

REPORT TO: Regulatory Committee

DATE: 18 January 2017

REPORTING OFFICER: Strategic Director Enterprise, Community and Resources

PORTFOLIO: Resources

SUBJECT: Re-adoption of legislation and Changes to taxi licencing conditions

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

An information item to:-

- (1) Update the Committee regarding the adoption/re-adoption of legislation relating to (a) Taxi Licensing matters under the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act") and to (b) Street Trading matters under the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act");
- (2) Form a record of the various decisions relating to (1) above; and
- (3) Update the Committee about the adoption of Taxi Licensing conditions..

2.0 RECOMMENDATION: That the content of the report be noted.

3.0 BACKGROUND INFORMATION

- 3.1 At its meeting held on 18th January 2016 the Committee began the process of adopting/re-adopting Part II of the 1976 Act. This process has now been completed. Appendix 1 lists the relevant minutes.
- 3.2 At its meeting held on 18th January 2016 the Committee began the process of adopting/re-adopting the provisions relating to the designation of streets in the 1982 Act. This process has now been completed. Appendix 2 lists the relevant minutes.
- 3.3 At its meeting held on 5th October 2016 the Committee resolved to recommend that the Executive Board adopt amendments and additions to Hackney Carriage and Private Hire Vehicle Conditions. This process has now been completed and Appendix 3 lists the relevant minutes.

3.4 The reports associated with the minutes show that all relevant procedural requirements were complied with.

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 files	Legal Services	John Tully/Kay Cleary

Part II Local Government (Miscellaneous Provisions) Act 1976

1. Regulatory Committee 18th January 2016

(Minute REG 30)

On 18th January 2016 the Regulatory Committee recommended to Council that the Council resolve that it intends to pass a resolution at a future meeting (the "Adoption Resolution")

- (1) to adopt to the extent that they are not in force in the Borough the provisions of Part II of Local Government (Miscellaneous Provisions) Act 1976 (the "1976 Act"), (other than section 45), to apply to the whole area of the Council on and after the appointed day stated in that resolution
- (2) the OD-LD be directed to publish and serve notice as required by section 45 of the 1976 Act
- (3) following compliance with item (2) of the resolution the matter be reported back to Council for the Adoption resolution to be considered.

2. Council 2nd March 2016

(Minute COU 76)

On 2nd March 2016 Council resolved that Council intends to pass a resolution at a future meeting (the Adoption Resolution)

- (1) To adopt to the extent that they are not already in force in the Borough, provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act), (other than section 45), to apply to the whole area of the Council on and after the appointed day started in the resolution;
- (2) The Operational Director, Legal and Democratic Services, be directed to publish and serve notice as required by Section 45 of the 1976 Act; and
- (3) Following compliance with item (2) of this resolution, the matter be reported back to Council for the Adoption Resolution to be considered.

3. Council 14th September 2016

(Minute COU 30)

On 14th September 2016 Council resolved to pass the adoption resolution in the following terms

- (1) To the extent that they are 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 24 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 Councils 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

APPENDIX2

Street Trading – Local Government (Miscellaneous Provisions) Act 1982

1. Regulatory Committee 18th January 2016

(Minute REG 31)

On 18th January 2016 the Regulatory Committee recommended to Council that the Council

- (1) Pass the Designation Resolution set out in the Appendix to the report and
- (2) the OD – LD be authorised to prepare and publish notice as required by Schedule 4 of Local Government (Miscellaneous Provisions) Act 1982

2. Council 2nd March 2016

(Minute COU 77)

On 2nd March 2016 Council resolved to

- (1) Pass the Designation Resolution set out in Appendix 1 attached to the report; and
- (2) That the Operational Director, Legal and Democratic Services, be authorised to prepare and to publish notice as required by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

3. Council 14th September 2016

(Minute COU 31)

On 14th September 2016 Council recommended to

- (1) Pass the Designation resolution as set out at paragraph 4 to the report and

(2)The OD-LD was directed to publish the (Schedule 4) notices required by Schedule 4 Paragraph 2 (9) of the Local Government (Miscellaneous Provisions) Act 1982

APPENDIX 3

Hackney Carriage and Private Hire Vehicle amendments and Additions

1. Regulatory Committee 5th October 2016

(Minute REG 14)

On 5th October 2016 the Regulatory Committee met to consider amendment and additions to Hackney Carriage and Private Hire Vehicle Conditions. The Committee resolved to amend and add conditions and were advised that the decision of the Regulatory Committee is made by way of recommendation to the Executive Board.

2. Executive Board 20th October 2016

(Minute EXB 51)

On 20th October 2016 Executive Board resolved that

- 1) the policy changes amending existing conditions relating to hackney carriage and private hire licensing as recommended by the Regulatory Committee at its meeting on 5 October 2016, be adopted as Council Policy;
- 2) the adoption shall take effect on 24 October 2016; and
- 3) to reflect the decision of the Council at its meeting held on 14 September 2016 (which related to the adoption and re-adoption of part II Local Government (Miscellaneous Provisions) Act 1976), all existing policies of the Council relating to public and private hire (as amended by the changes made in resolution 1), shall be adopted and re-adopted on 24 October 2016.