

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 Borough 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 is 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 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.
- 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 Borough 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.

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.

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Schedule of Other Matters

1.0 Council Priority

1.1 Matter considered and will have a positive impact on Council Priorities.

2.0 Specific Action Plans

2.1 Matter considered and no significant issues identified.

3.0 Sustainability Issues

3.1 Matter considered and no significant issues identified.

4.0 Equality Issues

4.1 Matter considered and no significant issues identified.

5.0 Community Safety Issues (Section 17)

5.1 Matter considered and no significant issues identified.

6.0 Human Rights Issues

6.1 Matter considered within the body of the report.

7.0 Reputation

7.1 Matter considered within the body of the report.

8.0 Consultations

8.1 Matter considered and no consultation requirements identified

9.0 Risk Assessment

9.1 Matter considered and no significant issues identified

10.0 Health & Safety Issues

10.1 Matter considered and no significant issues identified

11.0 Procurement Strategy

11.1 Matter considered and no significant issues identified

12.0 Partnership Working

12.1 Matter considered and no significant issues identified