

# LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Monday, 21 March 2011

|                       |             |  |  |
|-----------------------|-------------|--|--|
| <u>Present:</u>       | Councillor  | I Lewis (Chair)  |  |
|                       | Councillors | WJ Davies<br>S Niblock<br>T Anderson<br>I Lewis                    | K Wood<br>D Roberts<br>J Salter<br>R Wilkins |
| <u>Deputies:</u>      | Councillors | P Hayes (In place of S Taylor)<br>W Clements (In place of G Ellis) |  |
| <u>In attendance:</u> | Councillors | C Blakeley<br>L Rennie   |  |

## 36 APPOINTMENT OF CHAIR

Members of the Committee were requested to nominate a Chair for this meeting due to the absence of the Chair and Vice-Chair of the Committee.

It was nominated by Councillor Kate Wood and seconded by Councillor Bill Davies that Councillor Ian Lewis be appointed Chair for the purposes of this meeting.

**Resolved - That Councillor Ian Lewis be appointed Chair for this meeting.**

## 37 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.

Councillors Steve Niblock and Denise Roberts declared personal interests in items 6 and 7 on the agenda (Draft Sexual Entertainment Venue Policy and Consultation - Minimum Price for Alcohol) (see minutes 42 and 43 post) by virtue of their Membership on the Fire and Rescue Authority.

## 38 MINUTES

**Resolved - That the minutes of the meeting held on 10 January 2011 be approved.**

39      **APPLICATION TO ALLOW A FIXED STEP TO BE FITTED TO HACKNEY CARRIAGE VEHICLES**

The Director of Law, HR and Asset Management submitted a report which sought Members' consideration of an amendment to the conditions of fitness for Hackney Carriage Vehicles to permit a fixed step to be fitted to Hackney Carriage Vehicles where the top tread for the entrance exceeds 38cm in height from ground level.

Mr Steve Marnell attended the meeting with two vehicles which Members of the Committee inspected. It was reported that he was a Proprietor who owned and undertook repairs on vehicles that had been provided with a moveable intermediate step. He reported that a number of these type of vehicles had required new steps to be fitted due to damage and failure of the retraction mechanism. He informed Members that a fixed step could be fitted to the vehicles to allow the same assistance with access and egress and that fixed steps had been fitted to private hire cars for the previous two years during which time no problems had arisen. He also reported that other Council's had accepted vehicles with fixed steps.

Mr Marnell responded to questions from Members of the Committee.

**It was moved by Councillor Ian Lewis and seconded by Councillor Kate Wood that -**

“the conditions of fitness for Hackney Carriage Vehicles be amended to permit a fixed step to be fitted as an alternative to the moveable intermediate step where the entrance to a Hackney Carriage Vehicle exceeds 38cm.”

**Resolved (10:0) - That the conditions of fitness for Hackney Carriage Vehicles be amended to permit a fixed step to be fitted as an alternative to the moveable intermediate step where the entrance to a Hackney Carriage Vehicle exceeds 38cm.**

40      **REVIEW OF MEDICAL REQUIREMENTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

The Director of Law, HR and Asset Management submitted a report for Members to review the current medical requirements for Hackney Carriage and Private Hire Drivers.

Mr Derek Cummins and Mr T Norbury, Unite Union attended the meeting.

Mr Bob Kelly, Independent Wirral Hackney Drivers Association, was also in attendance.

Mr Cummins expressed his concerns regarding whether stating an age when medicals would be required to be carried out would be discriminatory.

Mr Norbury felt further consultation should have been carried out prior to the report being considered by the Committee and advised that he would be in support of a sensible policy that would protect both Hackney Carriage and Private Hire Drivers

and members of the public. He further reported that consultation with members of the union was ongoing.

Mr Kelly also expressed the opinion that drivers had not been fully consulted and felt more time was needed prior to the report being considered by Members of the Committee.

**It was moved by Councillor Kate Wood and seconded by Councillor Bill Davies that -**

“Consideration of this matter be deferred pending further consultation with all hackney carriage and private hire drivers and details be provided by officers relating to the cost of medical examinations.”

**Resolved -**

**(1) That consideration of this matter be deferred pending further consultation with all hackney carriage and private hire drivers.**

**(2) That officers report back to the Committee and provide details relating to the cost of medical examinations.**

**41 AMENDMENT TO MEMBERSHIP OF LICENSING PANEL**

Further to minute 35 (10/1/11) the Committee was requested to appoint a replacement for Councillor Tom Anderson on the Licensing Panel.

**Resolved - That Councillor Don McCubbin becomes a Member of the Licensing Panel.**

**42 DRAFT SEXUAL ENTERTAINMENT VENUE POLICY**

Councillors Steve Niblock and Denise Roberts declared personal interests in this matter by virtue of their Membership on the Fire and Rescue Authority.

The Director of Law, HR and Asset Management sought Members approval of the Draft Sexual Entertainment Policy in order that it may be circulated for consultation.

**Resolved -**

**(1) That the report be noted.**

**(2) That Members approve the Draft Sexual Entertainment Policy and that it be circulated for consultation.**

**CONSULTATION - MINIMUM PRICE FOR ALCOHOL**

Councillors Steve Niblock and Denise Roberts declared personal interests in this matter by virtue of their Membership on the Fire and Rescue Authority.

The Director of Law, HR and Asset Management reported back to Members on the results of the consultation on a minimum price for alcohol.

He reported that the results of the consultation were by no means clear and that opinions had been broadly balanced.

Councillor Ian Lewis thanked officers for carrying out the consultation.

The Director further reported that since the decision had been taken for the consultation to take place, the Coalition Government had announced proposals for a price at which alcohol could be sold.

Mr D K Abraham, Legal Advisor to the Committee advised that the introduction of a local by-law would be subject to approval by the Secretary of State.

Members discussed the report and Councillor C Blakeley, Cabinet Member for Housing and Community Safety, who was in attendance, was invited to comment upon the consultation.

Further to discussions regarding the results of the consultation, **it was moved by Councillor Ian Lewis and seconded by Councillor Tom Anderson that -**

“it be recommended to the Leader of the Council that Members do not support the proposals to seek a local by-law to enforce a minimum price for alcohol.”

**Resolved (10:0)- That Members do not support the proposals to seek a local by-law to enforce a minimum price for alcohol.**