



## Licensing, Health and Safety and General Purposes Committee

<b>Date:</b>	<b>Wednesday, 25 May 2016</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. MINUTES (Pages 1 - 6)**

To approve the accuracy of the minutes of the meeting held on 16 March 2016.

**2. 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.

**3. APPOINTMENT OF THE LICENSING PANEL (Pages 7 - 10)**

**4. CONFERMENT OF THE TITLE OF HONORARY ALDERMAN (Pages 11 - 14)**

**5. APPLICATIONS TO RENEW PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCES (Pages 15 - 18)**

**6. 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.

**7. 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

Wednesday, 16 March 2016

Present: Councillor WJ Davies (Chair)  
Councillors S Niblock C Spriggs  
J Salter A Hodson

Deputy: Councillor G Ellis (in place of L Fraser)

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

Members of the Committee were requested to declare whether they had any disclosable pecuniary interests and/or any other relevant interest in the item on this agenda and, if so, to declare it and state the nature of such interest.

No such declarations were made.

### 34 MINUTES

**Resolved - That the minutes of the meeting held on 25 February 2016, be approved.**

### 35 CHAIRS ANNOUNCEMENT

The Chair indicated that at the conclusion of Item 5 of the agenda he would be taking an item of 'Any Other Urgent Business' and would be proposing that the Committee moves that the public be excluded from the meeting to enable Members to consider further information received in relation to the Independent Assessment of the Supply and Demand for Hackney Carriage Vehicles on Wirral on the grounds that disclosure may involve financial information.

### 36 PERIODIC REVIEW OF LICENSING FEES FOR MARRIAGE PREMISES LICENCES

The Strategic Director of Regeneration and Environment reported upon a requirement to review and approve the licence fees in respect of Marriage Premises with effect from 1 April 2016.

The Licensing Manager reported that the Council were legally entitled to charge such a fee for licences that they considered reasonable with a view to recovering the costs of the issue and administration of the licence.

Members were advised that 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 would therefore be appropriate for the Council to recover their administrative and other associated costs.

The Licensing Manager reported that estimated costs to the Licensing Section of licensing such premises had previously been calculated at £362 per application. A review of the costs had been undertaken and it had been identified that there would be no increase in the costs of licensing such premises and it was recommended that the licence fee of £370 remains unchanged.

In response to Members comments the Licensing Manager advised that a caveat could be put in place to ensure that in the event of the costs relating to the issuing and administration of the licences needing to be reviewed this could be brought back to Members for a further review.

In response to a Members question in relation to applications received, the Licensing Manager indicated that there was currently an outstanding application for a Marriage Premises Licence which could not comply with the current Licensing Policy due to the lack of disabled access to the venue. She asked that this Committee delegate the consideration of this application to the Licensing Panel to be dealt with under its delegated authority.

In response to a Members suggestion that the application be considered by a Sub-Panel of the Committee, the Legal Advisor indicated that Members did not have the authority to initiate Panels or Sub-Committees without such arrangements having been agreed by Council, he further suggested that as this Committee was not due to meet until June 2016, the application could be dealt with by a meeting of the Licensing Panel.

Upon the legal advice received, Members agreed that a meeting of the Licensing Panel be arranged to consider the outstanding application for a Marriage Premises Licence.

**Resolved – That**

- (1) the Marriage Premises Licence fee to remain unchanged at a fee of £370 be approved with effect from 1 April 2016 with a caveat that in the event of the costs relating to the issuing and administration of the licence needing to be reviewed this be brought back to the Committee for a further review; and**
- (2) a meeting of the Licensing Panel be arranged to consider the outstanding application for a Marriage Premises Licence.**

37 **PERIODIC REVIEW OF LICENSING FEES FOR SEXUAL ENTERTAINMENT VENUE LICENCES**

The Strategic Director of Regeneration and Environment reported upon a requirement to review and approve the licence fees in respect of Sexual Entertainment Venue Licences with effect from 1 April 2016.

The Licensing Manager reported that the Local Government (Miscellaneous Provisions) Act 1982 enabled the authority to charge the applicant for the grant, renewal or transfer of a licence, a “reasonable fee” and that all costs of providing the service should be included in the fee so that there would be no subsidisation by council tax payers.

The Licensing Manager reported that the current application fee and renewal fee for a Sexual Entertainment Venue Licence was £1226 and a review of the costs of administering this process and ensuring compliance had been undertaken and it had been identified that there would be no increase in the costs of licensing for Sexual Entertainment Venues and it was recommended that the licence fee of £1226 remain unchanged.

**Resolved – That the Sexual Entertainment Venue licensing fee of £1226 be approved with effect from 1 April 2016 with a caveat that in the event of the costs relating to the issuing and administration of the licence needing to be reviewed this be brought back to the Committee for a further review.**

38 **PERIODIC REVIEW OF LICENSING FEES FOR TAXIS AND PRIVATE HIRE VEHICLES**

The Strategic Director of Regeneration and Environment requested that Members review and approve the licence fees in respect of Hackney Carriage, Private Hire and Operators Licences with effect from 25 April 2016. It was reported that the fees must be reviewed on an annual basis to determine whether the income received for the previous year had been in line with the cost of delivering the service.

The Licensing Manager circulated an amended Appendix 1 and explained that it contained a more comprehensive list of Hackney Carriages and Private Hire Licence fees which provided further clarity both for officers and Members.

The Licensing Manager reported that the cost of a licence must be related to the cost of the licensing scheme itself and it would therefore be appropriate for a local authority to recover their administrative and other associated costs.

The Licensing Manager advised that a review had been undertaken and it had been identified that the projected income received for the financial year 2015-2016 would not cover the costs of delivering the service.

Members were advised that 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 had been undertaken and it had been identified that the current fee structure did not reflect the administration costs of all the processes that were currently undertaken by the Licensing Service in respect of Private Hire and Hackney Carriage functions, however, the cost of these processes had been calculated and the proposed fees which were set out within the amended Appendix 1 which was circulated at the meeting.

It was also reported that a 4% increase in the fees is considered to be an appropriate rise in order to recover the shortfall in the costs of the service. Members were therefore requested to approve a 4% increase in the current licensing fees and to approve the fees set out in the amended Appendix 1 which was circulated at the meeting.

The Licensing Manager advised that no representations had been made by any member of the licensing trade and that they had been made aware of the proposed fees at the Joint Consultative Committee. Members were further advised that increases in respect of Hackney Carriage and Private Hire Vehicle Licences and Private Hire Operators Licences must be advertised for a period of 28 days and should any objections be received, they would be reported back to this Committee for consideration.

**Resolved – That the licence fees in respect of Hackney Carriage, Private Hire and Operator Licences be approved with effect from 25 April 2016, as set out the amended Appendix 1 which was circulated at the meeting, subject to any objections being received as part of the consultation process.**

39 **EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

**It was moved by Councillor WJ Davies and seconded by Councillor J Salter that -**

“The public be excluded from the meeting during consideration of the following item (Minute 40 Independent Assessment of the Supply and Demand for Hackney Carriage Vehicles in Wirral) on the grounds that disclosure may involve financial information.”

**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 (Minute 40 refers) only on the grounds that it involves the likely disclosure of exempt information as defined by paragraph 3 of Part I of Schedule 12A (as amended) to that Act. The Public Interest test had been applied and favoured exclusion.**

40 **INDEPENDENT ASSESSMENT OF THE SUPPLY AND DEMAND FOR HACKNEY CARRIAGE VEHICLES IN WIRRAL**

The Licensing Manager updated Members on further information received in relation to the independent assessment of the Supply and Demand for Hackney Carriage Vehicles in Wirral which was discussed at the meeting held on 25 February 2016 (Minute 32 refers)

**Resolved - That officers be requested to liaise further on the information received.**

41 **LICENSING COMMITTEE MEMBERS**

The Chair indicated that this would be last Committee meeting for Councillors Fraser, Salter, Niblock and P. Williams.

Paying tribute to each Member, the Chair and Members in turn thanked the Councillors for their invaluable contributions and their excellent work during their time as serving Members to the Licensing Committee and wished them well for the future.

**Resolved - That Councillors Fraser, Salter, Niblock and P. Williams be thanked for their invaluable work and their excellent contributions made during their time serving on the Licensing Committee and that on behalf of the Committee they all be wished well for the future.**

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## Licensing, Health and Safety and General Purposes Committee Wednesday, 25 May 2016

<b>REPORT TITLE:</b>	<b>APPOINTMENT OF THE LICENSING PANEL</b>
<b>REPORT OF:</b>	<b>Head of Legal and Member Services</b>

### REPORT SUMMARY

The purpose of this report is to enable the Committee to undertake a review of the Licensing Panel and to appoint Members to serve on that Panel if it is to be retained in 2016-2017. The appointment of Members to this Panel is undertaken by the parent Committee.

### RECOMMENDATION/S

The Committee is requested:

- (i) to agree the terms of reference of the Licensing Panel set out in this report unless amended or otherwise changed by Council or the Licensing, Health and Safety and General Purposes Committee.
- (ii) to appoint members to the Licensing Panel, including the appointment of the Chairperson, Vice-Chairperson, Spokespersons and named deputies, for 2016/17.

## SUPPORTING INFORMATION

### 1.0 REASON/S FOR RECOMMENDATION/S

The Committee is required to appoint Members to serve on the Licensing Panel.

### 2.0 OTHER OPTIONS CONSIDERED

No other options were considered beyond those outlined in the report.

### 3.0 BACKGROUND INFORMATION

Standing Order 33(1) requires 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.

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. It should be noted that 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).

#### 3.1 Licensing Panel

##### (a) Terms of Reference

- (1) To consider and determine licensing/registration matters except those dealt with by this Committee, the Licensing Act 2003 Committee, or matters delegated to the Assistant Chief Executive.
- (2) To exercise the powers and duties of the Council under the provisions of the Safety At Sports Grounds Act 1975 as regards the issue, monitoring, enforcement, review, amendment and renewal of safety certificates and the review of arrangements relating thereto.
- (3) Power to license persons to collect for charitable and other causes.

(b) Membership

If the Licensing Panel was to continue with seven members as in 2015-2016, the allocation of those places has to be politically proportionate. The Membership of the Licensing Panel (including deputies) for 2015-2016 consisted of seven members in the ratio 4:2:1 as shown below:-

	<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
2 Conservative Councillors	Andrew Hodson Gerry Ellis	Eddie Boulton David Burgess-Joyce David Elderton Leah Fraser John Hale Adam Sykes Geoffrey Watt Steve Williams
1 Liberal Democrat Councillor	Pat Williams (s)	Dave Mitchell Alan Brighthouse Phil Gilchrist Christopher Carubia

3.2 If the Membership of the Licensing Panel is to continue with seven Members, the ratio would be 4:2:1.

**4.0 FINANCIAL IMPLICATIONS**

There are no implications arising directly from this report.

**5.0 LEGAL IMPLICATIONS**

There are no implications arising directly from this report.

**6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

There are no implications arising directly from this report.

**7.0 RELEVANT RISKS**

There is a requirement under the Council's Constitution that a Licensing Panel is appointed.

## **8.0 ENGAGEMENT/CONSULTATION**

It is for political groups to decide how they wish to allocate their Licensing Panel places.

## **9.0 EQUALITY IMPLICATIONS**

There is no relevance to equality

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## **APPENDICES**

None

## **REFERENCE MATERIAL**

Previous reports on the appointment of Licensing Panel Membership and the Council's Constitution.

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

<b>Council Meeting</b>	<b>Date</b>
<b>Licensing, Health &amp; Safety &amp; General Purposes Committee</b>	<b>2 June 2015</b>
<b>Licensing, Health &amp; Safety &amp; General Purposes Committee</b>	<b>18 June 2014</b>
<b>Licensing, Health &amp; Safety &amp; General Purposes Committee</b>	<b>22 May 2013</b>



## Licensing, Health and Safety and General Purposes Committee Wednesday, 25 May 2016

<b>REPORT TITLE:</b>	<b>Conferment of the Title of Honorary Alderman</b>
<b>REPORT OF:</b>	<b>Strategic Director: Transformation and Resources</b>

### 1.0 REPORT SUMMARY

- 1.1 This report requests the Committee to give consideration to whether to recommend to the Council that the title of Honorary Alderman be conferred on former Councillors Harry Smith and Pat Williams.

### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 Section 249 of the Local Government Act 1972 provides that the title of Honorary Alderman may be conferred by the Council on persons who have, in its opinion, rendered eminent service to the Council as past Members of this Council, (or a predecessor Council), but who are no longer Councillors. The title is to be conferred by a resolution passed by not less than two thirds of the Members voting on it at a meeting of the Council specially convened for the purpose.
- 2.2 Honorary Aldermen are invited to attend Council meetings in a non-participating capacity. They do not to receive any allowances or payments under section 173 to 176 of the Local Government Act 1972. Honorary Aldermen are also invited to attend and take part in civic ceremonies such as Civic Sundays and Remembrance Sundays and other appropriate civic events. The names of Honorary Aldermen are inscribed on a Roll of Honour board on the first floor landing of Wallasey Town Hall.
- 2.3 Previously, the Council determined that former Members who have served twenty years on the Council or a predecessor Council are eligible for nomination to this Award. Successful nominees have been awarded a suitable badge at a special ceremony.
- 2.4 Currently former Councillors Harry Smith and Pat Williams are the only persons eligible to be appointed as Honorary Aldermen.

### 3.0 HARRY SMITH

- 3.1 Former Councillor Harry Smith was a Member of the Council from 1991 to 2015 (24 years) and served on the Cabinet from May 2011 to February 2012 and from May 2012 to May 2014.

#### **4.0 PAT WILLIAMS**

4.1 Former Councillor Pat Williams was a Member of the Council from 1987 to 2016 (29 years) and was Mayor of Wirral in 2002/03.

#### **5.0 RELEVANT RISKS**

5.1 There are no risks associated with this report.

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

6.1 The alternative option is not to consider Harry Smith and Pat Williams for the position of Honorary Alderman.

#### **7.0 CONSULTATION**

7.1 Political Group Leaders have been consulted on these proposals.

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

8.1 None.

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

9.1 None.

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

10.1 It would be the intention to present both Mr Smith and Mrs Williams with a badge of office, the total cost of which is approximately £1,200. There will also be the small cost of inscribing their names on the Roll of Honour board which can be met from existing budgets.

10.2 It is also customary for the Council to cover the cost of any hospitality provided for the newly appointed Honorary Aldermen and a select number of guests. There is no specific budget head for this but the funding required can be allocated from the Civic Services catering budget.

#### **11.0 LEGAL IMPLICATIONS**

11.1 The formal decision to confer the status of Honorary Alderman must be ratified by an Extraordinary Meeting of the Council. It is proposed that the Extraordinary Meeting be held at 5:45pm on Monday, 11 July 2016, immediately before the Ordinary Council Meeting.

#### **12.0 EQUALITIES IMPLICATIONS**

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

No because there is no relevance to equality.

### **13.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS**

13.1 None.

### **14.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

14.1 None.

### **15.0 RECOMMENDATION/S**

15.1 That the Council be recommended to confer the title of Honorary Alderman on former Councillors Harry Smith and Pat Williams, in accordance with Section 249 of the Local Government Act 1972.

### **16.0 REASON/S FOR RECOMMENDATION/S**

16.1 The former Councillors are eligible to have the title of Honorary Alderman conferred upon them under the criteria used. The recommendation provides the Committee with the opportunity of give consideration to this and to put forward a subsequent proposal to the Council.

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### **APPENDICES**

None.

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## LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

25 MAY 2016

<b>REPORT TITLE</b>	<b>APPLICATIONS TO RENEW PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCES</b>
<b>REPORT OF</b>	<b>ASSISTANT CHIEF EXECUTIVE</b>

### REPORT SUMMARY

The purpose of this report is for Members to consider an amendment to the timeframe within which a completed Medical Assessment Report may be accepted as part of a valid application for a new Private Hire or Hackney Carriage Driver Licence or the renewal of that licence.

### RECOMMENDATION/S

That Members approve the following amendment to the requirements for the grant and renewal of a Private Hire or Hackney Carriage Driver Licence:

- Satisfactory Medical Assessment Report must be presented to the Licensing Authority dated no more than two calendar months prior to the date a licence is granted or renewed.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 The number of appointments for medicals are restricted at a number of medical practices resulting in drivers having difficulty complying with the current requirement to produce a medical report dated no more than 28 days prior to the expiry of the licence.

### **2.0 OTHER OPTIONS CONSIDERED**

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

### **3.0 BACKGROUND INFORMATION**

- 3.1 At a meeting of this Committee on 30 June 2015 Members resolved that to renew a Private Hire or Hackney Carriage Driver Licence that is due for renewal from 1 October 2015 the following are required:

- Satisfactory enhanced Disclosure and Barring Service (DBS) certificate
- Satisfactory medical report in accordance with the Council's Policy for Medicals dated no more than 28 days prior to the expiry date of the licence
- Satisfactory driving record

- 3.2 The above requirements were implemented with effect from 1 October 2015 as part of the procedure to renew licences for a period of three years.

- 3.3 The availability of medical assessment appointments varies considerably between medical practices. In some cases a driver has to telephone his GP surgery in a morning to arrange a medical assessment appointment for later that day if one is available. This process can be repeated over a number of days or weeks which can result in an appointment not being made prior to the expiry date of the licence.

- 3.4 It is therefore proposed that the timeframe requirement for the Medical Assessment Report be amended to two calendar months to allow drivers a longer period of time in which to attend a medical appointment with their GP. It is further proposed that this requirement is also applied to the grant of new licences

### **4.0 FINANCIAL IMPLICATIONS**

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

### **5.0 LEGAL IMPLICATIONS**

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

### **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

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

## 7.0 RISKS

7.1 There are none arising from this report.

## 8.0 ENGAGEMENT/CONSULTATION

8.1 This is not a matter that requires consultation.

## 9.0 EQUALITY IMPLICATIONS

9.1 There are no specific implications arising from this report.

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## APPENDICES

None

## REFERENCE MATERIAL

None

## SUBJECT HISTORY (last 3 years)

<b>Council Meeting</b>	<b>Date</b>
<b>Licensing Health and Safety and General Purposes Committee</b>	<b>30 June 2015</b>

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