

**LICENSING AND REGULATORY COMMITTEE**

**MEETING HELD AT THE TOWN HALL, BOOTLE  
ON 27 SEPTEMBER 2010**

PRESENT: Councillor McGuire (in the Chair)  
Councillor D Rimmer (Vice-Chair)

Councillors Blackburn, Bradshaw, Carr, Doran, Ibbs,  
Kerrigan, Mahon, Papworth, Pearson and B Rimmer

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Byrne, Friel and Preece.

**2. DECLARATIONS OF INTEREST**

The following declaration of interest was received:

| Member          | Minute No.                                 | Interest  | Action  |
|-----------------|--|---|---|
| Councillor Carr | 4 - Hackney Carriage Demand Survey 2010/11 | Personal – Taxi Driver Trainer / Tutor for Knowsley MBC | Remained in the room, took part in consideration of the item and voted thereon. |

**3. MINUTES**

RESOLVED:

That the Minutes of the meeting held on 5 July 2010 be confirmed as a correct record.

**4. HACKNEY CARRIAGE DEMAND SURVEY REPORT**

Further to Minute No. 104 of 19 April 2010, the Committee considered the report of the Environmental and Technical Services Director advising of the results of the Hackney Carriage Unmet Demand Survey 2010/11, carried out by Halcrow Group Limited

A copy of the Hackney Carriage Demand Survey and appendices was attached as Annex 1 to the report.

LICENSING AND REGULATORY COMMITTEE- MONDAY 27TH  
SEPTEMBER, 2010

Ms E. Richardson, Associate for Transport Planning at the Halcrow Group Limited presented the survey, which was broken down into the following 9 sections, and answered questions thereon:

1. Background, (an overview of the Hackney Carriage regime in Sefton)
2. benchmarking, (a comparison with Sefton Council's 'nearest' neighbours focusing on fleet composition, entry control policy and fares)
3. Definition, Measurement and Removal of Significant Unmet Demand, (including the methodology to determine the number of new licences (if necessary) to eliminate significant unmet demand)
4. Evidence of Patent Unmet Demand – Rank Observation Results, (focusing on the demand and supply for hackney carriages)
5. Evidence of Suppressed Demand – Public Attitude Pedestrian Survey
6. Consultation, (with the trade representatives, drivers and service users)
7. Trade Survey
8. Deriving the Significant Unmet Demand Index Value
9. Summary and Conclusions

The report concluded that the 2010 study had identified that there was “No evidence of significant unmet demand for hackney carriages in Sefton”. This was based on an assessment of the implications of case law that had emerged since 2000, and the results of Halcrow's analysis. However, it was indicated that the DfT regarded it as best practice not to impose quantity restrictions/enforce a numerical limit on hackney carriage licenses. On this basis the Council had discretion in its hackney licensing policy and could either:

- Continue to limit the number of hackney carriage vehicle licences at 271;
- issue any number of additional plates as it deemed fit, either in one allocation or a series of allocations; or
- remove the limit on the number of vehicles and allow a free entry policy.

The report also raised the following issues which required further consideration:

- Greater links to the local transport plan
- the implications of the Equalities Act, particularly wheelchair accessibility;
- the respective merits of the VRQ and NVQ in Road Passenger Transport and the associated concerns over sustainable funding;
- public image / age of the fleet; and
- general safety.

It was suggested that these matters be referred to the Hackney Carriage Trade and the Joint Hackney Carriage and Private Hire Trade meetings for further discussion over the next twelve months with recommendations being presented to the Licensing and Regulatory Committee as appropriate.

RESOLVED: That

- (1) Ms Richardson be thanked for her presentation;
- (2) the report on the Hackney Carriage Demand Survey 2010/11 be noted.
- (3) in the light of the evidence contained within the 2010 Unmet Demand study, it be agreed that the current numerical restriction of 271 Hackney Carriage Vehicle Licences be retained;
- (4) in order to ensure that the evidence to support its policy position remained robust, the Environmental and Technical Services Director be requested to commission a further demand survey in 2013 and that the policy be reviewed in the light of the findings of that study; and
- (5) the following issues be referred to the Hackney Carriage Trade and the Joint Hackney Carriage and Private Hire Trade meetings for further discussion over the next twelve months and recommendations presented to the Licensing and Regulatory Committee as appropriate:
  - Greater links to the local transport plan
  - the implications of the Equalities Act, particularly wheelchair accessibility;
  - the respective merits of the VRQ and NVQ in Road Passenger Transport and the associated concerns over sustainable funding;
  - public image / age of the fleet; and
  - general safety.

#### **5. COMMON ACT 2006 - REGISTRATION OF A VILLAGE GREEN AT BROOKHILL ROAD, BOOTLE**

The Committee considered the report of the Head of Corporate Legal Services advising of a request to have the Village Green at Brookhill Road, Bootle, formerly recognised and registered as a Village Green.

The report indicated that the evidence supplied by the applicant was deemed satisfactory in respect of the Criteria for Registration as set out at Section 15 of the Commons Act 2006; and that following the publication of a formal Notice in the local press dated 14 July 2010, no

representations/objections to the proposed Village Green had been received by the cessation of the notification period on 25 August 2010.

RESOLVED:

That the formal registration of the Village Green, Brookhill Road, Bootle, in the Commons Register be approved.

## **6. REVENUE EXPENDITURE - 2009/10 PORTFOLIO FINAL ACCOUNTS**

The Committee considered the joint report of the Environmental Protection Director and the Finance and Information Services Director, which notified of the final 200/10 outturn position for the Licensing and Regulatory portfolio.

The report identified that the final outturn position for the Portfolio, when compared to the 2009/10 revenue budget indicated a net under-spend of £0.021m and detailed the comments of the Environmental and Technical Services Director thereon.

Annex A to the report summarised the divisions of service provided by the Portfolio and compared the adjusted original estimates with provisional outturn figures.

The Environmental and Technical Services Director concluded the report by identifying a number of on-going issues as a result of the Licensing Portfolio's outturn position for 2009/10.

The Committee was requested to give consideration to the submission of comments on the outturn to the Overview and Scrutiny Committee (Regeneration and Environmental Services).

RESOLVED: That

- (1) the Licensing Portfolio's revenue expenditure and capital expenditure outturn for 2009/10, together with the actual performance indicators and data for 2009/10 be noted; and
- (2) there were no issues to be referred to the Overview and Scrutiny Committee (Regeneration and Environmental Services).

## **7. DETERMINATIONS MADE UNDER THE LICENSING ACT 2003: PERIOD COVERING 19 JUNE TO 10 SEPTEMBER 2010**

The Committee considered the report of the Environmental and Technical Services Director updating on the applications made under the Licensing Act, 2003 which he had determined.

The report indicated that Sefton's Statement of Licensing Policy followed the recommended delegation of functions contained within the "Guidance issued under Section 182 of the Licensing Act 2003"; that in effect, this meant that where there were no relevant representations on an application for the grant of a premises licence or club premises certificate, or Police objections to an application for a personal licence, then these matters would be dealt with by Officers in order to speed matters through the system; and that the Guidance also recommended that, where powers had been delegated, the Committee would receive regular reports on decisions made so that they maintained an overview of the general licensing situation.

For the period 19 June to 10 September 2010 the Environmental and Technical Services Director had received and determined: 74 applications for Premise Licences; 45 applications for Personal Licences; 1 application for a Club Premises Licence and 71 notifications of Temporary Event Notices.

RESOLVED:

That the report and the fact that further update reports would be submitted, as necessary, be noted.

**8. DETERMINATIONS MADE UNDER THE GAMBLING ACT 2005:  
PERIOD COVERING 19 JUNE 2010 TO 10 SEPTEMBER 2010**

The Committee considered the report of the Environmental and Technical Services Director, updating on the applications, made under the Gambling Act 2005, which he had determined.

The report indicated that Sefton's Statement of Licensing Policy followed the recommended delegation of functions contained within the "Guidance issued under Section 25 of the Gambling Act 2005"; that in effect, this meant that where there were no relevant representations on an application for the grant of a premises licence or a permit then these matters would be dealt with by Officers in order to speed matters through the system; and that the Guidance also recommended that, where powers had been delegated, the Committee would receive regular reports on decisions made so that they maintained an overview of the general gambling situation.

For the period 19 June to 10 September 2010, the Environmental and Technical Services Director had received and determined: 2 applications for Gambling Premises Licences, 1 application for a Family Entertainment Permit, 4 applications for Licensed Premises Gaming permits; 10 applications for Licensed Premises Automatic Gaming permits, 3 applications for Club Machine Permits and 1 application for a Club Gaming permit.

RESOLVED:

That the report and the fact that further update reports would be submitted, as necessary, be noted.

**9. CRITERIA USED TO CATEGORISE THE NUMBER AND FREQUENCY OF INSPECTIONS FOR THOSE PREMISES LICENSED UNDER THE LICENSING ACT 2003 AND THE GAMBLING ACT 2005**

Further to Minute No. 5(2) of 7 June 2010, the Committee considered the report of the Environmental and Technical Services Director on the criteria used to categorise the number and frequency of inspections regarding those premises licensed under the Licensing Act 2003 and the Gambling Act 2005.

Annex 1 to the report indicated the Licensing Inspection Rating Scheme currently used by the Council's Licensing Officers and Annex 3 to the report indicated the Gambling Inspection Rating Scheme.

The report indicated that the Guidance issued under Section 182 of LA03 stated at Paragraph 13.22 that the 'principle of risk assessment and targeting should not be undertaken routinely but when and if they are judged necessary. This should ensure that resources are more effectively concentrated on problem premises'. The Guidance issued by the Gambling Commission in respect of GA05 stated at Paragraph 36.37 that Local Authorities 'should adopt a risk-based' approach when determining the frequency at which gambling premises are to be inspected'. Sefton had therefore adopted both recommended approaches in implementing its Inspection Regimes.

**RESOLVED:**

That the criteria used to categorise the frequency of inspections of premises licensed under the Licensing Act 2003 and the Gambling Act 2005 be noted.