



**Regulatory Committee**

**Wednesday, 25 September 2013 6.30 p.m.  
Council Chamber, Runcorn Town Hall**



**Chief Executive**

**COMMITTEE MEMBERSHIP**

<b>Councillor Kath Loftus (Chairman)</b>
<b>Councillor Pamela Wallace (Vice-Chairman)</b>
<b>Councillor Frank Fraser</b>
<b>Councillor Mike Fry</b>
<b>Councillor Pauline Hignett</b>
<b>Councillor Harry Howard</b>
<b>Councillor Darren Lea</b>
<b>Councillor Alan Lowe</b>
<b>Councillor Tony McDermott</b>
<b>Councillor Stef Nelson</b>
<b>Councillor Gareth Stockton</b>

*Please contact Gill Ferguson on 0151 511 8059 or e-mail [gill.ferguson@halton.gov.uk](mailto:gill.ferguson@halton.gov.uk) for further information.  
The next meeting of the Committee is on Monday, 18 November 2013*

**ITEMS TO BE DEALT WITH  
IN THE PRESENCE OF THE PRESS AND PUBLIC**

**Part I**

<b>Item No.</b>	<b>Page No.</b>
<b>1. MINUTES</b>	
<b>2. DECLARATION OF INTEREST</b>	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary interests, to leave the meeting during any discussion or voting on the item.	
<b>3. HYPNOTISM ACT 1952</b>	<b>4 - 6</b>
<b>4. SCRAP METAL DEALERS ACT 2013</b>	<b>7 - 8</b>
<b>5. SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985</b>	

**PART II**

In this case the Board has a discretion to exclude the press and public and, in view of the nature of the business to be transacted, it is **RECOMMENDED** that under Section 100A(4) of the Local Government Act 1972, having been satisfied that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, 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 paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act.

<b>6. TAXI LICENSING MATTER</b>	<b>9 - 12</b>
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***In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.***

<b>REPORT:</b>	Regulatory Committee
<b>DATE:</b>	25 September 2013
<b>REPORTING OFFICER:</b>	Chief Executive
<b>PORTFOLIO:</b>	Resources
<b>SUBJECT:</b>	Hypnotism Act 1952
<b>WARDS:</b>	Borough-wide

**1. PURPOSE OF REPORT**

(1) To determine an application received for an authorisation under the Hypnotism Act 1952 and (2) Obtain officer delegation for all future applications.

**2. RECOMMENDED: That**

**(1) the application be determined; and**

**(2) the Operational Director Legal and Democratic be authorised to determine applications for authorisations under the Hypnotism Act 1952 as amended.**

**3. INTRODUCTION AND BACKGROUND INFORMATION**

**3.1** An application for an authorisation for a performance of hypnotism has been received by the Council for a performance to take place on 31 December 2013 at the Mill Brow Social Club in Widnes.

**3.2** Prior to the introduction of the Licensing Act 2003, by virtue of the Hypnotism Act 1952, a Public Entertainment Licence issued under the Local Government (Miscellaneous Provisions) Act 1982 was required for premises where performances of hypnotism were given.

**3.3** One of the provisions of the Licensing Act 2003 was to abolish Public Entertainment Licences and replace them within the ambit of premises Licences (as regulated entertainment). However, the 2003 Act did not include hypnotism within the definition of regulated entertainment. Instead, hypnotism is controlled under provisions within the Hypnotism Act 1952.

**3.4** Under the Hypnotism Act 1952 a performance of hypnotism requires an authorisation to be issued by the Council. The Council

has a set of conditions which may be attached to authorisations (as set out at Appendix 1).

3.5 There is no right of appeal against the refusal to grant an authorisation or the imposition of conditions but all decisions may be subject to judicial review.

**4. PROCESSING APPLICATIONS**

4.1 Dealing with applications under the Hypnotism Act 1952 is a Regulatory Committee function (Committee Terms of Reference 17B in the Constitution).

4.2 The Licensing Act 2003 further provides that applications under the Hypnotism Act 1952 are 'licensing functions' within the meaning of the 2003 Act.

4.4 This causes a technical difficulty. Existing delegations cover such applications for the pre-2003 Act regime. However, Officer delegations from the Regulatory Committee relating to licensing functions under the Licensing Act 2003 must be the subject of a resolution by the Regulatory Committee. Existing resolutions do not currently include the Hypnotism Act 1952. It is recommended in this report that the delegation be put in place.

4.4 Delegations will be added to the next version of the Constitution.

**4 ISSUES ARISING**

None

**5. POLICY IMPLICATIONS**

None

**6 OTHER IMPLICATIONS**

None

**7 IMPLICATIONS FOR THE COUNCILS PRIORITIES**

**7.1 Children and Young People in Halton**

None

**7.2 Employment Learning and Skills in Halton**

None

**7.3 A healthy Halton**

N/A

**7.4 A Safer Halton**

None

**7.5 Halton's Urban Renewal**

N/A

**8 RISK ANALYSIS**  
N/A

**9 EQUALITY AND DIVERSITY ISSUES**

**10 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF  
THE LOCAL GOVERNMENT ACT 1972**

**Document**

**Place of Inspection**

**Contact Officer**

John Tully/  
Kay Cleary

<b>REPORT:</b>	Regulatory Committee
<b>DATE:</b>	25 September 2013
<b>REPORTING OFFICER:</b>	Chief Executive
<b>PORTFOLIO:</b>	Resources
<b>SUBJECT:</b>	Scrap Metal Dealers Act 2013
<b>WARDS:</b>	Borough-wide

**1. PURPOSE OF REPORT**

(1) To request officer delegation to (1) determine the fees to be charged and (2) determine applications received under the Scrap Metal Dealers Act 2013.

**2. RECOMMENDED: The Operational Director Legal and Democratic, in consultation with the Chairman of the Regulatory Committee, be authorised with respect to the Scrap Metal Dealers Act 2013 (“the 2013 Act”) to:**

**(1) determine the level of fees to be charged by the Council;  
and  
(2) determine applications under the 2013 Act.**

**3. INTRODUCTION AND BACKGROUND INFORMATION**

**3.1** The Scrap Metal Dealers Act 2013 (“the 2013 Act”) will replace (in addition to other legislation) the Scrap Metal Dealers Act 1964 (“the 1964 Act”) and the Motor Salvage Operators provisions in the Vehicles (Crime) Act 2001 (“the 2001 Act”).

**3.2** The Council has been advised that the 2013 Act may be brought into effect on 1 October 2013. From the date the Act comes into effect the Council is required to set the fees to be charged for the licences and determine applications.

**3.3** At the time of writing this report regulations have not been made regarding the application process. The Council must determine the fees it will charge having regard to the work involved and this will be dependent on what the regulations specify. Therefore the Council is unable to determine the fees in advance of receiving the regulations.

**3.4** Whenever the 2013 Act is brought into effect it is likely that there will be very little time between the regulations being supplied and the date that the new system going live.

**3.5** The administration of the existing legislation is carried out by the OD-LD and it is appropriate to apply the equivalent delegation provisions to the 2013 Act.

**3.6** The Council's records show that currently there are 28 Scrap Metals Dealers and 4 Motor Salvage Operators operating in Halton. These businesses will be caught by the new licensing system. At present no charges may be made for registering scrap metal dealers under the 1964 Act but charges can be made in respect of licensing motor salvage operators under the 2001 Act. However, it will be apparent that the small numbers involved will mean that the impact of the 2013 Act on the Council will be small.

**4 ISSUES ARISING**

None

**5. POLICY IMPLICATIONS**

None

**6 OTHER IMPLICATIONS**

None

**7 IMPLICATIONS FOR THE COUNCILS PRIORITIES**

**7.1 Children and Young People in Halton**

None

**7.2 Employment Learning and Skills in Halton**

None

**7.3 A healthy Halton**

N/A

**7.4 A Safer Halton**

None

**7.5 Halton's Urban Renewal**

N/A

**8 RISK ANALYSIS**

N/A

**9 EQUALITY AND DIVERSITY ISSUES**

N/A

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Document is Restricted