



Licensing, Health and Safety and General Purposes Committee

Date: Wednesday, 22 January 2020

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 - 12)

To approve the accuracy of the minutes of the meetings held on 13 and 20 November 2019.

3. MEMBERSHIP OF THE LICENSING PANEL

To replace a fourth Labour Member to the Licensing Panel.

4. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER MEDICAL ASSESSMENTS (Pages 13 - 18)

5. REVIEW OF HACKNEY CARRIAGE FARES (Pages 19 - 38)

6. WIRRAL AWARD 2019 (Pages 39 - 42)

7. 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.

8. WIRRAL AWARD - EXEMPT APPENDIX 1 (Pages 43 - 88)

LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Wednesday, 13 November 2019

Present: Councillor A Hodson (Chair)

Councillors M Collins D Mitchell
C Cooke T Norbury
A Corkhill L Rowlands
T Cottier J Stapleton
WJ Davies KJ Williams
G Davies G Wood
I Lewis

Deputy: Councillor J Bird (In place of P Stuart)

13 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.

Councillor T Norbury declared a personal interest in respect of items 4 and 5 – Review of Hackney Carriage Fares and Rear Loading Wheelchair Accessible Vehicles by virtue of him being a Member of Unite the Union.

Councillor J Bird declared a personal interest in respect of items 4 and 5 – Review of Hackney Carriage Fares and Rear Loading Wheelchair Accessible Vehicles by virtue of being a Member of Unite the Union.

Councillor T Cottier declared a personal interest in respect of items 4 and 5 – Review of Hackney Carriage Fares and Rear Loading Wheelchair Accessible Vehicles by virtue of being a Member of Unite the Union.

14 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 18 September 2019 be approved.

15 MINUTES OF THE LICENSING PANEL

Resolved – That the accuracy of the minutes of the meetings of the Licensing Panels held on 11 April, 26 April, 6 June, 21 June, 27 June, 19 July, 23 August, 13 September and 18 October 2019 be approved.

16 **REVIEW OF HACKNEY CARRIAGE FARES**

Councillors T Norbury, J Bird and T Cottier declared a personal interest in this matter by virtue of them being Members of Unite the Union (minute 13 refers).

The Director of Governance and Assurance reported upon a proposal to increase the Hackney Carriage Tariffs.

The Licensing Manager reported that further to consideration of a proposal submitted by a Unite the Union representative to increase the Hackney Carriage Tariffs on 18 September 2019, the Committee had requested further clarity in respect of the proposal they were being asked to consider.

Members were advised that on 24 September 2007 Members of the Licensing, Health and Safety and General Purposes Committee had approved annual tariff reviews based upon the Public Carriage Office (PCO) (now Transport for London (TfL)) recommendation. The Committee had subsequently requested officers advise further on the matter raised and the details of this were provided within the report.

The Licensing Manager reported that the last increase of Hackney Carriage Fares in Wirral had been in November 2018 and the effect of this was to increase the initial hiring charge on tariff 1, reduce the initial hiring distance on tariffs 2, 3 and 4 and to reduce the running mile yardage on all tariffs. This had resulted in increases between 7.1% and 37.5% on distances between 1 mile and 10 miles.

Members were informed that the current proposal submitted by Unite the Union was outlined in Appendix 1 to the report and tables showing the current Hackney Carriage Tariffs and a comparison of current tariffs in Wirral with neighbouring local authorities were outlined within Appendices 2 and 3 to the report. Also attached for Members' consideration was a petition signed by 51 Hackney Carriage Drivers requesting no increase in the Hackney Carriage Tariffs.

Members were advised that should the amendment to the current tariffs be approved, the proposal must be advertised for a period of fourteen days. If no objections to the proposal were received, the revised tariffs would be reported to Cabinet for approval. If objections were received they would be reported back to this Committee for consideration.

Mr D Cummins, Unite the Union addressed the Committee and requested that Members agree to the proposal set out by Unite the Union in Appendix 1 to the report. He confirmed that not all of the trade would be in agreement but believed that a small increase should be implemented every year.

Councillor G Davies left the meeting.

Officers responded to queries by Members in respect of future reviews and it was clarified that different proposals had been put forward therefore any future review of the Hackney Carriage Tariffs would be considered on its own merits.

On a motion by Councillor T Norbury and seconded by Councillor L Rowlands it was –

Resolved – That:

- (1) The proposed increase set out in Appendix 1 of the report be recommended to Cabinet subject to any objections being received as part of the consultation process. Should there be any objections to the proposed increase the matter would be reported back to this Committee.**

On a motion by Councillor M Collins and seconded by Councillor D Mitchell it was –

Resolved – That:

- (2) Any future review of the Hackney Carriage Tariffs be undertaken on its merits taking into consideration any representations made in respect of the review.**

17 REAR LOADING WHEELCHAIR ACCESSIBLE VEHICLES

Councillors T Norbury, J Bird and T Cottier declared a personal interest in this matter by virtue of them being Members of Unite the Union (minute 13 refers).

The Director of Governance and Assurance submitted a report requesting the Committee to consider whether to adopt a policy relating to the type of Wheelchair Accessible Vehicles to be licensed as Hackney Carriage or Private Hire Vehicles.

The Licensing Manager reported that it was currently a requirement that all vehicles to be licensed as Hackney Carriage Vehicles must be purpose built and built to accommodate passengers in wheelchairs and that there was currently no specification regarding whether the wheelchair must be loaded from the side or rear of the vehicle. All vehicles currently licensed as Hackney Carriage Vehicles load the wheelchair from the side of the vehicle.

Members were also informed that there was currently no requirement for Private Hire Vehicles to be built to accommodate wheelchairs and although there are vehicles licensed as Private Hire Vehicles that are able to accommodate wheelchairs and which load from the rear, these vehicles are restricted to only undertake school contract work.

The Licensing Manager reported upon consultation that had been undertaken in respect of the use of rear loading wheelchair accessible vehicles that use both ramps and tailgates. A consultation exercise had been undertaken between 5 August and 13 September 2019. Members were advised that the consultation had included an online questionnaire and all drivers had been notified of the consultation in writing and how to access the online questionnaire. A number of organisations had also been contacted directly by email and asked to respond to the consultation. The Committee had been provided with the full responses to the consultation as well as a summary of the views expressed by those who responded to the consultation which

highlighted advantages and disadvantages to the use of rear loading wheelchair accessible vehicles.

Further to questions from Members, the Licensing Manager confirmed that training could be provided to drivers on the loading of wheelchairs into rear loading wheelchair accessible vehicles.

Members were advised that it had been evident from the consultation that there was no consensus of opinion regarding the use of rear loading wheelchair accessible vehicles therefore Members of the Committee would need to balance the different views, from both the positive and negative feedback received when considering the options which were:

Hackney Carriage vehicles

Either:

- i) Any vehicle to be licensed as a Hackney Carriage Vehicle must be a side loading wheelchair accessible vehicle; or
- ii) Any vehicle to be licensed as a Hackney Carriage Vehicle may be a side loading wheelchair accessible vehicle or a rear loading wheelchair accessible vehicle.

Private Hire Vehicles

Either:

- i) Any vehicle to be licensed as a Private Hire Vehicle that is wheelchair accessible must be a side loading wheelchair accessible vehicle; or
- ii) Any vehicle to be licensed as a Private Hire Vehicle that is wheelchair accessible may be a side loading wheelchair accessible vehicle or a rear loading wheelchair accessible vehicle; or
- iii) Any vehicle to be licensed as a Private Hire Vehicle that is wheelchair accessible and is a rear loading wheelchair accessible vehicle may only be used to undertake school contract work.

Members discussed both the advantages and disadvantages of the use of rear loading accessible vehicles as licensed Private Hire and Hackney Carriage vehicles and following a motion by Councillor T Norbury and seconded by Councillor M Collins it was -

Resolved (10:1 with 3 abstentions)

(1) That -

- (a) Any vehicle to be licensed as a Hackney Carriage Vehicle must be a side loading wheelchair accessible vehicle; and**
- (b) Any vehicle to be licensed as a Private Hire Vehicle that is wheelchair accessible and is a rear loading wheelchair accessible vehicle may only be used to undertake school contract work and must load the wheelchair using a tailgate system.**

An additional motion was then moved by Councillor D Mitchell and seconded by Councillor J Bird and it was -

Resolved (unanimously) -

(2) That any vehicle currently licensed to undertake school contract work that is a rear loading wheelchair accessible vehicle fitted with a ramp can continue to be licensed until the expiry of the licence.

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LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Wednesday, 20 November 2019

Present: P Stuart (Chair)

Councillors	M Collins	D Mitchell
	C Cooke	T Norbury
	A Corkhill	L Rowlands
	A Hodson	

18 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.

19 REFORM OF THE ANNUAL CANVASS

The Director of Governance and Assurance reported upon planned reforms to improve the annual canvass of electors undertaken each year by Electoral Registration Officers (EROs) across Great Britain.

The Electoral Services Manager advised Members that Electoral Registration Officers (EROs) in Great Britain were required to conduct an annual canvass of all residential properties in the area for which they have responsibility in order to identify everyone who should be on the electoral register.

Members of the Committee were informed that alternative models for conducting the annual canvass had been piloted and after evaluation, the Cabinet Office intended to amend the legislation that governs the annual canvass with the aim for this reform to start in 2020. The Cabinet Office Statement of Policy provided a full overview of the Canvass Reform and was attached as Appendix 1 to the report.

On a motion by Councillor D Mitchell and seconded by Councillor A Hodson it was -

Resolved – That the report be noted.

20 CONCLUSION OF STATUTORY REVIEW OF POLLING DISTRICTS AND PLACES 2019

The Director of Governance and Assurance submitted a report requesting Members of the Committee to consider the outcome of the consultation pursuant to the statutory review of polling districts and polling places 2019.

The Electoral Services Manager informed Members that the Electoral Registration and Administration Act 2013 determined that there must be a review of all polling districts and polling places every five years and the compulsory period determined that the next full review must be completed between 1 October 2018 and 31 January 2020. It was reported that the Council's Electoral Services evaluated the effectiveness and suitability of polling places and stations following each election and any issues or changes required would be reported to this Committee. The review formally commenced on 19 August 2019 with the consultation period ending on 18 October 2019.

Members were advised that during the consultation period, representations had been received from electors and Ward Councillors. The representations were received in the form of eleven emails and one letter from the public, and six emails from Ward Councillors. Five responses received had commented they were satisfied with the current arrangements; seven emails and one letter related to requests for changes to polling places; two emails related to requests for changes in polling district boundaries and three emails commented on the general dissatisfaction with using schools as polling places. Three emails had been received that related to areas not considered to be part of the review. One email was a general offer to use their Church hall and two emails commented on Ward boundaries.

The Council's (Acting) Returning Officer submitted comments on 2 September 2019, as required by legislation, on both existing and proposed polling stations and with the exception of five polling districts, the comments stated that the current arrangements offered the most reasonable facilities for voting. Five polling districts had been commented on in respect of proposed changes to polling district boundaries and polling places.

The outcome of the review had been that the public and elected representatives were largely satisfied with the current arrangements, therefore it was recommended that the majority of polling districts and polling places should remain unchanged. In response to requests to changes to some polling district boundaries and polling places it had been necessary to consider alternative options.

Members were informed that currently schools were used for forty five of the one hundred and three designated polling places which equated to less than half and that the decision to close the school was taken by the headteacher. Where possible, the (Acting) Returning Officer and the school would make such arrangements for the school to remain open, however, pupil safety must always be considered as paramount and if the school decides to close on the day of the poll and it is not reasonably practicable to arrange an alternative day to try and make up the lost education, the school will be treated as if it had met the requisite 190 days for the purposes of the school year regulations.

An email had been received from an elector who had requested that the current polling place for polling district GC (Bebington Ward), St Andrews C of E Primary School [Townfield Lane] be stopped and suggested using Mayer Hall or Civic Centre in Bebington instead. The suggestions had been investigated by Electoral Services but subsequently discounted on the basis that the Civic Centre was located in a different polling district and Mayer Hall was located at the opposite end of the polling district (as shown on the map in Appendix 1 to the report) and would result in some electors having to travel further to vote. The headteacher had been contacted to

discuss possible arrangements to allow the school to remain open during elections, however confirmed that they did not have any concerns about the school being used and that arrangements were in place in the event of any unscheduled elections. The (Acting) Returning Officer commented that the school offered the most reasonable facilities for voting.

It was recommended that the status quo should remain.

An email had been received from a Councillor for Clatterbridge Ward who had requested that the current polling place for polling district JA (Eastham Ward), Mendell Primary School [Allport Lane] be moved to Bromborough Methodist Church Hall [Allport Lane]. Concern had been raised about the days lost for children in school every time an election was held. Electoral Services had investigated the possible use of Bromborough Methodist Church Hall as a polling place. The Church had been visited and good facilities were in place. It was located 100yds from the school (as shown on the map in Appendix 2) so there would be minimal impact on voters possibly having to travel further to vote. There would be additional costs for use of the Church who had yet to provide the exact amount and consideration would have to be given on the statutory guidance on the use of schools. Previous investigations into the possibility of the school remaining open during elections had proven unsuccessful. The (Acting) Returning Officer commented that Mendell Primary School offered the most reasonable facilities for voting.

It was recommended that the status quo should remain.

An email had been received from an elector who commented that a review of the use of schools as polling places should be carried out because of the interruption of a child's education in order that people could vote. The elector gave the current polling place for polling district MD (Upton Ward) which is Fender Primary School [New Hey Road] as an example stating the school was closed each time voting took place and that a lot of special needs children were on roll. The elector suggested using Woodchurch Community Centre as an alternative polling place and this was investigated by Electoral Services. However, it was discounted on the basis that the location of the building was at the far end of the polling district and sits on the boundary which runs alongside the M53 motorway (as shown on the map in Appendix 3) whilst the school is located in a central position within the polling district and was as close to electors as possible. The (Acting) Returning Officer commented that Fender Primary School offered the most reasonable facilities for voting.

It was recommended that the status quo should remain.

An email had been received from an elector in respect of the current polling place for polling district UA (New Brighton Ward), SS Peter & Paul Primary School [Atherton Street/Sandringham Drive] which encouraged the Council to seek an alternative polling place as the school was closed at least once a year and more when unexpected elections took place, with the effect that pupils received less teaching than they should do. The elector advised it also caused additional problems for parents to make child care arrangements. The elector did not provide details of an alternative building that could be used.

In respect of the same polling place, an email had also been received from the Clerk to Governors with a letter attached from the Chair of Governors of SS Peter & Paul

Primary School. The letter requested that, again, an alternative building be identified for use as a polling place rather than the school. The reason for this request generally related to concerns about the disruption to the school attendance and the challenges faced by families working full time balancing work and school closures. However, the concerns were not only directed at the school being used as a polling place but also school closures due to other cultural events taking place in Wirral.

Electoral Services had attempted to identify alternative buildings, however, other than the adjacent Church, there were no other buildings that could be used as a polling place. Unfortunately, the Church declined being used as a polling place. The (Acting) Returning Officer commented that SS Peter & Paul Primary School offered the most reasonable facilities for voting.

It was recommended that the status quo should remain.

The Electoral Services Manager outlined the proposals for changes to polling places and polling district boundaries as follows:

Polling Districts in Eastham Ward

An email had been received from a Councillor for Eastham Ward who commented on the loss of Eastham Youth Centre (Youth Hub) in Lyndale Road which was the current polling place for polling district JD and a suggestion for an alternative venue. The Councillor also commented on a possible review of polling district boundary anomalies where residents in the same road had to vote in different polling places, specifically the boundary between polling district JA and JC around the Bettisfield Avenue area and also the boundary between polling district JC and JD along Heygarth Road.

When reviewing the boundary around the Bettisfield Avenue area, it was established that part of the boundary between polling districts JA and JC runs down the middle of Bettisfield Avenue and therefore residents living in the even numbered properties voted at the polling place for polling district JA [Mendell Primary School] and residents living in the odd numbered properties voted at the polling place for polling district JC [Heygarth Primary School]. However, to resolve the anomaly, it would not be a simple case of moving the boundary that runs down the middle of Bettisfield Avenue and therefore the surrounding roads were also considered. Upon reviewing the boundary along Heygarth Road, most of the boundary between polling districts JC and JD runs down the middle of Heygarth Road therefore residents living in the even numbered properties voted at the polling place for polling district JC [Heygarth Primary School] and residents living in the odd numbered properties voted at the polling place for polling district JD [Eastham Youth Centre]. To resolve the anomaly, it would not be a simple case of moving the boundary that runs down the middle of Heygarth Road and therefore the whole boundary was considered.

Members were advised that the current polling place for polling district JD was Eastham Youth Centre (or Youth Hub) [Lyndale Avenue]. After the UK European Parliamentary election on 23 May 2019 it had been confirmed by Steve Chan, Service Manager for Youth Support Service, Childrens Services, that the existing Youth Hub was due for demolition within the next 12 months and would no longer be available for use as a polling place. The Councillor for Eastham Ward suggested the changing room at the Plymyard Sports Pavilion as a possible alternative polling

place, however, the Sports Pavilion was located well within a different polling district and so this suggestion had been discounted.

An email had been received by another Councillor from Eastham Ward who had suggested using Carlett Evangelical Church on Carlett Boulevard as an alternative building to replace the Youth Hub, however, the Church had declined to be used as a polling place.

As no other alternative building had been identified within polling district JD, it was proposed to move part of the boundary between polling districts JD and JE to encompass the Chapel of the Holy Spirit which would become the new polling place. This building had been inspected by Electoral Services (Appendix 6 to the report) and was considered suitable for the purposes of being used as a polling place.

It was recommended that the Chapel of the Holy Spirit [Eastham Rake] be designated as the polling place for polling district JD (Eastham Ward).

The details of the proposals were outlined within the report and the (Acting) Returning Officer considered that the proposals offered the most reasonable facilities for voting.

Polling District VC and VF (Wallasey Ward)

The Electoral Services Manager reported that an anomaly existed with the boundary between polling districts VC and VF as some properties in Wallasey Village were currently situated in polling district VC and electors in these properties voted at Wallasey United Reformed Church [Wallasey Village]. As there was no practical explanation as to why these properties were situated in polling district VC it was proposed that a small adjustment be made to move these properties into polling district VF to allow electors to vote at Wallasey Village Library [St Georges Road] which would be closer. Details of the proposal were outlined within the report and the (Acting) Returning Officer considered this proposal offered the most reasonable facilities for voting.

The Electoral Services Manager reported that subject to Members' approval of the proposals and recommendations outlined, any changes would come into effect from the 1st January 2020 due to preparations for the UK Parliamentary General Election taking place on 12 December 2019 and the printing of poll cards prior to this. A Notice of Conclusion of the Review would be published on the Council's website and displayed in One Stop Shops. Following the conclusion of the review, individuals would have a right to make representations to the Electoral Commission, although the Commission would only consider representations in respect of the review process not being conducted correctly. The Borough's polling districts and places would continue to be monitored each year and a full review carried out every five years as required.

Resolved – That the proposed changes and recommendations contained within the report be approved and the Council's Polling Districts and Polling Places be agreed with effect from 1 January 2020.

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LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

22 JANUARY 2020

REPORT TITLE	HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER MEDICAL ASSESSMENTS
REPORT OF	DIRECTOR OF GOVERNANCE AND ASSURANCE

REPORT SUMMARY

The purpose of this report is for the Committee to consider a request from a representative of the Hackney Carriage and Private Hire trade to review the requirement that Hackney Carriage and Private Hire Drivers undertake a medical assessment with a General Practitioner in the medical practice to which the individual is registered.

This matter affects all Wards within the Borough.

RECOMMENDATION/S

That the Committee review the requirement that Hackney Carriage and Private Hire Drivers must undertake a medical assessment with a General Practitioner in the medical practice to which the individual is registered.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 A request has been made by a representative of the Hackney Carriage and Private Hire trade to review the current requirements due to the financial costs of having to have a medical assessment with a General Practitioner in the medical practice to which the individual is registered as well as the availability of appointments.

2.0 OTHER OPTIONS CONSIDERED

The Licensing Authority continue with the current requirement that Hackney Carriage and Private Hire Drivers must undertake a medical assessment with a General Practitioner in the medical practice to which the individual is registered.

3.0 BACKGROUND INFORMATION

- 3.1 It is a requirement that an applicant for a Hackney Carriage or Private Hire Driver Licence is a fit and proper person to hold such a licence.

- 3.2 The provisions of the Local Government (Miscellaneous Provisions) Act 1976 at Section 57(2) specifically allow a local authority to require a medical certificate certifying that the applicant for a Hackney Carriage or Private Hire Driver Licence is physically fit to undertake that role. The provision refers to the requirement for a medical certificate and medical examination by a registered medical practitioner. A registered medical practitioner includes but is not limited to a General Practitioner. There are different categories of registration which are:

- Full Registration
- Provisional Registration
- Specialist Registration
- GP Registration

- 3.3 GPs have overall responsibility for the management of patient care outside of hospitals, including the diagnosis and treatment of health problems and the referral of patients for specialist treatment where necessary. Rather than having a specific specialist area, GPs can diagnose many illnesses or ailments, and determine whether a patient needs to see a doctor with more specialist training.

- 3.4 On 25 March 2015 this Committee resolved:

That the following Policy in respect of the medical requirement for Private Hire and Hackney Carriage Drivers be adopted:

Medical checks are undertaken by a General Practitioner in the medical practice to which the individual is registered on initial application and thereafter every three years with checks being undertaken annually from age 65.

That the standards applied to the medical examination required to be undertaken by Private Hire and Hackney Carriage Drivers are the Group 2 medical standards applied by the DVLA.

That the Policy be implemented to be effective from 1 August 2015 requiring each driver to present a satisfactory medical certificate for their first renewal from this date.

- 3.5 Representations have been made for the Council to accept medical forms that are completed by individuals other than a General Practitioner in the medical practice to which an applicant for a Private Hire or Hackney Carriage Drive Licence or renewal is registered. This includes private companies who offer their services to HGV and taxi drivers at a reduced rate.
- 3.6 The representations made relate to the cost incurred in respect of the medical assessment undertaken by a General Practitioner in the medical practice to which the individual is registered and the time it takes to get an appointment.
- 3.7 Details of the requirements set by the other local authorities in the City Region are set out below:

Liverpool

The medical assessment must be carried out by the individual's own GP or by a registered GP/Medical Practitioner who has access to the applicants medical records.

St Helens

The medical must be completed by a GP at either the individual's own surgery or by a GP who has access to their medical records.

Sefton

The medical assessment may be carried by an individual's own General Practitioner or a GP at another practice provided they have access to the applicant's medical records at the time of the examination or any doctor GMC registered and licensed to practice in the United Kingdom.

Knowsley

The medical assessment must be carried out by a General Practitioner in the medical practice to which the individual is registered or by a GP who has access to their medical records which must be reviewed prior to completion of the assessment.

Halton

Medicals conducted in accordance with the DVLA Group 2 standards can only be undertaken as follows:

1. An applicant's own registered medical practitioner (or another registered medical practitioner from the same practice or group practice) who has access to their medical history can conduct the medical examination and complete the certificate of fitness
2. North West Boroughs Healthcare NHS Foundation Trust, Occupational Health Services, Hollins Park House, Hollins Lane, Winwick, Warrington, WA2 8WA

3.8 Officers report that the medical assessment undertaken by a General Practitioner in the medical practice to which the individual is registered provides confidence that the full medical records of an individual have been available to the GP making the assessment. There have been circumstances where matters relating to the fitness of an individual may not have been identified should an applicant have taken the medical assessment form to an individual outside the medical practice to which the applicant is registered. It is therefore considered that the current policy is the most effective in determining whether an individual is a fit and proper person to hold a Hackney Carriage or Private Hire Driver Licence.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no cost implications to the Council. It is reported by representatives of the Hackney Carriage and Private Hire trade that the cost of providing a Group II Medical Certificate to the Licensing Authority completed by a General Practitioner in the medical practice to which they are registered can be up to £200.00 but that the cost of having the medical form completed at other sources can be £40.00.

5.0 LEGAL IMPLICATIONS

5.1 In accordance with Section 57(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976 a district council may require an applicant for a driver's licence in respect of a hackney carriage or private hire vehicle –

- (i) to produce a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a hackney carriage or a private hire vehicle; and
- (ii) whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the district council as to the physical fitness to be the driver of a hackney carriage or private hire vehicle

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 is a risk that should the Committee determine that the medical assessment may be completed by persons other than a General Practitioner in the medical practice to which an individual is registered full details of the medical condition of that individual may not be revealed.

8.0 ENGAGEMENT/CONSULTATION

8.1 The proposal to review the medical requirement is made by a member of the Joint Consultative Group representing Private Hire and Hackney Carriage Drivers.

9.0 EQUALITY IMPLICATIONS

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

It is not considered necessary to undertake an Equality Impact Assessment at this time.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no implications arising directly from this report.

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APPENDICES

BACKGROUND PAPERS

Email from a representative of the Hackney Carriage and Private Hire trade

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Health and Safety and General Purposes Committee	25 March 2015

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LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

22 JANUARY 2020

REPORT TITLE	REVIEW OF HACKNEY CARRIAGE FARES
REPORT OF	DIRECTOR OF GOVERNANCE AND ASSURANCE

REPORT SUMMARY

The purpose of this report is for the Committee to consider representations received in respect of a proposed increase to the Hackney Carriage fare tariff advertised in accordance with the decision of this Committee on 13 November 2019.

This matter affects all Wards within the Borough.

RECOMMENDATION/S

That the Committee consider the representations made following a recent consultation exercise and determine whether to recommend to the Cabinet the approval of the proposed increase to the Hackney Carriage fare tariff.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 A proposal to increase the Hackney Carriage Tariffs has been submitted by Unite the Union which has been subject to statutory consultation.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The Hackney Carriage Tariffs remain unchanged.

3.0 BACKGROUND INFORMATION

- 3.1 On 13 November 2019 the Committee considered a proposal submitted by a Unite the Union representative to increase the Hackney Carriage Tariffs. A petition containing 51 signatures objecting to the increase was also submitted to the Committee.
- 3.2 A table comparing the current and proposed rates is shown at Appendix 1. A table showing the effect of the proposed increases is attached at Appendix 2.
- 3.3 The Committee resolved that the proposal be approved, subject to any objections being received as part of the consultation process.
- 3.4 The proposed increase was advertised for a period of fourteen days in a local Wirral newspaper, in accordance with the statutory requirement. Six objections to the proposed increase have been received by the Licensing Authority. The organiser of the petition submitted to the Committee on 13 November 2019 has requested that the petition should also be considered alongside the separate objections.
- 3.5 The representations are attached at Appendix 3 and 4.
- 3.6 The Committee are asked to consider whether to recommend to the Cabinet the approval of the proposed increase to the Hackney Carriage Tariffs in light of the representations received as part of the consultation process.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The cost of £98.49 for the public advertisement will be recovered from licence fees.

5.0 LEGAL IMPLICATIONS

- 5.1 Section 65(1) of the Local Government (Miscellaneous Provisions) Act 1976 gives the power to set hackney carriage fares to the local authority as follows:

- 1 A District Council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a

vehicle or with the arrangements for the hire of a vehicle; to be paid in respect of the hire of a hackney carriage by means of a table (hereafter in this section referred to as a 'table of fares') made or varied in accordance with the provisions of this section.

- 2 When a District Council make or vary a table of fares they shall publish in at least one local newspaper circulating in the district a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 6.1 There may be an impact on resources in the Licensing Team as following any change in the Hackney Carriage Tariffs it is necessary to verify that the meters in the Hackney Carriages have been calibrated to take into account the changes and new fare tariff cards are issued to all Hackney Carriage Drivers.

7.0 RELEVANT RISKS

- 7.1 The decision whether to increase the Hackney Carriage Fares may have an impact on what members of the public reasonably expect to pay and whether drivers have sufficient incentive to provide a service when it is needed.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 The guiding principles for a fair consultation can be summarised as follows;
- It should be at a time when proposals are at a formative stage;
 - Must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response;
 - Those consulted should be made aware of the factors that are of decisive relevance to the decision;
 - Adequate time should be given for consideration and response;
 - The product of the consultation should be conscientiously taken into account by the decision makers in finalising their statutory proposals/ when the ultimate decision is taken.
- 8.2 The proposal has been advertised for fourteen days in a local Wirral newspaper, in accordance with the statutory requirement.

9.0 EQUALITY IMPLICATIONS

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

Yes and impact review is attached - <https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments/equality-impact-assessments-2017/busine-0>

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 Hackney Carriage Vehicles contribute to harmful emissions.

REPORT AUTHOR: Margaret O'Donnell
Licensing Manager
telephone: (0151) 691 8606
email: margaretodonnell@wirral.gov.uk

APPENDICES

Appendix 1 – Table comparing current and proposed Hackney Carriage Tariffs

Appendix 2 – Table showing the effect of the proposed increase

Appendix 3 – Individual objections to proposed increase

Appendix 4 – Petition of 51 signatures objecting to proposed increase

BACKGROUND PAPERS

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Health and Safety and General Purposes Committee	27 January 2016
	23 November 2016
	25 January 2017
	18 July 2018
	18 September 2019
	13 November 2019

Appendix 1

Comparison of current and proposed Hackney Carriage tariffs

	Current rate	Proposed rate
TARIFF 1		
First 300 yards	£3.20	
First 289 yards		£3.20
Each subsequent 230 yards	20p	
Each subsequent 221 yards		20p
TARIFF 2		
First 300 yards	£3.60	
First 289 yards		£3.60
Each subsequent 175 yards	20p	
Each subsequent 169 yards		20p
TARIFF 3		
First 300 yards	£3.80	
First 289 yards		£3.80
Each subsequent 165 yards	20p	
Each subsequent 159 yards		20p
TARIFF 4		
First 300 yards	£6.00	
First 289 yards		£6.00
Each subsequent 230 yards	40p	
Each subsequent 221 yards		40p

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Table showing effect of the proposal

	Distance	Fare based on current tariff	Fare based on proposed tariff	Percentage increase
Tariff 1	1 mile	£4.60	£4.60	0.0%
	2 miles	£6.00	£6.20	3.2%
	3 miles	£7.60	£7.80	2.6%
	4 miles	£9.20	£9.40	2.2%
	5 miles	£10.60	£11.00	3.8%
	10 miles	£18.40	£19.00	3.3%
Tariff 2	1 mile	£5.40	£5.40	0.0%
	2 miles	£7.40	£7.60	2.7%
	3 miles	£9.40	£9.60	2.1%
	4 miles	£11.40	£11.60	1.8%
	5 miles	£13.40	£13.80	3.0%
	10 miles	£23.40	£24.20	3.3%
Tariff 3	1 mile	£5.60	£5.80	3.6%
	2 miles	£7.80	£8.00	2.6%
	3 miles	£10.00	£10.20	2.0%
	4 miles	£12.00	£12.40	3.3%
	5 miles	£14.20	£14.60	2.8%
	10 miles	£24.80	£25.60	3.2%
Tariff 4	1 mile	£8.80	£8.80	0.0%
	2 miles	£11.60	£12.00	3.4%
	3 miles	£14.80	£15.20	2.6%
	4 miles	£18.00	£18.40	2.2%
	5 miles	£20.80	£21.60	3.8%
	10 miles	£36.40	£37.20	3.3%

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Calvert, Margaret

From:
Sent: 24 November 2019 23:13
To: Calvert, Margaret
Subject: Fare increase

Dear Mrs Calvert,

I wish to object to the proposed Fare increase.

After the ridiculously extreme fare increase imposed last year the trade has lost a substantial amount of custom. Every day we see people that previously used cabs waiting for Private Hire vehicles.

The majority of Wirrals Hackney drivers feel that another increase is unsustainable this year.

The simple fact is that it is the General public that decides if fare increases are affordable, it's the public that pays the fares not the Councillors nor the handful of Union members that vote for these unnecessary increases.

Calvert, Margaret

From:
Sent: 18 November 2019 14:37
To: Regen-TaxiLicensing
Subject: Proposed fare rise.

Good afternoon.

I wish to state that I oppose the proposed hackney carriage fare rise.

I am not a member of the trade union and they do not represent my view as a sole trader. May I ask that this email be added to the list of objectors.

Yours

Get [Outlook for Android](#)

From: Margaret Calvert
Sent: 21 November 2019 11:01
To: Regen-TaxiLicensing
Cc: Margaret Calvert
Subject: Hackney Carriage Increase

Dear Licensing,

Please note my objection to the proposed increase on the following grounds.

This increase has been proposed by a small group of self appointed union members that quite frankly as you have witnessed cannot agree with themselves at the last meeting of the council when two of the small group proposed two different increases.

The last increase along with the introduction of cross boarder hiring has had an adverse impact on drivers as fewer people are now using taxis and moving over to cheaper private hire operators from outside the Wirral who do not contribute to the local economy such as Delta, UBER, OLA and even Argyle bringing in drivers from other areas.

The proposal put forward should be backed up by facts and figures and have the full support of the drivers it effects, and should be consulted upon by the many and not the few as in this case.

A petition has been issued to the council to object the increase from individual drivers mainly for the reasons above this petition consists of 51 drivers a large percentage of whom are unite members including myself, the unite membership currently stands at 45 members this figure may have reduced as many have questioned the acts of the people negotiating the increase as indicated before they cannot agree with themselves never mind speak for three hundred plus.

This increase if unanimous would result in 45 for the increase and 51 against however whist the 51 will remain the same the 45 will decrease as union members have signed to object.

On these grounds alone this should not have been put forward to public consultation, however I can see how you have not been presented with the facts and figures.

This proposal should be dismissed and proposals put forward for the workforce from the workforce to vote upon, this does not prevent these people proposing an increase it simply gives the drivers it effects a voice in their future and not rely on five or six people to put forward what they think is right

Calvert, Margaret

From: [redacted]
Sent: 17 November 2019 15:55
To: Regen-TaxiLicensing
Subject: Fare rise

Sent from my iPhone

Begin forwarded message:

From: [redacted]
Date: 16 November 2019 at 14:18:30 GMT
To: taxilicensing@wirral.gov.uk
Subject: Fare rise

As a cab driver I am totally opposed to the proposed fare increase. After last years increase I feel this is totally unreasonable and will have an adverse effect on both drivers and the travelling public

Sent from my iPhone

Calvert, Margaret

From:
Sent: 15 November 2019 11:02
To: Licensing
Subject: Fare rise

Hi there I would like to object to the hackney fares going up as I think it's too much and the good ppl off Wirral struggle to pay for taxis as it is .

Sent from my iPhone

Calvert, Margaret

From: Margaret Calvert
Sent: 15 November 2019 10:45
To: Regen-TaxiLicensing
Subject: Hackney Carriage Tarrif Increase.

Hi, i am writing to inform you that i disagree with the proposal to increase the Hackney carriage tarrif.

I am currently a hackney carriage driver and i dont think this increase is in the interest of drivers or the general public.

The general consensus among drivers on the ranks is that this increase is not needed at the moment. Unite only represent a small number of drivers and not all their members are in favour of the increase anyway.

My details are as follows

Calvert, Margaret

From:
Sent: 20 October 2019 10:44
To: Regen-TaxiLicensing
Cc: Calvert, Margaret
Subject: Proposed Hackney Tariff increase

FAO Mrs M Calvert

As per our telephone conversation can you please submit the following

FAO: Licensing Health And Safety And General Purposes Committee

As I will not be able to attend the meeting on 13th November 2019 please accept this letter to register my opposition to the proposed increase in the Hackney Carriage Tariff.

After the large increase last year, I think that a further increase no matter how small is not in the best interest of the trade in general. We are slowly losing more and more customers to the Private Hire Sector and this increase will only compound the problem.

As an example I recently took a journey in my Cab which clocked £5.20 and as a comparison I did the exact same journey in a Private Hire from Wallasey Cars and the Fare was £3.90 that is a difference of £1.30 and I think that if we carry on increasing the tariff without considering our customers we are going to price ourselves out of the market.

This proposed increase is again from a small minority of Union members who attended a meeting and voted for this proposal, I am led to believe that there was less than 10 people present at the meeting and cannot understand why as a member of the trade myself that this can be put forward without all members being balloted.

I have attached to this letter a petition signed by 51 licensed Hackney Carriage Drivers who are opposed to the increase some are trade members also who did not get a vote on this increase.

I ask the members of the committee to please consider this proposed increase carefully as I fear that an increase no matter how small will be detrimental to our trade.

Sincerely yours

Sent from [Mail](#) for Windows 10

Email _____

15th September 2019

FAO: Licensing Health And Safety And General Purposes Committee

As I will not be able to attend the meeting on 18th September at 18:00 please accept this letter to register my opposition to the proposed 3.6% increase in the Hackney Carriage Tariff.

After the large increase last year, I think that a further increase no matter how small is not in the best interest of the trade in general. We are slowly losing more and more customers to the Private Hire Sector and this increase will only compound the problem.

As an example I recently took a journey in my Cab which clocked £5.20 and as a comparison I did the exact same journey in a Private Hire from Wallasey Cars and the Fare was £3.90 that is a difference of £1.30 and I think that if we carry on increasing the tariff without considering our customers we are going to price ourselves out of the market.

This proposed increase is again from a small minority of Union members who attended a meeting and voted for this proposal, I am led to believe that there was less than 10 people present at the meeting and cannot understand why as a member of the trade myself that this can be put forward without all members being balloted.

I have attached to this letter a petition signed by 51 licensed Hackney Carriage Drivers who are opposed to the increase some are trade members also who did not get a vote on this increase.

I ask the members of the committee to please consider this proposed increase carefully as I fear that an increase no matter how small will be detrimental to our trade.

Sincerely yours



**Licensing, Health and Safety and General Purposes Committee
Wednesday, 22 January 2020**

REPORT TITLE:	WIRRAL AWARD 2019
REPORT OF:	Assistant Director: Law & Governance (Monitoring Officer)

REPORT SUMMARY

The purpose of this report is to request agreement from the Committee that the Wirral Award be conferred on the nominees as recommended by the Wirral Award Working Party.

The Wirral Award is intended to confer civic recognition upon individuals or organisations resident or located in Wirral, for an outstanding achievement (within the previous 12 months) or distinguished service to the Borough (over a period of 20 years or more, unless there are exceptional circumstances).

As a general rule the Council would prefer to consider individuals rather than organisations unless the circumstances are exceptional.

All nominations are considered annually by a working party of senior Councillors, and the working party’s recommendations with regard to possible recipients of the Wirral Award are submitted to the Licensing, Health and Safety, and General Purposes Committee for approval.

A formal award certificate will then be awarded to the successful nominees at a special ceremony to be held in the Town Hall.

This matter affects all Wards within the Borough.

This is not a key decision.

RECOMMENDATION/S

That the Committee:

- (1) agree to confer the Wirral Award upon those recipients recommended by the Wirral Award Working Party; and**
- (2) make appropriate arrangements for the presentation ceremony to take place as set out in paragraph 3.0 of this report.**

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

The Wirral Award is 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.

2.0 OTHER OPTIONS CONSIDERED

None.

3.0 BACKGROUND INFORMATION

3.1 Nominations sought

Nine nominations were received and considered by the Wirral Award Working Party.

3.2 Wirral Award Working Party

The Wirral Award Working Party, comprising the Mayor, the Leader and representatives of the political groups by way of the Chair and spokespersons of the Licensing, Health and Safety and General Purposes Committee, met on 18 December 2019 to consider the nominations submitted. Their recommendations are attached as an exempt appendix.

3.3 Presentation Ceremony

Once nominations are agreed, a presentation ceremony will be arranged to be attended by:

- (i) The Mayor of Wirral
- (ii) Leader of the Council
- (iii) Group Leaders
- (iv) Chair of the Licensing, Health and Safety and General Purposes Committee
- (v) Chief Executive
- (vi) Nominees and one guest each

4.0 FINANCIAL IMPLICATIONS

4.1 The costs of the presentation ceremony can be accommodated within existing approved budgets.

5.0 LEGAL IMPLICATIONS

5.1 There are no legal implications arising directly out of this report.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

6.1 There are no such implications arising out of this report.

7.0 RELEVANT RISKS

7.1 There are none arising directly from this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 Nominations are sought and accepted from all areas of the local community.

9.0 EQUALITY IMPLICATIONS

9.1 The Wirral Award nominations are open to all residents or organisations resident or located in Wirral.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 No such implications arise from this report, there is no impact of emissions of CO2.

REPORT AUTHOR: *Anne Beauchamp*
Committee Officer
telephone: (0151 691 8608)
email: annebeauchamp@wirral.gov.uk

APPENDICES

Appendix 1 (Exempt) – Nomination forms and recommendations of the Wirral Award Working Party.

BACKGROUND PAPERS

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing, Health and Safety and General Purposes Committee – Wirral Award 2016	25 January 2017
Licensing, Health and Safety and General Purposes Committee – Wirral Award 2017	1 February 2018
Licensing, Health and Safety and General Purposes Committee – Wirral Award 2018	23 January 2019

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