviction, the sentence received.
- 7.4 Any person who fails to disclose their convictions may subsequently have their application refused or their licence suspended or revoked.

1 MOTORING OFFENCES

1.1 An applicant's driving record will be taken into account and the Council will consider the nature and volume of motoring offences when considering applications. A poor record of driving will raise doubts about an applicant's fitness and indicate disregard for the law. The Council has put motoring offences into four categories ranging from extremely serious offences (category A) to less serious miscellaneous offences (category D). The Council will use its discretion when considering the seriousness of motoring offences and a list of motoring offences together with their likely category is attached at Appendix B. When considering motoring offences the Council will consider the nature and seriousness of the offence(s) and will have regard to the following;

1.2 CATEGORY A TRAFFIC OFFENCES - DRIVING OFFENCES INVOLVING LOSS OF LIFE

An extremely serious view is taken of a driving offence resulting in the loss of life. Such offences include causing death by dangerous driving, causing death by careless driving whilst under the influence of drink or drugs, or other similar offences. An applicant with such a conviction is likely to be refused a licence for a period of at least five years from restoration of their DVLA driving licence, or five years from completion of any custodial sentence, whichever is longer.

1.3 CATEGORY B TRAFFIC OFFENCES - DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

A serious view is taken of any motoring conviction for driving, attempting to drive, being in charge of a motor vehicle whilst under the influence of alcohol or drugs, and failure to supply a specimen. A person who has been disqualified from driving as a result of such an offence is likely to be refused a licence for a period of at least four years after the restoration of their DVLA driving licence. More than one 'live' conviction of this type would generally prevent a person from being licensed for five years after the restoration of their DVLA driving licence. If there is any suggestion that an applicant is alcohol or drug dependant then a satisfactory medical report (focusing on any dependency) must be provided to the Council. If an applicant was found to be alcohol or drug dependant a period of five years should elapse after treatment is complete before an application is likely to be considered favourably. An alcohol or drug related driving conviction leading to loss of life is dealt with as a category A traffic offence.

1.4 CATEGORY C TRAFFIC OFFENCES - OTHER SERIOUS OFFENCES

Generally, the Council class a serious traffic offence when six or more penalty points have been imposed on a DVLA driving licence in respect of any single offence. However, some offences where less than six penalty points are imposed may, subject to the circumstances, be classed as a serious offence. Offences leading to a driving disqualification (except those offences falling within categories A and B) will be treated as a serious offence. Subject to the circumstances an applicant will generally be refused a licence for a period of at least two years after the most recent conviction, or two years after restoration of the DVLA driving licence in the event of a disqualification. Types of offences classed as a serious offence include driving without insurance, dangerous driving, failure to stop after an accident and a driving disqualification under the 'totting up' procedure.

1.5 CATEGORY D TRAFFIC OFFENCES - MISCELLANEOUS OFFENCES

Generally, traffic offences where less than six penalty points are imposed on a DVLA driving licence will not prevent a person from being issued a licence. A person with up to nine 'live' penalty points on their DVLA driving licence for such offences is likely to be granted a licence subject to a written warning that any further offences may lead to the suspension or revocation of the licence. A person with 10 'live' penalty points and more for such offences must normally show a period of 12 months free from conviction before their application is likely to be considered favourably. A 'totting up' conviction following a number of separate offences will be considered as a serious offence.

2 DRUG OFFENCES

- 2.1 A serious view is taken of any drug related offence, in particular offences involving possession with intent to supply. An applicant with a drug related offence will normally be refused a licence and expected to show a period of at least five years since either the offence, the date of conviction or the end of a term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is longer. If there is evidence of persistent drug use or dependency a specialist medical examination or a drugs test may be required at the applicant's expense. If an applicant was an addict then they would normally be required to show evidence of seven years free from drug taking after detoxification treatment.

3 SEXUAL AND INDECENCY OFFENCES

- 3.1 Licensed drivers often carry unaccompanied and vulnerable passengers. Applicants with a conviction at any time for indecent exposure, indecent assault, importuning or any sexual offence, will generally not be granted a hackney carriage or private hire driver licence.
- 3.2 If notification is received that a licensed driver is the subject of ongoing police investigations regarding an offence of a sexual nature or is charged with such an offence this will result in an immediate suspension of the licence and may result in an automatic review of the licence by the Licensing Panel.

4 VIOLENT OFFENCES

- 4.1 Licensed drivers have close regular contact with the public and a firm line will be taken with those who have committed a violent offence. An applicant who has committed a violent offence will generally not be licensed until a period of at least five years has passed since either the offence or the date of conviction or, if a term of imprisonment was imposed, ten years free of convictions from the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court) whichever is longer. An application will normally be refused if an applicant has a conviction for an offence that involved significant harm or loss of life. If an applicant has committed more than one violent offence then it is likely that the application will be refused. Given the range of offences that involve violence the Council will carefully consider the nature of

the offence and the sentence imposed when determining an application.
Offences involving violence include:

- Assault occasioning actual bodily harm
- Assault on police
- Assault with intent to rob
- Battery
- Grievous Bodily Harm
- Common assault
- Wounding
- Wounding with intent

5 DISHONESTY OFFENCES

5.1 Licensed drivers are expected to be honest and trustworthy. Drivers deal with cash transactions and valuable property may be left in their vehicles. Drivers often deliver unaccompanied property which gives an idea of the trust that is placed in licensed drivers. It would also be reasonably easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare. For all these reasons, a serious view is taken of any offence involving dishonesty. An applicant with a dishonesty offence will generally be refused a licence for a period of at least five years since either the offence, the date of conviction or the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court) whichever is longer. Offences involving dishonesty include:

- theft
- fraud
- handling or receiving stolen goods
- conspiracy to defraud
- taking a vehicle without consent
- burglary
- benefit fraud
- forgery
- obtaining money or property by deception

6 PUBLIC ORDER OFFENCES

6.1 Applicants who have committed public order offences such as affray, criminal damage, drunk and disorderly and other similar offences will generally be refused a licence for a period of one or two years, depending on the nature and seriousness of the offence, from the date of the offence, the date of conviction or the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is longer. An applicant with more than one such offence will be expected to show a period of at least two years free of such offences.

7 POSSESSION OF AN OFFENSIVE WEAPON

7.1 An applicant with such an offence on their record will, depending on the circumstances of the offence, generally be refused a licence for a period of at least three years after either the offence, the date of conviction or the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is longer. A very serious view will be taken if a licensed driver is found in possession of a weapon when working as a driver.

8 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING OFFENCES

- 8.1 The main purpose of the licensing regime is to ensure the protection of the public. For this reason a serious view is taken of offences committed under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, or any breach of licence conditions or byelaws made under the relevant legislation. An offence committed by a person while working as a hackney carriage or private hire driver, proprietor or operator may lead to a licence being suspended or revoked or a renewal application being refused. At the very least a written warning regarding future conduct will be issued.

9 EXISTING LICENCE HOLDERS

- 9.1 Existing licensed drivers will require CRB checks every three years, although in particular circumstances the Council may require a driver to have further checks. This document applies equally to existing licence holders as well as to new drivers. An existing driver who commits an offence will have that matter considered on its merits in the same way as a new applicant. In accordance with licence conditions existing drivers must, within seven days, notify the Council of **all** convictions, including motoring convictions, cautions, Police warnings and reprimands, fixed penalties and any anti-social behaviour order (or other order) issued by a court.
- 9.2 Existing drivers must also disclose if they are under investigation in respect of any criminal offence, on police bail pending the outcome of an investigation or whether any criminal proceedings in the Magistrate's or Crown Court have started against them. Failure to properly disclose **any** matter may lead to an application being refused or their licence being suspended or revoked and may also lead to prosecution.
- 9.3 Complaints made about existing licence holders will also be taken into account according to the circumstances, and may result in a driver being referred to the Licensing Panel. An existing driver who is subject to an ongoing police investigation or criminal proceedings may, subject to the circumstances, have their licence suspended or revoked if it is in the interest of the public and the Council is no longer satisfied that they are a 'fit and proper' person.

10 RENEWAL APPLICATIONS

- 10.1 It is the driver's responsibility to ensure that a licence is renewed on time before it expires. If someone continues to work as a hackney carriage or private hire driver whilst a licence has expired then an offence is committed which could lead to prosecution and which may affect any further licence being issued.

HOLDERS OF EUROPEAN COMMUNITY OR EUROPEAN ECONOMIC AREA DRIVING LICENCES AND OBTAINING A CERTIFICATE OF GOOD CONDUCT

1 HOLDERS OF EUROPEAN COMMUNITY OR EUROPEAN ECONOMIC AREA DRIVING LICENCES

1.1 Holders of non-UK driving licences can be licensed as a hackney carriage or private hire driver providing an applicant holds a full current driving licence (which has been valid for more than 12 months) issued by a country in the European Community (EC) or European Economic Area (EEA) – see list below;

Austria	France	Liechtenstein	Romania
Belgium	Germany	Lithuania	Slovakia
Bulgaria	Greece	Luxembourg	Slovenia
Cyprus	Hungary	Malta	Spain
Czech Republic	Iceland	Netherlands	Sweden
Denmark	Ireland	Norway	United Kingdom
Estonia	Italy	Poland	
Finland	Latvia	Portugal	

1.2 Holders of non-UK driving licences are required to have a DVLA driver licence check every 12 months. This is because any motoring offences committed in this country by the holder of a non-UK driving licence cannot be endorsed onto a driving licence not issued in this country. However, any such offences are recorded by the DVLA, and the Council will check these records annually. The fee for the DVLA check will be paid by the applicant. Any motoring offences must be disclosed by an applicant to the Council.

1.3 Applicants holding a full Northern Ireland (NI) driving licence can use that licence in this country until its expiry. A person holding an NI licence can exchange it for a British one providing the NI licence was issued on or after 1 January 1976.

1.4 Holders of driving licences issued in Jersey, Guernsey and the Isle of Man and who are resident in this country can drive here for up to 12 months from the time they became resident. To continue driving after that time the driving licence must be exchanged for a British licence. A licence from Jersey, Guernsey or the Isle of Man can be exchanged for a British one providing it was issued after 1 April 1991.

1.5 Holders of driving licences issued in the following countries and who become resident in this country can drive here for 12 months from becoming resident. After this date, the licence must be exchanged for a British one. The countries are; Australia, Barbados, British Virgin Islands, Canada, Falkland Islands, Faroe Islands, Hong Kong, Japan, Monaco, New Zealand, Republic of Korea, Singapore, South Africa, Switzerland and Zimbabwe.

2 OBTAINING A CERTIFICATE OF GOOD CONDUCT

2.1 The CRB cannot currently access criminal records held overseas except in a limited number of cases. Therefore an applicant who has lived in another country for a continuous period of

three months (or more) within the last five years, from the date of their application, is required to submit a 'Certificate of Good Conduct' (or similar) from each country. This is in addition to the CRB disclosure.

- 2.2 This certificate will confirm an applicants 'good conduct' or provide details of any convictions committed overseas. The certificate must be in English and the applicant will be responsible for any costs in obtaining it. The CRB website www.crb.gov.uk provides further information including how to obtain a certificate from the following countries;

Australia	France	Latvia	Poland
Canada	Germany	Malaysia	South Africa
Czech Republic	Hungary	Malta	Spain
Denmark	Ireland	Netherlands	Sweden
Estonia	Italy	New Zealand	Turkey
Finland	Jamaica	Philippines	

- 2.3 If the country that you are looking for is not listed on the CRB website then you may wish to contact your country's representative. The contact details for those countries that have a representative in the UK can be found on the Foreign and Commonwealth website www.fc.gov.uk or telephone 020 7008 1500.
- 2.4 Where an applicant is unable to provide a certificate they must explain in writing why and provide at least two written references (in English) from individuals and/or bodies who can confirm their conduct for their time in the country (the referee must not be a family member). The Licensing Authority will consider each case on its merits. Particular consideration will be given to assess whether the applicant has demonstrated that they have provided all the available information or made every effort to obtain the information.
- 2.5 Any applicant who has been granted or is awaiting a decision to be granted asylum or refugee status will **not** be required to produce a certificate from the country they are claiming asylum from. The applicant will, however, be required to obtain a certificate from any other country they have lived in within the last five years.

MOTORING OFFENCES

Code	Offence	Penalty points	Council category
Accident offences			
AC10	Failing to stop after an accident	5 to 10	C
AC20	Failing to give particulars or to report an accident within 24 hours	5 to 10	C
AC30	Undefined accident offences	4 to 9	C
Disqualified driver offences			
BA10	Driving while disqualified by order of court	6	C
BA30	Attempting to drive while disqualified by order of court	6	C
Careless driving offences			
CD10	Driving without due care and attention	3 to 9	C or D*
CD20	Driving without reasonable consideration for other road users	3 to 9	C or D*
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9	C or D*
CD40	Causing death through careless driving when unfit through drink	3 to 11	A
CD50	Causing death by careless driving when unfit through drugs	3 to 11	A
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11	A
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3 to 11	A

Construction and use offences

CU10	Using a vehicle with defective brakes	3	D
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3	D
CU30	Using a vehicle with defective tyre(s)	3	D
CU40	Using a vehicle with defective steering	3	D
CU50	Causing or likely to cause danger by reason of load or passengers	3	D
CU80	Using a mobile phone while driving a motor vehicle	3	D

Reckless and dangerous driving offences

DD40	Dangerous driving	3 to 11	B
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11	A
DD80	Causing death by dangerous driving	3 to 11	A
DD90	Furious driving	3 to 9	C

Drink or drugs' offences

DR10	Driving or attempting to drive with alcohol level above limit		B
DR20	Driving or attempting to drive while unfit through drink		B
DR30	Driving or attempting to drive then failing to supply a specimen for analysis		B
DR40	In charge of a vehicle while alcohol level above limit		B
DR50	In charge of a vehicle while unfit through drink		B
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive		B

DR70	Failing to provide specimen for breath test		B
DR80	Driving or attempting to drive when unfit through drugs		B
DR90	In charge of a vehicle when unfit through drugs		B

Insurance offences

IN10	Using a vehicle uninsured against third party risks	6 to 8	C
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Licence offences

LC20	Driving otherwise than in accordance with a licence	3 to 6	C or D*
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6	C or D*
LC40	Driving a vehicle having failed to notify a disability	3 to 6	C or D*
LC50	Driving after a licence has been revoked or refused on medical grounds	3 to 6	C or D*

Miscellaneous offences

MS10	Leaving a vehicle in a dangerous position	3	D
MS20	Unlawful pillion riding	3	D
MS30	Play street offences	2	D
MS50	Motor racing on the highway	3 to 11	C or D*
MS60	Offences not covered by other codes	Various	As appropriate*
MS70	Driving with uncorrected defective eyesight	3	D
MS80	Refusing to submit to an eyesight test	3	D
MS90	Failure to give information as to identity of driver etc	6	C

Motorway offence

MW10	Contravention of special roads regulations (excluding speed limits)	3	D
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Pedestrian crossings' offences

PC10	Undefined contravention of pedestrian crossing regulations	3	D
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3	D
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3	D

Speed limit offences

SP10	Exceeding goods vehicle speed limits	3 to 6	D
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6	D
SP30	Exceeding statutory speed limit on a public road	3 to 6	D
SP40	Exceeding passenger vehicle speed limit	3 to 6	D
SP50	Exceeding speed limit on a motorway	3 to 6	D

Traffic direction and signs

TS10	Failing to comply with traffic light signals	3	D
TS20	Failing to comply with double white lines	3	D
TS30	Failing to comply with 'Stop' sign	3	D
TS40	Failing to comply with direction of a constable/warden	3	D
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3	D
TS60	Failing to comply with a school crossing patrol sign	3	D

TS70	Undefined failure to comply with a traffic direction sign	3	D
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Special code – ‘totting up’

TT99	To signify a disqualification under 'totting-up' procedure. If the total of penalty points reaches 12 or more within three years, the driver is liable to be disqualified		
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Theft or unauthorised taking

UT50	Aggravated taking of a vehicle	3-11	C
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Aiding, abetting, counselling or procuring

Offences as coded, but with 0 changed to 2, for example LC10 becomes LC12.

Causing or permitting

Offences as coded, but with 0 changed to , for example LC10 becomes LC14.

Inciting

Offences as coded, but with the end 0 changed to 6, for example DD40 becomes DD46.

Offences remain on a DVLA driving licence for the following periods of time:

CD40, CD50, CD60, CD70, DR10, DR20, DR30 and DR80 - 11 years from date of conviction;

DD40, DD60, DD80 and offences resulting in disqualification - 4 years from date of conviction;

All other offences remain on the licence for 4 years from date of offence.

Source: www.direct.gov.uk

DRIVER TRAINING AND THE STREET KNOWLEDGE TEST

All new applicants must obtain one of the following Vocationally Related Qualifications (VRQ) before being granted a licence.

- EDI Level 2 Certificate in Road Passenger Transport (Taxi and Private Hire Route)
- Edexcel Level 2 BTEC Award in Transporting Passengers by Taxi and Private Hire

What is the VRQ?

The VRQ is a nationally recognised training course and qualification designed for the hackney carriage and private hire trade.

What does the course include?

The course is in two parts and aims to provide new applicants with the relevant key skills and knowledge required of drivers. The course topics include:

- customer service
 - equality and diversity
 - disability awareness
 - transporting passengers safely
 - carriage of luggage and parcels
 - map reading and route planning
 - taxi and private hire regulation
-
- Applicants will attend a number of classroom based sessions to gain a Vocational Related Qualification (VRQ). This includes study of the above mentioned topics and two multiple choice assessments. On successful completion of part one, applicants will be issued with a VRQ certificate.
 - Applicants must produce their VRQ certificate to the Council before a licence can be issued. If the certificate is not available then satisfactory evidence of passing the VRQ will be accepted at the Councils discretion.
 - Applicants must also fulfil the criteria as being '**fit and proper**' to hold a licence. This includes satisfactory Criminal Record Bureau (CRB) checks and medical fitness.

Once an applicant meets the criteria then the Council will issue a licence. The applicant must then obtain the National Vocational Qualification (NVQ).

- New drivers have 12 months from the issue of their initial licence to successfully complete the NVQ. Drivers must produce their NVQ certificate to the Council.

- Drivers are required to demonstrate their competence in the workplace as a licensed driver. This involves several on the road assessments carried out by the training provider.

Who does the training?

For details of who to contact about the courses please contact Tony Norbury at Merseylearn on 0151 330 1269 or 07738 887 187.

How much does the training cost?

There is some funding available for the course, dependant on individual circumstances. Please contact Merseylearn or the training providers for further details about funding.

Can I have a licence without attending the training course?

No, all new drivers must complete part one of the training before they get a licence. New drivers must then achieve the NVQ within 12 months of the issue of their initial licence. Failure to do so without a reasonable explanation may result in a licence not being renewed.

What if I have trouble reading or writing?

All training providers should offer ongoing support for all applicants. Please contact the training providers if you have any concerns about taking the course.

What is the street knowledge test?

Licensed drivers in Wirral should provide members of the public with a high quality taxi and private hire service. To help achieve this all licensed drivers are expected to have a good knowledge of the Wirral area and some of the more popular destinations in neighbouring areas.

It is to test your knowledge of the Wirral, the highway code and the conditions of licence in preparation for when you obtain your licence. There are 4 sections as follows

Section One - 10 routes

Section Two - 30 spot locations

Section Three - 20 Highway Code questions.

Section Four - 20 questions on Private Hire/Hackney Carriage Legislation

It is a written test and is held once a month in the Town Hall, normally on the first Thursday. It should take no more than 90 minutes. Knowledge test notes will be given to you when you submit your application.

THE COUNCIL'S MEDICAL STANDARDS

The Council has adopted the group two medical standards as recommended by the Medical Commission on Accident Prevention. These standards, which also apply to professional drivers such as heavy goods drivers, are more stringent than the standard for car drivers. Any applicant who fails to meet these standards may be refused a licence, however each case will be considered on its own merits.

A new applicant for a hackney carriage or private hire drivers licence is required to prove their medical fitness to the Council before a licence can be issued. Once licensed, further medicals are required. A new applicant suffering from a group two medical condition (see below) will generally be refused a licence.

Any driver who is subsequently diagnosed as suffering from a group two medical condition is likely to have their licence revoked.

Epileptic attack - applicants must not have a liability to epileptic seizures. Applicants must have been free of epileptic seizures for at least the last ten years and have not taken anti epileptic medication during this ten year period.

Diabetes - insulin treated diabetics may **not** obtain a new licence.

Eyesight - applicants must be able to read in good daylight a number plate at 20.5 metres (67 feet), and, if glasses or corrective lenses are required to do so, these must be worn while driving. In addition applicants must have a visual acuity of at least 6/9 in the better eye, and a visual acuity of at least 6/12 in the worse eye. If these are achieved by correction the uncorrected visual acuity in each eye must be no less than 3/60. Applicants may not be licensed if they suffer from uncontrolled diplopia (double vision) or if they do not have a normal binocular field of vision.

Miscellaneous medical conditions

Applicants are likely to be refused a licence if they are unable to meet the national recommended guidelines in the following cases:

- within 3 months of myocardial infarction, any episode of unstable angina, CABG or coronary angioplasty
- a significant disturbance of cardiac rhythm occurring within the past 5 years unless special criteria is met
- suffering from or receiving medication for angina or heart failure
- hypertension where the blood pressure BP is persistently 180 systolic or over or 100 diastolic or over
- a stroke or unexplained loss of consciousness within the past 5 years

- Meniere's and other conditions causing disabling vertigo, within the past 1 year, and with a liability to recurrence
- recent severe head injury with serious continuing after effects, or major brain surgery
- Parkinson's disease, multiple sclerosis or other "chronic" neurological disorders likely to affect limb power and co-ordination
- suffering from a psychotic illness in the past 3 years, or suffering from dementia
- alcohol dependency or misuse, or persistent drug or substance misuse or dependency in the past 3 years
- difficulty in communicating by telephone in an emergency
- any other serious medical condition which may cause problems for road safety when driving a hackney carriage or private hire vehicle
- if major psychotropic or neuroleptic medication is being taken
- any malignant condition within the last 2 years likely to metastasise to the brain, for example carcinoma of lung or malignant melanoma

SUMMARY OF KEY CHANGES

A summary of the some of the key changes to the policy guidelines are set out below. Please refer to the proposed new policy for further details. Grammatical and other minor changes are not listed.

Holders of non- UK driving licences

The new policy (see paragraph 1.3 and Appendix A of the draft policy) has been updated to reflect legislation which states that driving licences issued by another country in the European Community (EC) or one of the other countries in the European Economic Area (EEA) are acceptable providing the applicant has held that licence for at least 12 months. It is proposed that holders of non-UK driving licences have an annual driving licence check with the DVLA, Swansea - this is because any motoring offences committed in this country by the holder of a non-UK driving licence cannot be endorsed onto a driving licence not issued in this country.

Disclosure and consideration of offences

The new policy (see paragraphs 1.4 and 9.1 of the draft policy) requires an applicant and existing drivers to disclose all convictions (including motoring convictions), spent convictions, cautions, Police warnings and reprimands, fixed penalties and anti-social behaviour orders (or similar). It is also proposed that applicants and existing drivers should disclose if they are on police bail pending the outcome of an investigation or if any criminal proceedings in the Magistrates or Crown Courts have started. Existing drivers will be required to disclose any of the above within 7 days (existing drivers are only currently required to disclose actual convictions).

Certificates of good conduct

The policy (see paragraph 2.8 and Appendix A of the draft policy) has been updated to provide further information to applicants. An applicant who has lived in another country during the previous five years from date of application is required to obtain a certificate of good conduct. Appendix A is a new addition to the policy which explains how to obtain a certificate of good conduct.

Driver training including the street knowledge test

The policy (see paragraphs 3.1 and 3.2 and Appendix C of the draft policy) has been updated to provide clearer information on driver training and the street knowledge test. There is no proposed change in policy.

Motoring offences

The new policy proposes to divide motoring offences into four categories ranging from extremely serious offences (category A) to less serious miscellaneous offences (category D). A list of motoring offences together with their proposed category is shown at Appendix B of the draft policy.

Some of the changes in respect of motoring offences include:

Offences involving loss of life – likely to refuse an application for five years from restoration of a driving licence or five years from completion of a custodial sentence (current policy says four years);

Driving under the influence of alcohol or drugs – likely to refuse an application for four years from restoration of a driving licence (current policy says three years after restoration of a driving licence);

Convictions for miscellaneous offences – an applicant will be referred to the Licensing Panel if they have 10 or more penalty points on their driving licence (the previous limit was six points).

In general the new policy is stricter in respect of the more serious offences. However, every case will be considered on its merits having regard to the circumstances of the offence(s).

Drug offences

An application will generally be refused for 5 years after the offence or conviction (or completion of a custodial sentence). The existing policy says three years.

Sexual and indecency offences

The new policy states that any applicant with such an offence, regardless of when the offence was committed, will always be referred to the Licensing Panel, and an applicant with a sexual or indecency offence will normally be refused a licence.

Violent offences

An applicant will generally be refused up to five years after the offence or conviction, or completion of a custodial sentence. The existing policy says three years. The new policy proposes that an applicant will normally be refused following a conviction for an offence that involved loss of life.

Possession of an offensive weapon

The policy advises existing drivers that a very serious view will be taken if a licensed driver is found in possession of an offensive weapon when working as a driver.

Existing licence holders

The policy advises that complaints made about existing licence holders will be taken into account according to the circumstances which may result in a driver being referred to the Licensing Panel. Likewise, a driver who is being investigated by the Police or facing criminal proceedings may also be referred to the Licensing Panel. This is existing practice and has been added into the new policy to clarify the position for drivers.

Renewal applications

The new policy reminds drivers that it is their responsibility to ensure that a licence is renewed on time before it expires. It states that a driver who continues to work without a licence may be prosecuted and may not be issued with any further licence.

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WIRRAL COUNCIL

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE
13 SEPTEMBER 2010

Consultation – Minimum Price for Alcohol

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to seek 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.

2.0 BACKGROUND

- 2.1 Cheshire and Merseyside Local Authorities, along with regional partners, have endorsed recommendations to set a minimum price of 50p per unit of alcohol.
- 2.2 The Mersey City Region Safer, Healthier Communities Board and the Cheshire and Warrington Health and Wellbeing Commission are working with partners across the Northwest region to implement a minimum pricing strategy for alcohol. This is part of an overarching strategy to reduce alcohol related harm (including crime and anti-social behaviour), to contribute to improving health and to reduce health inequalities across the region.
- 2.3 A minimum price per unit of alcohol would apply to both on and off licences i.e. pubs and licensed premises, plus supermarkets and off licences respectively. The new Government has committed in its 'Programme for Government' to "review alcohol taxation and pricing" and also to "overhaul the Licensing Act". Both these activities provide opportunities to influence government policy going forward.
- 2.4 This initiative has received recent media coverage and has been endorsed by a number of high profile organisations including Government's Health Select Committee, NHS Public Health Directors, NICE and Tesco amongst others.
- 2.5 Across Cheshire and Merseyside half the Primary Care Trust Boards, Cheshire East Council, City Region – Safer Healthier Communities Board, Cheshire and Warrington Health and Wellbeing Commission and Association of Greater Manchester Authorities (AGMA) have supported minimum pricing. Furthermore a growing consensus in the North West across local government, public health, policing, community safety, and politicians has emerged around the need for a minimum price per unit for alcohol. This has grown on the back of very serious costs to communities and public services from alcohol harm. A minimum price per unit of 50p or more would reduce consumption of very cheap alcohol amongst "problem" and younger drinkers and thereby reduce the impact of alcohol harm on moderate drinkers, poorer communities, public services and a hard pressed community pub trade.

2.6 In Merseyside the City Region Directors of Public Health commissioned Liverpool University to conduct a review of the evidence on the impact of alcohol minimum unit price on outcomes for consumption; spending; crime; employment; public sector finance; and wider social issues e.g. teenage pregnancy. The table below shows the projected impact on alcohol related deaths:

Merseyside: Deaths from alcohol attributable conditions, all ages, 2007					
Estimated reductions with 40p and 50p per unit alcohol pricing policy					
<i>Local Authority</i>	<i>female deaths</i>	<i>male deaths</i>	<i>total deaths</i>	<i>40p minimum price: full effect of deaths avoided per annum (11.3%)*</i>	<i>50p minimum price: full effect of deaths avoided per annum (27.8%)*</i>
Knowsley	23.37	35.41	58.77	6.64	16.34
Liverpool	61.42	146.48	207.9	23.49	57.80
Halton	18.15	28.01	46.16	12.83	12.83
St Helens	32.91	39.37	72.28	8.17	20.09
Sefton	31.29	66.75	98.04	11.08	27.26
Wirral	42.95	98.81	141.77	16.02	39.41
<i>Total</i>	<i>210.09</i>	<i>414.83</i>	<i>624.92</i>	<i>70.62</i>	<i>173.73</i>
<i>source: results from University of Sheffield study (2008) on estimated deaths avoided, applied to data on deaths from NPHO 2009 (http://www.nwph.net/alcohol/lape/download.htm)</i>					
<i>*the full effects of chronic disease risk reductions on deaths are modelled to take 10 years to have full effect (University of Sheffield, 2008)</i>					

2.6 Advice on the legal aspects of the introduction of a model bylaw is being undertaken by the North West organisation 'Our Life' and may require approval by the appropriate Secretary of State. If approved by the Secretary of State, the model bylaw will vindicate the minimum unit price campaign, whilst if it is declined it would send a message to Government that real and tangible action on alcohol pricing is now required.

3.0 **SOME KEY FACTS – FROM CHESHIRE AND MERSEYSIDE PUBLIC HEALTH NETWORK**

3.1 A minimum pricing policy would **NOT** punish sensible drinkers (at least not proportionately) – the 50p minimum price would cost harmful drinkers £15 extra per month, with a small impact on sensible drinkers of around £1 extra per month (Source: Sheffield University SchARR study 2008)

- Alcohol consumption in England has almost tripled over the last 60 years.
- In 2009 nearly 1 million people were admitted to hospital in the UK with alcohol related problems
- 45% of all violent crime is alcohol related

- Almost 7,000 deaths per year in England are directly related to alcohol
- Alcohol is now 75% more affordable today in relative terms than in 1980
- A price of 50p per unit would increase the price of supermarket brand cider sold now for £1.85 for 2 litres (17p a unit) to £5.30.
- 64% of cheap off-trade alcohol is consumed by harmful drinkers (more than 50 units per week for men and more than 35 units for women) 27% by hazardous drinkers (men - 21-50 units/women - 14-35 units) and only 9% by moderate drinkers (men – up to 21 units/women - up to 14 units).
- Harmful drinkers buy 15 times more alcohol than a moderate drinker and spend 10 times as much on alcohol than a moderate drinker.
- Harmful drinkers prefer cheaper drinks, and pay 40% less per litre of pure alcohol.
- A minimum price will hit heavy drinkers more, as minimum pricing would affect more of their preferred types of drink.
- According to Department of Health statistics, one in five young people between 11 and 15 drink more than 600 units a year.
- Annual savings of introducing could amount to saving 3,400 deaths, 98,000 hospital admissions, 300,000 days of workplace absence and 46,000 crimes
Within 10 years this could equate to a saving of £13bn
£1.4bn direct health cost savings & £4.9bn QALY gains
£413m direct crime cost savings & £616m QALY gains
plus savings in unemployment and reductions in workplace absence
(QALY -Quality Adjusted Life Years – a measure that summarises improvements in quality of life and survival)

3.2 What does this mean for the average drinker?

It would mean drinkers having to pay at least

- £6 for a six 500ml pack of lager (4% alcohol)
- £4.50 for a standard 750ml bottle of wine (12% alcohol)
- £5.50 for a two litre bottle of cider (5.5% alcohol)
- £14 for a 700ml bottle of whisky (40% alcohol)

3.3 Diseases and injuries attributed to alcohol

- Alcohol liver disease
- Epilepsy
- Lip/ oral cancer
- Breast cancer
- Haemorrhagic stroke
- Cardiac Arrhythmias
- Intentional self harm
- Fire injuries

Other effects of alcohol misuse include violent incidents, domestic violence, and suicide, death from fires, drowning, road deaths, and family breakdown.

3.4 The view of the Chief medical Officer of Health, Sir Liam Donaldson, is contained in the following quotation:

“Cheap alcohol is killing people and it's undermining our way of life. In my report price and access are two crucial factors affecting alcohol consumption. Introducing a minimum price of 50 pence per unit would mean that a typical bottle of wine could be sold for no less than £4.50 and a typical six-pack of lager for no less than £6. Research has shown that this would hardly impact upon those who drink at low-risk levels. It would significantly affect those who drink at high-risk levels, helping them to reduce

their own drinking and reducing the harms of passive drinking. Within 10 years of introducing this 50 pence policy, there would be major benefits. We would expect to see over 3,000 fewer deaths a year, 46,000 fewer crimes, 300,000 fewer sick days and 100,000 fewer hospital admissions. The total benefit could be as high as over £1 billion per year.”
[Sir Liam Donaldson, Chief Medical Officer (CMO) 2008]

4.0 A BYLAW APPROACH

4.1 Currently there is no expressed coalition support for introducing a national minimum price on alcohol. Therefore in the North West there is a proposal to act collaboratively to implement a bylaw which would introduce a minimum price. Based on legal advice (obtained by Our Life) this would entail:

- A significant number of local authorities across a coherent geographic area agree their support for the model by law proposal.
- This Merseyside coalition commissions the writing of a model bylaw or a lead local authority writes on their collective behalf.
- Each local authority seeks democratic approval via their own democratic processes.
- Once democratic approval is obtained the local authorities collectively present the model bylaw for approval to the Secretary of State.
- At the same time key stakeholders across public health, policing, fire and rescue, the voluntary sector and beyond write to the Secretary of State to urge approval of the model bylaw or announce national legislation.

4.2.1 If approved by the Secretary of State each applicant local authority implements the bylaw, preferably at the same time, with broadly agreed enforcement measures in place. These would be the responsibility of local authorities and trading standards.

5.0 CHALLENGES TO MINIMUM PRICING

5.1 The legality of a local minimum price is untested, although the industry cannot make a legal challenge until a bylaw has been approved and implemented. If a local bylaw is challenged either on legality or on competition law it is likely to strengthen the case for national legislation on pricing.

5.2 There is currently low public support for a blanket minimum price. Oct 2009 Big Drink debate showed 35.5% in agreement, 17% indifferent and 47.2% disagreed. Public messaging needs to be developed to raise awareness of the benefits of a minimum price and the low impact on moderate drinkers.

6.0 FINANCIAL & STAFFING IMPLICATIONS

6.1 There are no financial implications arising out of this report.

7.0 EQUAL OPPORTUNITIES IMPLICATIONS

7.1 Alcohol abuse affects the more deprived areas disproportionately and these areas are therefore more likely to benefit from the health improvements arising from the introduction of a minimum unit price for alcohol.

8.0 ANTI POVERTY IMPLICATIONS

8.1 Alcohol abuse affects the more deprived areas disproportionately and these areas are therefore more likely to be affected by the increased cost of alcohol and the benefits of lower alcohol consumption derived from the introduction of a minimum unit price for alcohol.

9.0 SOCIAL INCLUSION IMPLICATIONS

9.1 There are no specific social inclusion implications arising directly out of this report.

10.0 LOCAL AGENDA 21 IMPLICATIONS

10.1 There are no local agenda implications arising out of this report.

11.0 LOCAL MEMBER SUPPORT IMPLICATIONS

11.1 This report affects the entire Borough.

12.0 COMMUNITY SAFETY IMPLICATIONS

12.1 Any reduction in hazardous drinking by individuals may also be associated with a reduction in alcohol related crime and anti-social behaviour.

13.0 PLANNING IMPLICATIONS

13.1 There are no planning implications arising out of this report.

14.0 BACKGROUND PAPERS

14.1 There are no background papers.

15.0 RECOMMENDATION

15.1 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. The results of consultations will be brought to the next meeting of the Licensing Committee.

15.2 Endorse the usage of Section 235 Bylaws to progress the Bylaws approach.

This report was prepared by Rob Beresford who can be contacted on 0151 691 8606.

Agenda Item 7

WIRRAL COUNCIL

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

13 SEPTEMBER 2010

MEMBER TRAINING

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to identify the training needs of Members.

2.0 BACKGROUND

2.1 Members of this Committee undertake a quasi judicial function in respect of Licensing decisions. It is important therefore that Members are able to undertake these duties with knowledge of the relevant legislation and an understanding of legal processes.

2.2 Training can be provided by officers of the Council and by outside agencies including the Institute of Licensing.

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

3.0 FINANCIAL & STAFFING IMPLICATIONS

3.1 There may be financial implications arising out of this report should training be identified that is to be provided by an external trainer.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications arising out of this report.

5.0 ANTI POVERTY IMPLICATIONS

5.1 There are no specific anti poverty implications arising directly out of this report.

6.0 SOCIAL INCLUSION IMPLICATIONS

6.1 There are no specific social inclusion implications arising directly out of this report.

7.0 LOCAL AGENDA 21 IMPLICATIONS

7.1 There are no specific Local Agenda 21 implications arising directly out of this report.

8.0 LOCAL MEMBER SUPPORT IMPLICATIONS

8.1 This report affects the entire Borough.

9.0 COMMUNITY SAFETY IMPLICATIONS

9.1 There are no specific community safety implications arising directly out of this report.

10.0 PLANNING IMPLICATIONS

10.1 There are no planning implications arising out of this report.

11.0 BACKGROUND PAPERS

11.1 There are no background papers

12.0 RECOMMENDATION

12.1 That Members identify their training needs in order that a schedule of training requirements be developed and appropriate training sourced.

12.2 A further report be submitted to the Committee that identifies relevant external and internal training opportunities.

This report was prepared by Margaret O'Donnell who can be contacted on 0151 691 8606.