



Licensing, Health and Safety and General Purposes Committee

Date: Tuesday, 7 July 2015

Time: 6.15 pm

Venue: Committee Room 1 - Wallasey Town Hall

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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 2 June 2015.

3. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE RENEWAL REQUIREMENTS (Pages 5 - 8)

4. REVIEW OF LICENSING FEES FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER AND AND PRIVATE HIRE OPERATOR LICENCES (Pages 9 - 16)

5. EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

The following items contain exempt information.

RECOMMENDATION: 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 involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

6. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR

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

LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Tuesday, 2 June 2015

Present: Councillor WJ Davies (Chair)

Councillors S Niblock L Fraser
J Salter G Watt
C Spriggs P Williams
A Hodson

Apologies: Councillor 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 25 March 2015 be approved.

3 APPOINTMENT OF LICENSING PANEL

The Head of Legal and Democratic 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 2015/16 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 2015/2016 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 2015/2016:-

	<u>Members</u>	<u>Deputies</u>
4 Labour Councillors	Bill Davies (Chair) Steve Niblock Denise Roberts John Salter	Jim Crabtree George Davies Phil Brightmore Christina Muspratt Anita Leech Irene Williams Jean Stapleton Tony Norbury Eddie Boulton David Burgess-Joyce David Elderton Leah Fraser John Hale Adam Sykes Geoffrey Watt Steve Williams Dave Mitchell Alan Brighthouse Phil Gilchrist Christopher Carubia
2 Conservative Councillors	Andrew Hodson Gerry Ellis	
1 Liberal Democrat Councillor	Pat Williams (s)	

4 **MEDICAL REQUIREMENT FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

The Strategic Director of Regeneration and Environment requested that Members consider an amendment to the implementation date of the Policy in respect of the medical requirement for Private Hire and Hackney Carriage Drivers from 1 August 2015 to 1 October 2015.

Members were advised that amendments made by the Deregulation Act 2015 affecting Hackney Carriage and Private Hire drivers would be coming into force on 1 October 2015 and the Local Authority would be required to issue Private Hire and Hackney Carriage Driver Licences for a period of three years from that date. It was therefore proposed that the implementation of the Policy in respect of the medical requirement for Private Hire and Hackney Carriage Drivers should be brought into line with the implementation date of three year Private Hire and Hackney Carriage Driver Licences on 1 October 2015.

The Chair advised that the changes to the Policy had been widely consulted upon through the Joint Consultative Committee and letters had been sent out to all drivers and operators.

Councillor Niblock confirmed that he had attended the Joint Consultative Committee meeting and the representatives of the trade who had attended the meeting had

been agreeable to the proposed change to the Policy for medicals to be carried out every three years.

The Licensing Manager confirmed that licences would be renewed every three years and therefore the length of the licence would be linked in with the requirement for a medical. The Licensing Manager also advised that training would be provided to Members in respect of the amendments made to the legislation affecting Hackney Carriage and Private Hire licences.

It was moved by Councillor A Hodson and seconded by Councillor J Salter that
–

“Members approve a revised implementation date for the Policy in respect of the medical requirement for Private Hire and Hackney Carriage Drivers of 1 October 2015.”

Resolved – That a revised implementation date for the Policy in respect of the medical requirement for Private Hire and Hackney Carriage Drivers of 1 October 2015 be approved by Members.

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WIRRAL COUNCIL

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

7 JULY 2015

SUBJECT:	HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE RENEWAL REQUIREMENTS
WARD AFFECTED:	ALL WARDS
REPORT OF:	STRATEGIC DIRECTOR OF REGENERATION & ENVIRONMENT
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to advise Members of changes to the legislation in respect of the licensing of Hackney Carriage and Private Hire Drivers and to ask Members to consider an amendment to the requirements for the renewal of Private Hire and Hackney Carriage Driver Licences in line with these changes that come into effect from 1 October 2015.

2.0 BACKGROUND AND KEY ISSUES

2.1 The current requirements that must be met 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 (DBS)
- Satisfactory medical

2.2 The Council currently issue Private Hire and Hackney Carriage Driver Licences for a period of 12 months.

2.3 On 26 March 2015 the Deregulation Act 2015 received Royal Assent. This Act amends the Local Government (Miscellaneous Provisions) Act 1976 to require a local authority to issue Private Hire and Hackney Carriage Driver Licences for a period of three years, or such lesser period as the district council think appropriate in the circumstances of the case.

2.4 This part of the Act comes into force on 1 October 2015 and the Council will be required to issue Private Hire and Hackney Carriage Driver Licences for a period of three years from that date.

- 2.5 The current requirements that must be met before a Hackney Carriage or Private Hire Driver Licence may be renewed are as follows:
- Satisfactory driving licence
 - Satisfactory enhanced certificate from the Disclosure and Barring Service (DBS) every 3 years
 - Satisfactory medical on an annual basis from 65 years
- 2.6 On 25 March 2015 Members of the Licensing Health and Safety and General Purposes Committee resolved to amend the current medical requirement, in that medical checks are to be undertaken on initial application and thereafter every three years, with checks being undertaken annually from age 65 years. On 2 June 2015 Members further resolved that this policy is to come into effect from 1 October 2015 to be in line with the introduction of the three year Hackney Carriage and Private Hire Driver licence.
- 2.7 Members are asked to consider bringing the other requirements for the renewal of a Hackney Carriage or Private Hire Driver Licence in line with the three year licences namely:
- Satisfactory enhanced DBS certificate issued no more than 28 days prior to the renewal date
 - Satisfactory medical report in accordance with the Council's Policy for Medicals
 - Satisfactory driving record – As the Driver and Vehicle Licensing Agency no longer issue paper counterparts to driving licences, drivers are now required to provide a code to Licensing Officers in order that access may be made to their current driving record

It is proposed that drivers who are currently licensed and become due for renewal from 1 October 2015 provide evidence of the above requirements before the licence is renewed and thereafter before each 3 year renewal date.

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 This is not a matter which requires consultation.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

6.1 There are no specific implications arising from this report.

7.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

7.1 There are none.

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

8.1 There are no specific implications arising from this report.

9.0 LEGAL IMPLICATIONS

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

10.0 EQUALITIES IMPLICATIONS

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

No.

11.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

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

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 There are no Planning or Community Safety implications arising out of this report.

13.0 RECOMMENDATION/S

13.1 That Members approve the following Policy in respect of the renewal of Private Hire and Hackney Carriage Driver licences to be effective for licences that become due for renewal from 1 October 2015.

An application to renew a Private Hire Driver Licence or a Hackney Carriage Driver Licence must include the following:

An enhanced Disclosure and Barring Service Certificate that has been issued no more than 28 days prior to the renewal date

A completed Medical Report in accordance with the Council's Policy for Medicals

A code from the Driver and Vehicle Licensing Agency that will allow the office to access the individual's driving record before processing the renewal application

For the avoidance of doubt an application will not be considered unless the above requirements are met on or before the renewal date. The granting of the renewal application will be subject to whether the details provided through the above documentation satisfy the requirements for the licensing of Hackney Carriage and Private Hire Drivers.

14.0 REASON FOR RECOMMENDATION/S

14.1 In accordance with the requirements of The Deregulation Act 2015, from 1 October 2015, the Council will be issuing Hackney Carriage and Private Hire Driver Licences with a duration period of 3 years. It is considered appropriate and necessary to bring together the requirements for the renewal of licences in line with the dates when drivers will be issued with a 3 year licence.

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APPENDICES

BACKGROUND PAPERS/REFERENCE MATERIAL

BRIEFING NOTES HISTORY

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

WIRRAL COUNCIL

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

7 JULY 2015

SUBJECT:	REVIEW OF LICENSING FEES FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER AND AND PRIVATE HIRE OPERATOR LICENCES
WARD AFFECTED:	ALL WARDS
REPORT OF:	STRATEGIC DIRECTOR OF REGENERATION & ENVIRONMENT
KEY DECISION?	NO

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 and Private Hire Driver Licences and Private Hire Operator Licences with effect from 1 October 2015.

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 that are currently charged for Hackney Carriage and Private Hire Driver Licences and Private Hire Operator Licences are for licences that are renewed on an annual basis.
- 2.4 On 26 March 2015 the Deregulation Act 2015 (the Act) received Royal Assent. This Act amends the Local Government (Miscellaneous Provisions) Act 1976 to require a local authority to issue Private Hire and Hackney Carriage Driver Licences for a period of three years and Private Hire Operator Licences for a period of five years. This part of the Act comes into force on 1 October 2015.
- 2.5 As a result of the change in the duration of these licences, a review of the fee structure is required to reflect the fact that licences will be issued for more than one year.
- 2.6 A review of the fee structure for the functions undertaken in the administration of licences for Hackney Carriage and Private Hire vehicles, drivers and operators was undertaken in January 2015 and Members of this Committee approved a revised fee structure. The fees in relation to Hackney Carriage and Private Hire Driver Licences and Private Hire Operator Licences are shown in Appendix 1. These fees relate to annual licences.

3.0 PROPOSED FEES

- 3.1 The cost of the administration of these processes has been calculated based on the revised duration of Hackney Carriage and Private Hire Driver Licences and Operator Licences. This review has taken into consideration that there will be reduced officer time dedicated to processing licences and reduced costs in producing badges and paper licences. The proposed fees set out in the table in Appendix 2 are considered appropriate to recover the costs of the issue and administration of the licences. These costs will be kept under review.
- 3.2 Members are asked to approve the fee structure proposed in Appendix 2.

4.0 RELEVANT RISKS

- 4.1 The income received by Licensing over the next 3 years will be reduced and there is a risk that the income received may not cover the costs of issuing and administering the Hackney Carriage and Private Hire Driver Licences as well as the Operator Licences. This is the first time that the Council will be issuing licences that are valid for more than a year, the costs of these changes will be kept under review and may require further amendments to the fee structure.

5.0 OTHER OPTIONS CONSIDERED

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

6.0 CONSULTATION

- 6.1 All of the proposed fees will be advertised for a period of 28 days and any objections reported back to this Committee for consideration.

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

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

8.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

- 8.1 There are none.

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

- 9.1 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. There will be a reduction in the income received by Licensing to reflect a reduction in the costs of administering Private Hire and Hackney Carriage Driver Licences and Operator Licences as this process will no longer be undertaken on an annual basis.

10.0 LEGAL IMPLICATIONS

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

11.0 EQUALITIES IMPLICATIONS

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

No because there is no relevance to equality.

12.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

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

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

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

14.0 RECOMMENDATION/S

14.1 That Members of the Licensing Health and Safety and General Purposes Committee review and approve the licence fees as set out in Appendix 2 in respect of Hackney Carriage and Private Hire Driver Licences and Private Hire Operator Licences with effect from 1 October 2015, subject to any objections being received as part of the consultation process.

15.0 REASON FOR RECOMMENDATION/S

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

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APPENDICES

- APPENDIX 1 – Current Fee structure
- APPENDIX 2 – Proposed Fee Structure

BACKGROUND PAPERS/REFERENCE MATERIAL

BRIEFING NOTES HISTORY

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

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Current annual licence fees

Private Hire/Hackney Carriage Driver Licence	£43
Private Hire Operator Licence – 1 vehicle	£104
Private Hire Operator Licence – 2 - 5 vehicles	£157
Private Hire Operator Licence – 6 – 9 vehicles	£196
Private Hire Operator Licence – 10+ vehicles	£260
Private Hire Operator Licence – each extra premises	£50

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Proposed licence fees

Private Hire/Hackney Carriage Driver Licence	£115 every 3 years
Private Hire Operator Licence – 1 vehicle	£461 every 5 years
Private Hire Operator Licence – 2 - 10 vehicles	£816 every 5 years
Private Hire Operator Licence – 11 – 50 vehicles	£1028 every 5 years
Private Hire Operator Licence – 51+ vehicles	£1241 every 5 years
Private Hire Operator Licence – each extra premises	£50

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