



## Licensing, Health and Safety and General Purposes Committee

**Date:** Wednesday, 19 November 2014

**Time:** 6.00 pm

**Venue:** Committee Room 1 - Wallasey Town Hall

**Contact Officer:** Anne Beauchamp

**Tel:** 0151 691 8608

**e-mail:** [annebeauchamp@wirral.gov.uk](mailto:annebeauchamp@wirral.gov.uk)

**Website:** <http://www.wirral.gov.uk>

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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 - 4)**

To approve the accuracy of the minutes of the meeting held on 18 June 2014.

**3. POLLING STATIONS: FURTHER UPDATE (Pages 5 - 12)**

**4. UPDATE ON ELECTORAL ACTIVITIES (Pages 13 - 18)**

**5. HACKNEY CARRIAGE VEHICLE PROPRIETOR LICENCE ALLOCATION POLICY (Pages 19 - 26)**

**6. MEDICAL REQUIREMENTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS (Pages 27 - 32)**

**7. 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, 18 June 2014

<u>Present:</u>	Councillor	WJ Davies (Chair)	
	Councillors	S Niblock J Salter A Hodson	L Fraser G Watt
<u>Deputy:</u>	Councillor	P Gilchrist (In place of P Williams)	
<u>Apologies:</u>	Councillors	C Spriggs M Sullivan	

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

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

No such declarations were made.

### 2 MINUTES

**Resolved - That the accuracy of the minutes of the meeting held on 12 March 2014 be approved.**

### 3 APPOINTMENT OF THE LICENSING PANEL

The Head of Legal and Member Services reported that Standing Order 33(1) required that Committees should keep the need for panels under review and, in particular, the position must be reviewed at the first meeting of a Committee in each municipal year.

He set out the terms of reference of the Licensing Panel and indicated that if it was to be retained in 2014/15 with seven members, the allocation of those places would be 4 Labour, 2 Conservative and 1 Liberal Democrat.

He reported that only named deputies may attend panel meetings in place of a permanent member. Standing Order 25(6)(a) permits appointment of up to a maximum of eight deputies for each political group and deputies are normally called to serve in the order in which they are nominated.

Unless appointed as full members, the Leaders and Deputy Leaders of the three largest political groups represented on the Council are entitled to attend meetings of

all Committees, Sub-Committees and Panels, with the right to speak at the Chair's invitation, but not to vote (Standing Order 25(5) refers).

**Resolved -**

**(1) That the Licensing Panel be re-appointed for 2014/2015 with the terms of reference identified until amended or otherwise changed by the Committee and until such time as a new Panel is appointed.**

**(2) That the following members be appointed to serve on the Licensing Panel in 2014/2015:-**

	<b><u>Members</u></b>	<b><u>Deputies</u></b>
<b>4 Labour Councillors</b>	<b>Bill Davies (Chair) Steve Niblock Adrian Jones John Salter</b>	<b>George Davies Anita Leech Christina Muspratt Louise Reecejones Denise Roberts Harry Smith Mike Sullivan Irene Williams</b>
<b>2 Conservative Councillors</b>	<b>Andrew Hodson Mike Hornby</b>	<b>Eddie Boulton Gerry Ellis Tracey Smith Steve Williams John Hale David Elderton Leah Fraser Geoffrey Watt</b>
<b>1 Liberal Democrat Councillor</b>	<b>Pat Williams (s)</b>	<b>Dave Mitchell Alan Brighthouse Phil Gilchrist Stuart Kelly Christopher Carubia</b>

**4 DESIGNATED PUBLIC PLACES ORDER - BIRKENHEAD**

The Strategic Director of Regeneration and Environment sought Members' views on the designation within the Parliamentary Constituency area of Birkenhead of a Designated Public Places Order under the Criminal Justice and Police Act 2001.

The Licensing Manager reported upon the outcome of the consultation.

Sergeant S Barrigan attended the meeting and provided an update of the evidence that supported the request of Merseyside Police to introduce a new Designated Public Places Order (DPPO) to cover the whole area of Birkenhead. Sergeant Barrigan advised Members that the DPPO replaced alcohol free zones of which there were a number in Wirral. The application was to have the increased area covered by a DPPO in order that the issue of displacement would be avoided. He advised that

twenty two responses in support of the proposal had been received during the consultation period. Sergeant Barrigan advised Members of the existing problems in the area and provided Members with a pack of evidence to support a DPPO in Birkenhead. This evidence related to incidents recorded for the period 31 March 2013 to 31 March 2014 and provided an update following statistics provided at the meeting of this Committee on 2 October 2013. He reported that 84% of complaints received were in respect of street drinking in the area. He further reported that there were 354 alcohol related crimes in Birkenhead and 182 alcohol related arrests. Merseyside Police had also provided incident logs containing a total number of 128 incidents from 1 January 2013 to 30 July 2013 which included street drinking related anti social behaviour (108), alcohol related anti-social behaviour (8) and street drinking related violence (12). A petition had also been received containing 462 signatories from local residents/businesses who were in support of the request to have the DPPO extended.

Sergeant Barrigan advised Members that the DPPO was an important tool to address the problem of street drinking and alcohol related antisocial behaviour that was prevalent in the area. He requested that the Committee agree that the Parliamentary Constituency area of Birkenhead be Designated Public Places Order.

Sergeant Barrigan and the Licensing Manager responded to questions from Members of the Committee regarding the size and cost of the signs that would be placed in the area and how costs of signage may be met.

**It was moved by Councillor A Hodson and seconded by Councillor L Fraser that -**

“A Designated Public Places Order be put in place in respect of the Parliamentary Constituency area of Birkenhead.”

**Resolved – That a Designated Public Places Order be put in place in respect of the Parliamentary Constituency area of Birkenhead.**

**5 APPLICATION TO LICENCE A PEUGEOT EUROTAXI AS A HACKNEY CARRIAGE VEHICLE**

The Strategic Director of Regeneration and Environment reported on an application received to license a Peugeot Eurotaxi as a Hackney Carriage Vehicle.

Members were informed that it was resolved by the Licensing, Health and Safety and General Purposes Committee on 2 March 2006 that should any new makes of vehicle be presented for licensing as Hackney Carriage Vehicles, they should be the subject of a report in order that the Committee may determine whether such vehicles meet the Council’s Hackney Carriage Vehicle Licence conditions.

The applicant attended the meeting with his vehicle which members of the Committee inspected.

Members considered the representations made and expressed concern regarding the amount of space available for luggage and therefore asked questions regarding how the applicant could comply with the condition that luggage must be kept separate from the passenger seating area and must be secured at all times.

The applicant advised Members that a flip up seat could be fitted at the front of the vehicle which would allow luggage to be stored in that area. Members were also informed that the model of vehicle being presented to them was a short base version of the vehicle and that a long base version provided a larger area for separate storage of luggage.

Discussions took place regarding the two versions of the vehicle, the short wheel base and long wheel base.

**It was moved by Councillor S Niblock and seconded by Councillor A Hodson that –**

“The Peugeot Eurotaxi short wheel base with a flip up front passenger seat be licensed as a Hackney Carriage Vehicle”.

**Resolved –**

**(1) That the Peugeot Eurotaxi short wheel base with a flip up front passenger seat be licensed as a Hackney Carriage Vehicle.**

**(2) That should an application be received to license a Peugeot Eurotaxi long wheel base model, the first application for this model must be referred to this Committee.**

## WIRRAL COUNCIL

### LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

19 NOVEMBER 2014

<b>SUBJECT:</b>	<b>POLLING STATIONS: FURTHER UPDATE</b>
<b>WARD/S AFFECTED:</b>	<b>MORETON WEST AND SAUGHALL MASSIE WARD</b>  <b>WEST KIRBY AND THURSTASTON WARD</b>
<b>REPORT OF:</b>	<b>STRATEGIC DIRECTOR OF TRANSFORMATION AND RESOURCES</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### 1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to provide an update on the polling station for polling district YC and to determine the polling station for polling district QC from two options: -

- (i) St Bridget's C of E Primary School, St Bridget's Lane
- (ii) St Bridget's Centre, St Bridget's Lane

1.2 Details of the two options are set out in Appendix 1.

#### 2.0 BACKGROUND AND KEY ISSUES

2.1 The Council has a duty under the Representation of the People Act 1983 to divide Wirral Borough into Polling Districts and to designate Polling Places for each Polling District.

2.2 The Electoral Administration Act 2006 then placed a duty on all Councils to undertake a review every four years of all Polling Districts and Places.

2.3 This was amended by the Electoral Registration and Administration Act 2013, which provides that there must be a review of all "polling districts" and "polling places" within each "compulsory period". "Compulsory period" is defined as:-

- a) The period of 16 months beginning with the 1<sup>st</sup> October 2013, and
- b) The period of 16 months beginning with the 1<sup>st</sup> October of every fifth year after that.

This provision is to align polling district and polling place reviews with the 5 year fixed term Parliaments and UK Parliamentary boundary reviews. Nothing in the 2013 Act prevents the Council carrying out an earlier review of some or all of it's polling districts or places.

2.4 The 2013 Polling District and Place Review formally commenced on 1st October 2013 and the result was reported to this Committee on the 22<sup>nd</sup> January 2014

2.5 Moreton West and Saughall Massie Ward

Polling District YC

The (Acting) Returning Officer advised that the current polling place for polling district YC 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.

The Committee 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.

After the Combined European Parliamentary and Local Government elections in May 2014 the situation regarding the sale of Foxfields School was reviewed.

It was determined that although the school was to be sold this year, the exact date was still unclear, however, in the event of the site being sold prior to the Combined Parliamentary and Local Government elections to be held on 7 May 2015, the site would be kept available for use as a polling station.

2.6 West Kirby and Thurstaston Ward

Polling District QC

The (Acting) Returning Officer recommended that the current polling place for polling district QC should remain as St Bridget's C of E Primary School, St Bridget's Lane.

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.

After the Combined European Parliamentary and Local Government elections in May 2014 the polling station for polling district QC was reviewed.

It was determined that the proposed alternative venue remains to offer reasonable facilities for voting and would be accessible to all electors and the hire cost for use on polling day would be £272.

### **3.0 RELEVANT RISKS**

- 3.1 In order to ensure that forthcoming elections can be run, the Council must ensure all polling districts have suitable polling places available on the day of poll.

### **4.0 OTHER OPTIONS CONSIDERED**

- 4.1 All options considered in relation to possible alternative polling places for polling districts YC and QC are detailed in Appendix 1 to this report.

### **5.0 CONSULTATION**

- 5.1 Details of the consultation are set out within this report. All stakeholders, interested parties and persons have been consulted.

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

- 6.1 There are no such implications arising.

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

- 7.1 Such implications are set out in this report.

### **8.0 LEGAL IMPLICATIONS**

- 8.1 Such implications are set out in this report.

### **9.0 EQUALITIES IMPLICATIONS**

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

(c) No because of another reason which is:

The Review uses the Electoral Commissions Evaluation Checklist which addresses equality and diversity issues relevant to Polling Districts, Places and Stations.

## **10.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS**

10.1 There are no such implications arising.

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

11.1 There are no such implications arising.

## **12.0 RECOMMENDATION/S**

12.1 That the Committee agrees to the recommendation (detailed in Appendix 1 to this report) regarding the polling place for polling district YC.

12.2 That the Committee determines which premises (from those detailed in Appendix 1 to this report) are to be designated and used as the polling station for polling district QC.

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

13.1 The Council must designate and have available for use at the forthcoming Combined Parliamentary and Local Government elections (and future elections) a suitable polling place for polling districts YC and QC.

**REPORT AUTHOR:** Kate Robinson  
Principal Electoral Services Officer  
telephone (0151) 691 8511  
email katerobinson@wirral.gov.uk

## **APPENDICES**

Appendix 1 – Polling Place Options for Polling Districts YC and QC

## **BACKGROUND PAPERS/REFERENCE MATERIAL**

None

## **BRIEFING NOTES HISTORY**

None

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Licensing, Health and Safety and General Purposes Committee</b>	<b>22<sup>nd</sup> January 2014</b>



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## POLLING PLACE OPTIONS FOR POLLING DISTRICTS YC AND QC

### 1. Moreton West & Saughall Massie Ward

Polling District YC:-

The current polling place is Foxfields School [Douglas Drive]. Electoral Services received communication from the Education Department that the school will be sold off in the future for redevelopment, however, this was not anticipated to happen until late 2014 if at all.

At the Licensing, Health and Safety and General Purposes Committee meeting held on 22 January 2014 it was resolved that the status quo should continue for the Combined European Parliamentary and Local Government elections held in May 2014 but that it is reviewed for future elections.

The Education Department has confirmed that it is still anticipated that the school will be sold and the building will be vacated in February 2015, however, they will ensure that power is maintained and the school hall, toilets etc will be available for use at the Combined Parliamentary and Local Government elections to be held on 7<sup>th</sup> May 2015.

#### **Recommendation:**

That the status quo should continue for the Combined Parliamentary and Local Government elections being held on 7th May 2015 but that it is reviewed for future elections.

### 2. West Kirby and Thurstaston Ward

Polling District QC:-

The current polling place is St Bridget's Church of England Primary School [St Bridget's Lane]. A council member has stated that access to the polling station involves a long walk, partly down a steep slope, from the nearest parking space. The entrance also lacks any covered space for tellers.

A council member, in agreement with Wirral West Conservative Association, has requested using the recently completed St. Bridget's Centre as an alternative venue.

At the Licensing, Health and Safety and General Purposes Committee meeting held on 22 January 2014 the (Acting) Returning Officer advised that St. Bridget's Centre is a suitable alternative venue with good disabled access. It is located next to St Bridget's Church of England Primary School and uses the same pathway. There is level access from the car park to the Centre.

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 been determined in time to enable the Committee to make a decision on the proposal.

However, the (Acting) Returning Officer recommended that the status quo should continue as there have never been any complaints regarding the access to the current venue and it remains a very suitable venue.

The Committee resolved that the status quo should continue for the Combined European Parliamentary and Local Government elections held on 22<sup>nd</sup> May 2014 but that this is reviewed for future elections.

The hire cost for using St Bridget's Centre, St Bridget's Lane as a polling place in 2015 has now been confirmed and is £272.

The cost for using St Bridget's Centre, St Bridget's Lane remains free of charge to the (Acting) Returning Officer other than for heating and lighting costs.

**Recommendation:**

That the status quo should continue.

## WIRRAL COUNCIL

### LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

19 NOVEMBER 2014

<b>SUBJECT:</b>	<b>UPDATE ON ELECTORAL ACTIVITIES</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF TRANSFORMATION AND RESOURCES</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### 1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to provide an update on two activities being undertaken within Electoral Services over the next few months.

- (i) Absent Voter Personal Identifier Refresh
- (ii) Mini Canvass

1.2 Details of the two activities are set out in Appendix 1.

#### 2.0 BACKGROUND AND KEY ISSUES

##### 2.1 Absent Voter Personal Identifier Refresh

Under the Representation of the People (England and Wales) Regulations 2001, Electoral Registration Officers must, by 31 January each year, send every registered absent voter whose record is more than five years old a notice requiring them to provide a fresh signature if they wish to retain their absent vote.

The notice requests them to supply a specimen of their signature, and explain that if this is not received within six weeks of the date of the notice their absent voting facility will be cancelled.

A positive point of the exercise is the continued security measures that are in place at election time.

##### 2.2 Mini Canvass

The Electoral Registration Officer (ERO) has a duty under Section 9A of the Representation of the People Act (RPA) 1983 to take all necessary steps to maintain the accuracy and completeness of the electoral register.

A proactive approach is required throughout the year and not just during the annual canvass in order to maintain accurate and complete registers, identifying people who are not registered individually and encourage them to register ensuring as far as possible that all eligible persons are on the register and that all non-eligible persons are removed.

### **3.0 RELEVANT RISKS**

3.1 The Electoral Registration Officer (ERO) must take all necessary steps to maintain the accuracy and completeness of the electoral register.

### **4.0 OTHER OPTIONS CONSIDERED**

4.1 Such options are set out in this report.

### **5.0 CONSULTATION**

5.1 None

### **6.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS**

6.1 None

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

7.1 There are no such implications arising.

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

8.1 Such implications are set out in this report.

### **9.0 LEGAL IMPLICATIONS**

9.1 Such implications are set out in this report.

### **10.0 EQUALITIES IMPLICATIONS**

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

(b) No because there is no relevance to equality.

### **11.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS**

11.1 There are no such implications arising.

### **12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

12.1 There are no such implications arising.

### **13.0 RECOMMENDATION/S**

13.1 That the report be noted by the Committee

### **14.0 REASON/S FOR RECOMMENDATION/S**

14.1 To keep members of the Committee updated on Electoral Services activities.

**REPORT AUTHOR:** Kate Robinson  
Principal Electoral Services Officer  
telephone (0151) 691 8511  
email katerobinson@wirral.gov.uk

**APPENDICES**

Appendix 1 – Electoral Activities – PI Refresh and Mini Canvass

**BACKGROUND PAPERS/REFERENCE MATERIAL**

None

**BRIEFING NOTES HISTORY**

None

**SUBJECT HISTORY (last 3 years)**

Council Meeting	Date
NONE	

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## **APPENDIX 1**

### **Electoral Activities – PI Refresh and Mini Canvass**

#### **1. PERSONAL IDENTIFIER REFRESH**

Under the Representation of the People (England and Wales) Regulations 2001, Electoral Registration Officers must, by 31 January each year, send every registered absent voter whose record is more than five years old a notice requiring them to provide a fresh signature if they wish to retain their absent vote.

The notice requests them to supply a specimen of their signature, and explain that if this is not received within six weeks of the date of the notice their absent voting facility will be cancelled.

There are 2,930 postal voters and 6 proxy voters who will receive a notice and it is my intention to start sending them out in December once the new electoral register has been published.

Absent voters who cannot sign consistently or at all and have been granted a 'Waiver' to exempt them from providing a signature are not affected by the refresh provisions, as they do not have a signature on the personal identifiers record.

A positive point of the exercise is the continued security measures that are in place at election time.

You may get enquiries from constituents. I would ask you to encourage them to respond as soon as possible. Anyone who experiences problems with signing the notice should contact this office on the helpline number 0151 691 8046 provided.

We will be issuing a press release to help spread the message, but I would appreciate your assistance also in this important matter.

#### **2. MINI CANVASS**

The Electoral Registration Officer (ERO) has a duty under Section 9A of the Representation of the People Act (RPA) 1983 to take all necessary steps to maintain the accuracy and completeness of the electoral register.

A proactive approach is required throughout the year and not just during the annual canvass in order to maintain accurate and complete registers, identifying people who are not registered individually and encourage them to register ensuring as far as possible that all eligible persons are on the register and that all non-eligible persons are removed.

Five months have passed since the implementation of Individual Electoral Registration (IER) and although 91% of the electorate were automatically re-registered, consideration has been given to identifying any unregistered residents and take steps to remove electors who are no longer eligible in an attempt to ensure the quality of the register.

Therefore, an audit of the new register in the form of a 'Mini Canvass' will be carried out in January 2015 to minimise the risk of the register declining in quality before the polls.

This will consist of sending a letter to every household confirming who is registered at that address, highlighting the forthcoming elections, and requesting that they inform you if the information you have sent them is incorrect or contains any omissions.

You may get enquiries from constituents. I would ask you to encourage them to respond as soon as possible. Anyone who experiences problems should contact this office on the helpline number 0151 691 8046 provided.

We will be issuing a press release to help spread the message, but I would appreciate your assistance also in this important matter.

Kate Robinson  
Principal Electoral Services Officer.

## WIRRAL COUNCIL

### LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

19 NOVEMBER 2014

<b>SUBJECT:</b>	<b>HACKNEY CARRIAGE VEHICLE PROPRIETOR LICENCE ALLOCATION POLICY</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>STRATEGIC DIRECTOR OF REGENERATION AND ENVIRONMENT</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>COUNCILLOR WJ DAVIES</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### 1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is for Members to consider an amendment to the Random Selection Procedure for the allocation of Hackney Carriage Vehicle Proprietor Licences to enable licences to be allocated through one Random Selection Procedure.

#### 2.0 BACKGROUND AND KEY ISSUES

2.1 Following the decision of this Committee on 23 January 2012 to impose a limit on the number of Hackney Carriage Vehicle Proprietor Licences a procedure for allocating new licences was adopted by Members on 25 September 2012. This procedure is attached to the report at **Appendix 1**.

2.2 Since the imposition of the limit, Hackney Carriage Vehicle Proprietor Licences have become available on three separate occasions requiring the Random Selection Procedure to take place at the Licensing Panel in order to allocate the available licences.

2.3 The current procedure requires a successful applicant to be informed that they have been allocated a Hackney Carriage Vehicle Proprietor Licence and that they have 28 days in which to present a vehicle for licensing.

2.4 Should the applicant not be able to obtain a vehicle which meets the criteria for licensing a Hackney Carriage Vehicle another Random Selection Procedure from the remaining applicants must take place at the next Licensing Panel meeting.

2.5 The operation of the current Random Selection Procedure can be illustrated through the following example.

- 2.6 In January 2013 the availability of four Hackney Carriage Vehicle Proprietor Licences was advertised and the Random Selection Procedure to allocate those licences took place at a meeting of the Licensing Panel on 1 March 2013. Due to successful applicants not being able to take up the licence allocated to them the Random Selection Procedure was repeated at six further Licensing Panels until all licences were allocated in April 2014.

### **3.0 PROPOSAL**

- 3.1 Members are asked to consider an amendment to the Random Selection Procedure to enable Hackney Carriage Vehicle Proprietor Licences to be allocated through one Random Selection Procedure.
- 3.2 It is proposed that, following the advertising of an available licence or licences, all applications received that meet the criteria for licensing a Hackney Carriage Vehicle will be numbered in accordance with the order in which they are received in the Licensing Office. These numbers will be input into the random selection process to generate the order in which a licence or licences can be offered to applicants.
- 3.3 Available licences will be allocated in order, starting with the first application on the generated list, and if a successful applicant is unable to present a vehicle within 28 days the licence will be offered to the next applicant on the generated list.
- 3.4 This would enable those licences available at that time to be allocated without the need to undertake a further random selection process at a future meeting of the Licensing Panel.
- 3.5 The proposed Random Selection Procedure is attached at **Appendix 2**.

### **4.0 RELEVANT RISKS**

- 4.1 There are none arising from this report.

### **5.0 OTHER OPTIONS CONSIDERED**

- 5.1 There is no provision for other options to be considered.

### **6.0 CONSULTATION**

- 6.1 Consultation on the process to be adopted to allocate licences was undertaken in July and August 2012. The results of the consultation were reported to this Committee on 25 September 2012.

### **7.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS**

- 7.1 There are none.

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

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

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

9.1 There are no specific implications arising from this report.

## **10.0 LEGAL IMPLICATIONS**

10.1 A decision of this Committee is subject to Appeal.

## **11.0 EQUALITIES IMPLICATIONS**

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

No. An EIA has been completed in respect of the allocation procedure and was reported to this Committee on 25 September 2012.

## **12.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS**

12.1 There are no specific implications arising from this report.

## **13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

13.1 There are no specific implications arising from this report.

## **14.0 RECOMMENDATION/S**

14.1 That Members approve the proposal for amending the Random Selection Procedure and adopt the amended procedure set out in Appendix 2.

## **15.0 REASON/S FOR RECOMMENDATION/S**

15.1 It is a delegated function of this Committee to allocate licences when they become available.

**REPORT AUTHOR:** Margaret O'Donnell

telephone (0151) 691 8606

email margaretodonnell@wirral.gov.uk

## **APPENDICES**

**Appendix 1** Current Random Selection Procedure

**Appendix 2** Proposed Random Selection Procedure

## **BACKGROUND PAPERS/REFERENCE MATERIAL**

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Licensing Health and Safety and General Purposes Committee</b>	<b>25 September 2012</b>

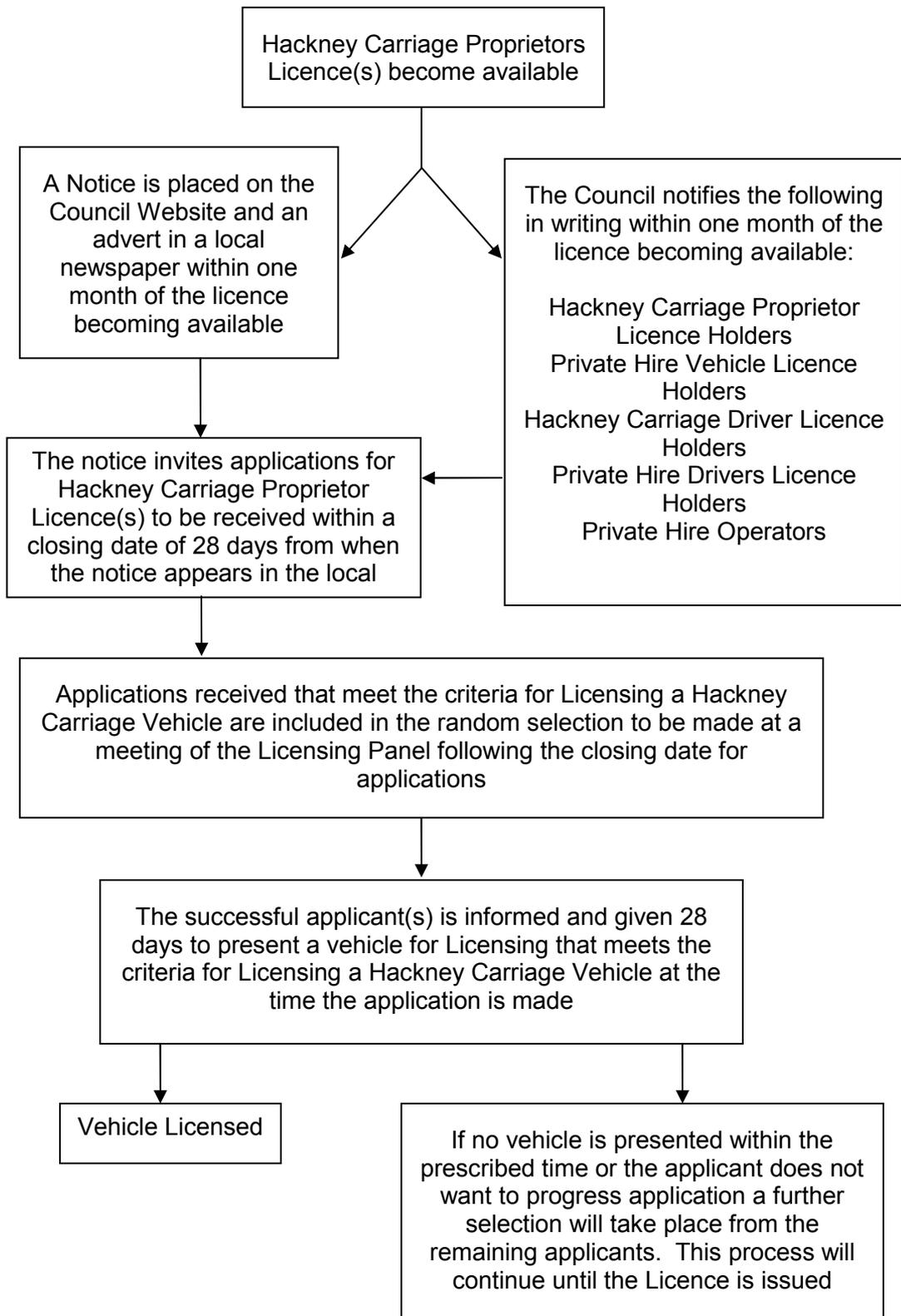
**BRIEFING NOTES HISTORY**

<b>Briefing Note</b>	<b>Date</b>

## **Random Selection Procedure for the Allocation of Hackney Carriage Proprietor Licences**

- Hackney Carriage Proprietor Licence(s) become available
- The Council notifies the following in writing within one month of the licence becoming available:  
  
Hackney Carriage Proprietor Licence Holders  
Private Hire Vehicle Licence Holders  
Hackney Carriage Driver Licence Holders  
Private Hire Drivers Licence Holders  
Private Hire Operators
- A Notice is placed on the Council Website and an advert is placed in a local newspaper within one month of the licence becoming available.
- The notice invites applications for Hackney Carriage Proprietor Licence(s) to be received within a closing date of 28 days from when the notice appears in the local newspaper.
- Applications received that meet the criteria for Licensing a Hackney Carriage Vehicle are included in the random selection to be made at a meeting of the Licensing Panel following the closing date for applications.
- The successful applicant(s) is informed and given 28 days to present a vehicle for Licensing that meets the criteria for Licensing a Hackney Carriage Vehicle at the time the application is made.
- **Outcome:**
  - 1) Vehicle Licensed
  - 2) If no vehicle is presented within the prescribed time or the applicant does not want to progress the application a further selection will take place from the remaining applicants. This process will continue until the Licence is issued.

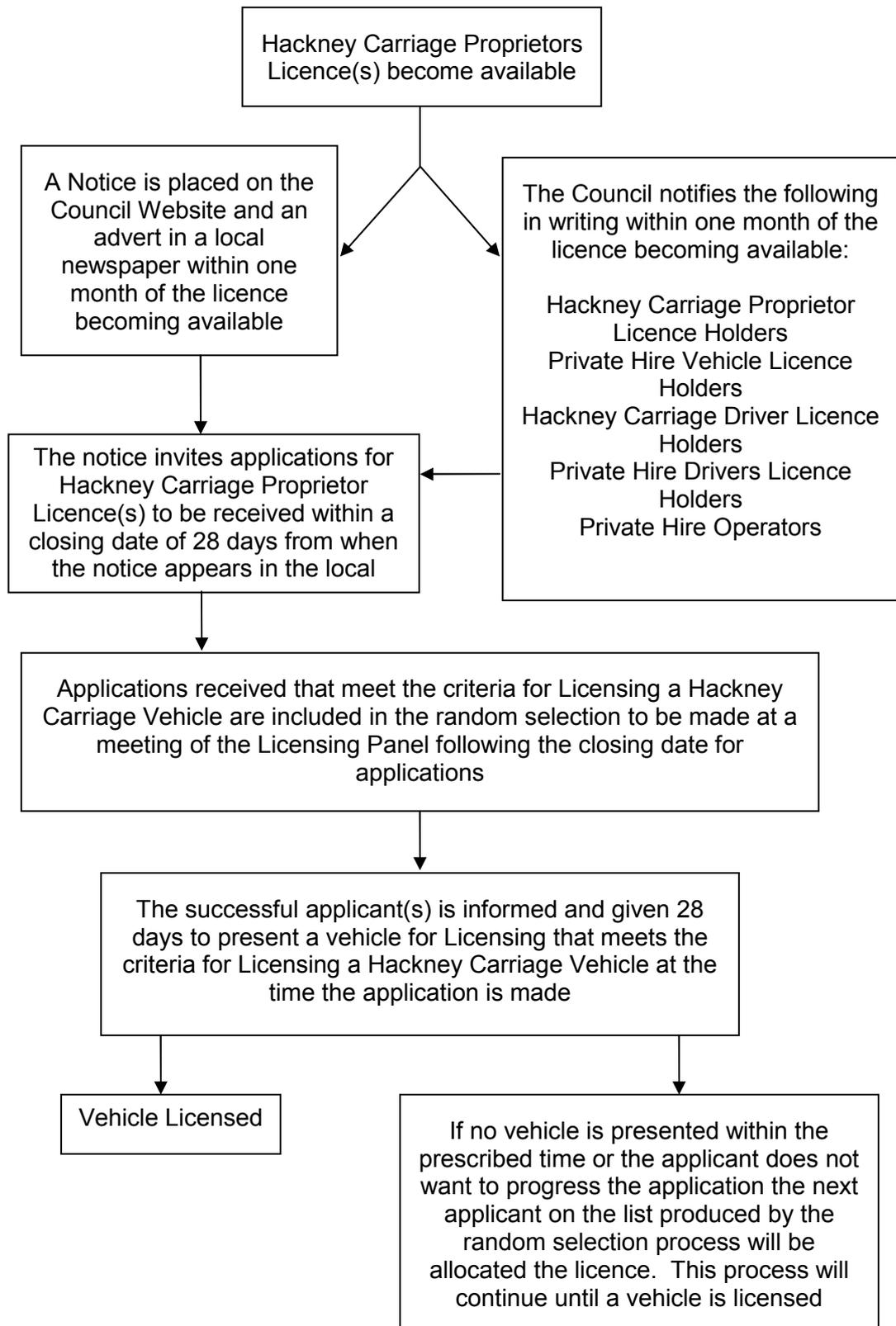
## Random Selection Procedure for the Allocation of Hackney Carriage Proprietor Licences



## **Proposed Random Selection Procedure for the Allocation of Hackney Carriage Proprietor Licences**

- Hackney Carriage Proprietor Licence(s) become available
- The Council notifies the following in writing within one month of the licence becoming available:  
  
Hackney Carriage Proprietor Licence Holders  
Private Hire Vehicle Licence Holders  
Hackney Carriage Driver Licence Holders  
Private Hire Drivers Licence Holders  
Private Hire Operators
- A Notice is placed on the Council Website and an advert is placed in a local newspaper within one month of the licence becoming available.
- The notice invites applications for Hackney Carriage Proprietor Licence(s) to be received within a closing date of 28 days from when the notice appears in the local newspaper.
- Applications received that meet the criteria for licensing a Hackney Carriage Vehicle will be allocated a sequential number as they are received in the Licensing Office. The application numbers will be input into the random selection process to generate the order in which licences can be offered to applicants.
- Available licences will be allocated from this list in order, starting with the first application on the list
- The successful applicant(s) is informed and given 28 days to present a vehicle for Licensing that meets the criteria for Licensing a Hackney Carriage Vehicle at the time the application is made.
- **Outcome:**
  - 1) Vehicle Licensed
  - 2) If no vehicle is presented within the prescribed time or the applicant does not want to progress the application the next applicant on the list produced by the random selection process will be allocated the licence. This process will continue until a vehicle is licensed.

## Proposed Random Selection Procedure for the Allocation of Hackney Carriage Proprietor Licences



## WIRRAL COUNCIL

### LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

19 NOVEMBER 2014

<b>SUBJECT:</b>	<b>MEDICAL REQUIREMENTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>STRATEGIC DIRECTOR OF REGENERATION AND ENVIRONMENT</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>COUNCILLOR WJ DAVIES</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### 1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is for Members to authorise officers to consult Private Hire and Hackney Carriage Driver, Vehicle and Operator licence holders and members of the public in respect of a review of the medical requirements for Hackney Carriage and Private Hire Drivers

#### 2.0 BACKGROUND AND KEY ISSUES

2.1 It is a requirement that an applicant for a Hackney Carriage or Private Hire Driver Licence is a fit and proper person to hold such a licence.

2.2 In accordance with Section 57(1) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may request such information it considers necessary to determine whether conditions should be attached to the licence.

2.3 The provisions of Section 57(2) of the Local Government (Miscellaneous Provisions) Act 1976 specifically allow a local authority to require a medical certificate certifying that the applicant for a Hackney Carriage or Private Hire Driver Licence is physically fit to undertake that role.

2.4 The current requirements that must be satisfied before an individual may be granted a Hackney Carriage or Private Hire Driver Licence are as follows:

- Vocationally Related Qualification (VRQ)
- Knowledge test pass
- Satisfactory driving licence
- Satisfactory enhanced certificate from the Disclosure and Barring Service (criminal record check)
- Satisfactory medical

- 2.5 Currently, following the grant of a licence, licensed Hackney Carriage and Private Hire Drivers are not required to undertake a further medical check until they reach the age of 65 years, when medical checks are required annually on renewal of the licence.
- 2.6 The Department for Transport (DfT) Best Practice Guidance states:
- 'It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal.'
- 2.7 Legislation provides that the renewal period for driver licences may be up to three years. The recommendation made by the DfT for the frequency of medicals to be at each renewal is therefore not necessarily on an annual basis.
- 2.8 In September 2010 the Local Government Regulation (LGR) Working Group published a standardised conditions template following a review undertaken by the LGR Working Group. This Group was made up of representatives from each region in England and Wales as well as the Institute of Licensing (IoL) and National Association of Licensing and Enforcement Officers (NALEO). The template is intended to act as a guide and sets out minimum standards. In respect of the requirement for medicals the template sets out the following minimum standard:
- 'All drivers, regardless of age, should have Group 2 medical checks on initial application and at regular intervals thereafter'
- 2.9 Group 2 medical checks are required for holders of Light Goods Vehicle (LGV) or Public Carriage Vehicle (PCV) licences. These licences are renewable from age 45 years and every 5 years thereafter until the age of 65 years, unless restricted to a shorter period for medical reasons. Licences are renewable annually from the age of 65 years.
- 2.10 It is recognised by the General Medical Council that passengers of taxi and private hire vehicles have expectations of a safe driver and reliable service and that "Drivers need to meet the physical and mental demands of the task..."
- 2.11 On 20 March 2013 Members approved a draft consultation document to be circulated in order to seek views from Private Hire and Hackney Carriage Driver, Vehicle and Operator licence holders and members of the public in respect of a review of the medical requirements for Hackney Carriage and Private Hire Drivers. It was also resolved that the consultation should take place over a period of six weeks.
- 2.12 The consultation took place through an online questionnaire on the Council website. All 1317 licence holders were notified of the consultation through a newsletter sent directly to them advising them of the consultation and directing them to the website. A total of five responses were received.
- 2.13 During this time the Council's current requirement for private hire drivers to undertake an annual medical from the age of 65 years was challenged by a licensed driver on the grounds that he considered the policy discriminated against him in respect of his age. This challenge was considered in the County Court in January 2014 and it was determined that whilst the policy did discriminate in respect of age the requirement for licensed drivers to have an annual medical from the age of 65 years was a proportionate means of achieving the legitimate aim of protecting public safety.

- 2.14 Due to the poor response to the consultation and the lapse of time between the consultation and the outcome of the County Court judgement it was not considered appropriate to adopt any change to the current medical requirement at that time, and that further consultation would be required.
- 2.15 Officers remained concerned that there was a lack of medical checks on licensed drivers from the time that they were granted a licence until the age of 65 years, as this was not in accordance with published guidelines as well as the standards imposed by other local authorities. In seeking to address this concern it has been highlighted on renewal documents sent to licensed drivers that they must notify the Licensing Office of any change in their medical condition that may have occurred since their licence was previously renewed.
- 2.16 It is considered both appropriate and necessary to review the current medical requirement to both protect the public and have positive health outcomes for licensed drivers.
- 2.17 Members are requested to authorise officers to undertake further consultation on the options shown in paragraph 3 below as an amendment to the requirement for medical checks to be undertaken by licensed drivers and report back to this Committee the outcome of that consultation.

### **3.0 OPTIONS**

- Option 1** to require medical checks to be undertaken on initial application and then annually from age 65, as currently.
- Option 2** to require medical checks on initial application and thereafter annually.
- Option 3** to require medical checks to be undertaken on initial application and thereafter every three years to coincide with the current requirement for Disclosure and Barring Service criminal records checks, with checks being undertaken annually from age 65.
- Option 4** to require medical checks on initial application and thereafter every five years, with checks being undertaken annually from age 65.
- Option 5** to require medical checks on initial application and thereafter for each renewal, with checks being undertaken annually from age 65.
- Option 6** to require medical checks on initial application and subsequently every five years from the age of 45 years until the age of 65 years, when checks would be undertaken annually. This would be in line with Driver and Vehicle Licensing Agency (DVLA) requirements for LGV and PCV drivers.

The fees charged by General Practitioners for medical examinations are typically between £100 and £140.

#### **4.0 OTHER LOCAL AUTHORITIES**

4.1 The frequency of medicals imposed by other local authorities on Merseyside is as follows:

- Knowsley: initial application, age 45, age 50, age 55, age 60, age 65 and then annually
- Sefton: initial application, age 45, age 55, age 65 and then annually
- Liverpool: initial application, age 45, age 50, age 55, age 60, age 65 and then annually
- St Helens: initial application, age 45, age 55, age 65 and then annually

#### **5.0 RELEVANT RISKS**

5.1 There are none arising from this report.

#### **6.0 OTHER OPTIONS CONSIDERED**

6.1 This report is seeking approval to consult on a number of options.

#### **7.0 CONSULTATION**

7.1 It is proposed that the consultation will take place over a six week period and the results of the consultation will be reported to a future meeting of this Committee.

#### **8.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS**

8.1 There are none.

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

9.1 There are no specific implications arising from this report.

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

10.1 There is a cost implication of undertaking the consultation, this cost will be recovered through licence fees.

#### **11.0 LEGAL IMPLICATIONS**

11.1 A decision of this Committee may be subject to legal challenge.

## 12.0 EQUALITIES IMPLICATIONS

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

Yes and impact review is attached.

<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-april-2014/eias-regeneration-envir>

## 13.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

13.1 There are no specific implications arising from this report.

## 14.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

14.1 There are no specific implications arising from this report.

## 15.0 RECOMMENDATION/S

15.1 That Members authorise officers to undertake consultation on the options set out in paragraph 3 of this report regarding the medical requirement for Hackney Carriage and Private Hire Drivers. That the consultation period be 6 weeks.

## 16.0 REASON/S FOR RECOMMENDATION/S

16.1 The current medical requirement has not been subject to review.

**REPORT AUTHOR:** Margaret O'Donnell

telephone (0151) 691 8606

email [margaretodonnell@wirral.gov.uk](mailto:margaretodonnell@wirral.gov.uk)

## APPENDICES

## BACKGROUND PAPERS/REFERENCE MATERIAL

### SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Health and Safety and General Purposes Committee	20 March 2013

## BRIEFING NOTES HISTORY

Briefing Note	Date