

REPORT: Council

DATE: 14 September 2016

REPORTING OFFICER: Strategic Director, Enterprise, Community & Resources

PORTFOLIO: Resources

SUBJECT: Part II of Local Government (Miscellaneous Provisions) Act 1976

WARD: Boroughwide

1. PURPOSE OF REPORT

To adopt to the extent it is not already in force Part II of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act).

2. RECOMMENDATION:

The Council be recommended to pass the adoption resolution in the following terms:

“ (1) To the extent that they are not already in force the provisions of Part II of Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act) (other than section 45), are to apply to the whole area of the Council on and after the appointed day;

(2) The appointed day for the purposes of this resolution shall be 24th October 2016 (being not before the expiration of the period of one month beginning with the day on which the resolution is passed).

(3) All powers, duties and provisions in the Council’s Constitution relating to Part II of the Local Government (Miscellaneous Provisions) Act 1976 and all existing policies, practices and conditions relating thereto shall continue to apply on and after the appointed day”.

3. GENERAL

3.1 On 2nd March 2016 the Council resolved that it intended to pass a resolution at a future meeting (the “adoption resolution”) to adopt Part II of the 1976 Act which deals with regulation of private hire and hackney carriage matters. At that meeting it was reported that the 1976 Act was an adoptive provision which had previously been adopted by the Council

but that a number of records relating to the adoption could not be traced. A resolution to adopt this legislation (to the extent that it was not already in place) was therefore appropriate. Certain procedural requirements had to be met before such a resolution could be made.

- 3.2 The Operational Director Legal and Democratic Services was directed to publish and serve notice as required by Section 45 of the 1976 Act.
- 3.3 Advertisements were placed in two consecutive weeks in the Runcorn and Widnes Weekly News (on 12th May 2016 and on 19th May 2016) giving notice of intention to pass the adoption resolution in accordance with the 1976 Act.
- 3.4 On 5th May 2016 notices of intention to pass the adoption resolution were served on the parish councils within the Borough in accordance with the 1976 Act.
- 3.5 No responses were received in respect of the notices.
- 3.6 It is therefore appropriate to proceed to the adoption process. This involves the passing of the adoption resolution.
- 3.7 Following the adoption resolution there are no further procedural requirements - such as the placing of advertisements in local newspapers.

4 POLICY IMPLICATIONS

There are no policy or finance implications arising out of this agenda

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

| Document | Place of Inspection | Contact Officer |
|-----------------|----------------------------|------------------------|
| Background File | Legal Services | John Tully/Kay Cleary |