

LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Wednesday, 25 March 2015

Present: Councillor WJ Davies (Chair)

Councillors S Niblock M Sullivan
J Salter G Watt
C Spriggs P Williams

Deputies: Councillors T Anderson (In place of L Fraser)
D Elderton (In place of A Hodson)

22 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.

No such declarations were made.

23 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 25 February 2015 be approved.

24 MEDICAL REQUIREMENT FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

The Strategic Director of Regeneration and Environment reported upon the outcome of the consultation that had taken place in respect of a review of the medical requirements for Hackney Carriage and Private Hire Drivers and the necessity to determine the future medical requirement for Hackney Carriage and Private Hire Drivers in Wirral.

The Licensing Manager informed Members of the current requirements that must be met before a Hackney Carriage or Private Hire Driver Licence may be granted which included a satisfactory medical and that following the grant of a licence, licensed drivers were not required to undertake a further medical check until they reached the age of 65 years when medical checks were then required annually on renewal of the licence.

It was reported that a number of guidance documents and recommendations had been published which included reference to the medical requirement for licensed drivers and that further to the consultation having taken place, 209 responses had been received. Members were advised that the majority of respondents (69%) stated that more regular medical checks should be undertaken by Private Hire and Hackney Carriage Drivers and that the most popular option was for medical checks to be

undertaken on initial application and thereafter every three years with checks being undertaken annually from age 65 years.

The Licensing Manager advised that the Joint Consultative Committee, at its meeting held on 23 March 2015, had supported the view that there should be an increase in the frequency of medicals undertaken by licensed drivers.

Derek Cummins, Unite the Union, attended the meeting and made representations in respect of the recommendations made in the report. He raised concerns in respect of the cost that would be incurred to drivers as this had not been indicated within the report. Mr Cummins questioned the need for new requirements being imposed by Local Authorities when it hadn't been imposed by the Government. He believed that the recommendations outlined in the report were more stringent than other Local Authorities and the requirement of the Group 2 licence holders. He raised concerns in respect of there being no justification to change the medical requirements and urged that the recommendations be rejected.

Mr Cummins responded to questions from Members of the Committee.

The Licensing Manager confirmed that there were a number of reasons that had contributed to the proposed recommendations, one of which being the outcome of the consultation. She also confirmed that the trade had supported the change in requirements and that it would be a positive step to improve the health of licensed drivers. She also referred to the Deregulation Bill and advised that the proposals would be in line with the three year renewal of licences should this come into force.

In response to questions from Members, the Licensing Manager confirmed that the cost of medicals varied in different practices and that some practices would only carry out medicals on their own patients. Members expressed their concerns regarding drivers who had been prescribed drugs for health reasons and not notified Licensing as well as certain medical conditions. Members acknowledged there would be a cost implication for drivers, however, they supported the recommendations proposed as they acknowledged their duty to ensure the safety of the public.

It was moved by Councillor S Niblock and seconded by Councillor J Salter that

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“(1) Members adopt the following Policy in respect of the medical requirement for Private Hire and Hackney Carriage Drivers:

Medical checks are undertaken by a General Practitioner in the medical practice to which the individual is registered on initial application and thereafter every three years with checks being undertaken annually from age 65.

(2) Members confirm that the standards applied to the medical examination required to be undertaken by Private Hire and Hackney Carriage drivers are the Group 2 medical standards applied by the DVLA and that the medical form attached at Appendix 5 of the report is adopted to be used by doctors undertaking the medical.

(3) Members set the implementation of the Policy to be effective from 1 August 2015 requiring each driver to present a satisfactory medical certificate for their first renewal from this date.

Resolved –

(1) That the following Policy in respect of the medical requirement for Private Hire and Hackney Carriage Drivers be adopted:

Medical checks are undertaken by a General Practitioner in the medical practice to which the individual is registered on initial application and thereafter every three years with checks being undertaken annually from age 65.

(2) That the medical form attached at Appendix 5 of the report be adopted to be used by doctors undertaking the medical and that the standards applied to the medical examination required to be undertaken by Private Hire and Hackney Carriage Drivers are the Group 2 medical standards applied by the DVLA.

(3) That the Policy be implemented to be effective from 1 August 2015 requiring each driver to present a satisfactory medical certificate for their first renewal from this date.

25 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

The Strategic Director of Regeneration and Environment submitted a report requesting Members to determine the Policy that should be applied for the granting of a new Private Hire Driver Licence to a currently licensed Hackney Carriage Driver or a new Hackney Carriage Driver licence to a currently licensed Private Hire Driver.

The report outlined the tests that were necessary for individuals to show that they are fit and proper to hold a Private Hire or Hackney Carriage Driver Licence and, as a currently licensed driver would have satisfied these tests, it was proposed that an application submitted by a currently licensed driver would be granted without the requirement for the driver to present a certificate from the Disclosure and Barring Service or a satisfactory Medical Certificate at that time unless they were currently due to be presented under their current licence requirements. It was further proposed that the expiry date of that licence would be set in line with their existing licence in order for the driver to comply with the Council's Policy for producing updated medical certificates and certificates from the DBS for both licences concurrently.

It was moved by Councillor S Niblock and seconded by Councillor D Elderton that –

“The following Policy for granting a new Private Hire or Hackney Carriage Driver Licence to a currently licensed Hackney Carriage or Private Hire Driver be adopted:

The current holder of a Hackney Carriage Driver Licence may be granted a Private Hire Driver Licence and the holder of a Private Hire Driver Licence may be granted a Hackney Carriage Driver Licence without the requirement for the

applicant to produce a Disclosure and Barring Certificate or a satisfactory medical certificate other than in accordance with the requirement placed on them under their current Hackney Carriage or Private Hire Driver Licence. The expiry date of the second licence applied for will be the same as their current Hackney Carriage or Private Hire Driver Licence and this will be the case in circumstances where the driver surrenders their existing licence.”

Resolved – That the following Policy for granting a new Private Hire or Hackney Carriage Driver Licence to a currently licensed Hackney Carriage or Private Hire Driver be adopted:

The current holder of a Hackney Carriage Driver Licence may be granted a Private Hire Driver Licence and the holder of a Private Hire Driver Licence may be granted a Hackney Carriage Driver Licence without the requirement for the applicant to produce a Disclosure and Barring Certificate or a satisfactory medical certificate other than in accordance with the requirement placed on them under their current Hackney Carriage or Private Hire Driver Licence. The expiry date of the second licence applied for will be the same as their current Hackney Carriage or Private Hire Driver Licence and this will be the case in circumstances where the driver surrenders their existing licence.

26 **PROPOSED LOCAL ELECTION FEES AND CHARGES STRUCTURE**

The Head of Legal and Member Services reported upon the proposed fees paid to the Returning Officer and his staff employed to undertake various duties in connection with elections held within the Borough.

The next scheduled Borough elections would take place on 7 May 2015 and would be combined with a UK Parliamentary General Election and the proposed Local election fees for 2015/16 were set out within Appendix 1 to the report.

Members were advised that it was considered good practice that any fees paid to the Returning Officer and staff employed in relation to ensuring the effective running of local elections be considered and agreed by the Licensing, Health and Safety and General Purposes Committee. The duties and responsibilities of the Returning Officer were detailed within the report.

Members were asked to consider the fees and agree the Returning Officer fee and associated fees and were informed that the costs of the local election fees that would be payable could be met within the approved Elections Budget.

In response to questions from Members, the Head of Legal and Member Services confirmed that historically the fees paid to the Returning Officer and the staff employed to undertake election duties had been increased annually by Retail Price Index. The Head of Legal and Member Services advised that the Chief Executive would be the Returning Officer for the forthcoming elections.

Discussions took place regarding the fee that would be paid to the Returning Officer and whether this should have been taken into account in respect of his salary.

The Head of Legal and Member Services advised that the role of the Returning Officer was a distinct role and that personal liability and responsibility was attached to the role.

Resolved (8:1 Councillor T Anderson dissenting) – That the Committee agree the proposed Local Election Fees and Charges structure as set out within Table 2, Appendix 1 of the report.

27 **ANY OTHER BUSINESS - HACKNEY CARRIAGE VEHICLE LICENCE APPLICATION**

The Chair requested confirmation from all parties that they were content that the meeting was being filmed.

The applicant requested that the meeting not be filmed due to personal information that he may disclose during the meeting.

The member of the public who wished to film the meeting contested this and believed that he should be allowed to film the meeting as the item was not exempt.

It was moved by Councillor S Niblock and seconded by Councillor D Elderton that -

“The public be excluded from the meeting during consideration of this matter on the grounds that disclosure may involve providing personal financial information about individuals.”

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of this item of business on the grounds that it involves 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.

The Strategic Director of Regeneration and Environment reported upon an application that had been received to licence a LTI TXII, registration number WX03 FPE as a Hackney Carriage Vehicle.

The applicant attended the meeting with his vehicle which was inspected by Members.

The applicant responded to questions from Members.

Resolved - That the application to license the LTI TXII, registration number WX03 FPE as a Hackney Carriage Vehicle be refused.