

## **REGULATORY PANEL**

**WEDNESDAY 25 FEBURARY 2015 AT 2.00PM**

**PRESENT:** Councillor Bell (Chairman), Councillors Betton, Bowman S, Cape, Ms Franklin, Morton, Mrs Parsons, Scarborough, Mrs Stevenson, Mrs Warwick and Wilson.

**OFFICERS:** Assistant Solicitor  
Licensing Manager  
Licensing Officer

### **RP.09/15 APOLOGIES FOR ABSENCE**

An apology for absence was submitted on behalf of Councillor Layden.

### **RP.10/15 DECLARATION OF INTEREST**

There were no declarations of interest affecting the business to be transacted at the meeting.

### **RP.11/15 PUBLIC AND PRESS**

It was agreed that the items of business in Part A be dealt with in public.

### **RP.12/15 MINUTES OF PREVIOUS MEETING**

**RESOLVED** – That the minutes of the meetings held on 17 December 2014 and 21 January 2015 be agreed as a correct record of the meetings and signed by the Chairman.

### **RP.13/15 APPLICATION TO LICENCE AN 8 SEATER HACKNEY CARRIAGE**

The Licensing Officer had submitted report GD.17/15 regarding an application to licence a 6 year old Hackney Carriage. He reported that since the publication of the agenda and reports the applicant, Mr Irving, had withdrawn his appeal against the Licensing Officer's decision not to licence his hackney carriage as an eight seat vehicle.

The Chairman informed the Panel that the Council did not have a seating policy and a future report recommending a minimum seat width would be prepared for consideration by the Panel.

**RESOLVED** – That the application to licence an 8 seat hackney carriage (Report GD.17/15) had been withdrawn.

### **RP.14/15 DELEGATED AUTHORITY TO THE REGULATORY PANEL**

The Assistant Solicitor submitted report GD.11/15 which investigated the possibility of changes to the delegate powers of the Regulatory Panel.

The Assistant Solicitor reminded the Panel that they had requested, at their meeting on 12 November 2014 (RP.33/14 refers), that the Director of Governance investigate the possibility of changes to the delegated powers of the Regulatory Panel following a short meeting which Members felt could have been avoided.

The Assistant Solicitor gave an overview of the current delegation as set out in Sections 2A and 2B of the Council Scheme of Delegation and the Council's Financial Procedure Rules. She stated there was no delegation within the Constitution which permitted the Chairman and Vice Chairman of the Regulatory Panel to determine policy agenda items.

She explained that the Regulatory Panel had no express statutory power to regulate its own procedure or set up sub-committees. The Regulatory Panel had no greater powers than those conferred on it by Council and could not itself amend those terms of reference. She added that there was no power to arrange for functions (other than Executive functions) to be discharged by a single Member as case law had held that there could be no delegation to a single Member and, further, a single Member could not form a committee or sub-committee.

The Assistant Solicitor commented that although the Panel's meeting on 12 November 2014 had been short the items which were considered were budgetary matters which were important and significant matters on behalf of the Council and therefore could not be deferred.

On balance it was felt to be vital that all Members of the Panel had an input into budget and policy matters so as to properly reflect the political balance of the Council. Further consideration may be given to the creation of a sub-committee but it was officers' view that it was not necessary at this time and there was concern that this would also further reduce Member engagement in the work of the Council.

RESOLVED – 1) That report GD.11/15 Delegated Authority to the Regulatory Panel be noted.

2) That no further action be taken with regard to the Delegated Authority to the Regulatory Panel.

## **RP.15/15     PANEL UPDATE**

The Licensing Manager updated the Panel on three reports from the previous Panel meeting. He reported that of the two drivers that had been suspended, one had appealed the decision and the other had accepted the suspension and handed his licence and plate into the Licensing Office. The third report involved an application to deviate from the current three year policy for newly licensed wheelchair taxis which was refused by the Panel. This applicant has also appealed the decision.

(The meeting ended at 2.06pm)