

## REGULATORY COMMITTEE

*At a meeting of the Regulatory Committee on Monday, 22 January 2007 in the Council Chamber, Runcorn Town Hall*

Present: Councillors Philbin (Chairman), Pearsall (Vice-Chairman), Cole, Cross, D Inch, Lowe, Nelson and Wainwright

Apologies for Absence: Councillors Drakeley, Gilligan and E Ratcliffe

Absence declared on Council business: (none)

Officers present: G. Ferguson, K. Cleary, J. Findlow, J. Tully and C Cullen

Also in attendance: 1 Member of the public

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

*Action*

#### REG17 MINUTES

The Minutes of the meeting held on 13<sup>th</sup> November 2006 having been printed and circulated were taken as read and signed by the Vice-Chairman as a correct record.

#### REG18 TAXI & PRIVATE HIRE VEHICLE LICENSING – BEST PRACTICE GUIDANCE

The Department for Transport (DfT) had prepared a Best Practice Guidance to assist Hackney and Private Hire Vehicle Licensing Authorities.

A copy of the guidance had been published and had been circulated to Members together with a comparison which summarised the differences between the guidance and the practices currently carried out by the Council.

In the vast majority of cases the best practice recommended by the DfT coincides with practice adopted by the Council for many years. There were some areas of disagreement as to what constitutes best practice. These were explained in the report and at the meeting.

The Committee requested one matter to be reviewed.

This relates to the appropriate ages for mandatory medical examinations for Single Status Drivers and the appropriate frequency of such examinations.

RESOLVED: That

(1) the contents of the report by the Department for Transport be noted and the analysis of that report be endorsed; and

(2) a consultation exercise be undertaken as to the appropriate ages for mandatory medical examinations for Single Status Drivers and the appropriate frequency of such examinations.

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#### REG19 GAMBLING ACT 2005 - POWERS AND DUTIES REVIEW

The Gambling Act 2005 was due to come fully into effect in September 2007 with a number of transitional arrangements coming into effect in April 2007. The role of the Regulatory Committee under the Gambling Act 2005 was similar to that under the Licensing Act 2003.

The Committee was advised that Section 154 of the Gambling Act 2005 stated that the functions under Part 8 of that Act were automatically delegated to the Licensing Committee of every Licensing Authority established under the Licensing Act 2003.

However, there were three exceptions to this automatic delegation under the Gambling Act 2005. The functions of the Licensing Authority under Section 166 (Resolutions not to Issue Casino Licences) and Section 249 (Three year Licensing Policies) may only be exercisable by full Council. Furthermore, although not automatically delegated to the Regulatory Committee, Council was authorised delegated functions under Section 212 (Setting Fee).

The Gambling Act 2005 adopted section 10 of the Licensing Act 2003. This had the effect of enabling the Regulatory Committee to arrange for the discharge of any of its functions by a sub committee or (subject to limitations) by an officer of the licensing authority. It was proposed to put forward a scheme of Sub-Committee Powers and Duties and Officer Delegations similar to those already in place under the Licensing Act 2003. It was also noted that training for Members on the Gambling Act 2005 would be arranged in the near future.

The effect of the Gambling Act 2005 on Powers and Duties of the Regulatory Committee and the Scheme of Delegation to Officers as set out in the Council's Constitution was outlined in the report.

The Committee considered it appropriate that the Council delegate to the Regulatory Committee its functions under section 212 Gambling Act 2005 (Setting Fees)

RESOLVED: That

(1) the powers and duties of the Regulatory Committee as amended by the Gaming Act 2005 be noted;

(2) the Regulatory Committee sub-delegates its powers and duties under the Gambling Act 2005 to a Sub-Committee or Sub-Committees of the Regulatory Committee as set out in the report;

(3) the Regulatory Committee sub-delegates its powers and duties under the Gaming Act 2005 to the extent set out in the report;

(4) the Executive Board be requested to recommend the Council to amend the Constitution of the Council accordingly; and

(5) the Executive Board be requested to recommend the Council to delegate authority to the Regulatory Committee its power to set fees under section 212 Gambling Act 2005 in accordance with section 154 Gambling Act 2005.

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REG20 SCHEDULE 12A 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, having been satisfied that in all of the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information the press and the public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A of the Act.

REG21 TAXI MATTER

The Committee were asked to consider a complaint by the holder of a Single Status and Hackney Carriage Vehicle Licence which alleged grave misconduct by the Enforcement Officer in that he obtained a private document (Vehicle Pre-Test Sheet) illegally without permission.

Before reaching a decision, the Committee considered representations from the complainant and they also heard from Mr. Tully (Group Solicitor – Environment), J. Findlow (Enforcement Officer) and C. Cullen (Vehicle Contracts Manager). The Committee also considered a copy of the agenda and copies of additional paperwork submitted by the Legal Services Department and the Complainant at the hearing.

Members of the Committee left the room to consider the complaint.

Following consideration of all the information presented, the Committee returned and a decision was provided to the Complainant.

RESOLVED: That although it was stated that the taxi was off the road and there was no doubt about the complainant's integrity as a long standing taxi driver, it was important that policies were in place which applied to all Members of the Taxi Trade. The Committee had decided that members of staff had conducted themselves as expected and the staff at Lowerhouse Lane Garage had exercised a duty of care to inform the Enforcement Officer on the results of the test. The Committee established that there was no such thing as a "private test" where licensed vehicles were concerned, and a "pre-test" was still a test. The Committee also found that the Enforcement Officer, Mr. Findlow be exonerated of all allegations put to him.

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*Meeting ended at 10.18 p.m.*