

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee held on 4th April 2005 at the Town Hall, Runcorn.

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

Apologies for absence: Councillor E. Ratcliffe.

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).

PART A – MATTERS WITHIN THE AMBIT OF THE LICENSING ACT 2003 TO BE DETERMINED BY THE REGULATORY COMMITTEE AS STATUTORY LICENSING COMMITTEE

Action

REG5 LICENSING ACT 2003 – SUB COMMITTEES QUORUM

At the last meeting of the Committee the issue of whether it was possible for Sub-Committees to have a quorum was raised. At that time the regulations issued under the Licensing Act 2003 were still in the process of being issued and assessed. The question was therefore deferred to this meeting.

The Committee was advised that as of March 2005 the only procedural regulations to have been made relate to the Conduct of Hearings. Therefore under Section 9 (3) of the 2003 Act, a Licensing Committee could set a quorum for itself and its sub-committees. The Council's Regulatory Committee had dual functions: it follows the Local Government Act 1972 rules for its procedures (including its quorum). However, sub-committee was not subject to the Local Government Act and any quorum could be chosen.

The Committee stressed that every effort be made to ensure that three members are in attendance at Sub-Committee meetings, and experience with other Council activities had demonstrated that full attendance at sub-committees was the norm. However in exceptional circumstances a quorum would be sensible so that hearings could be

guaranteed to take place. The minimum acceptable quorum would be two.

RESOLVED: That

- (1) the quorum for Sub-Committee meetings of the Regulatory Committee will be two; and
- (2) the quorum for the Sub-Committees be reviewed after a six month period.

Chief Executive

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

REG6 TAXI LICENSING MATTER

The Committee was advised that when applying for a single status drivers licence in Halton applicants were required to sign various declarations. Recently, when renewing their current single status drivers licences, two current licence holders had deleted declaration no. 6 before signing and submitting their applications.

Declaration 6 states 'I authorise any details disclosed by me to the Council to be used by the Council and any Government Agency in the investigations of matters involving or related to my status as a licence holder'. The applicants were assured that the personal information would be used for legal search purposes only as opposed to commercial distribution.

The Committee reviewed the Council's existing policy on this matter and considered that unwillingness to provide information as set out in the policy was not consistent with a finding that applicants were fit and proper to hold licences, especially since the matter would in general relate to the honesty of the individual applicant.

RESOLVED: That

- (1) the Council's existing policy be confirmed; and
- (2) applicants who refuse to comply with the policy be referred to the Committee so that their suitability to be licence holders could be determined.

Meeting ended at 7.30 pm