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LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Wednesday, 20 March 2019

Present:

Councillors M Jordan
I Lewis
D Mitchell

Deputies:

Councillors J Stapleton (In place of G Wood)
P Hayes (In place of A Hodson)

23 **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.

24 **ANNOUNCEMENT**

The Chair announced that as this would be the last meeting that he would be a Member of the Licensing, Health and Safety and General Purposes Committee he wished to express his thanks to Members and officers for their hard work and support.

25 **MINUTES**

Resolved – That the minutes of the meeting held on 23 January 2019 be approved.

26 **MINUTES OF THE LICENSING PANEL**

Resolved – That the minutes of the meetings of the Licensing Panel held on 9 November and 13 December 2018 be approved.

27 **MEMBERSHIP OF THE LICENSING PANEL**

The Committee were invited to appoint two Labour Members to the Licensing Panel who were required to replace former Labour Members.

Resolved – That Councillors Gillian Wood and George Davies be appointed to the Licensing Panel.

28 **BOROUGH ELECTION FEES AND CHARGES**

The Director of Governance and Assurance and Monitoring Officer submitted a report detailing 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 Electoral Services Manager reported that the next scheduled Borough elections would take place on 2 May 2019 and the proposed fees for 2019/2020 were set out in Appendix 1 to the report.

Members were advised that the Returning Officer had overall responsibility for the conduct of elections held within the Borough and although appointed by the Council, the role of Returning Officer was one of a personal nature and was distinct and separate from their duties as an employee of the Council. The Electoral Services Manager outlined the responsibilities of the Returning Officer and reported that the role of Returning Officer was independent from the Council and the post holder was directly accountable to the courts system as an independent statutory officer holder and as such this was considered one of the fundamental reasons why a Returning Officer fee was paid.

Members were further advised that the Returning Officer would be the employer of the staff engaged specifically to run elections and there was a statutory obligation to provide the Returning Officer with the resources considered necessary to run effective elections. The proposed fees had 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 account was also taken of the Council's Living Wage policy.

In response to questions from Members, the Electoral Services Manager confirmed that electoral area was per electoral ward and that although the Returning Officer has overall responsibility and would receive the fee, the responsibilities could be delegated to a deputy Returning Officer.

Resolved – That the proposed Borough Election Fees and Charges set out within Appendix 1 to the report be agreed.

29 **PERIODIC REVIEW OF LICENSING FEES FOR SEXUAL ENTERTAINMENT VENUE LICENCES**

The Corporate Director for Business Management requested that Members review and approve the licence fee in respect of Sexual Entertainment Venue Licences with effect from 1 April 2019.

The Licensing Manager reported that the Council were legally entitled to charge such a fee for licences that they considered reasonable with a view to recovering the full cost of providing the service.

The Licensing Manager advised that Sexual Entertainment Venue Licences were issued for a period of 12 months and the current fee was £1,227.20. A review of the costs of administering this process and ensuring compliance had been undertaken

and it had been identified that from 1 April 2019 the licensing function would be subject to an increase in staffing costs of 2% and an increase of at least 1% in council costs.

Members were therefore requested 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 which would result in the fee being £1316.00.

On a motion by Councillor D Mitchell and seconded by Councillor R Abbey it was -

Resolved – That the Sexual Entertainment Venue Licence fee of £1316.00 be agreed with effect from 1 April 2019.

30 **PERIODIC REVIEW OF LICENSING FEES FOR STREET TRADING LICENCE/CONSENT**

The Corporate Director for Business Management requested that Members review and approve the licence/consent fee in respect of Street Trading Licences/Consents with effect from 1 April 2019.

The Licensing Manager reported that the Council were legally entitled to charge such a fee for licences that they considered reasonable with a view to recovering the full cost of providing the service and it was therefore appropriate for the Council to recover all administrative and other associated costs.

It was reported that Street Trading Licences/Consents were normally issued for a period of 12 months with a current fee of £210 with a renewal fee of £68.50 and that further to a review of the costs of administering this process and ensuring compliance had been undertaken, it had been identified that the licensing function would be subject to an increase in staffing costs of 2% and an increase of at least 1% in council costs.

Members were therefore requested 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 which would result in the fee being £217.00 with a renewal fee of £71.00.

Members were also requested to introduce a new fee of £70.00 in order that a licence/consent may be granted for traders seeking to operate on a temporary basis up to a period of 7 days.

On a motion by Councillor D Mitchell and seconded by Councillor G Davies it was -

Resolved –

- (1) That the Street Trading Licences/Consents fee of £217.00 with a renewal fee of £71.00 be approved with effect from 1 April 2019.**
- (2) That a new fee of £70.00 be introduced for requests for licences/consents for up to seven days with effect from 1 April 2019.**

31 **PERIODIC REVIEW OF LICENSING FEES FOR PAVEMENT CAFE LICENCES**

The Corporate Director for Business Management requested that Members review and approve the licence fee in respect of Pavement Café Licences with effect from 1 April 2019.

The Licensing Manager reported that the Council were legally entitled to charge such a fee for licences that they considered reasonable with a view to recovering the full cost of providing the service and it was therefore appropriate for the Council to recover all administrative and other associated costs.

It was reported that Pavement Café Licences were issued for a period of 12 months and the current fee was £216.30 with a renewal fee of £70.56 and that further to a review of the costs of administering this process and ensuring compliance had been undertaken, it had been identified that the licensing function would be subject to an increase in staffing costs of 2% and an increase of at least 1% in council costs.

Members were therefore requested to approve an increase in the licensing fees for a Pavement Café Licence in line with the increase in staffing costs and increase in costs to the council which would result in the fee being £223.00 with a renewal fee of £73.00.

On a motion by Councillor D Mitchell and seconded by Councillor R Abbey it was -

Resolved – That the Pavement Café Licence fee of £223.00 with a renewal fee of £73.00 be approved with effect from 1 April 2019.

32 **PERIODIC REVIEW OF LICENSING FEES FOR MARRIAGE PREMISES LICENCES**

The Corporate Director for Business Management requested that Members review and approve the licence fees in respect of Marriage Premises with effect from 1 April 2019.

The Licensing Manager reported that the Council were legally entitled to charge such a fee for licences that they considered reasonable with a view to recovering the full cost of providing the service and it was therefore appropriate for the Council to recover all administrative and other associated costs.

It was reported that Marriage Premises Licences were issued for a period of 3 years and the current fee was £1000.00 and that further to a review of the costs of administering this process and ensuring compliance had been undertaken, it had been identified that the licensing function would be subject to an increase in staffing costs of 2% and an increase of at least 1% in council costs.

Members were therefore requested to approve an increase in the licensing fee for a Marriage Premises Licence in line with the increase in staffing costs and increase in costs to the council which would result in the fee being £1030.00.

On a motion by Councillor D Mitchell and seconded by Councillor R Abbey it was -

Resolved – That the Marriage Premises Licence fee of £1030.00 be approved with effect from 1 April 2019.

33 PERIODIC REVIEW OF LICENSING FEES FOR TAXIS AND PRIVATE HIRE VEHICLES

The Corporate Director for Business Management requested that Members review and approve the licence fees in respect of Hackney Carriage, Private Hire and Operator Licences with effect from 1 April 2019.

The Licensing Manager reported that the Council were legally entitled to charge such a fee for licences that they considered reasonable with a view to recovering the full cost of providing the service and it was therefore appropriate for the Council to recover all administrative and other associated costs.

It was reported that the fees for Hackney Carriage, Private Hire and Operator Licences were reviewed on an annual basis to determine whether the income received from the previous year had been in line with the cost of delivering the service and that following an annual review the current fees had been approved on 21 March 2018. A review had been undertaken and it had been identified that the projected income for the financial year 2019-2020 would cover the costs of delivering the service and there would therefore be no increase in the current fees.

Members were therefore requested to approve the table of fees set out within Appendix 1 to the report with effect from 1 April 2019.

On a motion by Councillor D Mitchell and seconded by Councillor R Abbey it was -

Resolved – That the licence fees in respect of Hackney Carriage, Private Hire and Operator Licences set out within the report be approved with effect from 1 April 2019.

34 DEPARTMENT FOR TRANSPORT - TAXI AND PRIVATE HIRE VEHICLE LICENSING: PROTECTING USERS - CONSULTATION

The Corporate Director for Business Management reported that the Department for Transport were currently seeking views on proposed recommendations contained in draft Statutory Guidance to Licensing Authorities on how their powers could be exercised in order to safeguard children and vulnerable adults.

The Licensing Manager reported that the Policing and Crime Act 2017 enabled 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 and that the Guidance had been drafted directly to address the safeguarding of the public. It was emphasised in the Guidance that the Department for Transport expected the recommendations contained therein to be implemented unless there was compelling reason not to do so and that all Licensing Authorities were encouraged to publish their consideration of the recommendations.

Members were informed that the main items covered in the Statutory Guidance were set out within Appendix 1 to the report and that the consultation would be open until 22 April 2019.

On a motion by Councillor R Abbey and seconded by Councillor G Davies it was -

Resolved –

- (1) That the contents of the report be noted.**
- (2) That the Licensing Manager be delegated to provide a response to the consultation on behalf of the Licensing Authority.**

35 **INTRODUCTION OF MANDATORY SAFEGUARDING TRAINING FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND PRIVATE HIRE OPERATORS**

The Corporate Director for Business Management requested that Members approve mandatory Safeguarding Training for all Hackney Carriage and Private Hire Drivers.

The Chair agreed that paragraph 3.11 of the report be amended to read:

“It is proposed therefore that it becomes a mandatory requirement from 1 June 2019 for all new applicants to receive Safeguarding Training.”

The Licensing Manager reported that in the draft Statutory Guidance the Department for Transport had recommended that Licensing Authorities provide safeguarding advice and guidance and that Hackney Carriage and Private Hire Drivers were required to undertake Safeguarding Training in recognition of the role of individuals working in the Hackney Carriage and Private Hire industry.

Members were advised that the Department for Transport had described Hackney Carriage and Private Hire Drivers as an asset in the detection and prevention of abuse or neglect of children and vulnerable adults and it was therefore proposed that mandatory Safeguarding Training for all Hackney Carriage and Private Hire Drivers be approved and that all current drivers must also attend the training. Members were further advised that it had also been recognised that Safeguarding Training should also be undertaken by Private Hire Operators and that this would form the subject of a future report.

On a motion by Councillor D Mitchell and seconded by Councillor R Abbey it was -

Resolved –

- (1) That it becomes a mandatory requirement from 1 June 2019 all new applicants receive Safeguarding Training.**
- (2) That it be made a requirement that all currently licensed Hackney Carriage and Private Hire Drivers also attend Safeguarding Training and that as this will take some time the following requirement be 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) That delegated authority be given to the Licensing Manager to amend the deadline for completing the training should the availability of the training be delayed.

36 WHEELCHAIR ACCESSIBLE VEHICLES

The Corporate Director for Business Management sought Members' approval of the implementation of the legal provisions contained within Sections 165 and 167 of the Equality Act 2010 which were intended to assist passengers who used wheelchairs and be more informed in respect of the use of Hackney Carriage and Private Hire Drivers.

The Licensing Manager reported that Section 167 of the Equality Act 2010 (the Act) provided local authorities with the power to make lists of wheelchair accessible vehicles (designated vehicles) and Section 165 of the Act provided that the drivers of these vehicles 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 did not apply to any driver issued with an exemption certificate.

Members were advised that whilst the local authority was under no specific legal obligation to maintain a list under Section 167 it was strongly recommended that they do so and it was therefore proposed that Wirral Licensing Authority implement Section 167 of the Act by publishing a list of wheelchair accessible vehicles. Publication of the list would enable passengers who used wheelchairs to be better informed about the accessibility of taxis in Wirral.

On a motion by Councillor R Abbey and seconded by Councillor G Davies it was -

Resolved – That the implementation of Sections 165 and 167 of the Equality Act 2010 be approved.

37 THANKS

Councillor Dave Mitchell wished to express his thanks to the Chair for the work and help he had provided to Members of all parties and wished him well for the future.

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