

## REGULATORY COMMITTEE

*At a meeting of the Regulatory Committee held on 20<sup>th</sup> June 2005 at the Town Hall, Runcorn.*

Present: Councillors Philbin (Chairman), Cole, Cross, Drakeley, D. Inch, Gilligan, Lowe, Lloyd-Jones and Pearsall.

Apologies for absence: Councillors E. Ratcliffe and Wainwright.

Absence declared on Council business: None.

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

**NOTE: The jurisdiction of the Regulatory Committee when acting as Licensing Committee under the Licensing Act 2003 is limited by section 7 Licensing Act 2003. This means that the Committee is separately constituted and decisions are separately minuted when acting as licensing committee under the 2003 Act (Part A matters) as distinct from dealing with matters outside of the Licensing Act 2003 (Part B matters).**

*Action*

#### REG7 LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 – URGENT BUSINESS

The Committee was advised that a matter had arisen which required immediate attention by the Committee (Minute REG10 & REG11 refers). Therefore, pursuant to Section 100B(4) and 100E, the Chairman ruled that the items be considered as a matter of urgency.

#### PART B – NON-LICENSING ACT 2003 MATTERS TO BE DETERMINED BY THE REGULATORY COMMITTEE

#### REG8 CROSS BOUNDARY ENFORCEMENT OF TAXI ENFORCEMENT

The Committee received a report which sought to provide for cross boundary enforcement of legislation relating to hackney carriage and private hire legislation through reciprocal arrangements with other licensing authorities.

The enforcement of taxi legislation was governed mainly by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act'). Any contraventions which occurred, whether inside or outside the Borough, were enforced by the Council through its Licensing Section in Legal Services.

However, if a contravention involving a vehicle or driver licensed by the Council was spotted by taxi enforcement staff in neighbouring

authorities, those enforcement officers had little or no jurisdiction to intervene. The best that they could do was report the matter to this Council (or in some cases the police).

The reverse of this was also true. If a contravention involving a vehicle or driver licensed by another local authority was spotted in this Borough by the Council's taxi enforcement officer, he had little or no jurisdiction to intervene. The best that he could do was report the matter to the relevant local authority (or in some cases the police).

The reason for this situation was that the 1976 Act specifically expressed enforcement powers as being exercisable by any authorised officer of the district council which licensed the vehicle or driver being investigated.

Improvements to the service could be achieved by authorising taxi enforcement staff in other local authorities to act (subject to reciprocal arrangements being made) on behalf of this Council. Such staff would become authorised officers of the Council within the meaning of the 1976 Act.

RESOLVED: That

- (1) the Executive Board be recommended, subject to reciprocal arrangements being made, and in accordance with section 101 Local Government Act 1972:
  - (a) to arrange for the discharge by one or more named officers of any other local authority of the Council's enforcement functions in relation to hackney carriage vehicles and drivers and private hire vehicles and drivers to the extent that they arise from actions and/or activities taking place outside of the Borough of Halton;
  - (b) to arrange for the discharge by any other local authority of the Council's prosecution powers in relation to hackney carriage vehicles and drivers and private hire vehicles and drivers to the extent that they relate to actions and/or activities taking place outside of the Borough of Halton;
  - (c) to arrange for the discharge by the Council of the prosecution powers of other local authorities in relation to hackney carriage vehicles and drivers and private hire vehicles and drivers to the extent that they relate to actions and/or activities taking place inside the Borough of Halton; and
- (2) the Council Solicitor be authorised to make all appropriate arrangements in the furtherance of this resolution including entering into reciprocal arrangements with other authorities and the appointment of any named officer of any other local authority as an

Chief  
Executive

authorised officer of the Council within the meaning of the Local Government (Miscellaneous Provisions) Act 1976.

Council  
Solicitor

#### REG9 GAMBLING ACT 2005

The Gambling Act 2005 received Royal Assent on 7<sup>th</sup> April 2005. The Committee received a report which brought it up to date with the Act and its proposed implementation.

The Gambling Act was similar in structure to the Licensing Act 2003. However, it was rather more detailed and covered a wider range of activities. As with the Licensing Act much of the analysis of the regime must wait until regulations were produced. Unlike the Licensing Act, jurisdiction was divided between the Gambling Commission and local authorities.

The Gambling Act was underpinned by three licensing objectives. These were to prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime; ensure that gambling was conducted in a fair and open way; and to protect children and other vulnerable persons from being harmed or exploited by gambling.

The Council would have to prepare a statement of licensing policy analogous to that prepared under the Licensing Act 2003 but all other functions under the Gambling Act must be undertaken by the Regulatory Committee.

RESOLVED: That the Council Solicitor be asked to take the steps necessary to prepare for implementation of the Act and to update the Committee as necessary

Chief  
Executive

#### REG10 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND 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 press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12(A) of the Act.

#### REG11 TAXI MATTERS

The Committee was asked to determine two referral cases, details of which had been circulated to Members of the Committee only. The applicant and his representative attended and addressed the Committee, for Case No. 665.

RESOLVED: That in respect of:

Case No. 664

The case was withdrawn.

Case No. 665

A single status licence be granted for a 12-month probationary period with three conditions, which are:

- (1) that if the applicant's appeal failed and the conviction stood that conviction would be brought back before the Committee to be dealt with;
- (2) if convicted of any further offences during the 12-month probationary period of the licence that conviction would automatically be brought back to the Committee; and
- (3) if no further convictions were revealed within the 12-month probationary period then a three-year licence would be granted automatically subject to normal taxi licensing criteria at the end of the 12 month probationary period.

*Meeting ended at 8.30 pm*

Chief  
Executive