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Regulatory Committee

**Wednesday, 27 November 2024 6.30 p.m.
The Board Room - Municipal Building,
Widnes**

A handwritten signature in black ink that reads 'S. Young'.

Chief Executive

COMMITTEE MEMBERSHIP

Councillor Pamela Wallace (Chair)
Councillor John Abbott (Vice-Chair)
Councillor Irene Bramwell
Councillor Eddie Dourley
Councillor Mike Fry
Councillor Valerie Hill
Councillor Colin Hughes
Councillor Kath Loftus
Councillor Angela McInerney
Councillor Gareth Stockton
Councillor Angela Teeling

*Please contact **Kim.Butler** on 0151 5117496 or e-mail kim.butler@halton.gov.uk for further information.*

The next meeting of the Committee is on Wednesday, 8 January 2025

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

Part I

Item No.	Page No.
1. MINUTES	1 - 5
2. DECLARATION OF INTEREST	
<p>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.</p>	
3. TAXI ENFORCEMENT POLICY	6 - 8

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.

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee on Wednesday, 9 October 2024 in the Council Chamber, Runcorn Town Hall

Present: Councillors Wallace (Chair), Abbott (Vice-Chair), Bramwell, Dourley, Fry, V. Hill, K. Loftus and Teeling

Apologies for Absence: Councillors Hughes and A. McInerney

Absence declared on Council business: None

Officers present: K. Hesketh, W. Pringle and A. Strickland

Also in attendance: None

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

	<i>Action</i>
REG3 MINUTES	
<p>The Minutes of the meeting held on 3 July 2024 having been circulated were signed as a correct record.</p>	
REG4 TAXI LICENSING POLICY AMENDMENTS	
<p>The Committee considered four matters, the first was to consider amendments to the Taxi Licensing Policy.</p> <p>The request was on the following points:</p> <ul style="list-style-type: none"> • Age of vehicles; • Card readers; • Colour of purpose-built vehicles; • Space wheel/space saver; • Fire extinguisher; and • Age of electric vehicles. <p><u>Age of Vehicles</u></p> <p>The Committee considered a report which outlined a request from the Taxi Trade to review the vehicle age policy</p>	

due to the cost of replacing vehicles. There were 111 replies to the consultation; 52 replies were in favour of the change, 52 replies were not in favour of the change and 7 replies made no comment.

The Committee considered the report and the outcome of the consultation.

RESOLVED: That the Council should remove the minimum age requirement from 5 years to 7 years for a standard vehicle and maximum from 10 to 12 years and keep the minimum age of 13 years for wheelchair accessible vehicles but increase the maximum to 18, with the same testing conditions as two per year.

Card Readers

The Committee considered a report which outlined a request from one of the Private Hire Operators that this should be reviewed by the Licensing Department. There were 111 replies to the consultation; 26 replies were in favour of the change, 80 replies were not in favour of the change and 5 replies made no comment.

The Committee considered the report and the outcome of the consultation.

RESOLVED: That the Council should not require a card reader.

Colour of purpose-built vehicles

The Committee considered a report which outlined a request from the Taxi Trade that purpose built vehicles (Fully Accessible Vehicles) for Hackney Carriage Vehicles should be any colour due to the cost of replacing them. There were 111 replies to the consultation; 23 replies were in favour of the change, 27 replies were not in favour of the change and 61 replies made no comment.

The Committee considered the report and the outcome of the consultation.

RESOLVED: That the Council should maintain the current policy.

Spare Wheel/Space Saver

The Committee considered a report which outlined a request from the Taxi Trade to remove the condition for a spare wheel/space save. The request was made due to

purchasing new vehicles, manufacturers did not provide a spare wheel or space saver they now only provide the manufacturer tyre kit. There were 111 replies to the consultation; 78 replies were in favour of the change, 18 replies were not in favour of the change and 15 replies made no comment.

RESOLVED: That the Council should remove the current policy requirements for a space saver/spare wheel in the vehicle (with the implications that the manufacturers specifications applies).

Fire Extinguishers

The Committee considered a report which outlined a request from the Taxi Trade to remove this condition due to not being required any longer. There were 111 replies to the consultation; 30 replies were in favour of the change, 21 replies were not in favour of the change and 60 replies made no comment.

RESOLVED: That the Council should keep the requirement for a fire extinguisher in the vehicle as per current policy.

Age of Electric Vehicles

The Committee considered a report which outlined a request from the Taxi Trade to review the vehicle age policy for Electric Vehicles due to the financial cost. There were 111 replies to the consultation; 30 replies were in favour of the change, 8 replies were not in favour of the change and 73 replies made no comment.

The Committee considered the report and the outcome of the consultation.

RESOLVED: That the Council should maintain the current policy with no difference between licensing convectional and electric vehicles.

Director, Legal
and Democratic
Services

REG5 GAMBLING ACT 2005 STATEMENT OF GAMBLING POLICY

The Committee considered a request to approve a Draft Statement of Gambling Policy for recommendation to the Council for adoption. The Committee was advised that one reply was received following the consultation process.

Following the comments received during the

consultation exercise, Halton Borough Council would publish the details of the National Gambling Helpline on its website for information.

RESOLVED: That an appropriate form of wording for the Council resolution would be: "The Council":

Director, Legal
and Democratic
Services

- 1) adopts the Statement of Gambling Policy attached to the report to come into effect immediately following the expiry of the current Policy; and
- 2) agrees that the Director of Legal and Democratic Services publishes the Statement in accordance with Section 349 Gambling Act 2005 and the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006".

REG6 TAXI ENFORCEMENT POLICY

The Committee considered a report to accept powers delegated from the City of Wolverhampton Council to Halton Borough Council, under Section 101 of the Local Government Act 1972.

Since the introduction of the Deregulation Act 2015, Private Hire Operators have been allowed to subcontract bookings to any other Private Hire Operator. This had resulted in an increase of vehicles completing bookings in one local authority area although the driver and vehicles were licensed in a different local authority area.

The City of Wolverhampton Council had recently piloted a scheme with Milton Keynes Borough Council for a period of 6 months. The scheme had been successful and had now been offered to other Local Authorities, one of them being Halton Borough Council.

RESOLVED: That the Committee:

- 1) approve the proposed formal arrangements between the City of Wolverhampton Council and Halton Borough Council, in relation to officer authorisation concerning Taxi and Private Hire licensing functions; and
- 2) accept the powers delegated by the City of Wolverhampton Council under Section 101 Local Government Act 1972.

REG7 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Board considered:

- 1) whether members of the press and public should be excluded from the meeting of the Board during consideration of the following items of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972, because it was likely that, in view of the nature of the business to be considered, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972; and
- 2) whether the disclosure of information was in the public interest, whether any relevant exemptions were applicable and whether, when applying the public interest test and exemptions, the public interest in maintaining the exemption outweighed that in disclosing the information.

RESOLVED: That, as in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, members of the press and public be excluded from the meeting during consideration of the following item of business, in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it was likely that, in view of the nature of the business, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972.

REG8 TAXI LICENSING UPDATE

The Committee considered a report summarising the decisions taken by the Taxi Licensing Sub Committee, Regulatory Sub Committee and the urgent decisions taken by the Chief Executive under delegated powers.

RESOLVED: That the contents of the report be noted.

Meeting ended at 7.35 p.m.

REPORT:	Regulatory Committee
DATE:	27 November 2024
REPORTING OFFICER:	Director – Legal and Democratic Services
PORTFOLIO:	Resources
SUBJECT:	Taxi Enforcement Policy
WARDS:	Borough-wide

1. PURPOSE OF REPORT

- 1.1. To seek approval from the Committee for authorisation of officers from the City of Wolverhampton Council to undertake compliance functions on behalf of Halton Borough Council under Section 68 and 73 of the Local Government (Miscellaneous Provisions) Act 1976, as amended.

2. RECOMMENDATION: That the Committee:

- 1) approve the proposed formal arrangement between the City of Wolverhampton Council and Halton Borough Council in relation to officer authorisation concerning Taxi and Private Hire licensing functions; and**
- 2) delegate the powers to the City of Wolverhampton Council under section 101 Local Government Act 1972 accordingly.**

3. BACKGROUND

- 3.1. On 9 October 2024, Members will recall a report was presented regarding accepting the formal arrangement between the City of Wolverhampton Council and Halton Borough Council.
- 3.2. This report is to provide the City of Wolverhampton Council the same powers under the formal arrangement.
- 3.3. Providing the City of Wolverhampton, Enforcement Team the same powers, encourages partnership working with other Authorities, and provides a strengthened enforcement function generally, which should be of benefit to the people of Halton.
- 3.4. Section 5.3 of the Department for Transport's 'Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England' states, "Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise

officers enables the use of compliance and enforcement powers regardless of which authority within the agreement employs the officer and which issued the licence. This will mitigate the opportunities for licensees to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the LGA Councillors' handbook."

- 3.5. In the event this report is approved, a letter of authorisation for each of the named officers at Wolverhampton City Council will be provided, and this can be shown to the licensees. Copies of the licence conditions and relevant policies will be exchanged, as well as information on reporting enforcement action. enabling officers at Wolverhampton City Council to enforce licensing requirements for vehicles carrying a plate licensed with Halton Borough Council.
- 3.6. All licence holders which are licensed by Wolverhampton will be made aware of the joint authorisation.

4. POLICY IMPLICATIONS

None

5. OTHER IMPLICATIONS

- 5.1 There are no other implications arising out of this report.

6. IMPLICATIONS FOR THE COUNCILS PRIORITIES

6.1. Improving Health, Promoting Wellbeing and Supporting Greater Independence

None

6.2. Building a Strong, Sustainable Local Economy

None

6.3. Supporting Children, Young People and Families

None

6.4. Tackling Inequality and Helping Those Who Are Most In Need

None

6.5. Working Towards a Greener Future

None

6.6 Valuing and Appreciating Halton and Our Community

None

7. RISK ANALYSIS

7.1. None identified.

8. EQUALITY AND DIVERSITY ISSUES

8.1. There are no equality and diversity issues to highlight.

9. CLIMATE CHANGE IMPLICATIONS

9.1. There are no climate change implications since the decision will have no effect on the environment.

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

None under the meaning of the Act.