

LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Monday, 19 March 2012

Present: Councillor W J Davies (Chair)

Councillors T Anderson S Taylor
P Glasman R Wilkins
C Jones K Wood
S Niblock I Williams

Apologies: Councillor I Lewis

31 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

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

Councillor S Niblock declared a prejudicial interest in respect of Item 4 - Hackney Carriage Vehicle Licences - Mr Abadi - by virtue of having previously Chaired a Licensing Act 2003 Sub-Committee involving Mr Abadi (minute 34 refers).

Councillor S Taylor declared a personal interest in respect of Item 7 - Referrals from the Alcohol Scrutiny Review - by virtue of having been previously involved in the work of the Alcohol Scrutiny Committee (minute 37 refers).

32 MINUTES

Resolved - That the minutes of the Special Meeting held on 8 March 2012 be approved subject to the amendment of the attendance list to include Councillor J Salter as deputy for Councillor S Niblock.

33 PROPOSED LOCAL ELECTION FEES 2012/13

The Head of Legal and Democratic Services (on behalf of the Director of Law, HR and Asset Management) reported upon the proposed fees payable to the Returning Officer and his staff employed to undertake various duties in connection with the elections to be held on 3 May 2012.

The proposed scale of fees for the Returning Officer and the staff employed in relation to running the local election were detailed in Table 1 of Appendix 1 to the report together with information gathered from other Merseyside authorities in relation to their fees.

Members were requested to consider the fees proposed in the appendix and agree the Returning Officer fee and the associated fees detailed in Table 1 of the report.

Resolved - That the proposed Local Election Fees and Charges structure as set out in Table 1 of Appendix 1 of the report be approved subject to the following amendments:-

(i) the fees for 2012/13 for the Deputy Returning Officer (full powers) shall be up to 50% of the Returning Officer's fee;

(ii) the fees for 2012/13 for the Polling Station Inspectors shall be £165.00 instead of £190.00 as outlined in the report, bringing the total fees for Polling Station Inspectors to £3,630.00; and

(iii) the fees for 2012/13 for Deputy Returning Officers shall be £459.42.

34 HACKNEY CARRIAGE VEHICLE LICENCES

Councillor S Niblock declared a prejudicial interest in respect of the application regarding Mr Abadi and left the room during its consideration.

The Licensing Manager, on behalf of the Director of Law, HR and Asset Management, reported upon the consideration of the allocation of available Hackney Carriage Vehicle Licences resulting from the decision of the Licensing, Health and Safety and General Purposes Committee on 23 January 2012 to impose a limit on the number of Hackney Carriage Vehicle Licences issued.

Prior to the meeting on 23 January 2012 a number of proprietors had placed orders for new Hackney Carriage Vehicles. The proprietors of these vehicles subsequently applied to license them. In accordance with the decision of the Committee on 23 January 2012 no licences had been issued to these applicants. Details of the applications were outlined within the report with copies of the application forms attached as exempt appendices and Members were asked to consider and determine each application.

The proprietors who had placed orders for new vehicles were Mr Abiru who had ordered a new hackney carriage vehicle on 10 January 2012, Mr Skeete who had ordered three new hackney carriage vehicles on 12 January 2012 and Mr Marnell who had ordered two new hackney carriage vehicles on 4 November 2011. Members were also asked to consider an application to re-license a Hackney Carriage Vehicle following failure to renew on time submitted by Mr Abadi.

The Licensing Manager advised Members that following research with other local authorities, a number of different allocation policies had been identified. An outline of the options identified was presented to Members and the Licensing Manager responded to questions from Members.

It was moved by Councillor S Taylor and seconded by Councillor P Glasman that -

“Members note the information concerning the options presented for an allocation policy and instruct the Director of Law, Human Resources and Asset Management to

arrange for a public consultation in respect of a future allocation policy for Hackney Carriage licences.”

Resolved -

That Members note the information concerning the options presented for an allocation policy and instruct the Director of Law, Human Resources and Asset Management to arrange for a public consultation in respect of a future allocation policy for Hackney Carriage licences.

EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined by paragraph 1 of Part I of Schedule 12A (as amended) to that Act. The Public Interest test had been applied and favoured exclusion.

Mr Abiru attended the meeting, made representations in support of his application and responded to questions from Members of the Committee.

It was moved by Councillor T Anderson and seconded by Councillor S Taylor that -

“Following the resolution of this Committee to restrict the number of Hackney Carriage vehicle licences the application in respect of Mr Abiru be refused on the grounds that he was aware that there may be a change in policy and had made provisions for transferring his licence and therefore there was no reasonable expectation that a Hackney Carriage Vehicle Licence would be granted.”

Resolved (5:4) - That, following the resolution of this Committee to restrict the number of Hackney Carriage vehicle licences, the application in respect of Mr Abiru be refused on the grounds that he was aware that there may be a change in policy and had made provisions for transferring his licence and therefore there was no reasonable expectation that Hackney Carriage Vehicle Licence would be granted.

Councillor B Wilkins left the meeting due to illness.

Mr Skeete attended the meeting, made representations in support of his applications and responded to questions from Members of the Committee.

It was moved by Councillor S Niblock and seconded by Councillor T Anderson that -

“The applications in respect of Mr Skeete be granted.”

Resolved (8:0) - That the applications in respect of Mr Skeete be granted.

Mr Marnell attended the meeting, made representations in support of his applications and responded to questions from Members of the Committee.

It was moved by Councillor S Niblock and seconded by Councillor S Taylor that -

“The applications in respect of Mr Marnell be granted.”

Resolved (8:0) - That the applications in respect of Mr Marnell be granted.

Mr Abadi attended the meeting together with his representative, Mr Hughes, made representations in support of his application and responded to questions from Members of the Committee.

It was moved by Councillor P Glasman and seconded by Councillor K Wood that -

“The application in respect of Mr Abadi be refused on the grounds that Members had not been persuaded to justify departing from the current policy of requiring a vehicle to be three years old or less from the date of manufacture or registration when granting a licence.”

Resolved (7:0) - That the application in respect of Mr Abadi be refused on the grounds that Members had not been persuaded to justify departing from the current policy of requiring a vehicle to be three years old or less from the date of manufacture or registration when granting a licence.

35 **SEX ESTABLISHMENT FEES**

The Director of Law, HR and Asset Management reported upon a request for Members to set a level of fees for the Licensing of Sex Establishments.

The Licensing Manager outlined the report and a table comparing the fees of neighbouring local authorities was attached as an appendix to the report. The Licensing Manager advised Members that it was estimated there would be a cost to the Licensing Section of £1,200 per application to licence such premises. Members were asked to determine the fee based on this estimate of costs subject to a review of costs being undertaken in twelve months time.

Resolved - That the level of fees of £1,200 for the application and for the renewal of licences for the Licensing of Sex Establishments be approved subject to a review of costs being undertaken in twelve months time.

36 **PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER TRAINING**

The Director of Law, HR and Asset Management reported upon a number of current licensed drivers who had not complied with the training requirement.

The Licensing Manager reported that a number of training providers had advised that due to changes in funding available to deliver the required training, they would be unable to deliver this by the deadline agreed by Members of 28 March 2012. It was

reported that this had affected approximately 25 drivers. In view of this Members were asked to consider appointing a further deadline of 14 May 2012 by which Drivers must complete the training.

The Licensing Manager further reported that changes to funding available for training had also had an effect on those drivers who were required to undertake both the VRQ and NVQ training in that funding may not be available to enable drivers to obtain the NVQ. In view of these changes Members were asked to review the requirement for drivers to obtain an NVQ within the first twelve months of being granted a Licence.

Mr T Norbury and Mr A Thornton from Merseylearn attended the meeting and updated Members upon the funding available for training and the qualifications available to drivers.

Mr Norbury and Mr Thornton responded to questions from Members of the Committee.

Mr D Cummins, UNITE Union and training provider, addressed the Committee. He advised Members that as a training provider, he had been able to access funding for drivers to undertake both the VRQ and NVQ training.

Mr Cummins responded to questions from Members of the Committee.

It was moved by the Chair and seconded by Councillor S Taylor that -

“A new deadline of 14 May 2012 be set for Taxi Drivers to complete the required training and that a further report be submitted to the next meeting of this Committee detailing any changes of funding available for training.”

Resolved (9:0) -

(1) That a new deadline of 14 May 2012 be set for Licensed Drivers to complete the required training.

(2) That a further report be submitted to the next meeting of this Committee detailing funding available for training.

37 **REFERRALS FROM THE ALCOHOL SCRUTINY REVIEW**

Councillor S Taylor declared a personal interest in this matter by virtue of having been previously involved in the work of the Alcohol Scrutiny Committee.

The Director of Law, HR and Asset Management reported upon referrals from Cabinet of 17 March 2011, following their consideration of the final report of the Scrutiny Programme Board's Alcohol Scrutiny Review.

Councillor P Glasman wished to place on record the thanks of the Committee to Rob Beresford for preparing the report.

Rob Beresford, Head of Regulation, outlined the report, he advised Members that the Government would shortly be outlining their proposals upon minimum unit pricing for alcohol and responded to questions from Members of the Committee.

It was moved by Councillor S Taylor and seconded by Councillor P Glasman that -

“No decision should be made prior to National Government implementation.”

Resolved - That no decision should be made prior to National Government implementation.

38 EXEMPT INFORMATION - EXCLUSION OF MEMBERS OF THE PUBLIC

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as defined by paragraph 1 of Part I of Schedule 12A (as amended) to that Act. The Public Interest test had been applied and favoured exclusion.

39 HACKNEY CARRIAGE VEHICLE LICENCES - EXEMPT APPENDICES

Members noted the details of each application attached as exempt appendices to the report of agenda item no. 4, Hackney Carriage Vehicle Licences (minute no. 34 refers).