

# LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Monday, 28 September 2015

Present: Councillor WJ Davies (Chair)

Councillors S Niblock L Fraser  
J Salter G Watt  
M Sullivan P Williams

Deputies: Councillors J Stapleton (In place of C Spriggs)  
T Anderson (In place of A Hodson)

## 11 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.

## 12 MINUTES

**Resolved - That the accuracy of the minutes of the special meetings held on 7 July and 2 September 2015 be approved.**

## 13 INDEPENDENT SURVEY OF THE SUPPLY AND DEMAND FOR HACKNEY CARRIAGE VEHICLES IN WIRRAL

The Strategic Director of Regeneration and Environment sought Members' approval to undertake a procurement exercise in order to appoint an independent company to carry out a survey to determine the level of demand for Hackney Carriage Vehicles in Wirral. Members were also asked to approve the proposed scope for an independent survey which was attached as an appendix to the report.

The Licensing Manager outlined the legislation set out within the report. Members were advised that the number of hackney carriage vehicles may be limited and that the usual method of ascertaining the level of demand would be by means of an independent survey to establish the level of demand for hackney carriages.

The Licensing Manager referred to the limit of 289 Hackney Carriage Vehicle Licences imposed by this Committee on 23 January 2012 and advised that this had been set following recommendations made by Halcrow Group Limited who undertook an independent study of the demand for hackney carriages in Wirral during June 2011. The Licensing Manager referred to the guidance from The Department for Transport which advises that any licensing authority that controls the number of taxis should ensure that this policy is based on up to date information as well as evidence of the benefits to consumers in retaining the restriction.

The Licensing Manager informed Members that it would therefore be considered appropriate for the Council to appoint an independent company to undertake a new survey into the current demand for hackney carriages in Wirral due to the time lapse since the previous study.

In response to questions from Members, the Licensing Manager advised that the consultation would go out during October and that it would take 4-6 weeks. Members were further advised that the outcome of the procurement would be reported to this Committee so that a company may be appointed to undertake the survey. The Licensing Manager also explained the differences between current, unmet and latent demand for hackney carriages in Wirral.

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

“Members delegate officers to undertake a procurement exercise in order to appoint an independent company to establish the level of demand for Hackney Carriage Vehicles in Wirral and approve the proposed scope for an independent survey attached as an appendix to the report.”

**Resolved – That officers be given delegated authority to undertake a procurement exercise in order to appoint an independent company to establish the level of demand for Hackney Carriage Vehicles in Wirral and approve the proposed scope for an independent survey attached as an appendix to the report.**

#### 14 **PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE TESTING STATIONS**

The Strategic Director of Regeneration and Environment sought Members' approval to invite applications from approved MOT testing stations to be authorised as Hackney Carriage and Private Hire Vehicle Compliance Testing Stations in addition to the four garages currently authorised to undertake this work.

The Licensing Manager advised Members that further to an invitation to all 48 MOT testing stations in Wirral in 2009, ten applications were received and assessed against the same criteria and that on 9 November 2009, Members of the Committee resolved that the four testing stations outlined within the report had been approved to undertake the testing of Private Hire and Hackney Carriage Vehicles in Wirral which were considered to be sufficient at the time of their appointment, however, as further enquiries had been received and due to the lapse in time it was proposed that applications again be invited from approved MOT testing centres in Wirral. It was further proposed that expressions of interest were invited through an advertisement in the Wirral Globe and by writing to each of the testing stations.

In response to questions from Members, the Licensing Manager confirmed that there had been no pre-determination in respect of the current four testing stations that were situated in each constituency and that Walsh Autos was popular as it had been the only testing station for a number of years prior to further garages being appointed. The Licensing Manager also confirmed that the testing document would be updated to reflect the current policy.

**It was moved by Councillor S Niblock and seconded by Councillor M Sullivan that –**

“Members instruct officers to invite applications from Approved MOT Testing Centres in Wirral that are currently not authorised to undertake the testing of Private Hire and Hackney Carriage Vehicles in Wirral to be appointed as Hackney Carriage and Private Hire Vehicle Testing Stations and report the responses and assessment results to a future meeting of this Committee.”

**Resolved – That officers be instructed to invite applications from Approved MOT Testing Centres in Wirral, that are currently not authorised to undertake the testing of Private Hire and Hackney Carriage Vehicles in Wirral, to be appointed as Hackney Carriage and Private Hire Vehicle Testing Stations and the responses and assessment results be reported to a future meeting of this Committee.**

## 15 **HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES**

The Strategic Director of Regeneration and Environment reported upon the discretion provided within the changes introduced in the legislation in respect of licensing Hackney Carriage and Private Hire Drivers.

The Licensing Manager reported upon the legislation which sets out the licensing provisions for Hackney Carriage Drivers and Private Hire Drivers and the current wording in Section 53 of The Local Government (Miscellaneous Provisions) Act 1976 which states that these licences ‘shall remain in force for three years from the date of such licence or for such lesser period as the district council may specify in such licence.’

The Licensing Manager reported that Private Hire and Hackney Carriage Driver Licences were currently granted for a period of 12 months but that the Deregulation Act 2015 amends the wording of Section 53 to state that licences ‘shall remain in force for three years from the date of such licence or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.’

Members were advised that at the last meeting of this Committee on 7 July 2015, a Policy had been approved in respect of the renewal of Private Hire and Hackney Carriage Driver Licences as well as an amended fee structure to be applied to three year licences. Although this Policy was now in place for renewing licences for a three year period, the Council were still provided with a discretion as to how long a licence should last in the circumstances of an individual case.

In response to questions from Members, the Licensing Manager confirmed that costs were recovered and that fees are reviewed each year and set from 1 April.

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

“(1) Members note that from 1 October 2015 Private Hire and Hackney Carriage Driver licences will be granted for a period of three years.

(2) Members delegate to officers the discretion to assess the merits of each individual case and determine whether it is appropriate in the circumstances of the case to grant a Private Hire or Hackney Carriage Driver Licence for a lesser period than three years, except in circumstances where an applicant or licensed driver is referred to the Licensing Panel when the discretion of Members of the Licensing Panel will be engaged.

(3) Should it be considered appropriate in the circumstances of the case to grant a licence for 12 months, the current fee structure for annual licences be applied.”

**Resolved –**

**(1) That it be noted that from 1 October 2015 Private Hire and Hackney Carriage Driver licences will be granted for a period of three years.**

**(2) That the discretion to assess the merits of each individual case and determine whether it is appropriate in the circumstances of the case to grant a Private Hire or Hackney Carriage Driver Licence for a lesser period than three years (except in circumstances where an applicant or licensed driver is referred to the Licensing Panel when the discretion of Members of the Licensing Panel will be engaged) be delegated to officers.**

**(3) That the current fee structure for annual licences be applied should it be considered appropriate in the circumstances of the case to grant a licence for 12 months.**

16 **PRIVATE HIRE OPERATOR LICENCES**

The Strategic Director of Regeneration and Environment reported upon the discretion provided following changes in the legislation in respect of licensing Private Hire Operators. The approval of Members was sought to introduce a requirement for applicants to undergo a criminal record check and obtain a Basic Disclosure from Disclosure Scotland before a Private Hire Operator Licence may be granted or renewed.

The Licensing Manager outlined the legislation within the report and the amendments brought about by The Deregulation Act 2015. Members were advised that the amended wording would still provide the Council with a discretion as to how long a licence should last in the circumstances of an individual case and were asked to consider whether they were content to delegate the discretion to assess the merits of each individual case to officers, except in circumstances when an applicant or licensed Operator is referred to the Licensing Panel. It was also proposed that the current fee structure for annual licences be applied should it be considered appropriate to grant a licence for twelve months.

Members were advised that there are currently seventy holders of Private Hire Operator Licences who also hold a Private Hire Driver Licence and are therefore subject to an Enhanced Disclosure and Barring check every three years. However, seven holders of Private Hire Operator Licences do not hold a Private Hire Driver Licence. It was proposed to introduce a criminal record check in respect of Private Hire Operators before a licence may be granted or renewed.

Members expressed their concerns in respect of there being no provision to request an Enhanced Disclosure.

The Licensing Manager confirmed that it was not possible to obtain an Enhanced Disclosure and Barring Service check but that an applicant could be asked to obtain a Basic Disclosure from Disclosure Scotland.

**It was moved by Councillor S Niblock and seconded by Councillor J Salter that**  
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“(1) Officers be given delegated authority to assess the merits of each application for a Private Hire Operator Licence and determine whether it would be appropriate in the circumstances of the case to grant a Private Hire Operator Licence for a lesser period except in circumstances when an applicant or licensed Operator is referred to the Licensing Panel when the discretion of the Members of the Licensing Panel would be engaged.

(2) The following Policy be approved:

An applicant for the grant or renewal of a Private Hire Operator Licence must undergo a criminal record check and obtain a Basic Disclosure from Disclosure Scotland before a licence may be granted or renewed, except in circumstances where the applicant holds or is in the process of applying for a Private Hire Driver Licence.”

**Resolved –**

**(1) That officers be given delegated authority to assess the merits of each application for a Private Hire Operator Licence and determine whether it would be appropriate in the circumstances of the case to grant a Private Hire Operator Licence for a lesser period except in circumstances where an applicant or licensed Operator is referred to the Licensing Panel when the discretion of the Members of the Licensing Panel would be engaged.**

**(2) That the following Policy be approved:**

**An applicant for the grant or renewal of a Private Hire Operator Licence must undergo a criminal record check and obtain a Basic Disclosure from Disclosure Scotland before a licence may be granted or renewed, except in circumstances where the applicant holds or is in the process of applying for a Private Hire Driver Licence.**