

# LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Wednesday, 12 October 2016

Present: Councillor WJ Davies (Chair)

Councillors RL Abbey D Roberts  
T Johnson G Watt  
A Hodson I Lewis  
P Stuart

Deputy: Councillor A Brighthouse (In place of D Mitchell)

## 6 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.

## 7 MINUTES

**Resolved** – That the minutes of the meeting held on 25 May 2016 be approved.

## 8 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE TESTING ARRANGEMENTS

The Assistant Chief Executive submitted a report requesting Members' approval of the appointment of additional Hackney Carriage and Private Hire Vehicle Compliance Testing Stations.

Members were advised that there were currently four testing stations approved to undertake the testing of Private Hire and Hackney Carriage Vehicles in Wirral, however, since these stations had been appointed in January 2010, a number of garages had expressed an interest in obtaining approval as a testing station.

Members had resolved, at a meeting of this Committee on 28 September 2015, that applications be invited from approved MOT testing centres in Wirral and that the responses and assessment results be reported to a future meeting of this Committee.

The Licensing Manager reported that further to this process being completed, applications had been received from five testing stations and no reasons had

been identified why any of the five testing stations should not be appointed as Hackney Carriage and Private Hire Vehicle testing stations.

It was proposed that the wording of the current Vehicle Compliance Testing Document be amended to read:

Approved compliance testing stations must not issue certificates for vehicles owned by that testing station or associated companies and individuals. Such vehicles must be tested by an independent approved compliance testing station.

It was further proposed that this statement also be included in all Service Level agreements entered into with approved Testing Stations.

**Resolved –**

**(1) That the appointment of the following additional MOT testing stations be approved to carry out Hackney Carriage and Private Hire Vehicle Compliance Testing with effect from 1 November 2016:**

- **ATS Euromaster, Pensby Road, Pensby**
- **BP Autos, Legh Road, New Ferry**
- **M53 Ford, Green Lane, Birkenhead**
- **Vittoria Motor Services, Vittoria Street, Birkenhead**
- **Wirral Tyre and Commercial, Bassendale Road, Bromborough.**

**(2) That the wording contained within the Vehicle Compliance Testing Document be amended to read:**

**Approved compliance testing stations must not issue certificates for vehicles owned by that testing station or associated companies and individuals. Such vehicles must be tested by an independent approved compliance testing station.**

**(3) That this statement also be included in all Service Level agreements entered into with approved Testing Stations.**

**9 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER CONVICTIONS POLICY - NEW APPLICANTS**

The Assistant Chief Executive sought Members' approval of a revised policy in relation to the criteria applicable when considering the fitness and propriety of an individual in respect of their application for the grant of a Private Hire or Hackney Carriage Driver Licence when the applicant has committed an offence or offences.

The Licensing Manager reported that a General Policy Circular had been published by the Home Office in 1992 which provided guidance to Local

Authorities when considering applications for Hackney Carriage and Private Hire Driver Licences. This guidance set general time scales when licence applications should be considered after an applicant had been convicted of an offence. The timescales within these guidelines were set between three and ten years. Members of this Committee had approved a set of guidelines following the publication of the Circular in 1992 and these guidelines were subsequently reviewed in 2010.

Members were advised that a consultation exercise with other authorities across Merseyside had been conducted by officers with a view to developing a more consistent approach across Merseyside in relation to how local authorities dealt with applicants who had committed an offence or offences. A revised policy was attached as Appendix 2 to the report which had been developed to incorporate the changes needed to bring about the consistency sought. The Licensing Manager informed Members that officers in each of the authorities across Merseyside would be seeking to amend their policies in line with the revised policy attached at Appendix 2.

**Resolved – That the revised policy attached as Appendix 2 to the report be adopted with immediate effect by the Committee as the policy to be used when determining applications for the grant of Hackney Carriage and Private Hire Driver Licences where the applicant has committed an offence or offences.**

10 **INDEPENDENT SURVEY OF THE SUPPLY AND DEMAND FOR HACKNEY CARRIAGE VEHICLES IN WIRRAL**

The Assistant Chief Executive updated Members in respect of the appointment of an independent company to carry out a survey to determine the level of demand for Hackney Carriage Vehicles in Wirral.

The Licensing Manager reported that there were currently 30 Hackney Carriage Vehicle Licences available which had received no applications through the current allocation procedure.

Members of this Committee on 23 January 2012 had resolved to impose a limit of 289 on the number of Hackney Carriage Vehicle Licences that could be issued by the Council. The limit had been set at 289 following recommendations made by Halcrow Group Limited who undertook an independent study of the demand for hackney carriages in Wirral during 2011. This recommendation followed their findings that at the time of their study, when there were 289 hackney carriages licensed, there had been no evidence of significant unmet demand for hackney carriages in Wirral. It was also reported that ‘in the medium term, however, as demand for taxis may continue to grow with the redevelopment of Wirral, it is possible that consumers may be inconvenienced by a limit of 289.’

The Licensing Manager advised Members that it was highly unlikely that the Council would be in a position where a Hackney Carriage Vehicle Licence would be refused due to the limit on the number of licences that the Council would issue and suggested that it may no longer be necessary or appropriate to undertake an unmet demand survey at this time for the purpose of providing a defence should such an application be refused. The Licensing Manager also requested that Members consider amending the current allocation process as the number of applications was lower than the number of licences available.

Derek Cummins, Unite the Union, addressed the Committee and advised Members that he believed that there was still a need for a survey to be carried out.

Members discussed the resolution made by this Committee in February 2016 that an independent survey be carried out in respect of the supply and demand for Hackney Carriage Vehicles in Wirral and believed that the survey would identify the demand and provide some security for drivers.

The Licensing Manager advised that there could be a cost implication when fees were assessed. Mr D K Abraham, Legal Advisor to the Committee, suggested that the need for a survey could be kept under review and reconsidered if a large number of applications were received. He also pointed out that there was a risk that the result of a survey could lead to the removal or lowering of the limit on the number of Hackney Carriage Vehicle Licences.

Further to discussions Members expressed their wish that a survey be carried out. The Licensing Manager suggested that Members may wish to consider the weight that should be attached to the quality/cost in the procurement process.

**It was moved by Councillor A Hodson and seconded by Councillor I Lewis that –**

“An independent company be appointed to carry out a survey to determine the level of demand for Hackney Carriage Vehicles in Wirral.”

**It was moved as an amendment by Councillor R Abbey and seconded by Councillor I Lewis that –**

“The weighting attached to the survey be 60% for the quality criteria and 40% for the price criteria.”

**The amendment was put and carried (9:0).**

**The substantive motion, as amended, was put and carried (9:0).**

**Resolved – That an independent company be appointed to carry out a survey to determine the level of demand for Hackney Carriage Vehicles in Wirral and that the weighting attached to the survey be 60% for the quality criteria and 40% for the price criteria.**

*At the meeting of the Licensing, Health and Safety and General Purposes Committee held on 23 November 2016 the above resolution was amended to read:*

***That an independent company be appointed to carry out a survey to determine the level of demand for Hackney Carriage Vehicles in Wirral and that the weighting attached to the procurement of the survey be 60% for the quality criteria and 40% for the price criteria.***

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