

## REGULATORY COMMITTEE

*At a meeting of the Regulatory Committee on Monday, 18 June 2007 in the Civic Suite, Town Hall, Runcorn*

Present: Councillors Philbin (Chairman), Wallace (Vice-Chairman), Howard, A. Lowe and D Inch

Apologies for Absence: Councillors Bryant, Cross, Drakeley, Nelson, E Ratcliffe and Wainwright

Absence declared on Council business: None

Officers present: G. Ferguson, L. Capper, K. Cleary and J. Findlow

Also in attendance: 2 members of the public

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

REG2 LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 – URGENT BUSINESS

The Committee was advised that a matter had arisen which required immediate attention by the Committee because a decision was required before the date of the next meeting (Minute REG8 refers), therefore pursuant to Section 100 B (4) and 100 E Local Government Act 1972, the Chairman ruled that the items be considered as a matter of urgency.

REG3 MINUTES

The Minutes of the meeting held on 19<sup>th</sup> March 2007 having been printed and circulated were taken as read and signed by the Chairman as a correct record.

REG4 GAMBLING ACT 2005 – PREMISES LICENCE FEES

At a previous meeting of the Committee held on 22<sup>nd</sup> January 2007, it was resolved to introduce a scheme of delegations to comply with the Gambling Act 2005 and in

*Action*

addition to request the Council to delegate powers to set fees under Section 212 of the Gambling Act 2005.

The Council had subsequently endorsed the request made by the Committee.

Therefore the decision as to the level of fees to be determined by the Council could be undertaken either by the Committee or by officers acting under delegated powers.

The Gambling Act 2005 had two basic categories of fees (in so far as relevant to the Council).

The first category related to premises licence applications. Regulations specified the maximum amount which may be charged by the licensing authorities. The second category related to fees for various kinds of permit and registration under the Gambling Act 2005. These fees were prescribed by Regulations and the Council had no discretion in the matter. The Department of Culture, Media and Sports issued a circular letter in early May 2007 requesting local authorities to publish the fees to apply in their area by 21<sup>st</sup> May 2007. The fees to apply for at least the first 12 months of the new system were therefore determined under delegated powers and circulated to Members for information.

RESOLVED: That the fees regime outlined in the report in relation to the Gambling Act 2005 be endorsed.

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## REG5 TAXI LICENSING MATTER

In view of the continuing delay in receiving Criminal Record Bureau (CRB) reports for licensed Single Status Drivers, (SSD) the Committee were requested to consider alternative ways of ensuring drivers remain working whilst awaiting the reports.

At present, all new and renewal applications for SSD require a CRB check in addition to other documentation before the licence was issued. An SSD Licence would not be issued to a new applicant until such time as a CRB Form had been received. Renewal applications forms were sent to all SSD Holders approximately two months before the expiry of their current licence. Until recently, CRB checks were returned within 4 – 6 weeks. However, on average CRB checks were now taking in excess of 12 weeks to be processed and the delay appeared to be at the Police

checking stage. Drivers who did not submit their application four weeks prior to the expiry of the licence could find themselves unable to work as a taxi driver until the CRB and other relevant documents were received by the Licensing Section.

RESOLVED:

(1) that cover notes be issued to Single Status Drivers who submit renewal applications six weeks prior to the expiry of their licence to enable them to continue driving provided all other documentation is received; and

(2) authority be delegated to officers within Legal Services in consultation with the Chair of Regulatory Committee to apply discretion for Single Status Drivers renewal applications.

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REG6 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Committee considered:

(1) whether Members of the press and public should be excluded from the meeting of the Committee 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 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 outweighs 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 is likely that, in view of the nature of the business, exempt information will

be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972.

REG7 TAXI LICENSING MATTER

The Committee considered a request from a holder of a Hackney Carriage Vehicle Licence to be allowed to complete a late renewal of the licence.

Before reaching a decision, the Committee considered representations from the applicant and they also heard from K Cleary and J. Findlow.

The Committee also considered a copy of the agenda and copies of additional paperwork submitted by the applicant at the hearing.

The applicant and J. Findlow left the room whilst the Committee made a decision.

Following consideration of all the information presented, the applicant and J. Findlow returned and the decision was provided to them.

RESOLVED: That Hackney Carriage Vehicle Licence is reissued to the applicant subject to the following conditions:

- For 12 months the vehicle will undergo three compliance tests during the period of the licence;
- failure to attend for the prearranged tests or the vehicle failing the test will result in the immediate suspension of the vehicle licence and the matter being referred back to the Regulatory Committee; and
- the applicant is required to attend before the Regulatory Committee at a meeting in 12 months time.

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*Meeting ended at 8.20 p.m.*