

# LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Wednesday, 21 September 2011

Present:

Councillor	WJ Davies (Chair)		
Councillors	P Glasman	S Taylor	
	C Jones	K Wood	
	I Lewis	C Blakeley	
	S Niblock	J Salter	

Deputies:

Councillors	C Blakeley (In place of T Anderson)		
	J Salter (In place of I Williams)		
	M Johnston (In place of R Wilkins)		

## 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 C Blakeley declared a personal interest in respect of Item 4 - Upton Woods Village Green Application - Appointment of Inspector to Hold a Public Inquiry - (see minute 9 post) by virtue of being a neighbouring ward Councillor.

Councillor I Lewis declared a personal interest in respect of Item 5 - The Warrens Demonstration Area Village Green Application - Appointment of Inspector to Hold a Public Inquiry - (see minute 10 post) by virtue of a family members' employment. Councillor Lewis also declared a personal interest in respect of Item 7 - Independent Study of the Supply and Demand for Hackney Carriage Vehicles in Wirral - (see minute 12 post) by virtue of having previously presented a petition to Council.

Councillor M Johnston declared a prejudicial interest in respect of Item 5 - The Warrens Demonstration Area Village Green Application - Appointment of Inspector to Hold a Public Inquiry - (see minute 10 post) by virtue of the fact that a close relative occupies the premises adjacent to the site.

## 7 MINUTES

**Resolved - That the minutes of the meeting held on 25 May, 2011 be approved.**

## 8 REQUEST TO USE THE WIRRAL COAT OF ARMS

The Director of Law, HR and Asset Management reported upon a request received from Emiliano Blasco, Co-ordinator of an English Language Programme originating from Alicante, Spain entitled Homestay, to use the Council's Coat of Arms.

A letter, dated 13 August 2011 addressed to the Mayor from Senor Blasco was attached as an appendix to the report.

The students involved in the Programee wished to have T-shirts made with the slogan "I Love Wirral" and featuring the Wirral Coat of Arms.

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

"The Homestay Programme participants be allowed to include the Badge, derived from the Wirral Coat of Arms, within their T shirt design."

**Resolved - That the Homestay Programme participant's be allowed to include the Badge, derived from the Wirral Coat of Arms, within their T shirt design.**

9 **UPTON WOODS VILLAGE GREEN APPLICATION - APPOINTMENT OF INSPECTOR TO HOLD A PUBLIC INQUIRY**

Councillor C Blakeley declared a personal interest in this matter by virtue of being a neighbouring ward Councillor.

The Director of Law, HR and Asset Management reported that the Council was the Registration Authority under s15 of the Commons Act 2006 and therefore responsible for determining applications made under that legislation for the registration of land as a Town or Village Green. Counsel advised that the Registration Authority should only proceed to consider an application to which there were objections after receiving the report of an independent expert who had, at the registration authority's request, held a non-statutory inquiry.

The Registration Authority had received an application for registration of land at Upton Woods, Moreton as a Town and Village Green. Following publication of the statutory notice, objections had been received. The Committee was therefore requested to approve the appointment of an independent expert to hold a public inquiry into the application and to make a report to the Committee prior to the Committee determining the application.

The Committee was also requested to recommend to Council that the Scheme of Delegation of Functions to Officers be amended so that the Director of Law, HR and Asset Management be given delegated authority to approve the appointment of an independent expert to hold a public inquiry relating to s15 Commons Act 2006 applications where there were objections to the application.

**It was moved by Councillor C Blakeley and seconded by Councillor I Lewis that -**

"This Committee:

- (1) agrees the appointment of an independent expert to hold a public inquiry into the application under S15 Commons Act 2006 for the registration of land at Upton Woods Moreton as a Town or Village Green and that the independent

expert be requested to then report to this Committee prior to the Committee determining the application.

- (2) agrees that the Director of Law, HR and Asset Management in consultation with the Chair of this Committee formally appoint a suitably qualified expert to hold the non-statutory Public Inquiry.
- (3) recommends to Council that the Scheme of Delegation of Functions to Officers be amended so that the Director of Law, HR and Asset Management be given delegated authority in consultation with the Chair of this Committee to approve the appointment of an independent expert to hold a public inquiry relating to S15 Commons Act 2006 application where there are objections to such an application and that this be done prior to 31 October 2011.”

Reference was subsequently made to an email having been sent from a Cabinet Member to the Director of Law, HR and Asset Management and some Members of the Committee regarding this matter. As a consequence, Councillors B Davies, C Jones and J Salter abstained from voting on this matter.

**The motion was put and carried (7:0).**

**Resolved (7:0) (3 abstentions) -**

**That this Committee:**

- (1) agrees the appointment of an independent expert to hold a public inquiry into the application under S15 Commons Act 2006 for the registration of land at Upton Woods Moreton as a Town or Village Green and that the independent expert be requested to then report to the Committee prior to this Committee determining the application.**
- (2) agrees that the Director of Law, HR and Asset Management in consultation with the Chair of this Committee formally appoint a suitably qualified expert to hold the non-statutory Public Inquiry.**
- (3) recommends to Council that the Scheme of Delegation of Functions to Officers be amended so that the Director of Law, HR and Asset Management be given delegated authority in consultation with the Chair of this Committee to approve the appointment of an independent expert to hold a public inquiry relating to S15 Commons Act 2006 application where there are objections to such an application and that this be done prior to 31 October 2011.**

**10 THE WARRENS DEMONSTRATION AREA VILLAGE GREEN APPLICATION - APPOINTMENT OF INSPECTOR TO HOLD A PUBLIC INQUIRY**

Councillor I Lewis declared a personal interest in this matter by virtue of a family members' employment.

Councillor M Johnston declared a prejudicial interest in this matter by virtue of the fact that a close relative occupies the premises adjacent to the site and left the room during its consideration.

The Director of Law, HR and Asset Management reported that the Council was the Registration Authority under s15 of the Commons Act 2006. It was therefore responsible for determining applications made under that legislation for the registration of land as a Town or Village Green. The Council was also the landowner of The Warrens Demonstration Area site. Counsel had advised that the Registration Authority should only proceed to consider an application to which there were objections and where the Council was also the landowner, after receiving the report of an independent expert who had, at the registration authority's request, held a non-statutory inquiry.

The Registration Authority had received an application for registration of land at The Warrens Demonstration Area, Thingwall, as a Town and Village Green. Following publication of the statutory notice, objections had been received. The Committee was therefore requested to approve the appointment of an independent expert to hold a public inquiry into the application and to make a report to the Committee prior to the Committee determining the application.

The Committee was also requested to recommend to Council that the Scheme of Delegation of Functions to Officers be amended so that the Director of Law, HR and Asset Management be given delegated authority to approve the appointment of an independent expert to hold a public inquiry relating to s15 Commons Act 2006 applications where there were objections to the application and where the Registration Authority was also the landowner.

**It was moved by Councillor C Blakeley and seconded by Councillor I Lewis that**

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“This Committee:

- (1) agrees the appointment of an independent expert to hold a public inquiry into the application under S15 Commons Act 2006 for the registration of land at The Warrens Demonstration Area as a Town or Village Green and that the independent expert be requested to then report to the Committee prior to this Committee determining the application.
- (2) agrees that the Director of Law, HR and Asset Management in consultation with the Chair of this Committee and where the Council is landowner and interested party the portfolio holder for Corporate Services formally appoint a suitably qualified expert to hold the non-statutory Public Inquiry.
- (3) recommends to Council that the Scheme of Delegation of Functions to Officers be amended so that the Director of Law, HR and Asset Management be given delegated authority in consultation with the Chair of this Committee and where the Council is land owner and interested party the portfolio holder for Corporate Services to approve the appointment of an independent expert to hold a public inquiry relating to S15 Commons Act 2006 application where there are objections to such an application and where the registration authority is also land owner and that this be done prior to 31 October 2011.”

Reference was subsequently made to an email having been sent from a Cabinet Member to the Director of Law, HR and Asset Management and some Members of

the Committee regarding this matter. As a consequence, Councillors B Davies, C Jones and J Salter abstained from voting on this matter.

**The motion was put and carried (6:0).**

**Resolved (6:0) (3 abstentions) -**

**That this Committee:**

- (1) agrees the appointment of an independent expert to hold a public inquiry into the application under S15 Commons Act 2006 for the registration of land at The Warrens Demonstration Area as a Town or Village Green and that the independent expert be requested to then report to this Committee prior to the Committee determining the application.**
- (2) agrees that the Director of Law, HR and Asset Management in consultation with the Chair of this Committee and where the Council is landowner and interested party the portfolio holder for Corporate Services formally appoint a suitably qualified expert to hold the non-statutory Public Inquiry.**
- (3) recommends to Council that the Scheme of Delegation of Functions to Officers be amended so that the Director of Law, HR and Asset Management be given delegated authority in consultation with the Chair of this Committee and where the Council is land owner and interested party the portfolio holder for Corporate Services to approve the appointment of an independent expert to hold a public inquiry relating to S15 Commons Act 2006 application where there are objections to such an application and/or where the registration authority is also land owner and that this be done prior to 31 October 2011.**

**11 APPLICATION FOR THE ERECTION OF GATE ON FOOTPATH 59, REST HILL ROAD, STORETON, WIRRAL**

This item was deferred to a Special Meeting to be held on 6 October 2011.

**12 INDEPENDENT STUDY OF THE SUPPLY AND DEMAND FOR HACKNEY CARRIAGE VEHICLES IN WIRRAL**

Councillor I Lewis declared a personal interest in this matter by virtue of him having previously presented a petition to Council.

The Director of Law, HR and Asset Management reported upon the results of an independent study of supply and demand for Hackney Carriage Vehicles in Wirral.

Committee Members were requested to consider the conclusions and recommendations contained in the Study Report and specifically the principle finding that there was no evidence of unmet demand for Hackney Carriage Vehicles in Wirral.

Ms Kearney attended the meeting to give an overview of the report and respond to questions from Members and representatives from the hackney carriage trade.

**It was moved by Councillor I Lewis and seconded by Councillor C Blakeley that**

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- “(1) the Committee notes the conclusions and recommendations of the Halcrow Study Report;
- (2) the Director of Law, HR and Asset Management be authorised to draft and prepare (in consultation with the Chair of the Licensing, Health and Safety and General Purposes Committee) all documentation necessary to undertake a 12 week public consultation exercise on all four options set out within the Committee report and Halcrow Study Report;
- (3) the Director of Law, HR and Asset Management (in consultation with the Chair of the Licensing, Health and Safety and General Purposes Committee) be authorised to include, in the documentation referred to in recommendation 2 above, such information and details as are considered necessary to enable effective public consultation to take place on the four options set out within the Committee report and Halcrow Study Report;
- (4) the Director of Law, HR and Asset Management be requested to present a further report to this Committee in relation to this subject matter, which shall include the outcome of the public consultation undertaken;
- (5) the Director of Law, HR and Asset Management submit a further report to this Committee with proposals to promote and publicise the range of wheelchair accessible vehicles available for pre booking together with information regarding the type of vehicle; and
- (6) any further applications received for a Hackney Carriage Licence shall be deferred pending the outcome of the consultation and decision by this Committee.”

**Councillor J Salter moved an addition to the motion which was accepted by the mover as a friendly amendment to part (6) of the motion, that -**

“any new applications for a Hackney Carriage Licence shall be deferred pending the outcome of the consultation and decision by this Committee.”

**The motion was put and lost (5:6 on the Chair’s casting vote).**

**It was then moved by Councillor B Davies and seconded by Councillor P Glasman that -**

- “(1) the Committee notes the conclusions and recommendations of the Halcrow Study Report;
- (2) the Director of Law, HR and Asset Management be authorised to draft and prepare (in consultation with the Chair of the Licensing, Health and Safety and General Purposes Committee) all documentation necessary to undertake

a 12 week public consultation exercise on all four options set out within the Committee report and Halcrow Study Report;

- (3) the Director of Law, HR and Asset Management (in consultation with the Chair of the Licensing, Health and Safety and General Purposes Committee) be authorised to include, in the documentation referred to in recommendation 2 above, such information and details as are considered necessary to enable effective public consultation to take place on the four options set out within the Committee report and Halcrow Study Report;
- (4) the Director of Law, HR and Asset Management be requested to present a further report to this Committee by the end of January 2010 in relation to this subject matter, which shall include the outcome of the public consultation undertaken; and
- (5) the Director of Law, HR and Asset Management submit a further report to this Committee with proposals to promote and publicise the range of wheelchair accessible vehicles available for pre booking together with information regarding the type of vehicle.”

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

**Resolved (10:0) - That**

- (1) **the Committee notes the conclusions and recommendations of the Halcrow Study Report;**
- (2) **the Director of Law, HR and Asset Management be authorised to draft and prepare (in consultation with the Chair of the Licensing, Health and Safety and General Purposes Committee) all documentation necessary to undertake a 12 week public consultation exercise on all four options set out within the Committee report and Halcrow Study Report;**
- (3) **the Director of Law, HR and Asset Management (in consultation with the Chair of the Licensing, Health and Safety and General Purposes Committee) be authorised to include, in the documentation referred to in recommendation 2 above, such information and details as are considered necessary to enable effective public consultation to take place on the four options set out within the Committee report and Halcrow Study Report;**
- (4) **the Director of Law, HR and Asset Management be requested to present a further report to this Committee by the end of January 2012 in relation to this subject matter, which shall include the outcome of the public consultation undertaken; and**
- (5) **the Director of Law, HR and Asset Management submit a further report to this Committee with proposals to promote and publicise the range of wheelchair accessible vehicles available for pre booking together with information regarding the type of vehicle.**

