



## Licensing, Health and Safety and General Purposes Committee

<b>Date:</b>	<b>Wednesday, 12 March 2014</b>
<b>Time:</b>	<b>6.00 pm</b>
<b>Venue:</b>	<b>Committee Room 1 - Wallasey Town Hall</b>

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### AGENDA

**1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Committee are asked to declare any disclosable pecuniary and non pecuniary interests, in connection with any application on the agenda and state the nature of the interest.

**2. MINUTES (Pages 1 - 6)**

To approve the accuracy of the minutes of the meeting held on 22 January 2014.

**3. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES  
(Pages 7 - 10)**

**4. PERIODIC REVIEW OF LICENSING FEES FOR TAXIS AND  
PRIVATE HIRE VEHICLES (Pages 11 - 14)**

**5. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR**

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

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## LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Wednesday, 22 January 2014

<u>Present:</u>	Councillor	WJ Davies (Chair)	
	Councillors	S Niblock P Glasman J Salter	I Williams I Lewis G Watt
<u>Deputies:</u>	Councillors	M Hornby (In place of C Blakeley) P Gilchrist (In place of P Williams)	

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

Members of the Committee were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

Councillor G Watt declared a non pecuniary interest in item 4, Review of Polling Districts and Places 2013, by virtue of being the Council Member referred to in the report in respect of West Kirby and Thurstaston Ward.

Councillor P Gilchrist declared a non pecuniary interest in item 3, Wirral Award, by virtue of having nominated a candidate for the Award.

### 17 MINUTES

**Resolved - That the accuracy of the minutes of the meeting held on 13 November 2013 be approved.**

### 18 WIRRAL AWARD

Councillor P Gilchrist declared a non pecuniary interest in this matter (see minute 16 above).

The Director of Transformation and Resources presented for consideration the recommendations of the Wirral Award Working Party held on 9 December 2013. The Wirral Award was intended to confer civic recognition upon individuals or organisations resident or located in Wirral for an outstanding achievement within the previous twelve months, or for distinguished service to the Borough over a period of twenty years or more.

It was reported that once nominations were agreed, a presentation ceremony would be arranged which would be attended by The Mayor of Wirral, the Leader of the Council, Group Leaders, the Chair of the Licensing, Health and Safety and General Purposes Committee, the Chief Executive and the nominees plus one guest each.

The recommendations of the Wirral Award Working Party had been circulated to Members of the Committee for their consideration.

**Resolved - That the Wirral Award 2013 be conferred on the recipients recommended by the Wirral Award Working Party, and the suggested arrangements be agreed.**

19 **REVIEW OF POLLING DISTRICTS AND PLACES 2013**

Councillor G Watt declared a non pecuniary interest in this matter (see minute 16 above).

The Principal Electoral Services Officer (on behalf of the Chief Executive) provided details of the review undertaken in relation to the current polling districts and places within the Borough and sought approval of suitable alternatives and changes as set out within the report.

The Electoral Administration Act 2006 introduced a duty on all local authorities to review polling districts and places within their boundaries every four years. This was amended by the Electoral Registration and Administration Act 2013 which provided that there must be a review of all 'polling districts' and 'polling places' within each 'compulsory period' which is defined as the period of 16 months beginning with 1 October 2013 and the period of 16 months beginning with 1 October of every fifth year after that.

This provision was to align polling district and polling place reviews with the 5 year fixed term Parliaments and UK Parliamentary boundary reviews, however there was nothing in the Act to prevent the Council carrying out an earlier review of some or all of its polling districts or places.

In practice, the Council constantly keeps polling places and stations under review.

The purpose of the review was to principally ensure that:

- all electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances;
- so far as reasonable and practicable, the polling districts places and stations are accessible to all electors, including those who are disabled and when considering the designation of a polling place to have regard to the accessibility needs of disabled persons; and
- where there is no fully accessible building conveniently located for the Electors in an area, where it is necessary to use a place where the access is not ideal then every reasonable adjustment must be undertaken to provide access for all Electors.

Members considered and determined each proposal separately.

1. Heswall Ward

District RD

The Acting Returning Officer advised that concerns persisted regarding parking facilities in the area of the current polling place at St Peter's Centre, however the Centre was considered a very suitable venue with good disabled access and facilities and two elections had been successfully administered at this venue.

**Resolved - That the status quo should continue.**

2. Leasowe and Moreton East Ward

District TC

The Acting Returning Officer advised that the current venue of Eastway Primary School Children's Centre was a very suitable venue with good disabled access and facilities and that this remained the best option for a polling place within the polling district.

**Resolved - That the status quo should continue.**

3. Moreton West & Saughall Massie Ward

District YC

The Acting Returning Officer advised that the current polling place was Foxfields School but that this may be sold for redevelopment in the future, however, this was not anticipated to happen until late 2014 if at all.

**Resolved - That the status quo should continue for the Combined European Parliamentary and Local Government elections to be held on 22 May 2014 but that this be reviewed for future elections.**

4. Pensby & Thingwall Ward

District FE

The Acting Returning Officer reported that consideration had been given to whether the venue of Christ Church Hall remained the best option for a polling place within the polling district following observations made by a candidate in the Local Elections regarding the visibility of the access from Barnston Road.

**Resolved – That the status quo should continue.**

5. Seacombe Ward

Districts SB and SD

The Acting Returning Officer circulated a map and recommended that the proposals outlined within the report be agreed.

**Resolved – That the proposal be agreed.**

6. Wallasey Ward

District VB

The Acting Returning Officer advised that some difficulties had been experienced at the current polling place however New Brighton Children's Centre had been built on an adjacent site and that this was considered a very suitable venue with good disabled access and facilities.

**Resolved (Councillor I Lewis abstaining) -**

- (1) That the polling place for district VB be changed to New Brighton Children's Centre.**
- (2) That the Multi Function Room be designated as the polling station.**

7. West Kirby and Thurstaston Ward

Districts QA and QE

The Acting Returning Officer circulated a map and recommended that the proposals outlined within the report be agreed.

Members were advised that a Council Member had requested that Electors registered in polling district QA be moved into polling district QE. The proposal was aimed to assist Electors and would not have a significant impact on the number of Electors in each polling district.

**Resolved – That the boundary between QA and QE be adjusted in accordance with the proposal outlined within the report.**

District QC

The Acting Returning Officer advised that a Council Member had requested to use the recently completed St Bridget's Centre as an alternative venue for polling district QC.

Members were advised that the proposed alternative venue would offer reasonable facilities for voting and would be accessible to all electors but there would be a charge which had not yet been determined.

Councillor Watt distributed a map of the location and photographs of St Bridget's Centre and informed Members that residents had requested that the polling place to be moved to the new facility.

Members discussed the cost implications regarding the proposed changes and the difficulties experienced by the school as the current polling place.

**It was moved by Councillor Watt and seconded by Councillor Hornby that –**

“The polling place for district QC be changed to St Bridget's Centre for the forthcoming election subject to the cost incurred being no more than £300.”

The motion was put and lost (4:5).

It was then moved by Councillor S Niblock, seconded by Councillor P Glasman and

**Resolved (9:0) - That the status quo should continue for the Combined European Parliamentary and Local Government elections to be held on 22 May 2014 but that this be reviewed for future elections.**

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## WIRRAL COUNCIL

### LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

12 MARCH 2014

<b>SUBJECT:</b>	<b>HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>STRATEGIC DIRECTOR OF REGENERATION &amp; ENVIRONMENT</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### 1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to consider the criteria for granting a Private Hire or Hackney Carriage Driver licence to an applicant who has failed to renew their licence on or before the renewal date.

#### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 Members will be aware that before granting a Private Hire or Hackney Carriage Driver Licence the Council must be satisfied that the applicant is a fit and proper person to hold a Driver's Licence and that the person has been authorised to drive a motor car for at least 12 months.
- 2.2 The methods available to assess the fitness and propriety of an applicant are at the discretion of the Council. There is no judicially approved test of fitness and propriety.
- 2.3 The Council have determined that the following requirements are necessary for individuals to show that they are fit and proper to hold a Private Hire or Hackney Carriage Driver Licence, namely:
- Vocationally Related Qualification (VRQ)
  - Knowledge test pass
  - Satisfactory driving licence
  - Satisfactory enhanced certificate from the Disclosure and Barring Service (DBS) (criminal record check)
  - Satisfactory medical
- 2.4 These tests have previously been considered necessary taking into account the safety of passengers and the nature of the work undertaken by Private Hire and Hackney Carriage Drivers.
- 2.5 Drivers are required to renew their licence on or before the expiry date. There are no days of grace and this is made clear on the licence renewal application forms. If a private hire or hackney carriage driver licence is not renewed an application must be submitted for a new licence and the requirements set out above would have to be met.
- 2.6 A licensed driver who fails to renew their licence before the expiry date will have obtained the VRQ or NVQ qualification, will have passed the knowledge test and will

have been subject to a DBS criminal record check within the past three years. In addition, should a licensed driver be cautioned or convicted of an offence and the police are informed that they are a licensed driver, we would, as the licensing authority, be notified of this. It is also a condition of licence that drivers must declare any convictions or cautions that they incur.

- 2.7 Licensed drivers who have failed to renew their licences for reasons that have been beyond their control, for example a sudden illness or bereavement in the family have expressed concerns regarding having to be subject to a DBS check before the licence is issued as this results in a delay in issuing the licence for a period of several weeks, and possibly months, during which time the individual is unable to work.
- 2.8 Members are asked to recognise that an individual who has been licensed but fails to renew within a defined period of time provides different circumstances to those presented by a new applicant who has no record with the authority.
- 2.9 In these circumstances and as an alternative to the requirements set out in paragraph 2.3, Members are asked to consider that the following requirements be met when a licensed driver fails to renew their licence and submits an application for a new licence within a 7 day period.
- Satisfactory driving licence
  - Vocationally Related Qualification or National Vocational Qualification
  - Knowledge Test pass
  - A valid DBS check issued within the previous three years, in accordance with the requirement for drivers who are currently licensed
  - A medical in accordance with the requirement for drivers who are currently licensed

### **3.0 RELEVANT RISKS**

- 3.1 There are none arising directly from this report.

### **4.0 OTHER OPTIONS CONSIDERED**

- 4.1 That Members retain the requirement set out in paragraph 2.3 for all new licence applications.

### **5.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 5.1 There are no specific implications arising from this report.

### **6.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

- 6.1 There no specific implications arising from this report..

### **7.0 LEGAL IMPLICATIONS**

- 7.1 A decision of the Committee may be subject to legal challenge.

## **8.0 EQUALITIES IMPLICATIONS**

- 8.1 Has the potential impact of the proposal been reviewed with regard to equality?
- 8.2 No because there is no relevance to equality.

## **9.0 CARBON REDUCTION IMPLICATIONS**

- 9.1 There are no specific carbon reduction implications arising from this report.

## **10.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

- 10.1 There are community safety implications as Private Hire Drivers and Hackney Carriage Drivers must be fit and proper persons when granting a licence and throughout its duration due to their involvement with the general public.

## **11.0 RECOMMENDATION**

- 11.1 That Members approve the requirements outlined in paragraph 2.9 in respect of new applications for Private Hire and Hackney Carriage driver licences submitted within 7 days of the expiry of the previous licence.

## **12.0 REASON FOR RECOMMENDATION/S**

- 12.1 An individual who has been licensed but fails to renew within 7 days of the expiry of their licence presents different considerations to those presented by a new applicant who has no record with this authority.

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## WIRRAL COUNCIL

### LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

12 MARCH 2014

<b>SUBJECT:</b>	<b>PERIODIC REVIEW OF LICENSING FEES FOR TAXIS AND PRIVATE HIRE VEHICLES</b>
<b>WARD AFFECTED:</b>	<b>ALL WARDS</b>
<b>REPORT OF:</b>	<b>STRATEGIC DIRECTOR OF REGENERATION &amp; ENVIRONMENT</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### 1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is for Members of the Licensing Health and Safety and General Purposes Committee to review and approve the licence fees in respect of Hackney Carriage, Private Hire and Operators Licences with effect from 1 April 2014.

#### 2.0 BACKGROUND AND KEY ISSUES

2.1 The Council are legally entitled to charge such a fee for licences that they consider reasonable with a view to recover the costs of the issue and administration of the licence.

2.2 Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 the cost of a licence must be related to the cost of the licensing scheme itself. It is therefore appropriate for a local authority to recover their administrative and other associated costs.

2.3 The fees for Hackney Carriage, Private Hire and Operators Licences must be reviewed on an annual basis to determine whether the income received for the previous year has been in line with the cost of delivering the service.

2.4 The fees for the forthcoming year must take into account the current budget which projects a small surplus of income over expenditure of £2,660.

2.5 Members are advised that should there be a significant surplus or deficit then the fees should be adjusted accordingly to reflect these circumstances through a decrease or increase accordingly.

2.6 In view of the current projected balance Members are asked to approve that the current fees remain unchanged as set out in Appendix 1.

#### 3.0 RELEVANT RISKS

3.1 There are none arising directly from this report.

#### 4.0 OTHER OPTIONS CONSIDERED

4.1 There is no provision for other options to be considered.

## **5.0 CONSULTATION**

5.1 There is no legal obligation to consult in the implementation of this legislation.

## **6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

6.1 There are no specific implications arising from this report.

## **7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

7.1 There are cost implications to the Council in undertaking this legal duty and this is recognised in the legislation which gives provision for the Council to recover the costs of administering the scheme and to ensure compliance.

## **8.0 LEGAL IMPLICATIONS**

8.1 A decision of the Committee may be subject to legal challenge.

## **9.0 EQUALITIES IMPLICATIONS**

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

## **10.0 CARBON REDUCTION IMPLICATIONS**

10.1 There are no specific carbon reduction implications arising from this report.

## **11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

11.1 There are no Planning implications arising out of this report.

## **12.0 RECOMMENDATION/S**

12.1 That Members of the Licensing Health and Safety and General Purposes Committee review and approve the licence fees as set out in Appendix 1 in respect of Hackney Carriage, Private Hire and Operators Licences with effect from 1 April 2014.

## **13.0 REASON FOR RECOMMENDATION/S**

13.1 It is a statutory requirement for this Committee to review and approve the licence fees.

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## Hackney Carriage/Private Hire Licence fees

## Appendix 1

	<u>Fee</u>	
Hackney Carriage/Private Hire Driver Licence	<b>£41.80</b>	
Hackney Carriage/Private Hire Vehicle Licence	<b>£160.20</b>	
Annual licence		
6 month licence	<b>£84.70</b>	
Private Hire Vehicle front plate (new licence)	<b>£5</b>	
Private Hire Operator	1 vehicle	<b>£101.90</b>
	2-5 vehicles	<b>£153.30</b>
	6-9 vehicles	<b>£192.20</b>
	10+ vehicles	<b>£254.00</b>
	each extra premises	<b>£10</b>
Hackney Carriage/Private Hire Driver Licence application fee	<b>£10 (plus DBS fee, below)</b>	
Disclosure and Barring Service criminal record check application fee (DBS)	<b>£44</b>	

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