



Regulatory and General Purposes Committee

Date:	Thursday, 17 June 2021
Time:	6.00 p.m.
Venue:	Floral Pavilion, Marine Promenade, New Brighton, CH45 2JS

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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 item on the agenda and state the nature of the interest.

2. MINUTES (Pages 1 - 6)

To approve the accuracy of the minutes of the meeting held on 23 March 2021.

3. MINUTES OF THE REGULATORY PANEL (Pages 7 - 14)

To approve the accuracy of the minutes of the meetings of the Regulatory Panel held on 5 March 2021 and 16 April 2021.

4. APPOINTMENT OF MEMBERS TO THE REGULATORY PANEL AND THE CHARITABLE TRUSTS SUB-COMMITTEE (Pages 15 - 18)

REGULATORY AND GENERAL PURPOSES COMMITTEE

Tuesday, 23 March 2021

Present:

Councillor A Hodson (Chair)

Councillors	AER Jones	T Norbury
	M Collins	L Rowlands
	C Cooke	J Stapleton
	G Davies	I Williams
	K Greaney	KJ Williams
	C Jones	S Williams
	D Mitchell	

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 item on the agenda and state the nature of the interest.

No such declarations were made.

14 **MINUTES**

Resolved – That the accuracy of the minutes of the meeting of the Regulatory and General Purposes Committee held on 19 January 2021 be approved.

15 **MINUTES OF THE REGULATORY PANEL**

Resolved – That the accuracy of the minutes of the meetings of the Regulatory Panel held on 11 November, 26 November and 16 December 2020 and 29 January 2021 be approved.

16 **DEPARTMENT FOR TRANSPORT - STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS**

The Director of Law and Governance submitted a report advising Members of the Committee of the publication of the Department for Transport Statutory Taxi and Private Hire Vehicle Standards document which was attached as an appendix to the report and sought Members' approval of proposed actions in response to its recommendations.

The Licensing Manager reported that the standards within the document had been developed to address the safeguarding of the public, in particular children and vulnerable adults. It was emphasised within the document that the importance of considering these standards cannot be overstated. The recommendations set out in the document were the result of detailed discussion with the trade, regulators and safety campaign groups.

Members were informed that it is a requirement that all licensing authorities should publish their consideration of the measures contained in the Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these. The Department for Transport (DfT) had undertaken to monitor the effectiveness of the Standards in achieving the protection of children and vulnerable adults (and by extension all passengers).

The Licensing Manager advised Members that she had reviewed the Licensing Authority's current conditions and criteria for licensing Hackney Carriage and Private Hire Drivers and Vehicles as well as Private Hire Operators against the DfT's Standards and the result of this review was set out in Table A attached in Appendix 2 to the report. Alongside each of the DfT's recommendations a summary was provided of the Licensing Authority's current position and any proposed action in response to the DfT's recommendation. Members were further informed that where possible an estimated timescale to complete the proposed action had been given.

A number of recommendations contained within the document which were not currently in place and therefore required to be addressed were outlined within the report. The purpose of the Statutory Taxi and Private Hire Vehicle Standards was to offer greater consistency across the country particularly on safeguarding children and vulnerable adults. It was reported that whilst some of the proposed actions would take time to deliver, as set out within Table A in Appendix 2 of the report, due to the need to consult with interested parties, there were others which could be implemented without the need for consultation, subject to the approval of Members of this Committee.

The Licensing Manager advised that should Members approve the revised Convictions Policy as set out in Appendix 3 of the report, the revised Convictions Policy would replace the current policy with immediate effect. Members of the Committee were also being asked to approve the following amendments to the current licensing criteria and conditions where they do not match the DfT's Standards, namely:

- The time period for notification of any investigation into offences by licence-holders to be amended to 48 hours;
- Oral and written English Language proficiency tests to be a requirement for applicants for Private Hire and Hackney Carriage Driver Licences;

- Authorisation be given to the Licensing Manager to refer individuals to the Disclosing and Barring Service (DBS) for consideration to be added to the barred lists in certain circumstances; and
- Mandatory annual DBS checks be a requirement for Private Hire and Hackney Carriage Vehicle Proprietors and Operators who do not hold a Private Hire or Hackney Carriage Driver licence. If the applicant is a limited company this will apply to all individuals listed in an executive position on the Companies House Public Register.

Members were advised that if approved, it was proposed that the revised criteria or amended conditions would have effect, in respect of new applicants, 28 days from the date of approval and in respect of current licence holders, 28 days after the notification of approval.

Members of the Committee were also requested to authorise the Licensing Manager to undertake consultation in respect of the following recommendations contained within the Statutory Taxis and Private Hire Vehicle Standards document, namely;

- Mandatory subscription to the DBS Update service;
- Twice yearly DBS checks for licensed drivers; and
- The introduction of CCTV in licensed vehicles.

Derek Cummins, Unite the Union, addressed the Committee and requested clarification on what would constitute a hand-held device.

The Licensing Manager confirmed that it would not be for the Licensing Authority to determine what constitutes a hand-held device. The reference for the Licensing Authority would be the conviction of the offence itself.

On behalf of the Committee, the Chair thanked the Licensing Manager for her hard work in providing the detailed report.

Further to questions from Members of the Committee in respect of extra pressure on resources and staffing, the Licensing Manager advised that resources would be kept under review to ensure the public were protected effectively.

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

Resolved –

- (1) **That the proposed actions as set out within Table A attached in Appendix 2 of the report which provided a response to the recommendations contained within the Statutory Taxi and Private Hire Vehicle Standards document be approved.**

- (2) That the proposed revisions to the Council's Statement of Policy and Guidelines relating to the relevance of convictions when considering applications for Hackney Carriage and Private Hire Licences attached in Appendix 3 of the report be approved.
- (3) That the Licensing Manager be authorised to amend current conditions and criteria in accordance with the recommendations set out in the Statutory Taxi and Private Hire Vehicle Standards document and undertake consultation on the adoption of the following:
- Mandatory subscription to the Disclosure and Barring Service (DBS) Update service;
 - Twice yearly Disclosure and Barring Service (DBS) checks for licensed drivers; and
 - The introduction of CCTV in licensed vehicles.

17 REVIEW OF PRIVATE HIRE OPERATOR LICENCE CONDITIONS

The Director of Law and Governance submitted a report for Members of the Committee to consider revised Private Hire Operator Licence Conditions.

The Licensing Manager reported that a review of the current Private Hire Operator Licence Conditions had been undertaken to provide effective protection for members of the public. The review had had regard to the Department for Transport's Statutory Taxis and Private Hire Vehicle Standards. The review had also taken into account changes in technology since the development of the current conditions.

Members were advised that the amendments that had been made particularly related to booking records, the recording of complaints and requirements relating to staff employed by the Operator.

The Licensing Manager informed Members that the draft document had been subject to consultation with licensed Private Hire Operators and that a summary of feedback from this consultation was attached in Table A in Appendix 2 of the report. Members were further informed that the proposed conditions had also been shared with other Licensing Authorities in the City Region to seek to achieve consistency across the City Region.

On a motion by Councillor L Rowlands and seconded by Councillor G Davies it was –

Resolved – That the revised Private Hire Operator Licence Conditions attached as Appendix 1 to the report be approved.

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REGULATORY PANEL

Friday, 5 March 2021

Present: Councillor A Hodson (Chair)
Councillors G Davies D Mitchell
AER Jones S Williams

24 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.

25 PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD MONDEO, REGISTRATION NUMBER DA60 GLK

The Director of Law and Governance reported upon an application received to re-license a Ford Mondeo, registration number DA60 GLK, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 15 October 2018 and the current licence expired on 31 December 2020. The date of first registration of the vehicle was 31 December 2010. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members together with photographs of the vehicle.

The proprietor of the vehicle attended the meeting by way of video conference and Members of the Panel confirmed they had inspected photographs of the vehicle.

Resolved – That the application to license the Ford Mondeo, registration number DA60 GLK, as a Private Hire Vehicle be granted for six months subject to the nearside rear tyre and the offside front tyre being replaced and evidence being provided to the Licensing Authority confirming that this work has been carried out prior to the Licence being issued.

26 PRIVATE HIRE VEHICLE LICENCE APPLICATION - VW PASSAT, REGISTRATION NUMBER YC11 CVV

The Director of Law and Governance reported upon an application received to re-license a VW Passat, registration number YC11 CVV, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been

licensed as a Private Hire Vehicle since 13 March 2017 and the current licence was due to expire on 12 March 2021. The date of first registration of the vehicle was 19 April 2011. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members together with photographs of the vehicle.

The proprietor of the vehicle attended the meeting by way of video conference and Members of the Panel confirmed they had inspected photographs of the vehicle.

Resolved – That the application to license the VW Passat, registration number YC11 CVV, as a Private Hire Vehicle be granted for six months.

27 **APPLICATION TO LICENSE THE SKODA SUPERB AS A PRIVATE HIRE VEHICLE**

The Director of Law and Governance reported upon an application received to license all variants of the Skoda Superb as a 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 applicant attended the meeting by way of video conference. Members of the Panel had inspected photographs of the vehicle.

Resolved – That the application to license all variants of the Skoda Superb as a Private Hire Vehicle be granted subject to the front screen allowing at least 75% of light through and all other windows letting at least 70% of light to be transmitted through, save for the rear quarterlight windows.

28 **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 item of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraph 1 of Part I of Schedule 12A (as amended) to that Act. The Public Interest Test had been applied and favoured exclusion.

29 **PRIVATE HIRE DRIVER LICENCE (ASAS)**

The Director of Law and Governance submitted a report for Members to consider whether Mr ASAS should continue to hold a Private Hire Driver Licence.

Mr ASAS attended the meeting by way of video conference and made representations. Members questioned Mr ASAS.

Members considered carefully the representations made by Mr ASAS.

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 considered that in seeking to ensure the legitimate aim of the protection and safety of the public, a revocation of the licence with immediate effect was justified in the circumstances.

Resolved – That, in the interests of public safety, Mr ASAS’s Private Hire Driver Licence be revoked with immediate effect.

30 **PRIVATE HIRE DRIVER LICENCE (JJS)**

The Director of Law and Governance submitted a report for Members to consider whether Mr JJS should continue to hold a Private Hire Driver Licence.

Mr JJS attended the meeting by way of video conference and made representations in respect of a complaint made against him. The complainant was also in attendance by way of video conference together with the Investigating Officer. Members questioned the complainant and Investigating Officer and also Mr JJS.

Members considered the complaint and the response made by Mr JJS.

Members gave due consideration to all of the representations made and exercised their rights to consider each case on its individual merits in light of the representations made. Members also had regard to the accounts provided.

Resolved – That Mr JJS be allowed to continue to hold a Private Hire Driver Licence.

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REGULATORY PANEL

Friday, 16 April 2021

Present: Councillor A Hodson (Chair)

Councillors G Davies
D Mitchell
S Williams

Apologies Councillor AER Jones

31 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 7 (minute 37 refers) by virtue of having attended the same youth club as the applicant.

32 PRIVATE HIRE VEHICLE LICENCE APPLICATION - CITROEN XSARA PICASSO, REGISTRATION NUMBER LG10 LUP

The Director of Law and Governance reported upon an application received to re-license a Citroen Xsara Picasso, registration number LG10 LUP, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 7 December 2018 and the licence expired on 24 March 2021. The date of first registration of the vehicle was 24 March 2010. On expiry of previous licences on 24 March 2020 and 24 September 2020 applications to grant a six month licence had been granted under delegated authority. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members together with photographs of the vehicle.

The proprietor of the vehicle attended the meeting by way of video conference and Members of the Panel confirmed they had inspected photographs of the vehicle.

Resolved – That the application to license the Citroen Xsara Picasso, registration number LG10 LUP, as a Private Hire Vehicle be granted for six months.

33 PRIVATE HIRE VEHICLE LICENCE APPLICATION - RENAULT SCENIC, REGISTRATION NUMBER NA60 PMO

The Director of Law and Governance reported upon an application received to re-license a Renault Scenic, registration number NA60 PMO, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 2 July 2019 and the current licence expired on 13 December 2020. The date of first registration of the vehicle was 13 December 2010. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members together with photographs of the vehicle.

The proprietor of the vehicle attended the meeting by way of video conference and Members of the Panel confirmed they had inspected photographs of the vehicle.

Resolved – That the application to license the Renault Scenic, registration number NA60 PMO, as a Private Hire Vehicle be granted for six months.

34 **APPLICATION TO LICENSE THE TOYOTA C-HR HYBRID AS A PRIVATE HIRE VEHICLE**

The Director of Law and Governance reported upon an application received to license the Toyota C-HR Hybrid as a Private Hire Vehicle.

In September 2017 Members of the Licensing, Health and Safety and General Purposes Committee approved criteria for licensing Private Hire Vehicles. The criteria were set out within Appendix 1 attached to the report.

Members of the Regulatory Panel were asked to consider whether they were satisfied that the Toyota C-HR Hybrid complied with the Council's criteria for licensing Private Hire Vehicles and whether it was a suitable vehicle to be licensed.

Members of the Panel had inspected photographs of the vehicle and confirmed they had seen a video of the vehicle.

Resolved – That the Toyota C-HR Hybrid be considered as a suitable vehicle to be licensed as a Private Hire Vehicle.

35 **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 paragraph 1 of Part I of Schedule 12A (as amended) to that Act. The Public Interest Test had been applied and favoured exclusion.

36 **PRIVATE HIRE DRIVER LICENCE (SRH)**

The Director of Law and Governance submitted a report for Members to consider an application received from Mr SRH for the grant of a Private Hire Driver Licence.

Mr SRH attended the meeting by way of video conference however due to poor internet connection Members were unable to proceed to determine the matter.

Resolved – That Mr SRH’s application for a Private Hire Driver Licence be deferred to a future date.

37 **PRIVATE HIRE DRIVER LICENCE (CBD)**

Councillor A Hodson declared a personal interest in this matter (minute 31 refers).

The Director of Law and Governance submitted a report for Members to consider whether Mr CBD should continue to hold a Private Hire Driver Licence.

Mr CBD attended the meeting by way of video conference and made representations. Members questioned Mr CBD and considered other evidence provided.

Members considered carefully the representations made by Mr CBD.

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 considered that in seeking to ensure the legitimate aim of the protection and safety of the public, a revocation of the licence with immediate effect was justified in the circumstances.

Resolved – That, in the interests of public safety, Mr CBD’s Private Hire Driver Licence be revoked with immediate effect.

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REGULATORY AND GENERAL PURPOSES COMMITTEE

Thursday, 17 June 2021

REPORT TITLE:	APPOINTMENT OF MEMBERS TO THE REGULATORY PANEL AND THE CHARITABLE TRUSTS SUB-COMMITTEE
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is to allow the Regulatory and General Purposes Committee to:

- i) agree the process for appointing Members to the Charitable Trusts Sub-Committee, the Terms of Reference of which have been approved by Council; and
- ii) agree that the Director of Law and Governance (Monitoring Officer) be delegated authority to convene Licensing Panels (Regulatory) for the purposes of carrying out the Council's functions to deal with applications, determinations and reviews of licences or registrations, and any related matter, in respect of any licensed activity that is the responsibility of the Authority (other than under the Licensing Act 2003 or the Gambling Act 2005)

This matter affects all Wards within the Borough.

This matter is not a Key Decision.

RECOMMENDATIONS

It is recommended that:

- (1) the Terms of Reference of the Regulatory Panel and the Charitable Trusts Sub-Committee, as referred to in paragraphs 1.1 and 1.3 of this report be noted.
- (2) the Director of Law and Governance (Monitoring Officer) be authorised to carry out the wishes of the Group Leaders in allocating Members to membership of the Charitable Trusts Sub-Committee and to appoint those Members with effect from the date at which the proper officer is advised of the names of such Members.
- (3) the Director of Law and Governance (Monitoring Officer) be delegated authority, in consultation with the Chair and Spokespersons to convene Licensing Panels (Regulatory) as and when required for the purposes of carrying out the Council's functions to deal with applications, determinations and reviews of licences or registrations, and any related matter, in respect of any licensed activity that is the

responsibility of the Authority (other than under the Licensing Act 2003 or the Gambling Act 2005).

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATIONS

- 1.1 The Terms of Reference of the Regulatory and General Purposes Committee as contained in the Constitution (approved by Council on 28 September 2020), requires the Committee to appoint five (5) of its members, politically balanced, to the Charitable Trusts Sub-Committee.
- 1.2 The Charitable Trust Sub-Committee has responsibility for discharging the Council's functions as corporate trustee of the following charitable organisations:
 - 1.2.1 E F Callister Youth Club, and
 - 1.2.2 Wirral Mayor's Charity
- 1.3 The Terms of Reference also allow for the convening of Sub-Committees (Licensing Panels – Regulatory) of between three (3) and five (5) members of the Regulatory and General Purposes Committee, politically balanced, with responsibility for the Council's functions to deal with applications, determinations and reviews of licences or registrations, and any related matter, in respect of any licensed activity that is the responsibility of the Authority (other than under the Licensing Act 2003 or the Gambling Act 2005).

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The terms of reference of both the Charitable Trusts Sub-Committee and Licensing Panels – Regulatory, and the relevant rules of procedure are set out within the Constitution of the Council. As such no other options can be considered.

3.0 BACKGROUND INFORMATION

- 3.1 Once appointed to the Charitable Trusts Sub-Committee Members will be responsible for discharging the Council's functions where it acts as corporate trustee, which currently relates to the following two charitable organisations:
 - (a) EF Callister Youth Club (Charity No.: 520017); and
 - (b) Wirral Mayor's Charity (Charity No.: 518288)
- 3.2 Licensing Panels (Regulatory) are convened to allow the consideration by Members of applications, determinations and reviews of licences or registrations, and any related matter, in respect of any licensed activity that is the responsibility of the Authority (other than under the Licensing Act 2003 or the Gambling Act 2005), such as skin piercing, hackney carriage and private hire vehicle, driver and operator licenses.
- 3.3 To allow effective management of applications, etc within relevant statutory timescales or otherwise in a timely manner, where the required decision is outside of officer delegated powers, a Licensing Panel can be convened consisting of between

3 and 5 members of the Committee (politically balanced) to consider and determine the matter.

- 3.4 The setting up and running of Panels is an administrative function managed by the Council's Committee Services and it is proposed to Members that they delegate authority to the Director of Law and Governance (Monitoring Officer) to convene such Panels as and when required in consultation with the Chair and Spokespersons.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising directly from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 The Committee's Terms of Reference require compliance with the requirements of sections 15 to 17 of the Local Government and Housing Act 1989, and the relevant regulations concerning political balance on committees and sub-committees.

- 5.2 The determination of political balance must, so far as reasonably practicable, give effect to the principles:

- (a) that not all the seats on the body to which appointments are made are allocated to the same political group;
- (b) that the majority of seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- (c) subject to (a) and (b), that the total number of seats on all the ordinary committees of a relevant authority allocated to a particular political group reflects that group's proportion of the membership of the authority; and
- (d) subject to (a) and (c), that the number of seats on each body allocated to a particular political group reflects that group's proportion of the membership of the authority.

- 5.4 Panels of 3 or 4 Members have been considered but are judged to be restrictive in terms of achieving sufficient political balance for decision making purposes (e.g. a Panel of 3 Members would give an allocation of 2 Labour and 1 Conservative). Therefore a Panel of 5 Members would be more representative. The table below sets out the proportionality calculations for the allocation of 5 seats on both the Charitable Trusts Sub-Committee and Licensing Panels (Regulatory).

GROUP	NO. OF SEATS
Labour	2
Conservative	2
Liberal Democrat	1
Green	0
Independent	-

5.5 There are no members of the Independent Group on the Regulatory and General Purposes Committee as they have advised that they do not wish to take up their seat on this Committee.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no resource implications arising directly from this report.

7.0 RELEVANT RISKS

7.1 There is a requirement under the Council's Constitution that Members be appointed to the Charitable Trusts Sub-Committee and that Licensing Panels are convened to carry out the Council's functions.

8.0 ENGAGEMENT/CONSULTATION

8.1 It is for the political groups to decide who they wish to nominate to the places on the Regulatory Panel and the Charitable Trusts Sub-Committee allocated to their group.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. This report has no impact on equalities.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The recommendations contained within this report are expected to have no impact on emissions of Greenhouse Gases.

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APPENDICES

None

BACKGROUND PAPERS

The Council's Constitution: Part 3B Committee Terms of Reference (Pages 86-88).

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council AGM Meeting	28 September 2020
Council AGM Meeting	26 May 2021