

HEADING

Amendments to Scheme of Delegation for Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847

Submitted by:

Head of Environmental Health Services

Portfolio:

Finance, IT & Customer

Ward(s) affected:

All

Purpose of the Report

To amend and approve the scheme of delegation in respect of taxi and private hire licensing.

Recommendations

That Committee support and recommends to Council the proposed amendments to the scheme of delegation.

Reasons

A reorganisation of services has resulted in the taxi and private hire licensing services being moved from the Chief Executives to Regeneration and Development directorates. A review of the current scheme of delegation has been undertaken and changes proposed to make decisions for private hire and hackney carriages consistent and to reflect the changes to the organisational structure. Committee business particularly in respect of Hackney Carriage and Private Hire licensing is increasing and therefore a review of arrangements has been undertaken to determine whether these matters can be dealt with more timely and effectively with specific delegated responsibilities.

1. Background

- 1.1 Public Protection Committee has many delegated functions including the power to make decisions in respect of hackney carriage and private hire drivers, vehicles and operators which are not in full compliance with the Councils current 'Taxi and Private Hire Policy 2015'
- 1.2 Officers of the Council also have specifically delegated functions for the issuing of licences which are in compliance with the Councils current 'Taxi and Private Hire Policy 2015'. In addition officers have delegated responsibilities to undertake some enforcement activities.
- 1.3 A review of the scheme of delegation has been undertaken to take into account the organisational changes but to also review whether some these matters can be dealt with more effectively and timely with amendments to the scheme of delegation.

2. Issues

- 2.1 Committee business particularly in respect of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 is increasing and therefore a review of arrangements has been undertaken to determine whether these matters can be dealt with more effectively and in a timely manner with specific delegated responsibilities.
- 2.2 In summary the proposed changes include:
 - 2.2.1 Change from Chief Executive to Executive Director (Regeneration and Development)

- 2.2.2 Change from Head of Business Improvement, Central Services & Partnerships to Head of Environmental Health
- 2.2.3 Inclusion of Executive Director (Operational Services) and Head of Recycling, Waste and Fleet Services for vehicle related enforcement work.
- 2.2.4 Officer delegations for suspension, refusal and revocation of Hackney Carriage and Private Hire Vehicle licenses.
- 2.2.5 Officer delegations for refusal, revocation or suspension of hackney Carriage and Private Hire drivers licences, where there is an immediate need. Such occasions will be reported to the next committee.
- 2.2.6 Separation of the individual licensing functions.

2.3 Decisions made by the Chair or vice Chair under delegated powers will be reported to the next Committee.

2.4 The scheme of delegation proposed is detailed in the table below:

<u>Local Government (Miscellaneous Provisions) Act 1976 (including Town Police Clauses Act 1847)</u>	Power to approve Council policy with regard to hackney carriage and private hire drivers, vehicles and operators	Public Protection Committee
	Power to grant, renew and transfer Private Hire and Hackney Carriage: Vehicle licenses, Driver licenses and Operators in compliance with policy	Executive Director (Regeneration and Development) or Head of Environmental Health
	Power to grant, renew and transfer Private Hire and Hackney Carriage: Vehicle licenses, Driver licenses and Operators NOT in compliance with policy	Public Protection Committee
	Power to suspend, refuse or revoke Hackney Carriage vehicle licences	Executive Director (Regeneration and Development) or Head of Environmental Health Head of Recycling, Waste & Fleet
	Power to suspend Hackney Carriage driver licences	Executive Director (Regeneration and Development) or Head of Environmental Health or Public Protection

	Power to refuse or revoke Hackney Carriage driver licences	Public Protection or Executive Director (Regeneration and Development) or Head of Environmental Health
	Power to suspend Private Hire, driver licenses and operators licenses	Public Protection or Executive Director (Regeneration and Development) or Head of Environmental Health
	Power to refuse or revoke Private Hire driver licenses and operators licenses	Public Protection or Executive Director (Regeneration and Development) or Head of Environmental Health
	Power to refuse, suspend or revoke Private Hire Vehicle licenses	Public Protection or Executive Director (Regeneration and Development) or Head of Environmental Health and/or Head of Recycling, Waste & Fleet Services
	Hackney Carriage fares and numbers.	Public Protection Committee
	Power to authorise prosecution proceedings for Hackney Carriage and Private Hire vehicles, drivers and Operators	Public Protection Committee
	Provision of information and production of documents Hackney Carriages and Private Hire vehicles	Executive Director (Regeneration and Development) or Head of Environmental Health Services
	Return of identification plate or disc on revocation or expiry of licence etc.	Executive Director (Regeneration and Development) or Executive Director (Operational Services) or Head of Environmental Health Services
	Inspection and Testing of Hackney Carriages and Private Hire vehicles for fitness.	Executive Director (Regeneration and Development) or Executive Director (Operational Services) or Head of Environmental Health Services or Head of Recycling, Waste & Fleet Services
	Action in respect of obstruction of authorised officers	Public Protection Committee

3. **Options Considered**

3.1 There are numerous options available in respect to the scheme of delegation. These would include:

3.1.1 Delegate all functions to Public Protection Committee

3.1.2 Delegate all functions to Officers

3.1.3 Create delegations for Committee and Officer commensurate with roles and responsibilities.

4. **Proposal**

4.1 That Committee support and recommends to Council the proposed amendments to the scheme of delegation

5. **Reasons for Preferred Solution**

5.1 To enable committee to determine applications in the most effective and practical manner.

5.2 To ensure that the council continue to provide safe transport for those wishing to use private hire and Hackney Carriage vehicles.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

6.1 In line with the Council's objectives –

- Promoting a cleaner, safer and sustainable Borough
- Promoting a Borough of Opportunity

7. **Legal and Statutory Implications**

7.1 The Local Government Act 1972, section 101 allows the Council to arrange for a Committee, sub-committee or an officer or another local authority to carry out its powers and duties.

8. **Equality Impact Assessment**

8.1 The meetings will be undertaken to accord with the Human Rights Act 1998, Article 6(1) guarantees an applicant a fair hearing and Article 14 guarantees no discrimination.

9. **Financial and Resource Implications**

9.1 There will be no direct financial costs associated with the proposals.

10. **Major Risks**

10.1 There are no major risks associated with this report

11. **Earlier Cabinet/Committee Resolutions**

11.1 Council meeting 4th June 2014