
Report to: Council **Date of Meeting:** 23 January 2014

Subject: Re-adoption of the Local Government (Miscellaneous Provisions) Act 1976

Report of: Head of Corporate Legal Services **Wards Affected:** All Wards

Is this a Key Decision? No **Is it included in the Forward Plan?** No

Exempt/Confidential No

Purpose/Summary

The report provides a recommendation to re-adopt the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act") within the Borough of Sefton.

Part II of the Local Government (Miscellaneous Provisions) Act 1976 regulates the licensing of private hire and hackney carriage vehicles, drivers and operators. The legislation contains provisions which allow local authorities to control the operation and use of private hire and hackney carriage vehicles and to protect the public by ensuring that vehicles are fit for use as licensed vehicles and drivers are 'fit and proper' to act. The local authority must be able to demonstrate that the provisions of Part II of the 1976 Act have been adopted by the Council following the proper procedures.

Recommendation(s)

That the Council resolves that the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 be re-adopted .

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Jobs and Prosperity	✓		
3	Environmental Sustainability		✓	
4	Health and Well-Being		✓	
5	Children and Young People		✓	
6	Creating Safe Communities	✓		
7	Creating Inclusive Communities		✓	
8	Improving the Quality of Council Services and Strengthening Local Democracy	✓		

Reasons for the Recommendation:

Further to the meeting of the Council on 21st November 2013, the Council authorised the Head of Corporate Legal Services to provide notice of the Council’s intention to pass a resolution to re-adopt the provisions of the Local Government Miscellaneous Provisions Act 1976. Notices were placed in the Local newspapers and all the Parish Councils have also been notified. No representations have been received in response to those notices.

What will it cost and how will it be financed?

(A) Revenue Costs: Publication of the statutory notices will be financed from the Taxi Licensing budget, are likely to be in the region of £1,000.

(B) Capital Costs: Nil

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<p>Legal Where the Town Police Clauses Act 1847 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 1976 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. The notices were published in a local newspaper on 18th and 25th December 2013 and the Parish Councils have been notified, no adverse representations were received .</p>						
<p>Human Resources None</p>						
<p>Equality</p> <table><tr><td>1. No Equality Implication</td><td><input checked="" type="checkbox"/></td></tr><tr><td>2. Equality Implications identified and mitigated</td><td><input type="checkbox"/></td></tr><tr><td>3. Equality Implication identified and risk remains</td><td><input type="checkbox"/></td></tr></table>	1. No Equality Implication	<input checked="" type="checkbox"/>	2. Equality Implications identified and mitigated	<input type="checkbox"/>	3. Equality Implication identified and risk remains	<input type="checkbox"/>
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3. Equality Implication identified and risk remains	<input type="checkbox"/>					

Impact on Service Delivery:

Re-adoption of the Act will provide clarification and certainty.

What consultations have taken place on the proposals and when?

The Head of Corporate Finance and ICT (2751) notes that the revenue cost will be met from the ringfenced taxi licence reserve and, therefore, has no further financial impact. The Head of Corporate Legal Services is the author of this report.

Are there any other options available for consideration? No, failure to re-adopt the Legislation may result in uncertainty in the Council's ability to take enforcement action.

Implementation Date for the Decision:

Action will be taken immediately following the resolution of the Council. If the resolution is made the re-adoption will be effective from 27th February 2014.

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Background Papers:

Report to the Licensing and Regulatory Urgent Referrals Committee dated 6th November 2013, Cabinet dated 7 November and Council dated 21st November 2013, which can be accessed via this link to the Council's website:

<http://modgov.sefton.gov.uk/moderngov/mgListCommittees.aspx?bcr=1>

1. Introduction/Background

- 1.1 It was proposed in the report to the Licensing and Regulatory Urgent Referrals Committee that the Committee recommend to Cabinet that authority be given for the provision of notice, in accordance with section 45 of the Local Government (Miscellaneous Provisions) Act 1976, of the Council's intention to re-adopt the provisions of Part II of the 1976 Act. In accordance with statutory requirements, such notice will consist of the publication of a notice of intention in local newspapers for two consecutive weeks and service of the notice on the Town and Parish Councils within the Borough.
- 1.2 Council approved the recommendations of the Cabinet on 21st November 2013.
- 1.3 Notices were published in a local newspaper on 18th and 25th December 2013 and the Parish Councils have been notified.
- 1.4 No adverse comments or representations were received.
- 1.5 It is therefore recommended that Council resolve that the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 be re-adopted.