



## Licensing, Health and Safety and General Purposes Committee

<b>Date:</b>	<b>Wednesday, 21 March 2018</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. 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 1 February 2018.

**3. CHANGES TO POLLING PLACES AND POLLING STATIONS  
(Pages 5 - 10)**

**4. LOCAL ELECTION FEES AND CHARGES (Pages 11 - 20)**

**5. PERIODIC REVIEW OF LICENSING FEES FOR MARRIAGE  
PREMISES LICENCES (Pages 21 - 24)**

**6. PERIODIC REVIEW OF LICENSING FEES FOR SEXUAL  
ENTERTAINMENT VENUE LICENCES (Pages 25 - 28)**

**7. PERIODIC REVIEW OF LICENSING FEES FOR TAXIS AND  
PRIVATE HIRE VEHICLES (Pages 29 - 36)**

8. **MINOR REVISIONS TO PRIVATE HIRE OPERATOR LICENCE CONDITIONS (Pages 37 - 46)**
9. **REGULATION OF STREET TRADING (Pages 47 - 60)**
10. **PERIODIC REVIEW OF FEES IN RESPECT OF STREET TRADING (Pages 61 - 64)**
11. **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.

## LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Thursday, 1 February 2018

Present:

Councillors	RL Abbey	A Hodson
	J McManus	D Mitchell
	P Stuart	

Deputies:

Councillors	A Leech (In place of C Meaden)
	M Sullivan (In place of WJ Davies)
	G Watt (In place of T Anderson)
	W Clements (In place of L Rowlands)

15 **APPOINTMENT OF CHAIR**

On a motion by Councillor A Hodson and seconded by Councillor A Leech it was –

**Resolved – That Councillor P Stuart be appointed Chair for this meeting.**

16 **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.

Councillors A Hodson and P Stuart declared a personal interest in item 4 – Wirral Award 2017 by virtue of being Members of the Wirral Award Working Party.

17 **MINUTES**

**Resolved – That the minutes of the meeting held on 22 November 2017 be approved.**

18 **CHANGES TO POLLING PLACES AND POLLING STATIONS**

The Electoral Services Manager introduced a report which provided details of changes in relation to Polling District YA within Moreton West and Saughall Massie Ward and sought Members' approval of a suitable alternative.

**Moreton West & Saughall Massie Ward – Polling District YA**

The Electoral Services Manager advised that further to the last meeting of this Committee held on 22 November 2017, it had been resolved that the decision to move the polling place from Christchurch C of E Primary School, Upton Road to Christ Church Parish Centre, Upton Road be adjourned in order for Electoral Services to further investigate the matter.

It was reported that the Electoral Services Manager had visited the school to carry out a further inspection as to whether the suggestion to erect barriers by Councillor Blakeley would be feasible.

The Electoral Services Manager reported that in order for barriers to be erected this would require someone to be on duty at all times to prevent any breaches as the playing area would be in use. Issues had also been raised in respect of parking and the headteacher had expressed concern in respect of safeguarding risks. It was therefore concluded that should the school remain as the designated polling place then the status quo would continue to be the most suitable arrangement in that the school closes on polling day, however, if the school was to remain open it was recommended that the polling place be relocated to Christ Church Parish Centre, Upton Road, for all future elections/referenda.

Councillor Chris Blakeley, Ward Councillor, attended the meeting and reiterated his concerns in respect of the alternative venue in that this may disadvantage voters as they would have further to travel in order to cast their vote. He believed the school could remain open whilst continuing to be used as the polling place and did not consider that someone would have to be on duty at all times.

Members considered Councillor Blakeley's concerns and discussed the possible alternative venue and the disadvantages to parents should the school continue to close on polling day.

On a motion by Councillor R Abbey, seconded by Councillor J McManus, it was –

**Resolved – That the polling place be relocated to Christ Church Parish Centre, Upton Road for all future elections/referenda.**

## 19 **WIRRAL AWARD 2017**

The Assistant Director: Law and Governance (Monitoring Officer), requested that the Committee agree that the Wirral Award 2017 be conferred on the nominees recommended by the Wirral Award Working Party held on 14 December 2017. The Wirral Award was intended to confer civic recognition upon individuals or organisations resident or located in Wirral for an outstanding achievement within the previous twelve months, or for distinguished service to the Borough over a period of twenty years or more.

It was reported that once nominations were agreed, a presentation ceremony would be arranged which would be attended by The Mayor of Wirral, the Leader of the Council, Group Leaders or their nominees, the Chair and spokespersons of the Licensing, Health and Safety and General Purposes Committee or their nominees, the Chief Executive and the award nominees plus one guest each.

**Resolved - That the Wirral Award 2017 be conferred on the recipients recommended by the Wirral Award Working Party, and that the suggested arrangements be agreed.**

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

The Managing Director for Delivery requested that Members consider the conclusions and recommendations of the independent study of supply and demand for Hackney Carriage Vehicles (taxis) carried out by CTS Traffic and Transportation Ltd.

Ian Millership, CTS Traffic and Transportation Ltd, the author of the report, attended the meeting and gave a presentation to Members on the findings of the survey. He advised that the aim of the survey was to identify any significant unmet demand and provide evidence in respect of the current position regarding unmet demand. He reported upon the activity at ranks and the results of the public, stakeholder and trade consultations. He informed Members that the key conclusion was that there was no significant unmet demand at present for Hackney Carriage Vehicles. He did advise Members however that there were significant issues within the licensed vehicle industry that needed to be addressed for the overall benefit of the economy of Wirral and gave details of his personal experience of finding it difficult to access a licensed vehicle when visiting Wirral on business.

The recommendations put forward by Mr Millership were that the Committee may continue the policy of limiting Hackney Carriage Vehicle numbers or remove the limit policy to allow further future development of the fleet when required.

Members thanked Ian Millership for his report and he responded to questions from Members of the Committee.

Mark Hazelhurst, Unite the Union, addressed the Committee. He welcomed the report and gave his views on the limit of the number of Hackney Carriage Vehicle Licences and the fact that as there were only 258 vehicles currently licensed he believed the limit should be reduced. He further advised that cab drivers were currently working 53 hours per week which was in excess of the European directive and welcomed another survey in three years' time.

**Resolved –**

- (1) That the conclusions and recommendations of the independent study of supply and demand for Hackney Carriage Vehicles (taxis) carried out by CTS Traffic and Transportation Ltd be noted.**
- (2) That Members have regard to the report when determining any future policies in respect of private hire and hackney carriage vehicle licences.**

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## LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

21 MARCH 2018

<b>REPORT TITLE</b>	<b>CHANGES TO POLLING PLACES AND POLLING STATIONS</b>
<b>REPORT OF</b>	<b>CHIEF EXECUTIVE</b>

### REPORT SUMMARY

This report provides details of a change in relation to a polling place within the Borough and seeks approval of a suitable alternative.

The relevant change is in the Recommendation set out in Appendix 1.

### RECOMMENDATIONS

That the Committee agrees to the recommendation set out in Appendix 1.

## **SUPPORTING INFORMATION**

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

1.1. The Council has a statutory duty to ensure there is a polling place accessible to all Electors in each of its polling districts.

### **2.0 OTHER OPTIONS CONSIDERED**

2.1 No other options were considered.

### **3.0 BACKGROUND INFORMATION**

3.1 The Council has a duty under the Representation of the People Act 1983 to divide Wirral Borough into Polling Districts and to designate Polling Places for each Polling District.

### **4.0 FINANCIAL IMPLICATIONS**

4.1 The hire cost for using St Andrews Church Centre as a polling place is £250.

### **5.0 LEGAL IMPLICATIONS**

5.1 The legal implications have been set out within the main body of this report.

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

6.1 The resource implications have been set out within this report.

### **7.0 RELEVANT RISKS**

7.1 The Council is under a statutory duty to ensure a polling place exists in each of its polling districts.

### **8.0 ENGAGEMENT/CONSULTATION**

8.1 Ward councillors have been consulted

### **9.0 EQUALITY IMPLICATIONS**

9.1 (c) None as the review included use of the Electoral Commissions Evaluation Checklist which addresses equality and diversity issues relevant to Polling Districts, Places and Stations.

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**APPENDICES**

**APPENDIX 1: Details of Change to a Polling Place**

**REFERENCE MATERIAL**

None

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>

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**DETAILS OF CHANGE TO A POLLING PLACE****1. CLAUGHTON WARD****i. Polling District CB:-**

The current polling place is The Library, via Ridgeway High School, [Noctorum Way].

Ridgeway High School has undergone a complete renovation and is now situated in a new building behind the existing one which is in the process of being demolished.

An alternative polling place venue must be considered as the Library is currently situated within the area where demolition of the old building is being undertaken. The whole area has been fenced off and resembles a building site with no access to the Library and no connection to any kind of utilities.

After inspection of the area by Electoral Services, consideration was given to the possibility of siting a porta-cabin at the entrance into the school. Site visits were carried out by a representative from the porta-cabin hire company and a member of the Council's Environmental Services, Highway Assets team. The conclusion is that unfortunately, siting a porta-cabin is not practicable and would not provide a suitable venue for voters.

Because there are no other suitable alternative venues within polling district CB that can be identified, consideration was also given to St Andrews Church Centre, [Moorfield Avenue], which is situated in polling district CA. Although it is within a different polling district it is literally on the boundary of polling districts CA and CB and is located directly opposite the entrance to Ridgeway High School.

Local authorities must comply with legislative requirements regarding the designation of polling places one of which is that the polling place must be an area in the district, unless special circumstances make it desirable to designate an area wholly or partly outside the district (for example, if no accessible polling place can be identified in the district).

An inspection of St Andrews Church Centre has been carried out by Electoral Services and is considered to be suitable for use as a polling place. There is parking available, full disabled access, a foyer area to accommodate tellers and good facilities for both staff and voters. The church centre office has confirmed availability and there will be a hire cost of £250.

Electoral Services has been made aware that there is a possibility the building where the current venue is situated will be retained by Wirral Council for use as a community library once the old school site has been demolished. If this is the case, then the designation of a polling place for polling district CB would be revisited in the future and the community library, subject to suitability, be proposed as the polling place.

Ward members have been consulted and support this proposal.

**Recommendation:**

That the polling place for polling district CB be relocated to St Andrews Church Centre, [Moorfield Avenue] for all elections/referenda in 2018 and the designation of a polling place for polling district CB be revisited in 2019.

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## WIRRAL COUNCIL

### LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

21 MARCH 2018

<b>SUBJECT:</b>	<b>LOCAL ELECTION FEES AND CHARGES</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW &amp; GOVERNANCE AND MONITORING OFFICER</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### 1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report deals with the proposed fees paid to the Returning Officer and his staff employed to undertake various duties in connection with elections held within the Borough.
- 1.2 The next scheduled Borough elections will take place on 3rd May 2018.
- 1.3 The proposed election fees for 2018/19 are set out in Appendix 1.

#### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 Under section 35 (1) of the Representation of the People Act 1983, every county, district, unitary and metropolitan council in England is required to appoint an officer of the council to be the Returning Officer (RO) for the election of councillors to their local authority.
- 2.2 The RO has overall responsibility for the conduct of elections held within the Borough and although appointed by the Council, the role of RO is one of a personal nature and is distinct and separate from their duties as an employee of the Council.
- 2.3 The RO plays a central role in the democratic process and in ensuring that the election is administered effectively and that, as a result, the experience of voters and those standing for election is a positive one.
- 2.4 The RO is responsible for:-
  - the nomination process for candidates and political parties;
  - provision and notification of polling stations;
  - appointment of presiding officers and polling clerks;
  - appropriate administration and security of polling stations;
  - preparation of all ballot papers;
  - the actual Count and Declaration of Results;
  - issue, receipt and counting of postal ballot papers;

- all candidates' election expenses return;
  - presentation of final account and reclamation of funding from external body as prescribed.
- 2.5 The role of RO is independent from the Council and the post holder is directly accountable to the courts system as an independent statutory office holder and as such this is considered one of the fundamental reasons why a Returning Officer fee is paid.
- 2.6 The Returning Officer is the employer of the staff engaged specifically to run elections. The Council has a statutory obligation to provide the Returning Officer such resources considered necessary by the Returning Officer to run effective elections.
- 2.7 The approved Elections Budget includes the costs/fees payable to ensure the effective running of elections.
- 2.8 Appendix 1 details the proposed scale of fees for the RO and the staff employed in relation to running a local election. Information gathered from other Merseyside authorities (Knowsley, Liverpool, St Helens and Sefton Councils) in relation to their local election fees is also included.
- 2.9 The Committee is asked to consider the fees proposed in Appendix 1 and agree the fee paid to the RO and the associated fees detailed in Table 2. The costs of the local election fees that would be payable can be met within the approved Elections Budget.

### **3.0 RELEVANT RISKS**

- 3.1 In order for the elections to be administered, election staff will need to be paid for the work that they undertake.
- 3.2 Failure to agree a fees and charges structure could undermine the effective administration of elections and result in the RO not able to appoint the staff required to run the forthcoming local election which will expose the Council and RO to consider risk and liability.

### **4.0 OTHER OPTIONS CONSIDERED**

- 4.1 Consideration has been given to the fees proposed by other Councils and are detailed in Table 1 of Appendix 1.

### **5.0 CONSULTATION**

- 5.1 Other Merseyside authorities have been consulted to compare the election fees and the results are detailed in Table 1, Appendix 1.

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

- 6.1 There are no such implications arising.

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

7.1 Such implications are set out in this report. The fees payable under Table 2, Appendix 1 would be met from the approved Elections Budget.

## **8.0 LEGAL IMPLICATIONS**

8.1 Such implications are set out in this report.

## **9.0 EQUALITIES IMPLICATIONS**

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

(b) No because there is no relevance to equality.

## **10.0 CARBON REDUCTION IMPLICATIONS**

10.1 There are no such implications arising.

## **11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

11.1 There are no such implications arising.

## **12.0 RECOMMENDATION/S**

12.1 That the Committee consider and agree the proposed Local Election Fees and Charges set out in Table 2, Appendix 1.

## **13.0 REASON/S FOR RECOMMENDATION/S**

13.1 It is considered good practice that the Council consider and agree the Local Election Fees and Charges.

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## **APPENDICES**

Appendix 1 – Local Election Fees and Charges

## **REFERENCE MATERIAL**

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

<b>Council Meeting</b>	<b>Date</b>
<b>Licencing, Health and Safety and General Purpose</b>	<b>25 March 2015</b>

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**METROPOLITAN BOROUGH OF WIRRAL****LOCAL ELECTION FEES AND CHARGES****FEES FOR BOROUGH COUNCIL ELECTIONS  
AND BY-ELECTIONS****1 APRIL 2018**

## **INTRODUCTION**

The Returning Officer is the person who has the overall responsibility for the conduct of elections held within the Borough. The Returning Officer is an officer of the Council who is appointed under the Representation of the People Act 1983. Although appointed by the Council, the role of the Returning Officer is one of a personal nature and is distinct and separate from their duties as an employee of the Council.

The role of Returning Officer is considered separate to the substantive role of an officer of the Council. As mentioned above, the role attracts personal responsibility and that is considered one fundamental reason why a fee is paid to the Returning Officer. The Returning Officer is the employer of the staff engaged specifically to run Local elections.

The Council has a statutory obligation to provide the Returning Officer such resources considered necessary by the Returning Officer to run an effective Local election.

It is 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 & Safety and General Purposes Committee.

### **TABLE 1**

Lists the scale of fees calculated by increasing (or decreasing as the case may be) the fees agreed in 2015 by the annual Retail Price Index set for January each year.

### **TABLE 2**

Lists the proposed scale of fees for the financial year 2018/19 to be agreed by the Licensing, Health and Safety and General Purposes Committee. The fees have been determined by comparing the fees calculated in Table 1 against the fees set by the other Merseyside authorities (Knowsley, Liverpool, Sefton and St. Helens) where available and also taking into account the Council's Living Wage policy.

**TABLE 1****Schedule of Local Fees increased annually by RPI and comparison with Merseyside Authorities**

	Fees agreed in 2015	January 2016	January 2017	January 2018	Merseyside Comparative 2018 Fees			
RPI %		1.3	2.6	4.0	Knowsley	Liverpool	St Helens	Sefton
Returning Officer (per area)	£250.24	£253.49	£260.08	270.48	not available	not available	not available	not available
Deputy Returning Officer (full powers)	50% of RO overall fee	50% of RO overall fee	50% of RO overall fee	50% of RO overall fee	not available	not available	not available	50% of RO overall fee
Deputy Returning Officer appointed for conducting a count in an electoral area	£247.00	£250.21	£256.72	£266.99	not available	not available	not available	not available
Election Project Management in conjunction with a Deputy Returning Officer with full powers	50% of RO overall fee	50% of RO overall fee	50% of RO overall fee	50% of RO overall fee	not available	not available	not available	50% of RO overall fee
Presiding Officer	£166.07 (excl. training @ £50)	£168.23 (excl. training)	£172.60 (excl. training)	£179.50 (excl. training)	£241.75 (incl. training)	£255.00 (incl. training)	£228.00 (incl. training)	£250.00 (incl. training)
Polling Station Inspector	£166.07 (excl. training @ £50)	£168.23 (excl. training)	£172.60 (excl. training)	£179.50 (excl. training)	£241.75 (incl. training)	£255.00 (incl. training)	£228.00 (incl. training)	£250.00 (incl. training)
Poll Clerk	£110.07	£111.50	£114.40	£118.98	£140.00	£140.00	£140.00	£140.00
Training (Presiding Officer/Polling Station Inspector)	£50.00	£50.00 (no increase suggested)	£50.00 (no increase suggested)	£50.00 (no increase suggested)	£25.00	not available	£50.00	£50.00
Postal Vote Opening Supervisor (per hour)	£10.00	£10.13	£10.39	£10.81	not available	£20.00	£19.00	not available
Postal Vote Opening Reviewers (per hour) (new post)	n/a	n/a	n/a	n/a	£11.75	£15.00	£15.00	not available
Postal Vote Opening Clerks (per hour)	£8.00	£8.10	£8.31	£8.64	£8.75	£10.00	£11.00	not available
Verification/Count Supervisor	£125.00	£126.63	£129.92	£135.12	not available	£180.00	not available	£150.00
Head Counter	£100.00	£101.30	£103.93	£108.09	not available	not available	£89.00	not available
Senior Counter	£70.00	£70.91	£72.75	£75.66	not available	not available	not available	not available
Verification/Counting Assistant	£50.00	£50.65	£51.97	£54.05	not available	£100.00	£60.00	£75.00
Poll Card Delivery per card	0.16p	0.16p	0.16p	0.17p	0.15p	0.18p	0.18p	n/a
Ballot Box & Booth Collection & Transport	£10.00	Nominal tax free element - no increase suggested	Nominal tax free element - no increase suggested	Nominal tax free element - no increase suggested	not available	not available	not available	not available
Standby Polling Staff	n/a	n/a	n/a	n/a	not available	not available	not available	not available
Clerical (per 10,000 electors or part)	£432.17	£437.79	£449.17	£467.14	not available	not available	not available	not available

**TABLE 2****Proposed Returning Officer Fees and Charges for Borough Elections**

<b>SCALE OF FEES</b>	<b>£ gross</b>
<b>Fee for Returning Officer</b>	
Fee for conducting a Borough Council election and generally performing all the duties required to be performed and all disbursements and expenses other than those for which special provision is made below.	<b>£270.00 per electoral area</b>
<b>Fee for Deputy Returning Officer and Election Project Management</b>	
For a Deputy Returning Officer appointed with full powers to perform duties and rights lawfully performed and discharged in the same like manner as the appointed Returning Officer	<b>50% of RO overall fee</b>
each Deputy Returning Officer appointed for conducting a count in an electoral area	<b>£267.00</b>
For a person appointed to Project Manage an election in conjunction with a Deputy Returning Officer with full powers	<b>50% of RO overall fee</b>
<b>Fee for Clerical Assistance</b>	
Borough Council elections	<b>£467.14 per 10,000 electors or part</b>
<b>Polling Station Staff</b>	
each Presiding Officer	<b>£200.00</b>
each Polling Station Inspector	<b>£200.00</b>
each Poll Clerk	<b>£140.00</b>
Training (Presiding Officer/Polling Station Inspector)	<b>£50.00</b>
<b>Counting of Votes</b>	
each Verification/Count Supervisor	<b>£150.00</b>
each Head Counter	<b>£110.00</b>
each Senior Counter	<b>£90.00</b>
each Verification/Counting Assistant	<b>£80.00</b>
each General Assistant	<b>£80.00</b>
<b>Postal Voting</b>	
For the employment of persons engaged in the preparation and issue of postal ballot papers (per 100 postal voters or fraction thereof)	<b>£29.00</b>
each Postal Vote Opening Supervisor (per hour)	<b>£15.00</b>
each Postal Vote Opening Reviewer (per hour)	<b>£12.00</b>
each Postal Vote Opening Clerk (per hour)	<b>£10.00</b>
<b>Travelling Expenses</b>	
Travelling expenses of the Returning Officer and any other officer employed by him where necessary to make arrangements for the poll or otherwise in connection with the conduct of the election.	<b>40p per mile</b>
<b>Poll Cards</b>	
Employment of persons in connection with the preparation, completion and issue of official poll cards (per 100 cards or fraction thereof).	<b>£12.00</b>
Delivery of poll cards by hand per card	<b>0.18p</b>

**TABLE 2****Proposed Returning Officer Fees and Charges for Borough Elections**

<b>SCALE OF FEES</b>	<b>£ gross</b>
<b>Services</b>	
Printing and provision of ballot papers	<b>Actual and necessary</b>
Printing official poll cards.	<b>Actual and necessary</b>
Printing and providing notices and other documents required in and about the election or poll and cost of publishing such notices and documents	<b>Actual and necessary</b>
Renting of any building, room or equipment for the purposes of the election and for expenses of heating, lighting and cleaning any building or room or repairs to equipment.	<b>Actual and necessary</b>
Hiring or constructing a polling station for the purposes of the election and for expenses of heating, lighting and cleaning any building or room or repairs to equipment.	<b>Actual and necessary</b>
Providing ballot boxes, including repairs	<b>Actual and necessary</b>
Conveyance of ballot boxes, equipment etc.	<b>Actual and necessary</b>
Delivery and collection of voting compartments	<b>Actual and necessary</b>
Printing copies of the register of electors	<b>Actual and necessary</b>
Postage.	<b>Actual and necessary</b>
Election stationery and materials, general stationery, telephone calls, bank charges, cost of delivery of documents to the Returning Officer and miscellaneous expenses.	<b>Actual and necessary</b>
Premium for Employer's Liability, Third Party and Personal Indemnity Insurance.	<b>Actual and necessary</b>
<b>In an uncontested election</b>	
For printing and providing notices and other documents required in and about the election and costs of publishing such notices and documents.	<b>Actual and necessary</b>
Postages, telephone calls and any other necessary miscellaneous expenses.	<b>Actual and necessary</b>

**NOTES:**

1. "Electoral area" means any district or ward for which a separate election is held.
2. The fees prescribed for Presiding Officers and Poll Clerks are for the hours of poll from 7am to 10pm.
3. With regard to Business Improvement Districts (BIDs), each BID area shall be treated as one electoral area and this schedule shall be used as the basis for calculating both the Ballot Holder's fee and the clerical support fees.
4. With regard to other electoral activities and events where there is not a fees and charges order set by Government (this includes but is not limited to business and residential neighbourhood planning referendums, council tax referendums and local polls) this schedule shall be used as the basis for calculating the fees and charges.



## LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

21 MARCH 2018

<b>REPORT TITLE</b>	<b>PERIODIC REVIEW OF LICENSING FEES FOR MARRIAGE PREMISES LICENCES</b>
<b>REPORT OF</b>	<b>MANAGING DIRECTOR FOR DELIVERY</b>

### REPORT SUMMARY

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 Marriage Premises with effect from 1 April 2018.

### RECOMMENDATION

That Members of the Licensing Health and Safety and General Purposes Committee approve an increase in the Marriage Premises Licence fee and this increase be delegated to Officers to implement following agreement by the Council to a pay increase for staff, with effect from 1 April 2018.

## **SUPPORTING INFORMATION**

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

1.1 It is a requirement for this Committee to approve the licence fee.

### **2.0 OTHER OPTIONS CONSIDERED**

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

### **3.0 BACKGROUND INFORMATION**

3.1 The Council are legally entitled to charge such a fee for licences that they consider reasonable with a view to recovering the full cost of providing the service. It is therefore appropriate for the Council to recover all administrative and other associated costs.

3.2 The current application fee and renewal fee for a Marriage Premises Licence is £970. A review of the costs of administering this process and ensuring compliance has been undertaken and it has been identified that from 1 April 2018 the licensing function will be subject to an increase in staffing costs.

3.3 The Council have agreed to reinstate a 1% pay increase which the Council did not pay to employees in 2013/14. It is understood that a further 2% increase is currently being negotiated.

3.4 Members are therefore asked to approve an increase in the licensing fee for a Marriage Premises Licence in line with the agreed pay increase and for this increased amount to be delegated to Officers to implement when this has been agreed by the Council.

### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are 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.

### **5.0 LEGAL IMPLICATIONS**

5.1 A decision of this Committee can be subject to a legal challenge.

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

6.1 There are no specific implications arising from this report.

### **7.0 RELEVANT RISKS**

7.1 There are risks that the costs associated with the administration of licences for Marriage Premises may not be recovered should the licence fee not be increased.

### **8.0 ENGAGEMENT/CONSULTATION**

8.1 Consultation is not a legal requirement when setting this fee.

## 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>28 January 2015</b>
<b>Licensing Health and Safety and General Purposes Committee</b>	<b>16 March 2016</b>

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**LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE**

**21 MARCH 2018**

<b>REPORT TITLE</b>	<b>PERIODIC REVIEW OF LICENSING FEES FOR SEXUAL ENTERTAINMENT VENUE LICENCES</b>
<b>REPORT OF</b>	<b>MANAGING DIRECTOR FOR DELIVERY</b>

**REPORT SUMMARY**

The purpose of this report is for Members of the Licensing Health and Safety and General Purposes Committee to review and approve the licence fee in respect of Sexual Entertainment Venue Licences with effect from 1 April 2018.

**RECOMMENDATION**

That Members of the Licensing Health and Safety and General Purposes Committee approve an increase in the Sexual Entertainment Licence fee and this increase be delegated to Officers to implement following agreement by the Council to a pay increase for staff, with effect from 1 April 2018.

## **SUPPORTING INFORMATION**

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

1.1 It is a requirement for this Committee to approve the licence fee.

### **2.0 OTHER OPTIONS CONSIDERED**

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

### **3.0 BACKGROUND INFORMATION**

3.1 The Council are legally entitled to charge such a fee for licences that they consider reasonable with a view to recovering the full cost of providing the service. It is therefore appropriate for the Council to recover all administrative and other associated costs.

3.2 The current application fee and renewal fee for a Sexual Entertainment Venue Licence is £1240.00. A review of the costs of administering this process and ensuring compliance has been undertaken and it has been identified that from 1 April 2018 the licensing function will be subject to an increase in staffing costs.

3.3 The Council have agreed to reinstate a 1% pay increase which the Council did not pay to employees in 2013/14. It is understood that a further 2% increase is currently being negotiated.

3.4 Members are therefore asked to approve an increase in the licensing fee for a Sexual Entertainment Venue Licence in line with the agreed pay increase and for this increased amount to be delegated to Officers to implement when this has been agreed by the Council.

### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are financial 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.

### **5.0 LEGAL IMPLICATIONS**

5.1 A decision of this Committee can be subject to legal action.

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

6.1 There are no specific implications arising from this report.

### **7.0 RELEVANT RISKS**

7.1 There are risks that the costs associated with the administration of licences for Sexual Entertainment Venues may not be recovered should the licence fee not be increased.

## 8.0 ENGAGEMENT/CONSULTATION

8.1 There is no legal requirement for consultation to be undertaken when setting this fee.

## 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>16 March 2016</b>
<b>Licensing Health and Safety and General Purposes Committee</b>	<b>22 March 2017</b>

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## LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

21 MARCH 2018

<b>REPORT TITLE</b>	<b>PERIODIC REVIEW OF LICENSING FEES FOR TAXIS AND PRIVATE HIRE VEHICLES</b>
<b>REPORT OF</b>	<b>MANAGING DIRECTOR FOR DELIVERY</b>

### REPORT SUMMARY

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, Private Hire and Operator Licences with effect from 1 May 2018.

### RECOMMENDATION/S

That Members of the Licensing Health and Safety and General Purposes Committee approve the licence fees set out in this report in respect of Hackney Carriage, Private Hire and Operator Licences with effect from 1 May 2018.

## **SUPPORTING INFORMATION**

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

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

### **2.0 OTHER OPTIONS CONSIDERED**

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

### **3.0 BACKGROUND INFORMATION**

- 3.1 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.
- 3.2 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.
- 3.3 The fees for Hackney Carriage, Private Hire and Operator Licences are reviewed on an annual basis to determine whether the income received from the previous year has been in line with the cost of delivering the service.
- 3.4 Following an annual review Members of this Committee approved the current licence fees on 22 March 2017. The current table of licence fees are attached at Appendix 1.
- 3.5 A review of income and expenditure in respect of Hackney Carriage, Private Hire and Operator Licence fees has been undertaken and it has been identified that if the administrative cost of issuing a new licence in circumstances when a licence holder changes their vehicle is included in the fees the projected income for the financial year 2018 - 2019 will cover the costs of delivering the service. There will therefore be no increase in the current fees.
- 3.6 It is therefore proposed that a fee of £35 is charged which would cover the cost of the administration of the process to change the licence.
- 3.7 Members are asked to approve the table of fees in Appendix 2 effective from 1 May 2018.

### **4.0 FINANCIAL IMPLICATIONS**

4.1 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.

### **5.0 LEGAL IMPLICATIONS**

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

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

6.1 There are 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.

## **7.0 RELEVANT RISKS**

7.1 There are none arising from this report.

## **8.0 ENGAGEMENT/CONSULTATION**

8.1 The introduction of a fee to be charged for administering the change of vehicle on a licence has been communicated to members of the Hackney Carriage and Private Hire Joint Consultative Committee at a meeting on 7 March 2018. Representatives at this meeting raised no objection to the introduction of this fee.

8.2 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 if any objections are received they will be reported back to this Committee for consideration.

## **9.0 EQUALITY IMPLICATIONS**

9.1 There are no specific implications arising from this report.

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## **APPENDICES**

Appendix 1 – Current table of licence fees

Appendix 2 – Proposed table of licence fees effective from 1 May 2018

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

<b>Council Meeting</b>	<b>Date</b>
<b>Licensing Health and Safety and General Purposes Committee</b>	<b>7 July 2015</b>
<b>Licensing Health and Safety and General Purposes Committee</b>	<b>16 March 2016</b>
<b>Licensing Health and Safety and General Purposes Committee</b>	<b>22 March 2017</b>

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**Private Hire and Hackney Carriage Licence fees - 1 June 2017**

**Appendix 1**

**Private Hire / Hackney Carriage Driver**

	<b>Duration</b>	<b>Fee</b>
Application Fee	n/a	£64
Disclosure and Barring Service (DBS) Fee	n/a	£44
Driver licence	3 years	£132
Driver licence	1 year	£50
Replacement/copy driver licence	n/a	£10
Replacement driver badge	n/a	£10
Grant of a second driver licence	to expiry of first licence	£35
Renewal of second driver licence	to expiry of first licence	£25

**Private Hire Operator**

	<b>Duration</b>	<b>Fee</b>
1 vehicle	5 years	£528
2 – 10 vehicles	5 years	£934
11 – 50 vehicles	5 years	£1,177
51+ vehicles	5 years	£1,419
Each additional premises	n/a	£58

**Private Hire / Hackney Carriage Vehicle licence**

	<b>Duration</b>	<b>Fee</b>
Private Hire Vehicle – New	1 year	£192
Private Hire Vehicle – New	6 months	£105
Private Hire Vehicle – Renewal	1 year	£187
Private Hire Vehicle – Renewal	6 months	£100
Hackney Carriage Vehicle - New	1 year	£192
Hackney Carriage Vehicle - New	6 months	£105
Hackney Carriage Vehicle - Renewal	1 year	£187
Hackney Carriage Vehicle - Renewal	6 months	£100
Transfer of Licence	n/a	£23
Replacement Vehicle Licence	n/a	£10
Replacement Vehicle Plate(s)	n/a	£35

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## Proposed Private Hire and Hackney Carriage Licence fees

## Appendix 2

### Private Hire / Hackney Carriage Driver

	Duration	Fee
Application Fee	n/a	£64
Disclosure and Barring Service (DBS) Fee	n/a	£44
Driver licence	3 years	£132
Driver licence	1 year	£50
Replacement/copy driver licence	n/a	£10
Replacement driver badge	n/a	£10
Grant of a second driver licence	to expiry of first licence	£35
Renewal of second driver licence	to expiry of first licence	£25

### Private Hire Operator

	Duration	Fee
1 vehicle	5 years	£528
2 – 10 vehicles	5 years	£934
11 – 50 vehicles	5 years	£1,177
51+ vehicles	5 years	£1,419
Each additional premises	n/a	£58

### Private Hire / Hackney Carriage Vehicle licence

	Duration	Fee
Private Hire Vehicle – New	1 year	£192
Private Hire Vehicle – New	6 months	£105
Private Hire Vehicle – Renewal	1 year	£187
Private Hire Vehicle – Renewal	6 months	£100
Hackney Carriage Vehicle - New	1 year	£192
Hackney Carriage Vehicle - New	6 months	£105
Hackney Carriage Vehicle - Renewal	1 year	£187
Hackney Carriage Vehicle - Renewal	6 months	£100
Transfer of Licence	n/a	£23
Change of vehicle	n/a	£35
Replacement Vehicle Licence	n/a	£10
Replacement Vehicle Plate(s)	n/a	£35

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## LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

21 MARCH 2018

<b>REPORT TITLE</b>	<b>MINOR REVISIONS TO PRIVATE HIRE OPERATOR LICENCE CONDITIONS</b>
<b>REPORT OF</b>	<b>MANAGING DIRECTOR FOR DELIVERY</b>

### REPORT SUMMARY

The purpose of this report is to seek Members approval in respect of an amendment to the Private Hire Operator Licence conditions.

### RECOMMENDATION/S

That Members approve the minor amendment to the Private Hire Operator Licence Conditions.

## SUPPORTING INFORMATION

### 1.0 REASON/S FOR RECOMMENDATION/S

1.1 It is a requirement for this Committee to approve Private Hire Operator Licence Conditions.

### 2.0 OTHER OPTIONS CONSIDERED

2.1 No other options have been considered.

### 3.0 BACKGROUND INFORMATION

3.1 Members of this Committee approved the current Private Hire Operator Licence Conditions at their meeting on 25 November 2015.

3.2 The proposed minor amendment is to remove condition 14 from the schedule of conditions. The current conditions are attached at Appendix 1.

### 4.0 FINANCIAL IMPLICATIONS

4.1 There are no specific implications arising from this report.

### 5.0 LEGAL IMPLICATIONS

5.1 A decision of this Committee may be subject to legal challenge.

### 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 no specific implications arising from this report.

### 8.0 ENGAGEMENT/CONSULTATION

8.1 Consultation has taken place at a meeting with the Hackney Carriage and Private Hire Joint Consultative Committee.

### 9.0 EQUALITY IMPLICATIONS

9.1 There are no specific implications arising from this report.

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### APPENDICES

Appendix 1 – Draft Private Hire Operator Licence Conditions

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
Licensing Health and Safety and General Purposes Committee	25 November 2015



# PRIVATE HIRE OPERATOR LICENCE

## CONDITIONS

## **PRIVATE HIRE OPERATOR LICENCE CONDITIONS**

Holders of private hire operator licences are required to ensure they comply with the following conditions at all times.

Should any of the below conditions be breached, the private hire operator licence may be suspended or revoked and legal action may be taken in accordance with relevant legislation.

Please note where the conditions refer to 'in writing', this includes email. The email address for the Licensing Section is [licensing@wirral.gov.uk](mailto:licensing@wirral.gov.uk)

These conditions may be revised, amended, or updated from time to time. If this occurs the licensed operator will be advised accordingly and provided with a copy of the amended conditions.

### **UNLICENSED DRIVERS**

1. No operator shall cause, permit, or allow any person to drive any vehicle which the operator is using as a private hire vehicle unless the driver holds a private hire driver licence issued by Wirral Council.

### **UNLICENSED VEHICLES**

2. No operator shall operate any vehicle as a private hire vehicle unless the vehicle holds a private hire vehicle licence issued by Wirral Council.

### **INSURANCE**

3. Operators must take all reasonable steps to ensure that every vehicle operated by them is at all times covered by an appropriate policy of insurance for carrying out private hire work.

### **BOOKING RECORDS**

4. The operator must make a record of every booking of a private hire vehicle invited or accepted by the operator, whether by accepting the booking directly or undertaking it at the request of another licensed operator.
5. The record of each booking must be made before the start of each journey and must contain the following information:
  - a. date and time the booking is made
  - b. name of the hirer
  - c. pick-up address/location
  - d. drop-off address/location (see condition 6)
  - e. private hire driver licence number or call-sign of the driver
  - f. vehicle registration or private hire vehicle licence number
  - g. remarks, including how the booking was made, fare quoted where applicable
  - h. if the booking has been sub-contracted, the name of the operator from which the work was sub-contracted

6. If the drop-off address/location was not known before the journey commenced, this information must be recorded alongside all of the above information upon completion of the journey.
7. The record of bookings must be kept on either a computer database which must have the facility for printing records, or in chronological order in a book with consecutively numbered pages.
8. The record of bookings must be kept for a minimum period of 12 months and must be made available to an Authorised Officer upon request.

## **DRIVER LISTS**

9. The operator must maintain at all premises used by them for the purposes of taking bookings, a list of all licensed drivers and vehicles operated by them, which must include:
  - a. full name of the driver
  - b. date the driver commenced work with the operator
  - c. private hire driver licence number
  - d. expiry date of the private hire driver licence
  - e. call-sign allocated to the driver, if applicable
  - f. private hire vehicle plate number
  - g. expiry date of private hire vehicle licence
  - h. vehicle registration number
  - i. vehicle make and model
10. The driver list must be made available for inspection to an Authorised Officer upon request.
11. Operators holding a licence which permits more than one vehicle to be operated must send a copy of the list of all licensed drivers containing the information above to Wirral Council on the first Monday of each calendar month. The list may be sent via email ([licensing@wirral.gov.uk](mailto:licensing@wirral.gov.uk)) or in the post.
12. Operators must not use the services of any driver without having noted the details above, ensuring at all times that the driver and the vehicle being used have current licences.

## **PREMISES**

13. Operators must only operate from premises listed on the private hire operator licence.
14. Operators must advise Wirral Council of the address of every office proposed to be used by them for the purpose of taking bookings, and must advise of any change to these addresses within 7 days of the change.
15. All premises used by the operator for the purpose of taking bookings must have valid planning permission, where required, and must comply in all other aspects with any rule, byelaw, or regulation governing its use including but not limited to, Health and Safety at Work etc Act 1974, The Regulatory Reform (Fire Safety) Order 2005, and the provision of public liability and employer's liability insurance.

16. All premises used by the operator for the purpose of taking bookings must be kept clean, in good repair, adequately heated, ventilated, and well-lit.
17. Where any passenger waiting area is provided at an operator's premises adequate seating must be provided. The area and any furniture and fittings must be kept clean and in good repair.
18. Any passenger waiting area provided must be separate from any drivers' rest area and the office / operations room.

### **RADIO EQUIPMENT**

19. An operator using radio equipment must hold the relevant Business Radio User Licence issued by Ofcom, and must make this licence available to an Authorised Officer upon request.
20. Any radio equipment used by operators must be maintained in good working order.

### **DOORSIGNS AND LIVERY**

21. A magnetic or adhesive door sign must be affixed on either both front or both rear doors of a vehicle at all times when the vehicle is available for use as a private hire vehicle. The door sign must measure at least 590mm wide by 220mm high and shall contain the following information:
  - a. the words "ADVANCE BOOKINGS ONLY" or "PRIVATE HIRE ONLY" in uppercase letters measuring at least 50% of the height of the name of the operator on the door sign and in all cases at least 30mm high. This wording must be positioned above all other information contained on the door sign
  - b. the name of the private hire operator for which work is being undertaken
  - c. the preferred method of contact of the private hire operator for which work is being undertaken. This may include a telephone number, website address, smartphone/web app name, or similar
22. The operator must provide each driver with a minimum of two door signs which comply with the above requirements.
23. As an alternative to affixed door signs a private hire vehicle may have the following information displayed as livery on at least both sides of the vehicle:
  - a. the words "ADVANCE BOOKINGS ONLY" or "PRIVATE HIRE ONLY" in uppercase letters measuring at least 50% of the height of the name of the operator contained within the livery and in all cases at least 30mm high. This wording must be positioned above all other information contained within the livery
  - b. the name of the private hire operator for which work is being undertaken
  - c. the preferred method of contact of the private hire operator for which work is being undertaken. This may include a telephone number, website address, smartphone/web app name, or similar
24. Any proposed changes to the design of a door sign or livery must be presented to Wirral Council for approval before said change takes place.

## **CHARGES**

25. The operator must ensure that details of charges are provided on request to any person making a booking, prior to the commencement of any journey.
26. The operator must provide Wirral Council with a current scale of fares and inform Wirral Council, in writing, of any change to the scale of fares they intend to charge prior to the changes taking effect.
27. The operator must provide each driver with at least one copy of the scale of fares to be displayed prominently in their vehicle.
28. The operator must ensure that the fares charged by drivers of hackney carriage vehicles are no more than those set by Wirral Council as shown on the taximeter.

## **CONTRACT OF HIRE**

29. Every contract of hire of a private hire vehicle shall be deemed to be made with the operator whether or not they provide the vehicle themselves and the operator shall be liable under the terms of that contract.

## **STANDARD OF SERVICE**

30. The operator must provide a prompt, efficient, and reliable service to members of the public at all reasonable times.
31. The operator must ensure vehicles attend the appointed time and place unless delayed or prevented by sufficient cause.
32. The operator must ensure vehicles supplied are of suitable capacity for the number of passengers. This may require more than one vehicle to be supplied in order to comply with this condition. In these circumstances customers must be advised that their booking is subject to more than one vehicle.
33. Where customers indicate they have luggage to be transported in addition to passengers, vehicles supplied must have adequate space for the luggage.
34. The operator must ensure that all drivers comply with the Wirral Council Dress Code for licensed drivers.

## **STAFF**

35. Where the operator employs staff to make provision for the acceptance of bookings they must ensure that the staff have read, understood, and comply with these conditions and other conditions of relevant licences. A written record confirming this must be kept and made available to Authorised Officers upon request.
36. The operator must ensure that staff employed to make provision for bookings provide a high standard of customer care at all times.

## **COMPLAINTS**

37. The operator must have a complaints management system which is used to record and monitor all complaints received from members of the public.
38. In any part of the premises to which the public have access, the operator shall prominently display a notice advising who complaints should be directed to in the first instance and the method for doing so.
39. On receipt of a complaint, the operator shall document in an electronic form or bound book with consecutively numbered pages the following information:
  - a. date and time of complaint
  - b. name and contact details of the complainant
  - c. name of driver(s) against whom the complaint has been made
  - d. private hire driver licence number
  - e. vehicle registration number
  - f. details of the complaint
  - g. date investigation was completed
  - h. outcome of complaint
40. The complaint records referred to above shall be held and secured at the operator's business address and shall be made available to an Authorised Officer at all reasonable times.
41. The operator must notify Wirral Council within 72 hours of any complaints which may constitute an offence or breach of a licence condition by any driver.
42. The operator must keep records of complaints for a minimum period of three years.

## **LOST PROPERTY**

43. The operator must keep a record of lost property handed in to them by any driver.
44. The operator must make the record of lost property available to an Authorised Officer upon request.

## **CONVICTIONS**

45. The operator must notify Wirral Council within 72 hours, in writing, details of any;
  - a. investigation into any criminal offence
  - b. warnings received
  - c. cautions received
  - d. criminal convictions received
46. If the operator is a limited company the above condition relates to any and all of its directors and/or company secretary.

## **CHANGE OF ADDRESS**

47. The operator must notify Wirral Council, in writing, any change of their private address, or in the case of a limited company, any change to the registered office address, within 7 days of the change taking place.

If you are aggrieved by any of the requirements contained in the below conditions you have the right of appeal to a Magistrates' Court within 21 days of the issue of the licence to which these conditions are attached.



## LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

21 MARCH 2018

<b>REPORT TITLE</b>	<b>REGULATION OF STREET TRADING</b>
<b>REPORT OF</b>	<b>MANAGING DIRECTOR FOR DELIVERY</b>

### REPORT SUMMARY

The purpose of this report is for Members to consider the regulation of street trading in New Brighton and the adjoining coastal thoroughfares.

### RECOMMENDATION/S

Members are asked to consider proposing a resolution to re-designate some of the streets in New Brighton and the adjoining coastal thoroughfares as Licensed Streets and Prohibited Streets in accordance with the details set out in Appendix 2 of this report.

## **SUPPORTING INFORMATION**

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

- 1.1 The designation of streets as Licence Streets will provide the Council with a more effective control of street trading within the area of New Brighton.

### **2.0 OTHER OPTIONS CONSIDERED**

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

### **3.0 BACKGROUND INFORMATION**

- 3.1 Street Trading is regulated by the Local Government (Miscellaneous Provisions) Act 1982 Part 3, Schedule 4. This legislation provides the Council with the power to allow street trading through a Street Trading Licence or a Street Trading Consent or prohibit street trading.
- 3.2 The legislation provides that a District Council may by resolution designate any street in their district as:-
- a) a prohibited street
  - b) a licence street
  - c) a consent street
- 3.3 Streets designated as prohibited streets prevent any form of street trading and the Council do not consider any application for street trading in such a street. A person who engages in street trading in a prohibited street commits an offence.
- 3.4 Where a street is designated as a Licensed Street a trader would require a Street Trading Licence to trade lawfully in such streets. Where a street is designated as a Consent Street a trader would require a Street Trading Consent to operate lawfully.
- 3.5 A person commits an offence if they engage in street trading in a Licence Street without a Street Trading Licence or in a Consent Street without a Street Trading Consent
- 3.6 The matters to be considered by a District Council when determining whether to grant a Street Trading Licence or a Street Trading Consent are different. The grounds for refusing a Street Trading Licence are as follows:
- a) there is not enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons using the street;
  - b) there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade;

- c) the applicant desires to trade on fewer days than the minimum number specified in a resolution that may be passed by the council;
- d) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- e) the applicant has at any time been granted a street trading licence by the council and has persistently refused or neglected to pay fees due to the council for it or charges due to the council for services rendered by the council to them in their capacity as licence holder;
- f) that the applicant has at any time been granted a street trading consent by the council and has persistently refused or neglected to pay fees due to them for it;
- g) that the applicant has without reasonable excuse failed to avail themselves to a reasonable extent of a previous street trading licence.

- 3.7 In respect of a Street Trading Consent, the legislation provides that the Council may grant a Consent if they think fit. The legislation does not set out the same grounds for refusal of a Street Trading Consent as it does for a Street Trading Licence.
- 3.8 In July 2006 an order was made under the Local Government (Miscellaneous Provisions) Act 1982, designating certain streets within the borough as Prohibited Streets and all other streets as Consent Streets for the purpose of regulating street trading. The effects of this order are that no trading is permitted within a Prohibited Street and that trading is only permitted in a Consent Street with the Council's permission.
- 3.9 It has been identified that whilst the legislation provides that a council may categorise its streets as prohibited, licensed or consent streets, Wirral Council currently has only two designations. This means that if a Street is not designated as a prohibited street and included in the list shown in Appendix 1 it is a Consent Street. The consequence of this is that the council may not use the powers provided in the legislation to refuse an application for street trading that is provided when a street is designated as a licensed street. These powers are set out in paragraph 3.6 of this report.
- 3.10 On 20 September 2017 Members of the Licensing, Health and Safety and General Purposes Committee resolved to consult on the re-designation of streets in New Brighton and the adjoining coastal thoroughfares as Licensed Streets and Prohibited Streets in accordance with the details set out in Appendix 2 of this report.
- 3.11 The consultation period began on 24 January 2018 and closed on 21 February 2018.
- 3.12 A public notice was published in an edition of the Wirral Globe on 24 January 2018. Details of the consultation were also provided to the Chief Officer of Police and the Highway Authority.
- 3.13 During this consultation, discussions have taken place with three existing Street Trading Consent Holders and two individuals who have indicated that they would like to trade in New Brighton. These businesses have been advised of the

opportunity to provide input to the consultation however no comments have been received.

- 3.15 Should Members determine to pass the proposed resolution the Council must publish a notice that they have passed such a resolution in two consecutive weeks in a local newspaper circulating in the area. The first publication shall not be later than 28 days before the date specified in the resolution for the coming into force of the designation.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 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 through the charging of fees.

#### **5.0 LEGAL IMPLICATIONS**

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

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

- 6.1 There are 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.

#### **7.0 RELEVANT RISKS**

- 7.1 Effective control of street trading in the areas identified in New Brighton and the adjoining coastal routes may be affected should the streets identified not be re-designated.

#### **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 Consultation has been undertaken as set out in paragraphs 3.11 and 3.12 of this report.

#### **9.0 EQUALITY IMPLICATIONS**

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

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#### **APPENDICES**

**Appendix 1** - List of current Prohibited Streets in Wirral

**Appendix 2** – Details of proposed Licensed Streets and Prohibited Street in New Brighton and adjoining coastal thoroughfares

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Licensing, Health and Safety and General Purposes Committee</b>	<b>20 September 2017</b>

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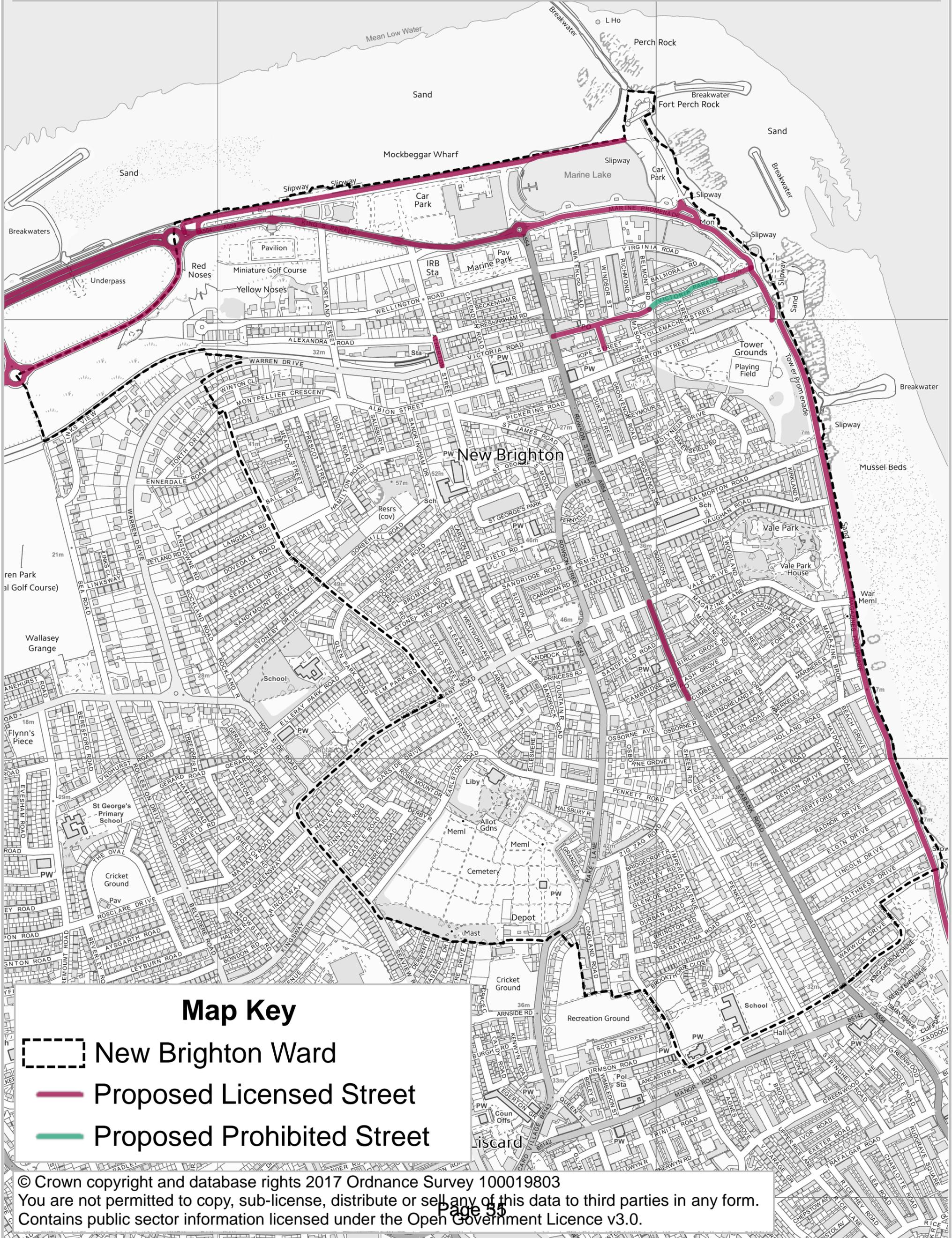
## Street Trading - Prohibited Streets

Ref	Street	Area	Length
1	Argyle Street	Birkenhead	Conway Street to Clifton Crescent
2	Atherton Street	Birkenhead	whole
3	Birkenhead Market	Birkenhead	whole including service roads
4	Birkenhead Road	Seacombe	whole
5	Borough Pavement	Birkenhead	whole including service roads
6	Borough Road	Birkenhead	Whetstone Lane to Clifton Crescent
7	Catherine Street	Birkenhead	whole
8	Cherry Square	Wallasey	whole including service roads
9	Childwall Green	Woodchurch	Fleetcroft Road to opposite No.8 Childwall Green
10	Church lane	Woodchurch	Robin Way to Sandfield Road
11	Claughton Street	Birkenhead	Conway Street to Atherton Street
12	Clifton Crescent	Birkenhead	whole
13	Coburg Street	Birkenhead	Grange Road to Salisbury Street
14	Conway Street	Birkenhead	Argyle Street to Hemingford Street
15	Conway Street	Birkenhead	whole
16	Conway Street	Wallasey	whole
17	Croxtheth Avenue	Liscard	whole
18	Devonshire Road	Liscard	whole
19	Dinmore Road	Liscard	whole
20	Edgemoor Close	Beechwood	whole
21	Eltham Close	Woodchurch	whole
22	Eltham Green	Woodchurch	Opp No.29 Eltham Green to Fleetcroft Road
23	Enerby Close	Beechwood	whole
24	Esher Close	Beechwood	whole
25	Everley Close	Beechwood	whole
26	Exmouth Street	Birkenhead	Claughton Road to Whetstone Lane
27	Fender Way	Beechwood	Sixth Ave to Fifth Ave
28	Fifth Avenue	Beechwood	whole
29	Fleetcroft Road	Woodchurch	Church Lane to Eltham Green
30	Grange Pavement	Birkenhead	whole including service roads
31	Grange Road	Birkenhead	St John Street to Whetstone Lane
32	Greenfields Way	Wallasey	whole including service roads
33	Greenheys Road	Liscard	whole including footpath to Liscard Road
34	Hartington Road	Liscard	whole
35	Hemingford Street	Birkenhead	whole
36	Home Farm Road	Woodchurch	Pemberton Road to Hoole Road and service roads front and rear of shops
37	Hoole Road	Woodchurch	Ferry Brow Road to Grasswood Road and service road to rear of shops
38	Horatio street	Birkenhead	whole
39	Kelvin Road	Seacombe	whole
40	Kendal Street	Birkenhead	whole
41	Latham Avenue	Liscard	whole
42	Leominster Road	Liscard	whole
43	Liscard Crescent	Wallasey	whole
44	Liscard Road	Liscard	Mill Lane to public footpath (west of Martin's Lane)
45	Liscard Village	Wallasey	whole
46	Liscard Way	Wallasey	whole

47	Martins Lane	Liscard	whole
48	Mill Lane	Liscard	St Albans Road to Leominster and Rullerton Road
49	Mill Lane	Wallasey	Liscard Road to St Albans Road
50	Milton Pavement	Birkenhead	whole including all service roads
51	Oliver Street	Birkenhead	St John Street to Atherton Street
52	Oliver Street East	Birkenhead	whole
53	Parkfield Drive	Liscard	whole
54	Princes Pavement	Birkenhead	whole including service roads
55	Salisbury Street	Birkenhead	whole
56	Sixth Avenue	Beechwood	whole including service road to rear of shops and garages
57	St Albans Road	Wallasey	whole
58	St John Street	Birkenhead	whole including service roads
59	St John's Pavement	Birkenhead	whole including service road at rear of St John Street
60	St John's Square	Birkenhead	whole including service roads
61	St Werburgh's Square	Birkenhead	whole including service roads
62	Townfield Way	Wallasey	whole including service roads
63	Vincent Street	Birkenhead	whole
64	Wallasey road	Wallasey	St Albans Road to Liscard Way
65	Walton Street	Birkenhead	whole
66	Wellesley Road	Liscard	whole
67	Whetstone Lane	Birkenhead	Borough Road to Atherton Street

# New Brighton

## Proposed Licensed Streets



### Map Key

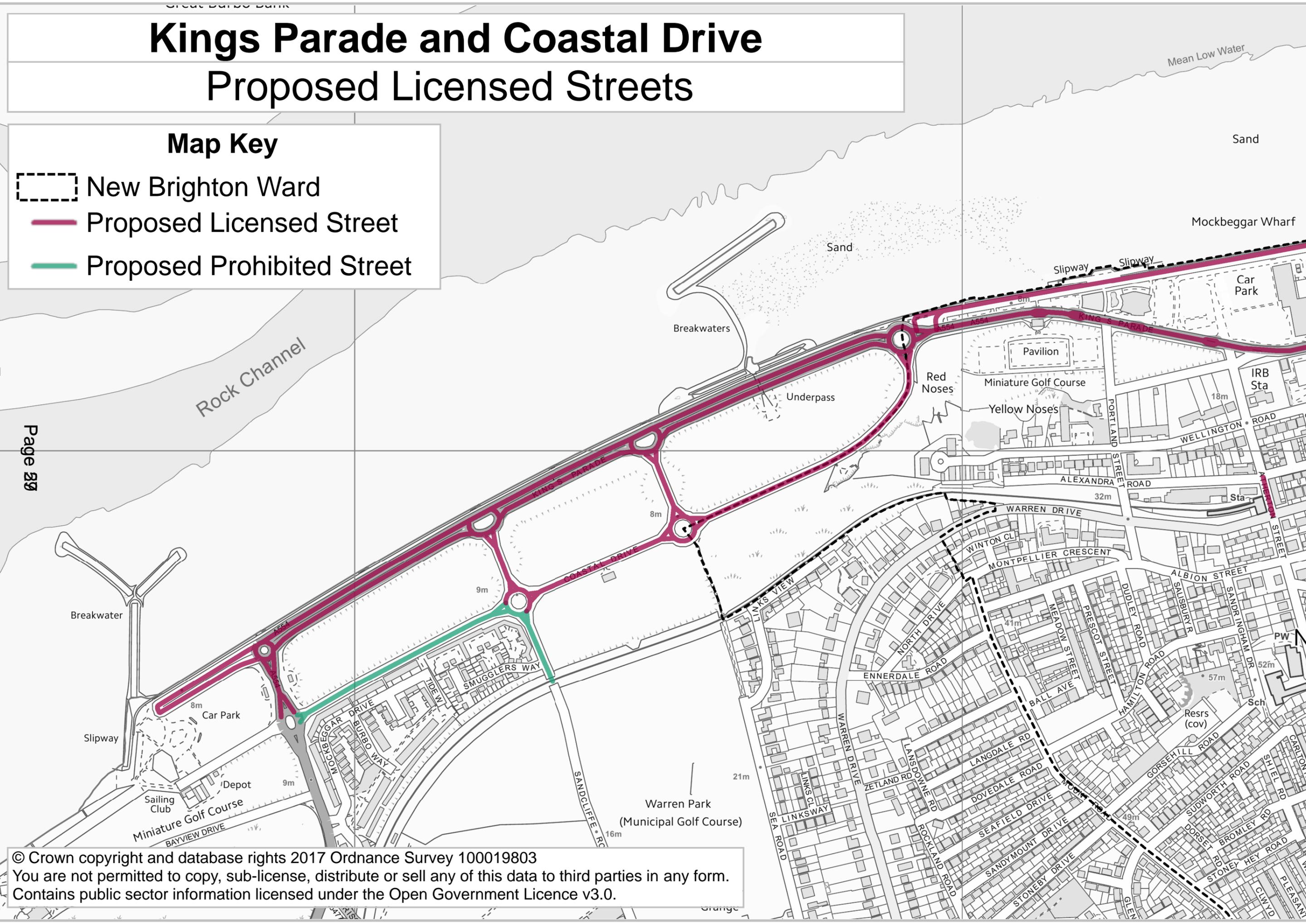
- New Brighton Ward
- Proposed Licensed Street
- Proposed Prohibited Street

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# Kings Parade and Coastal Drive Proposed Licensed Streets

## Map Key

-  New Brighton Ward
-  Proposed Licensed Street
-  Proposed Prohibited Street



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# Egremont and Seacombe Promenade

## Proposed Licensed Streets



### Map Key

- New Brighton Ward
- Proposed Licensed Streets

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**LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE**

**21 MARCH 2018**

<b>REPORT TITLE</b>	<b>PERIODIC REVIEW OF FEES IN RESPECT OF STREET TRADING</b>
<b>REPORT OF</b>	<b>MANAGING DIRECTOR FOR DELIVERY</b>

**REPORT SUMMARY**

The purpose of this report is for Members of the Licensing Health and Safety and General Purposes Committee to review and approve the fees in respect of Street Trading with effect from 1 April 2018.

**RECOMMENDATION**

That Members of the Licensing Health and Safety and General Purposes Committee approve an increase in the fees in respect Street Trading and this increase be delegated to Officers to implement following agreement by the Council to a pay increase for staff, with effect from 1 April 2018.

## **SUPPORTING INFORMATION**

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

- 1.1 It is a requirement for this Committee to approve the fees in respect of Street Trading.

### **2.0 OTHER OPTIONS CONSIDERED**

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

### **3.0 BACKGROUND INFORMATION**

- 3.1 The Council are legally entitled to charge such a fee that they consider reasonable with a view to recovering the full cost of providing the service. It is therefore appropriate for the Council to recover all administrative and other associated costs.
- 3.2 The current application fee in respect of Street Trading is £210.00 and the renewal fee is £68.50. A review of the costs of administering this process and ensuring compliance has been undertaken and it has been identified that from 1 April 2018 the licensing function will be subject to an increase in staffing costs.
- 3.3 The Council have agreed to reinstate a 1% pay increase which the Council did not pay to employees in 2013/14. It is understood that a further 2% increase is currently being negotiated.
- 3.4 Members are therefore asked to approve an increase in the fees in respect of Street Trading in line with the agreed pay increase and for this increased amount to be delegated to Officers to implement when this has been agreed by the Council.

### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 There are financial 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.

### **5.0 LEGAL IMPLICATIONS**

- 5.1 A decision of this Committee can be subject to legal action.

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

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

### **7.0 RELEVANT RISKS**

- 7.1 There are risks that the costs associated with the administration of applications in respect of Street Trading may not be recovered should the fee not be increased.

## 8.0 ENGAGEMENT/CONSULTATION

8.1 There is no legal requirement for consultation to be undertaken when setting this fee.

## 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)

Council Meeting	Date

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