



Licensing, Health and Safety and General Purposes Committee

Date:	Wednesday, 20 March 2019
Time:	6.00 p.m.
Venue:	Committee Room 1 - Wallasey Town Hall

Contact Officer: Anne Beauchamp
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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 23 January 2019.

3. MINUTES OF THE LICENSING PANEL (Pages 5 - 14)

To approve the accuracy of the minutes of the Licensing Panels held on 9 November and 13 December 2018 be approved.

4. MEMBERSHIP OF THE LICENSING PANEL

To appoint two Labour Members to the Licensing Panel who are required to replace former Labour Members.

5. BOROUGH ELECTION FEES AND CHARGES (Pages 15 - 22)

6. PERIODIC REVIEW OF LICENSING FEES FOR SEXUAL ENTERTAINMENT VENUE LICENCES (Pages 23 - 26)

- 7. PERIODIC REVIEW OF LICENSING FEES FOR STREET TRADING LICENCE/CONSENT (Pages 27 - 30)**
- 8. PERIODIC REVIEW OF LICENSING FEES FOR PAVEMENT CAFE LICENCES (Pages 31 - 34)**
- 9. PERIODIC REVIEW OF LICENSING FEES FOR MARRIAGE PREMISES LICENCES (Pages 35 - 38)**
- 10. PERIODIC REVIEW OF LICENSING FEES FOR TAXIS AND PRIVATE HIRE VEHICLES (Pages 39 - 44)**
- 11. DEPARTMENT FOR TRANSPORT - TAXI AND PRIVATE HIRE VEHICLE LICENSING: PROTECTING USERS - CONSULTATION (Pages 45 - 50)**
- 12. INTRODUCTION OF MANDATORY SAFEGUARDING TRAINING FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND PRIVATE HIRE OPERATORS (Pages 51 - 54)**
- 13. WHEELCHAIR ACCESSIBLE VEHICLES (Pages 55 - 62)**

LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Wednesday, 23 January 2019

Present: Councillor G Wood (Vice Chair in the Chair)

Councillors WJ Davies A Hodson
C Meaden M Jordan
P Stuart I Lewis
D Mitchell

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.

No such declarations were made.

17 MINUTES

Resolved – That the minutes of the meeting held on 19 September 2019 be approved.

18 MINUTES OF THE LICENSING PANEL

Resolved – That the minutes of the meetings held on 29 August, 14 September, 3 October, 12 October and 24 October 2018 be approved.

19 MEMBERSHIP OF THE LICENSING PANEL

Resolved – That nominations be submitted to the Monitoring Officer and that this item be deferred to the next meeting of the Licensing, Health and Safety and General Purposes Committee.

20 WIRRAL AWARD

A report by the Director of Governance and Assurance requested agreement from the Committee that the Wirral Award be conferred on the nominees as recommended by the Wirral Award Working Party held on 13 December 2018. 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.

A discussion took place regarding the current protocol and Councillor P Stuart requested that this be attached to all future reports regarding the Wirral Award in order that Members of the Committee could be clear on the procedure.

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 and the award nominees plus one guest each.

On a motion by Councillor P Stuart and seconded by Councillor C Meaden it was -

Resolved (8:0) –

- (1) That the Wirral Award 2018 be conferred upon those recipients recommended by the Wirral Award Working Party.**
- (2) That the arrangements for the presentation ceremony as set out in paragraph 3.0 of the report be agreed.**
- (3) That the Wirral Award Protocol be appended to future reports on the matter.**

21 PETITION: POLLING STATION FOR HOLMLANDS ESTATE OXTON

A report by the Director of Governance and Assurance and Monitoring Officer provided details of a petition, signed by 100 people who live in the Borough requesting that the Committee review the provision and distribution of a polling station for Holmlands Estate, Oxtan.

Members were advised that the Council has a statutory duty to ensure that there is a polling place accessible to all Electors in each of its polling districts. The report set out the petition, supporting information and recommendations on the Petition and also provided supporting information and comments from Councillors.

The Electoral Services Manager addressed the Committee to inform Members that the petition stated that the location of the polling station at Oxtan St Saviours CE Primary School does not reflect the geographical distribution of the electorate. It was reported that the current polling station is located at the extreme boundary of the District served, surrounded on three sides by open spaces and playing fields. Members heard how it is acknowledged that the cost of providing and staffing an additional Polling Station to serve the Holmlands Estate may be considered an unreasonable expense. Other possible venues were set out within the report and included Townfield Primary School and Bethany Chapel.

The Electoral Services Manager informed Members that following the elections in May 2019 a statutory review of polling districts and polling places would be undertaken and this district would be included.

A Ward Councillor addressed the Committee to support the recommendation that the status quo remain in relation to the designated polling place for polling district DB, Oxtan St Saviours C of E Primary School (Holm Lane).

On a motion by Councillor D Mitchell and seconded by Councillor I Lewis it was -

Resolved (8:0) -

- (1) That the petition be considered.
- (2) That the boundary between polling district DA and DB be reviewed as part of the statutory Polling Districts and Polling Place Review being undertaken after the May 2019 elections.
- (3) That the status quo remain in relation to the designated polling place for polling district DB which is Oxton St Saviours C of E Primary School (Holm Lane).

22 **CHANGE OF POLLING PLACE**

A report by the Director of Governance and Assurance and Monitoring Officer provided details of a change in relation to a polling place within Polling District ND in the Hoylake and Meols ward of the Borough and sought approval of a suitable alternative.

Members heard how the current polling place is Westbourne Community Centre, however, this venue would not be available for the forthcoming local elections due to a block booking opportunity. Members were informed that further to investigations for a suitable alternative venue, the proposed alternative would be West Kirby Methodist Church Hall. Members were advised that this venue had been used in the past and was accessible to all electors.

On a motion by Councillor A Hodson and seconded by Councillor B Davies it was -

Resolved (8:0) – That West Kirby Methodist Church (Westbourne Road) be designated as the polling place for polling district ND for all future elections.

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LICENSING PANEL

Friday, 9 November 2018

Present:
Councillor P Stuart (Chair)
Councillors RL Abbey
D Burgess-Joyce
C Meaden
D Mitchell
A Hodson

68 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel 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.

Councillor A Hodson declared a personal interest in item 5 on the agenda and left the meeting during consideration of this item.

69 PRIVATE HIRE VEHICLE LICENCE, VAUXHALL ASTRA, REGISTRATION NUMBER KM58 MWY

The Corporate Director for Business Management reported upon an application received to consider an application to re-licence a Vauxhall Astra, registration number KM58 MWY, beyond the normal over-age date for a licensed private hire vehicle. The vehicle had been previously licensed as a private hire vehicle since 2 May 2017 and the current licence was due to expire on 2 November 2018, however it had been extended to the date of the meeting.

The owner of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to re-licence the Vauxhall Astra, registration number KM58 MWY be approved for a further six months subject to the advisories on the MOT being carried out.

70 APPLICATION TO LICENSE A FORD TOURNEO CUSTOM A CAB AS A PRIVATE HIRE VEHICLE

The Corporate Director for Business Management reported upon an application to license the Ford Tourneo Custom A Cab wheelchair accessible vehicle as a Private Hire Vehicle.

The vehicle has been converted by McElmeel Mobility Services Ltd. The conversion included fitting purpose-made ramps, anchor systems and head height mouldings. It was reported that each vehicle is converted to order in Northern Ireland. Copies of a letter of conformity for the ramp and a vehicle conversion/adaptation certificate were

attached at Appendix 2 of the report. The vehicle had M1 European Whole Vehicle Type Approval.

Members of the Panel inspected the vehicle.

Members considered the representations made by the applicant, asked questions of the applicant and considered the matter at length.

Resolved – That the Ford Tourneo Custom A Cab be approved to be licenced as a Private Hire Vehicle, subject to each vehicle being presented for licensing with a satisfactory Individual Vehicle Approval Certificate.

71 **APPLICATION TO LICENSE A FORD TOURNEO CUSTOM A CABBI AS A HACKNEY CARRIAGE VEHICLE**

The Corporate Director for Business Management reported upon an application received to license the Ford Tourneo Custom A Cabbi wheelchair accessible vehicle as a Hackney Carriage Vehicle.

The vehicle has been converted by McElmeel Mobility Services Ltd. The conversion included fitting purpose-made ramps, anchor systems and head height mouldings. It was reported that each vehicle is converted to order in Northern Ireland. Copies of a letter of conformity for the ramp and a vehicle conversion/adaptation certificate were attached at Appendix 2 of the report. The vehicle had M1 European Whole Vehicle Type Approval.

Members of the Panel inspected the vehicle.

Members considered the representations made by the applicant, asked extensive questions and considered the matter at length.

Resolved – That the Ford Tourneo Custom A Cabbi be approved to be licenced as a Hackney Carriage Vehicle, subject to each vehicle being presented for licensing with a satisfactory Individual Vehicle Approval Certificate.

72 **PRIVATE HIRE VEHICLE LICENCE, MERCEDES V220, REGISTRATION NUMBER P333 LEY**

(Councillor A Hodson declared an interest and did not take part in relation to this item).

The Corporate Director for Business Management reported upon an application to renew a Private Hire Vehicle Licence for a Mercedes V220, registration number P333 LEY, and to amend the conditions to permit the vehicle to be fitted with “privacy glass”, to be exempt from displaying Private Hire Vehicle Licence plates and to exempt the driver of the vehicle from wearing his Private Hire Driver Badge.

On 18 July 2018 the Licensing, Health and Safety and General Purposes Committee resolved that the procedure for licensing non-standard Private Hire Vehicles be amended. This amendment was to replace the Special Event Private Hire Vehicle Licence conditions with the standard Private Hire Vehicle criteria and conditions and

that any vehicle seeking to operate outside of these conditions and criteria be referred to the Licensing Panel so that each case could be considered on its own individual merits.

The applicant was present at the meeting and was questioned by the Panel. He advised Members that he was seeking to undertake luxury chauffeuring transfers for members of the public who would particularly require privacy.

Resolved –

- (1) That the proprietor of the vehicle be issued with a notice providing an exemption from the requirement to display Private Hire Vehicle Licence plates on the vehicle and to exempt the driver of the vehicle from the requirement to wear a Private Hire Driver Badge.**
- (2) That the vehicle may only be used in circumstances where confirmation of the booking is made to the customer which includes the following:**
 - **bookings must be made 24 hours in advance;**
 - **the applicant text/email his customers including a picture of the driver of the vehicle together with details of the name of the driver, badge number and registration number of the vehicle.**
- (3) That the vehicle may only undertake work through an invoicing system.**

73 PRIVATE HIRE VEHICLE LICENCE, FORD TOURNEO, REGISTRATION NUMBER YF18 XDA

(Councillor Hodson returned to the meeting).

The Corporate Director for Business Management reported upon an application received to licence a Ford Tourneo, registration number YF18 XDA, to have tinted windows fitted to his Private Hire Vehicle outside the current criteria which states that side and rear windows must allow at least 70% of light to be transmitted through.

The owner of the vehicle was present at the meeting with the vehicle, which Members of the Panel inspected.

Members considered the representations made by the owner of the vehicle and deliberated at length.

Resolved –

- (1) (5:1) That the owner be permitted to fit tinted glass to vehicle registration number YF18 XDA. That the vehicle licence conditions be amended to restrict the use of the vehicle, when it has tinted windows, to only undertake executive chauffeur work.**
- (2) That conditions be attached to the licence to restrict the use of the vehicle to pre-booked corporate contract work.**

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

Resolved - 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.

75 **PRIVATE HIRE OPERATOR LICENCE - APPLICATION (CJT)**

The Corporate Director for Business Management reported upon an application received, to consider whether Mr CJT was a fit and proper person to hold a Private Hire Operator Licence. Mr CJT was accompanied by his Solicitor, Mr Tony Nelson.

Mr CJT attended the meeting and made representations in respect of the report submitted.

Members gave due consideration to Mr CJT's representations. They raised concerns over Mr CJT's competency in respect of record keeping and his ability to operate lawfully. The Panel did not consider he was a fit and proper person to be granted a Private Hire Operator Licence.

Resolved – That Mr CJT's application for a Private Hire Operator Licence be refused.

Councillors Chris Meaden and Paul Stuart left the meeting following consideration of this item.

76 **PRIVATE HIRE DRIVER LICENCE (NRPJ)**

(Councillor Abbey in the Chair).

The Corporate Director for Business Management reported upon an application received by Mr NRPJ for the grant of a Private Hire Driver Licence. Mr NRPJ attended the meeting, answered questions from councillors and made representations in respect of his application.

Members gave due consideration to the representations made by Mr NRPJ and exercised their right to consider each case on its individual merits in light of the representations made.

Resolved – (3:1) (Councillor A Hodson dissenting) - That Mr NRPJ be granted a Private Hire Driver Licence.

77 **PRIVATE HIRE DRIVER LICENCE (WJW)**

(Councillor Stuart returned to the meeting and took the Chair).

The Corporate Director for Business Management reported upon an application received from Mr WJW for the grant of a Private Hire Driver Licence. Mr WJW attended the meeting and made representations in respect of his application.

Members considered the representations made by Mr WJW regarding the number and nature of his convictions as well as other material information relevant to his application. Members had regard to their Policy and on this occasion were not persuaded to act outside their Policy.

In determining the matter Members also gave serious consideration to their overriding responsibility in respect of the protection and safety of the public. The Panel applied the principle of proportionality enshrined within the Human Rights Act 1998 and felt that in seeking to ensure the legitimate aim of the protection of the public the decision made to refuse the application was justified in the circumstances.

Resolved – That Mr WJW’s application for the grant of a Private Hire Driver Licence be refused.

78 **PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCE - APPLICATIONS (AQ)**

(Councillor Meaden returned to the meeting).

The Corporate Director for Business Management reported upon an application for a Private Hire and Hackney Carriage Driver Licence from Mr AQ. Mr AQ attended the meeting, made representations and answered questions in respect of his application.

Members gave due consideration to the representations made by Mr AQ and exercised their right to consider each case on its individual merits in light of the representations made.

In determining the matter Members also gave serious consideration to their overriding responsibility in respect of the protection of the public. The Panel applied the principle of proportionality enshrined within the Human Rights Act 1998 and felt that in seeking to ensure the legitimate aim of the protection of the public the decision made to refuse the application was justified in the circumstances.

Resolved – That Mr AQ’s application for the grant of a Private Hire and Hackney Carriage Driver Licence be refused.

79 **PRIVATE HIRE DRIVER LICENCE (CMW)**

(Councillor Abbey left the meeting).

The Corporate Director for Business Management reported upon an application for a Private Hire Driver Licence from Mr CMW. Mr CMW attended the meeting, made representations and answered questions in respect of his application.

Members considered the representations made by Mr CMW regarding the nature of his conviction as well as other material information relevant to his application. Members had regard to their Policy and on this occasion were not persuaded to act outside their Policy.

In determining the matter Members also gave serious consideration to their overriding responsibility in respect of the protection of the public. The Panel applied the principle of proportionality enshrined within the Human Rights Act 1998 and felt

that in seeking to ensure the legitimate aim of the protection of the public the decision made to refuse the application was justified in the circumstances.

Resolved – That Mr CMW’s application for the grant of a Private Hire Driver Licence be refused.

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LICENSING PANEL

Thursday, 13 December 2018

Present: Councillor A Hodson

Deputies Councillors A Jones (for C Meaden)
S Williams (for D Burgess-Joyce)
G Wood (for P Stuart)

80 APPOINTMENT OF CHAIR

Resolved - That; In the absence of the Chair, Councillor A Hodson be appointed Chair for this meeting.

81 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel 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.

82 EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

Resolved - 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.

83 HACKNEY CARRIAGE DRIVER LICENCE (TCR)

The Corporate Director for Business Management reported upon an application received by Mr TCR for the grant of a Hackney Carriage Driver Licence. Mr TCR attended the meeting and made representations in respect of his application.

Members considered the representations made by Mr TCR.

Members gave due consideration to Mr TCR's representations and exercised their right to consider each case on its individual merits in light of the representations made.

Resolved – That Mr TCR's application for the grant of a Hackney Carriage Driver Licence be approved.

84 **PRIVATE HIRE DRIVER LICENCE (BDJ)**

The Corporate Director for Business Management reported upon an application received by Mr BDJ for the grant of a Private Hire Driver Licence. Mr BDJ could not attend the meeting.

Resolved – That Mr BDJ be invited to attend a future meeting of Licensing Panel should he wish to pursue his application.

85 **PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCES (MDH)**

The Corporate Director for Business Management reported upon an application received by Mr MDH for the grant of a Private Hire and a Hackney Carriage Driver Licence. Mr MDH and his legal representative attended the meeting and made representations in respect of his application.

Members considered the representations made by Mr MDH and his legal advisor.

Members gave due consideration to the representations made and exercised their right to consider each case on its individual merits in light of representations made.

Resolved – That Mr MDH’s application for the grant of a Private Hire and a Hackney Carriage Driver Licence be approved.

86 **PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCES (MDMA)**

The Corporate Director for Business Management submitted a report for Members to consider whether Mr MDMA should continue to hold Private Hire and Hackney Carriage Driver Licences. Mr MDMA and his legal representative attended and made representations in respect of this report.

Members considered carefully the representations and explanations given by Mr MDMA, however they did not consider he was a fit and proper person to continue to hold a Private Hire and Hackney Carriage Driver Licences.

In coming to their determination the Panel applied the principle of proportionality enshrined within the Human Rights Act 1998. In doing so, Members felt the protection and safety of the public was of paramount concern.

Resolved – That Mr MDMA’s Private Hire and Hackney Carriage Driver Licences be revoked with immediate effect.

87 **PRIVATE HIRE LICENCE (AA)**

The Corporate Director for Business Management submitted a report for Members to consider whether Mr AA should continue to hold a Private Hire Driver Licence.

Mr AA did not attend the meeting.

Resolved – That Mr AA be instructed to attend the next meeting of the Licensing Panel and be advised that the matter may be considered in his absence should he fail to attend.

88 **PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCES (RJJL)**

The Corporate Director for Business Management submitted a report for Members to consider whether Mr RJJL should continue to hold Private Hire and Hackney Carriage Driver Licenses. Mr RJJL attended the meeting and made representations.

Members gave due consideration to Mr RJJL's representations and exercised their rights to consider each case on its individual merits in light of the representations made.

Resolved – That Mr RJJL be allowed to continue to hold a Private Hire and a Hackney Carriage Driver Licence.

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LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE
20 MARCH 2019

REPORT TITLE	BOROUGH ELECTION FEES AND CHARGES
REPORT OF	DIRECTOR OF GOVERNANCE AND ASSURANCE AND MONITORING OFFICER

REPORT SUMMARY

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.

The next scheduled Borough elections will take place on 2nd May 2019.

The proposed Borough election fees for 2019/20 are set out in Appendix 1.

RECOMMENDATIONS

That the Committee consider and agree the proposed Borough Election Fees and Charges set out in Appendix 1.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

1.1 It is considered good practice that the Council consider and agree Borough Election Fees and Charges.

2.0 OTHER OPTIONS CONSIDERED

2.1 Consideration has been given to the fees proposed by other Merseyside authorities where available.

3.0 BACKGROUND INFORMATION

3.1 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 for the election of councillors to their local authority.

3.2 The Returning Officer has overall responsibility for the conduct of elections held within the Borough and although appointed by the Council, the role of Returning Officer is one of a personal nature and is distinct and separate from their duties as an employee of the Council.

3.3 The Returning Officer 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.

3.4 The Returning Officer 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.

3.5 The role of Returning Officer 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.

3.6 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.

3.7 Appendix 1 sets out the proposed scale of fees for the Returning Officer and his staff employed in relation to running Borough elections.

3.8 The proposed fees have been determined by comparing the current agreed fees increased (or decreased as the case may be) by the Retail Price Index set for January each year, a comparison of fees from other Merseyside authorities where available and also taking into account the Council's Living Wage policy.

3.9 The Committee is asked to consider the proposed fees paid to the Returning Officer and his staff as set out in Appendix 1.

4.0 FINANCIAL IMPLICATIONS

4.1 Such implications are set out in this report. The fees payable as set out in Appendix 1 would be met within the approved Elections Budget.

5.0 LEGAL IMPLICATIONS

5.1 Such implications are set out in this report.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

6.1 Such implications are set out in this report. The Council has a statutory obligation to provide the Returning Officer such resources considered necessary by the Returning Officer to run effective elections.

7.0 RELEVANT RISKS

7.1 In order for elections to be administered, election staff will need to be paid for the work that they undertake.

7.2 Failure to agree a fees and charges structure could undermine the effective administration of elections and result in the Returning Officer not able to appoint the staff required to run elections which will expose the Council and Returning Officer to considerable risk and liability.

8.0 ENGAGEMENT/CONSULTATION

8.1 Other Merseyside authorities have been consulted to compare the election fees.

9.0 EQUALITY IMPLICATIONS

9.1 None

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APPENDICES

Appendix 1 – Proposed Returning Officer Fees and Charges for Borough Elections

REFERENCE MATERIAL

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licencing, Health and Safety and General Purpose	21 March 2018

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Returning Officer Fees and Charges for Borough Elections

SCALE OF FEES	Fees agreed in 2018	RPI% January 2019 +2.9	Proposed Fees 2019/20 £ gross
Fee for Returning Officer			
Fee for conducting a Borough 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.	£270.00	£277.83	£277.00 per electoral area
Fee for Deputy Returning Officer and Election Project Management			
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	50% of RO overall fee	n/a	50% of RO overall fee
each Deputy Returning Officer appointed for conducting a count in an electoral area	£267.00	£274.74	£274.00
For a person appointed to Project Manage an election in conjunction with a Deputy Returning Officer with full powers	50% of RO overall fee	n/a	50% of RO overall fee
Polling Station Staff			
each Presiding Officer	£200.00	£205.80	£205.00
each Polling Station Inspector	£200.00	£205.80	£205.00
each Poll Clerk	£140.00	£144.06	£145.00
Training (Presiding Officer/Polling Station Inspector)	£50.00	no increase suggested	£50.00
Postal Voting			
each Postal Vote Opening Supervisor (per hour)	£15.00	£15.44	£15.00
each Postal Vote Opening Reviewer (per hour)	£12.00	£12.35	£12.00
each Postal Vote Opening Clerk (per hour)	£10.00	£10.29	£10.00
Counting of Votes			
each Verification/Count Supervisor	£150.00	£154.35	£154.00
each Head Counter	£110.00	£113.19	£113.00
each Senior Counter	£90.00	£92.61	£93.00
each Verification/Counting Assistant	£80.00	£82.32	£82.00
each General Assistant	£80.00	£82.32	£82.00
Poll Cards			
Delivery of poll cards by hand per card	0.18p	0.18p	0.18p
Fee for Clerical Assistance (per 10,000 electors or part)			
Borough elections	£467.14	£480.69	£480.69
Travelling Expenses			
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.	40p per mile	n/a	40p per mile

Returning Officer Fees and Charges for Borough Elections (*Continued*)

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

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

20 MARCH 2019

REPORT TITLE	PERIODIC REVIEW OF LICENSING FEES FOR SEXUAL ENTERTAINMENT VENUE LICENCES
REPORT OF	CORPORATE DIRECTOR FOR BUSINESS MANAGEMENT

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 2019.

RECOMMENDATION

That Members of the Licensing Health and Safety and General Purposes Committee approve Sexual Entertainment Licence fee of £1316.00 with effect from 1 April 2019.

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 Sexual Entertainment licences are issued for a period of 12 months. The current fee is £1227.20. A review of the costs of administering this process and ensuring compliance has been undertaken. It has been identified that from 1 April 2019 the licensing function will be subject to an increase in staffing costs of 2% and an increase of at least 1% in council costs.

3.3 Members are therefore asked to approve an increase in the licensing fee for a Sexual Entertainment Venue Licence in line with the increase in staffing costs and increase in council costs. This would result in the fee being £1316.00.

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)

Council Meeting	Date
Licensing Health and Safety and General Purposes Committee	16 March 2016
Licensing Health and Safety and General Purposes Committee	22 March 2017
Licensing Health and Safety and General Purposes Committee	21 March 2018

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LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

20 MARCH 2019

REPORT TITLE	PERIODIC REVIEW OF LICENSING FEES FOR STREET TRADING LICENCE/CONSENT
REPORT OF	CORPORATE DIRECTOR FOR BUSINESS MANAGEMENT

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/consent fee in respect of Street Trading Licences / Consents with effect from 1 April 2019.

RECOMMENDATION

That Members of the Licensing Health and Safety and General Purposes Committee approve Street Trading Licences / Consents fee of £217.00 and the renewal fee of £71.00 with effect from 1 April 2019.

That Members of the Licensing Health and Safety and General Purposes Committee also approve the introduction of a new fee of £70.00 for requests for licences/consents for up to seven days with effect from 1 April 2019.

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 Street Trading Licences / Consents are normally issued for a period of 12 months. The current fee 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. It has been identified that from 1 April 2019 the licensing function will be subject to an increase in staffing costs of 2% and an increase of at least 1% in council costs.

3.3 Members are therefore asked to approve an increase in the licensing fee for a Street Trading Licence/Consent in line with the increase in staffing costs and increase in costs to the council. This would result in the fee being £217.00 and the renewal fee being £71.00.

3.4 Members are also asked to introduce a new fee of £70.00 so that a licence/consent may be granted for traders seeking to operate on a temporary basis up to a period of 7 days. This will allow individuals to trade at outdoor events that allow free access to the public.

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/consents for Street Trading may not be recovered should the licence fees 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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LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

20 MARCH 2019

REPORT TITLE	PERIODIC REVIEW OF LICENSING FEES FOR PAVEMENT CAFE LICENCES
REPORT OF	CORPORATE DIRECTOR FOR BUSINESS MANAGEMENT

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 Pavement Café Licences with effect from 1 April 2019.

RECOMMENDATION

That Members of the Licensing Health and Safety and General Purposes Committee approve the Pavement Café Licence fee of £223.00 and the renewal fee of £73.00 with effect from 1 April 2019.

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 Pavement Café Licences are issued for a period of 12 months. The current fee is £216.30 and the renewal fee is £70.56. A review of the costs of administering this process and ensuring compliance has been undertaken. It has been identified that from 1 April 2019 the licensing function will be subject to an increase in staffing costs of 2% and an increase of at least 1% in council costs.

3.3 Members are therefore asked to approve an increase in the licensing fees for a Pavement Café Licence in line with the increase in staffing costs and increase in council costs. This would result in the fee being £223.00 and the renewal fee being £73.00.

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 Pavement Café Licence 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)

Council Meeting	Date
Licensing Health and Safety and General Purposes Committee	16 March 2016
Licensing Health and Safety and General Purposes Committee	22 March 2017
Licensing Health and Safety and General Purposes Committee	21 March 2018

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LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

20 MARCH 2019

REPORT TITLE	PERIODIC REVIEW OF LICENSING FEES FOR MARRIAGE PREMISES LICENCES
REPORT OF	CORPORATE DIRECTOR FOR BUSINESS MANAGEMENT

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 2019.

RECOMMENDATION

That Members of the Licensing Health and Safety and General Purposes Committee approve the Marriage Premises Licence fee of £1030.00 with effect from 1 April 2019.

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 Marriage Premises Licences are issued for a period of three years. The current fee for a Marriage Premises Licence is £1000.00. A review of the costs of administering this process and ensuring compliance has been undertaken. It has been identified that from 1 April 2019 the licensing function will be subject to an increase in staffing costs of 2% and an increase of at least 1% in council costs.

3.3 Members are therefore asked to approve an increase in the licensing fee for a Marriage Premises Licence in line with the increase in staffing costs and increase in council costs. This would result in the fee being £1030.00.

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)

Council Meeting	Date
Licensing Health and Safety and General Purposes Committee	16 March 2016
Licensing Health and Safety and General Purposes Committee	22 March 2017
Licensing Health and Safety and General Purposes Committee	21 March 2018

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LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

20 MARCH 2019

REPORT TITLE	PERIODIC REVIEW OF LICENSING FEES FOR TAXIS AND PRIVATE HIRE VEHICLES
REPORT OF	CORPORATE DIRECTOR FOR BUSINESS MANAGEMENT

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 April 2019.

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 April 2019.

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 21 March 2018. 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 the projected income for the financial year 2019 - 2020 will cover the costs of delivering the service. There will therefore be no increase in the current fees.

3.6 Members are asked to approve the table of fees in Appendix 1 effective from 1 April 2019.

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 Consultation is not required as there is no increase in fees proposed..

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

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Health and Safety and General Purposes Committee	16 March 2016
Licensing Health and Safety and General Purposes Committee	22 March 2017
Licensing Health and Safety and General Purposes Committee	21 March 2018

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Private Hire and Hackney Carriage Licence fees

Appendix 1

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

20 MARCH 2019

REPORT TITLE	DEPARTMENT FOR TRANSPORT – TAXI AND PRIVATE HIRE VEHICLE LICENSING:PROTECTING USERS - CONSULTATION
REPORT OF	CORPORATE DIRECTOR FOR BUSINESS MANAGEMENT

REPORT SUMMARY

The purpose of this report is to advise Members that the Department for Transport are currently seeking views on proposed recommendations contained in draft Statutory Guidance to Licensing Authorities on how their powers can be exercised in order to safeguard children and vulnerable adults.

RECOMMENDATION/S

That Members note the contents of the report. That Members delegate the Licensing Manager to provide a response to the consultation on behalf of the Licensing Authority.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The Statutory Guidance will be significant in influencing future decisions of the Licensing Authority.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 No other options have been considered.

3.0 BACKGROUND INFORMATION

- 3.1 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue Statutory Guidance on exercising Taxi and Private Hire licensing functions to protect children and vulnerable adults from harm when using these services.
- 3.2 The consultation document is entitled 'Taxi and Private Hire Vehicle Licensing: Protecting Users – Statutory Guidance for Licensing Authorities' and is available at <https://www.gov.uk/government/consultations/taxi-and-private-hire-vehicle-licensing-protecting-users>
- 3.3 The Statutory Guidance has been drafted directly to address the safeguarding of the public and it is emphasised in the Guidance that the Department for Transport expect the recommendations contained therein to be implemented unless there is compelling local reason not to do so.
- 3.4 The Department for Transport encourages all Licensing Authorities to publish their consideration of the recommendations contained within the guidance and the policies and delivery that stem from the recommendations. The Department has undertaken to monitor the effectiveness of the Statutory Guidance.
- 3.5 The details contained within the draft Statutory Guidance are summarised in Appendix 1.
- 3.6 The Department for Transport are seeking to ensure that the final recommendations are informed by available evidence and suggestions for improvement. The consultation questions and a response form are available at <https://www.smartsurvey.co.uk/s/taxis-licence/>
- 3.7 The consultation is open until 23:45 on 22 April 2019.

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 This report advises Members of a current consultation.

9.0 EQUALITY IMPLICATIONS

9.1 There are no specific implications arising from this report.

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APPENDICES

Appendix 1 A summary of the matters contained within the Draft Statutory Guidance

REFERENCE MATERIAL

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

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**A SUMMARY OF THE KEY ELEMENTS OF THE DRAFT
STATUTORY GUIDANCE**

1. Licensing Authorities should create a cohesive Taxis and Private Hire Licensing Policy
2. Decisions on the fitness and propriety to be made on the balance of probabilities – an applicant should not be given the benefit of doubt
3. All those involved in the determination of licensing matters to have sufficient training and be adequately resourced
4. Individual cases to be considered by suitably trained councillors drawn from a larger Regulatory Committee
5. Clear separation between investigator and decision maker
6. Avoidance of bias or the appearance of bias
7. Effective internal procedures for staff to raise concerns and procedures to be in place for any concerns to be dealt with openly and fairly
8. Any changes to conditions affecting current licence holders, opportunity should be given to adapt to the changes, for example training courses
9. Licensing Authorities should record reasons for any deviation from their policies which should be clear and compelling
10. The DBS check should include a check of the barred lists in addition to the enhanced DBS check
11. Licensing Authorities should make use of the DBS update service, licensees should be required to evidence continuous registration and Licensing authorities should routinely check these records, for example every 6 months
12. Licence holders should notify the Licensing Authority within 48 hours of an arrest and release, charge or conviction of any motoring offence, or any offence involving dishonesty, indecency or violence
13. Licensing Authorities should make referrals to the DBS
14. A revocation or refusal of a licence on public safety grounds should be advised to the police
15. There should be a clear policy for the consideration of criminal records – the Department of Transport provide a model in Annex A of the Guidance
16. Common Law Police Disclosures should be used and there should be close links between Licensing Authorities and the Police

17. Action taken as a result of information provided by the Police should be fed back to the Police
18. Applicants should disclose if they have held a licence with any other Authority or if they have had a licence refused or revoked
19. Information should be shared across neighbouring authorities
20. All Licensing Authorities should establish means to facilitate the objectives of a Multi-Agency Safeguarding Hub (MASH)
21. Councils should have a robust system for recording complaints and produce guidance for passengers on making complaints which must be available on their website and displayed in licensed vehicles
22. Police forces should inform Licensing Authorities when they believe a licence holder presents a risk to the travelling public
23. Licensing Authorities should provide safeguarding advice
24. Joint working across authorities
25. Joint authorisations across authorities
26. Clear, simple and well publicised process for the public to make complaints about drivers and operators
27. Hackney Carriage and Private Hire Drivers be required to undertake Safeguarding Training
28. Oral and Written English language skills tests be undertaken by applicants to assess their ability to communicate with customers
29. DBS check for holders of Operator Licences and staff working for an operator who dispatch vehicles
30. There is a section which provides guidance on the installation of CCTV in licensed vehicles



LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

20 MARCH 2019

REPORT TITLE	INTRODUCTION OF MANDATORY SAFEGUARDING TRAINING FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND PRIVATE HIRE OPERATORS
REPORT OF	CORPORATE DIRECTOR FOR BUSINESS MANAGEMENT

REPORT SUMMARY

The purpose of this report is for Members to approve mandatory Safeguarding Training for all Hackney Carriage and Private Hire Drivers.

RECOMMENDATION/S

That Members approve mandatory Safeguarding Training for all Hackney Carriage and Private Hire Drivers. That Members give delegated authority to the Licensing Manager to amend the deadline for completing the training should the availability of the training be delayed.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It is a requirement for this Committee to approve any amendments to the Council's Policy relating to the training of Private Hire and Hackney Carriage Drivers.

2.0 OTHER OPTIONS CONSIDERED

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

3.0 BACKGROUND INFORMATION

- 3.1 Members will be aware of the potential issues in relation to the safeguarding of children and vulnerable adults within licensed vehicles.
- 3.2 In particular, there have been several well documented cases across the country where issues around safeguarding have been highlighted, such as the Rochdale grooming case.
- 3.3 As members will be aware, the Local Government (Miscellaneous Provisions) Act 1976 stipulates that a Hackney Carriage/Private Hire Driver licence should not be granted unless the applicant is a 'fit and proper' person.
- 3.4 There are no prescribed set of checks or tests that licensing authorities must carry out when considering whether an applicant is 'fit and proper' and this is left to the individual licensing authority to determine.
- 3.5 In 2006 Members of this Committee introduced the requirement for anyone seeking to become a Private Hire or Hackney Carriage Driver to obtain the Vocationally Related Qualification (VRQ) - An Introduction to the role of the Professional Taxi and Private Hire Driver as part of the requirement to demonstrate that they are fit and proper to hold such a licence.
- 3.6 There are a number of modules that comprise this qualification and whilst there is some reference to safeguarding in these modules it is considered that this is not sufficient to meet the challenges in this important area.
- 3.7 On 12 February 2019 the Department for Transport published draft Statutory Guidance for Licensing Authorities entitled 'Taxi and Private Hire Vehicle Licensing: Protecting Users'. This document is currently subject to consultation until 22 April 2019.
- 3.8 In recognition of the role that individuals working in the Hackney Carriage and Private Hire industry can play in spotting and reporting abuse, exploitation or neglect of children and vulnerable adults, it is the Department for Transport's recommendation that Licensing Authorities provide safeguarding advice and guidance and that Hackney Carriage and Private Hire Drivers are required to undertake Safeguarding Training.

- 3.9 Those working in the Hackney Carriage and Private Hire industry are described by the Department for Transport as an asset in the detection and prevention of abuse or neglect of children and vulnerable adults if they are aware of and alert to the signs of potential abuse and know where to turn if they suspect that a child or vulnerable adult is at risk of harm or immediate danger.
- 3.10 The draft Statutory Guidance provides further details of elements that are to be part of the training which include an awareness of 'County Lines' drug trafficking. Whilst it is acknowledged that this document is currently subject to consultation, there is a clear indication that Licensing Authorities should ensure that Hackney Carriage and Private Hire Drivers receive Safeguarding Training. It is set out clearly in this document that it would be expected that the recommendations contained therein are implemented unless there is compelling local reason not to do so.
- 3.11 It is proposed therefore that it becomes a mandatory requirement from 1 June 2019 for all new applicants to receive Safeguarding Training through a specific module that is delivered as part of the VRQ before a licence may be granted.
- 3.12 It is further proposed that it is made a requirement that all currently licensed Hackney Carriage and Private Hire Drivers also attend Safeguarding Training.

It is acknowledged that it will take some time to for all existing licensed drivers to receive training it is therefore proposed that the following requirement is adopted:

- All Hackney Carriage and Private Hire licensed drivers must attend mandatory Safeguarding Training before 31 December 2020
- Failure to attend the mandatory Safeguarding Training before 31 December 2020 will result in the individual having their Hackney Carriage or Private Hire Driver Licence suspended.

- 3.13 The Licensing Manager is currently working with the other Licensing Authorities across the city Region, as well as partner agencies to develop a consistent approach to the delivery of mandatory Safeguarding Training to both new applicants and existing holders of Hackney Carriage and Private Hire Driver Licences. Members are therefore asked to give delegated authority to the Licensing Manager to amend the deadline for completing the training should the availability of the training be delayed.
- 3.14 It is recognised that Safeguarding Training should also be undertaken by Private Hire Operators, this will form the subject of a future report reviewing the conditions of Private Hire Operator Licences.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The cost of the training to be delivered to current licence holders will be recovered through licence 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 no specific implications arising from this report

7.0 RELEVANT 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

SUBJECT HISTORY (last 3 years)

Council Meeting	Date



LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

20 MARCH 2019

REPORT TITLE	WHEELCHAIR ACCESSIBLE VEHICLES
REPORT OF	CORPORATE DIRECTOR FOR BUSINESS MANAGEMENT

REPORT SUMMARY

The purpose of this report is to seek Members approval of the implementation of the legal provisions contained within Sections 165 and 167 of the Equality Act 2010 which are intended to assist passengers who use wheelchairs and to be more informed in respect of the use of Hackney Carriage and Private Hire Vehicles.

RECOMMENDATION/S

That Members approve implementation of Sections 165 and 167 of the Equality Act 2010.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 To enable individuals who use wheelchairs to be better informed about the accessibility of designated licensed vehicles.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 No other options have been considered.

3.0 BACKGROUND INFORMATION

- 3.1 In 1998 Wirral Council resolved that all vehicles seeking to be licensed as Hackney Carriage Vehicles must be wheelchair accessible and that the drivers of such vehicles must provide assistance to wheelchair users unless they have been issued with an exemption certificate due to a medical condition preventing them from providing such assistance.
- 3.2 Whilst this has been a requirement for Hackney Carriage Drivers in Wirral since 1998 legislation was enacted in 2017 providing local authorities with the power to make it an offence not to carry passengers with wheelchairs, not to provide assistance to those passengers and prohibit additional charges for carrying wheelchair using passengers.
- 3.3 Section 167 of the Equality Act 2010 (the Act) now provides local authorities with the power to make lists of wheelchair accessible vehicles (designated vehicles) and Section 165 of the Act provides that the drivers of these vehicles that are contained within the public list must carry wheelchair using passengers either in their wheelchair or separate from their wheelchair, to provide assistance to these passengers and to prohibit those drivers from charging any extra for doing so. This requirement does not apply to any driver issued with an exemption certificate.
- 3.4 Whilst the local authority is under no specific legal obligation to maintain a list under Section 167 it is strongly recommended that they do so. It is proposed, therefore, that Wirral Licensing Authority implement Section 167 of the Act by publishing a list of wheelchair accessible vehicles.
- 3.5 It is prescribed in the Statutory Guidance issued by the Department for Transport that the lists should set out the following details:
- Make and Model of the vehicle
 - Whether the Vehicle is a Hackney Carriage or Private Hire Vehicle
 - Name of the Operator

And where possible

- The size and weight of wheelchair that can be accommodated in the vehicle

Optional

- A list of vehicles that are accessible to passengers in wheelchairs who can transfer from their wheelchair to a seat

- 3.6 Publishing the list will enable passengers who use wheelchairs to be better informed about the accessibility of taxis in Wirral. As stated in paragraph 3.1 of this report all Hackney Carriage Vehicles are wheelchair accessible.
- 3.7 Vehicles placed on the published list must be capable of carrying some but not all types of wheelchairs. The consequence of this is that, some types of wheelchairs, particularly some powered wheelchairs may not be able to access some of the vehicles on the list.
- 3.8 There is provision under Section 166 of the Act to issue drivers with an exemption certificate where it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult to comply with these duties.
- 3.9 Should the driver of a wheelchair accessible vehicle hold an exemption certificate then the details of that vehicle will not be published. There are currently 10 Hackney Carriage Drivers who hold such a certificate. It is proposed that all drivers who currently hold a certificate be reviewed in line with any revised policy. Currently there are no Private Hire Vehicles licensed that are wheelchair accessible.
- 3.10 In advance of publishing the list the council is required to have a policy and procedure in place for issuing exemption certificates in accordance with Section 166 of the Act. Members are therefore asked to approve the draft policy attached at Appendix 1.
- 3.11 Section 172 of the Act enables vehicle owners to appeal to the Magistrates Court against the decision of the Licensing Authority to include their vehicle in the designated list.

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 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

Appendix 1 - Statement of Policy and Guidelines relating to a Wheelchair Exemption Certificate

REFERENCE MATERIAL

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date



**STATEMENT OF POLICY AND GUIDELINES
RELATING TO A WHEELCHAIR EXEMPTION
CERTIFICATE**

March 2019

DRAFT

INTRODUCTION

The Government is committed to an accessible public transport system in which disabled people can enjoy the same opportunities to travel as other members of society. Hackney Carriage and Private Hire Vehicles are a vital link in the accessible transport chain and it is important that disabled people who use wheelchairs have confidence that the driver of a Hackney Carriage or Private Hire Vehicle will assist them at no extra charge.

The Equality Act 2010 places the following duties on the drivers of wheelchair accessible Private Hire and Hackney Carriage Vehicles:

- Carry a passenger while in a wheelchair
- Not make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair separately
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

EXEMPTION CERTIFICATES

Some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require.

Section 166 of the Equality Act 2010 allows the Licensing Authority to exempt a driver from the duties to assist passengers in wheelchairs if we are satisfied that it is appropriate to do so on medical or physical grounds. The exemption will be valid in accordance with the recommendation of a medical professional taking into account the nature of the medical issue. If exempt, the driver will not be required to perform any of the duties to assist wheelchair using passengers.

APPLICATION PROCESS FOR AN EXEMPTION CERTIFICATE

Any driver seeking an exemption must complete an application form. An application from a driver seeking a short term exemption must be supported by a Medical Assessment form completed by a General Practitioner in the medical practice to which the driver is registered. In accordance with Statutory Guidance a driver seeking a long term exemption may be required to obtain a medical assessment from a Specialist Medical Practitioner.

The application will be considered by a Licensing Officer. There may be circumstances where the officer considers it appropriate to refer the application to the Licensing Panel.

If the exemption application is successful then the Licensing Authority will issue an exemption certificate and provide an exemption notice for the driver to display in their vehicle. If the exemption application is unsuccessful the Licensing Authority will inform the applicant the reason/s for the refusal within 14 days of the decision.

A driver may appeal against the decision of the Licensing Authority to refuse to issue an exemption certificate. That appeal should be made to the Magistrates Court within 28 days beginning with the date of the refusal.

Where a driver has been exempted from the duties under section 165 of the Equality Act 2010 to assist wheelchair using passengers, they must display an exemption notice in the vehicle they are driving in the form and manner prescribed by the regulations. If the notice is not displayed then the driver could be prosecuted if they do not comply with the duties under section 165 of the Equality Act 2010. Only one exemption notice should be displayed in a vehicle at any one time.