

## REGULATORY COMMITTEE

*At a meeting of the Regulatory Committee held on 24<sup>th</sup> January 2005 at the Town Hall, Runcorn.*

Present: Councillors Pearsall (Vice-Chairman in the Chair), Cole, D. Inch, Gilligan, Lowe, Lloyd-Jones and Wainwright.

Apologies for absence: Councillors Cross and Drakeley.

Absence declared on Council business: None.

### ITEMS DEALT WITH UNDER POWERS AND DUTIES EXERCISABLE BY THE COMMITTEE

#### REG1 LICENSING ACT 2003 - SCHEME OF DELEGATION

The Licensing Act 2003 required Licensing Committees to determine their own Standing Orders and Schemes of Delegation in the exercise of their functions under that Act. This requirement bypassed the normal Council Standing Orders which had to be approved by the Council.

The Committee considered a report which set out the proposed Scheme of Delegation. The Scheme mirrored the recommendations of the Statutory Guidance issued by the Department of Culture, Media and Sport as well as the Council's Statement of Licensing Policy which was adopted in December 2004.

RESOLVED: That

- (1) the Scheme of Delegation set out in the report be adopted;
- (2) references to "Officers" in the Scheme of Delegation be deemed to refer to the Council Solicitor and any other officer authorised by the Council Solicitor; and
- (3) the Committee reserves the right to deal with any matter which is within the Scheme of Delegation if so recommended by the Council Solicitor.

#### REG2 LICENSING ACT 2003 – PROCEDURAL ISSUES

Section 10 to the Licensing Act 2003 enabled the Regulatory Committee to arrange for the discharge of any of its functions under the Act by a Sub-Committee or by an Officer of the Council.

*Action*

Chief Executive

The Sub-Committee considered a report which outlined procedures for the formal setting up of Sub-Committees and addressed the issue of procedures to be followed in determining hearings under the Licensing Act 2003.

The Council's Constitution contained the Committee's structure for all matters outside the Licensing Act 2003, but it was the responsibility of the Regulatory Committee to set up its Sub-Committee and procedures.

The full transfer of responsibility to the Committee for Licensing functions under the Licensing Act 2003 would take place on the second appointed day (which may be in November 2005). In the meantime, there was potential for a great many appeals in connection with applications for conversion of existing licences from 7<sup>th</sup> February 2005. The function of sub-committees of the Regulatory Committee was to determine various types of application being made to the Council. As the number of such applications could not be predicted, it was proposed to call meetings of Sub-Committees on an ad-hoc basis.

Arising from the discussion, it was agreed that in respect of the Sub-Committees:

- there would be no political balance;
- there would be a flexible selection process;
- there would be daytime meetings but not exclusively; and
- the political balance would be maintained on the Regulatory Committee.

In addition, Section 7 (3) of the Licensing Act 2003 provided that a Licensing Authority may arrange for the discharge by its Licensing Committee of any function of the Authority which related to its licensing functions but was not itself a licensing function.

Since a number of matters within the jurisdiction of the Council's Regulatory Committee were completely unrelated to the 2003 Act, licensing functions (e.g. taxi licensing), this gave rise to a requirement for the Regulatory Committee to meet in distinct capacities. When dealing with the 2003 Act, licensing activities would meet qua licensing committee. When dealing with other matters it would meet qua 'ordinary' Regulatory Committee.

Committee Agendas and Minutes would be structured to make clear the particular capacity which applied to any particular matter.

RESOLVED: That:

- (1) ad-hoc sub-committees in accordance with Section 10 of the Licensing Act 2003 be established to discharge the functions of

the Committee relating to licensing activities under the Committees Scheme of Delegation;

- (2) together with any sub-committee(s) of the Committee determine hearings in accordance with procedures which follow good practice as well as the technical requirements of any regulations for the time being in force;
- (3) the Council Solicitor be delegated in consultation with the Chairman and Vice-Chairman all arrangements for calling extra meetings of the Committee and Sub-Committee(s) in accordance with the principles as set out above; and
- (4) the Regulatory Committee exercise its non-Licensing Act 2003 functions in accordance with the principles set out.

Chief Executive

**REG3 SCHEDULE 12 OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

In view of the nature of the business to be transacted, it was:

RESOLVED: That under Section 100 (A) (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 7 of Part I of Schedule 12A of the Act.

**REG4 TAXI MATTERS**

The Committee was asked to determine four referral cases, details of which had been circulated to Members of the Committee only.

Four of the applicants attended the Committee in support of their application.

RESOLVED: That in respect of

**Case No. 667**

The application for a Single Status Drivers Licence be refused. The applicant was advised that he could re-apply twelve months after his last conviction date and if there had been no further convictions at that time, officers were delegated to grant the licence.

Chief Executive

**Case No. 668**

A Single Status Drivers Licence for a probationary period of twelve months was granted.

**Case No. 669**

The application for a Single Status Drivers Licence was refused. The applicant was advised that he could submit a further application in October 2005. If there had been no further convictions at that date, officers were delegated to grant the licence.

*(NB Councillor Lowe declared a personal interest in the above case due to knowledge of the applicant).*

**Case No. 670**

A written reprimand would be issued.

*Meeting ended at 8.55 pm*