



ADUR DISTRICT COUNCIL

Licensing Committee

13 November 2023

Item 6

Ward: All

Re-adoption of Part II of the Local Government (Miscellaneous Provisions) Act 1976

Report by the Director for Sustainability & Resources

1. Summary

- 1.1 The report provides details of a proposal to re-adopt the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 within the District Council's area. Part II of the 1976 Act contains provisions relating to the licensing of private hire and hackney carriage vehicles, drivers and operators. Although previously adopted a copy of the press notices and parish notices are yet to be found by the Council.

2. Background

- 2.1 Part II of the 1976 Act contains provisions relating to the licensing of private hire and hackney carriage vehicles, drivers and operators. Adopting the 1976 Act therefore enables the Council's taxi licensing function to operate including the setting of fees and for carrying out its enforcement duties.
- 2.2 After the 1976 Act came into force, under the constitution in place at the time, the Committee resolved that the Council should adopt Part II of the 1976 Act. Following compliance with the statutory procedures this came into effect.
- 2.3 A routine review of the service has identified that the resolution of adoption of the Act can not be evidenced, unfortunately during the intervening 40 years the original press notices and the parish/town council notices did not fully survive and therefore cannot be produced. Therefore in line with good practice it is proposed without prejudice to the Council's previous adoption, to re-adopt the 1976 Act.
- 2.4 Since records can now be scanned/duplicated and held electronically there is a significantly greater chance that the records of adoption will be traceable in the future.

- 2.5 There is no intention to change the existing position with respect to Part II of the 1976 Act therefore all policies, practices, conditions and delegations will continue unchanged where applicable.

3. Proposals

- 3.1 It is proposed that the Committee recommend to Council that authority be given for the provision of notice of the Council's intention to readopt the provisions of Part II of the 1976 Act. In accordance with the statutory requirements notice will consist of the publication of a notice of intention in a local newspaper for two consecutive weeks and service of the notice on the Parish and Town Councils within the District.
- 3.2 No further consultation is necessary as the re-adoption merely confirms the existing position with regard to private hire and hackney carriage licensing.
- 3.3 Re-adoption is without prejudice to the Council's previous adoption made pursuant to the Act.

4. Legal

- 4.1 Where the Town Police Clauses Act 1847 (relating to the licensing of hackney carriages) is in force throughout a District Council, section 45(3) of the 1976 Act provides that a Council may resolve that Part II of the Act is to apply in the area. The Council may not pass a resolution adopting Part II of the 1976 Act unless it has (a) published a notice of intention to pass the resolution in a local newspaper circulating in the area for two consecutive weeks and (b) served a copy of the notice, not later than the date on which it is first published in the newspaper, on each Parish or Community Council within the area to be affected.

5. Financial implications

- 5.1 There will be a cost implication relating to the publication of the statutory notice which will be met by existing budgets.

6. Recommendation

- 6.1 That the Licensing Committee approves the passing of a resolution to adopt, to the extent they are not already in force, the provisions of Part II of the 1976 Act in relation to the whole borough.
- 6.2 That adoption of Part II of the 1976 Act shall come into effect on 1 February 2024, this being a date not less than one-month after the day the resolution is passed.
- 6.3 That notice of such intention be served upon all parish councils, and on the Chair of any parish meeting, affected by the resolution.

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