

**NORTH LINCOLNSHIRE COUNCIL**

**LICENSING COMMITTEE**

**PART II OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT  
1976**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To propose that the Council passes the required resolution to apply Part II of the Local Government (Miscellaneous Provisions) Act 1976 throughout the whole area of North Lincolnshire.

**2. BACKGROUND INFORMATION**

- 2.1 Part II of the Local Government (Miscellaneous Provisions) Act 1976 along with the Town Police Clauses Act 1847 regulate the licensing of Hackney Carriage and Private Hire Vehicles, Drivers and Operators.
- 2.2 The provisions of the Act would have been adopted by North Lincolnshire Council some time in 1996, however a copy of the resolution has yet to be found, thus it has been deemed appropriate to pass a resolution to re-adopt Part II of the Act.
- 2.3 Part II of the Local Government (Miscellaneous Provisions) Act 1976 is an adopted piece of legislation, meaning that the Council must pass a resolution before it can be acted on.
- 2.4 Before a resolution to adopt Part II of the Act can be made a notice of the intention to pass the resolution must be placed in a locally circulating news paper on two occasions on consecutive weeks and the Council must serve a copy of the notice on each parish council in the specified area, ie the whole of North Lincolnshire.
- 2.4 The proposed time table to pass the resolution would be as follows:
- |                    |  |
|--------------------|--|
| 12 September 2013: | Report Approved by the Licensing Committee                               |
| October 2013:      | Notice placed in circulating newspaper and served on the Parish Councils |
| 10 December 2013:  | Council passes resolution  |

### **3. OPTIONS FOR CONSIDERATION**

3.1 Option 1 - To approve the report to start the process to pass a resolution to re-adopt Part II of the Local Government (Miscellaneous Provisions) Act 1976.

3.2 Option 2 – To rely on the previous adoption of the legislation.

### **4. ANALYSIS OF OPTIONS**

4.1 Option 1 – Passing a resolution to re-adopt Part II of the Local Government (Miscellaneous Provisions) Act 1976 would result in all the documentation needed to prove the resolution has been passed being readily available, should the Council face a legal challenge.

4.2 Option 2 – If a resolution is not passed, then the original documentation will need to be found. This may be problematic due to the changes in staff since the original adoption.

### **5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

5.1 There will be a need to place a notice in a circulation newspaper. The cost will be covered within the Licensing Budget.

5.2 There are no staffing, property or IT implications.

### **6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)**

6.1 Statutory – Part II of the Local Government (Miscellaneous Provisions) Act 1976 needs a resolution to be adopted. To prove that the resolution has been passed the Council needs to be able to produce the resolution, notice and prove that a copy was sent to the parish councils.

6.2 There are no environmental, diversity or section 17 implications.

### **7. OUTCOMES OF CONSULTATION**

7.1 No consultation has been carried out. There is the requirement to publish the notice in accordance with the Act.

### **8. RECOMMENDATIONS**

8.1 That Option 1 at paragraph 3.1 be approved, and the required resolution be made.

DIRECTOR OF PLACES

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**Background Papers used in the preparation of this report**