

**HEADING**                      **Public Protection Committee Arrangements**

**Submitted by:**              **Head of Environmental Health**

**Portfolio:**                      **Finance & Resources**

**Ward(s) affected:**      **All**

**Purpose of the Report**

To consider proposals relating to the creation of a Licensing and Public Protection Committee and a Public Protection Sub-Committee and to review the arrangements for these-committees and associated delegations.

**Recommendations**

That a Licensing and Public Protection Committee and a Public Protection Sub-Committee be created for the purpose set out in the report and that the detailed delegations referred to be approved.

**Reasons**

Committee business particularly in respect of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 has increased significantly (there being 12 meetings during the last financial year compared to the scheduled number which has, typically, been up to 6 meetings per year) and therefore a review of arrangements has been undertaken to determine whether these matters can be dealt with more effectively by a sub-committee with specific delegated responsibilities. Such changes would then facilitate Licensing and Public Protection combining.

1.      **Background**

- 1.1      The Council's Public Protection Committee has many delegated functions including the review of hackney carriage and private hire drivers, vehicles and operators which are not in full compliance with the Council's current 'Taxi and Private Hire Policy 2015'.
- 1.2      In 2014, the LGA Peer Review looked at the Council's committee arrangements. One recommendation was that Public Protection Committee and Licensing Committee should be amalgamated. There are however some distinct legal difference between the two committees, so although not amalgamated there was a desire that these meetings would be held sequentially. Unfortunately due to the amount of business this has not been feasible.
- 1.3      Members will note that the Licensing Committee is supported by a Licensing Sub-Committee; this arrangement is detailed in the Licensing Act 2003 and has been operational in that format since 2005.
- 1.4      In view of the above a review of the current arrangements has therefore been undertaken.

2.      **Issues**

- 2.1      The business for Public Protection Committee has increased significantly in the past couple of years. Meetings are held approximately every 4-6 weeks, with very full agendas and the meetings regularly ending between 9pm and 10pm.

- 2.2 A significant part of the committee business is the determination of Hackney Carriage and Private Hire Driver and Vehicle Licenses.
- 2.3 Some feedback has been received from applicants regarding the wait time at committee and also that it is very daunting presenting to a full councillor committee.
- 2.4 Comments have also been received from some Committee members regarding the length of the agenda and the duration of meetings.

### 3. **Options Considered**

- 3.1 There are a number of options that could be considered including:
  - 3.1.1 OPTION ONE – Make no changes and retain the existing Public Protection and Licensing committee arrangements.
  - 3.1.2 OPTION TWO – Make no changes to the Public Protection committee but increase the frequency of meetings.
  - 3.1.3 OPTION THREE – Change the committee arrangements to combine Licensing and Public Protection committees.

### 4. **Proposal**

- 4.1 It is your officer's recommendation that Option 3 is the preferred arrangement. In summary the proposed changes would include:
  - 4.1.1 Creation of a Licensing and Public Protection Committee (operating in two separate parts for Licensing and Public Protection Matters)
  - 4.1.2 Creation of a Public Protection Sub-Committee with powers to deal with taxi driver, vehicle and operator licenses and issues.
  - 4.1.3 Amendment to Public Protection Committee's scheme of delegation to allow for the delegation of powers to the Public Protection Sub-Committee and powers to determine prosecutions to officers.
  - 4.1.4 Creation and updated terms of reference and procedure for the committees.
- 4.2 Should members agree to this proposal the following specific more detailed arrangements are detailed below.

#### 4.3 **Constitution/Terms of Reference:**

- 4.3.1 The Council's Constitution and terms of reference for the Committees would require amendment to take into account the creation of a combined Licensing and Public Protection Committee and a Public Protection sub-committee The Terms of reference for a Licensing and Public Protection Committee have been updated and are attached at Appendix A.
- 4.3.2 Terms of reference for the Public Protection Sub-Committee are attached at Appendix B.

#### 4.4 **Scheme of delegation:**

- 4.4.1 The Council's scheme of delegation would require amendment to take into account the creation of a Public Protection sub-committee and specifically detail what matters

can be dealt with; this would include the consideration of applications for a new licence, a renewal licence or enforcement of a licence where an officer has determined these applications are not in compliance with the Council's Policy.

**4.5** The scheme of delegation for the Public Protection committee will also require amendment to take into account the functions that are delegated to it from the wider Environmental Health Service as it will be meeting less frequently. It is therefore proposed to change the scheme of delegation for the approval of prosecution proceedings to Executive Director Regeneration & Development and Head of Environmental Health Services. These amendments are detailed in appendix C.

**4.6 Meeting arrangements:**

4.6.1 It is proposed that the sub-committee arrangements are as follows:

- a. Meeting Members 3 to 5 Councillors
- b. Meeting Quorums 3
- c. Meeting Frequency – as required
- d. Meeting notification and publication of papers – 5 working days prior
- e. Meeting Times – During working day (9am to 5pm)

**4.7 Procedures:**

4.7.1 The 'procedure to be followed by Public Protection Committee in determining Hackney Carriage and Private Hire Licences' (as published in the front of every agenda) will be amended in title from Public Protection Committee will be replaced by Public Protection & Sub-Committee.

4.7.2 The procedure will also be amended at bullet point 4 from 14 days to 5 days so that the Sub-Committee can be more responsive to applications.

4.7.3 The amended document is attached as Appendix D.

**5. Reasons for Preferred Solution**

5.1 To enable Committee to determine applications in the most efficient, effective and practical manner.

5.2 To ensure that the Council continues 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. The proposals should however result in savings through not having to call as many full committee meetings.

- 9.2 There will be resource implication including Member participation in the sub-committees and officer support from Environmental Health, Legal and Democratic services. Although there may be an increase in resource during the day time period when the sub-committee meetings are held there should also be a reduction in the number and duration of full Public Protection committees during the evening. This net reduction will then enable the LGA Peer review's recommendation for Licensing and Public Protection committees to be combined.

10. **Major Risks**

- 10.1 There are no major risks associated with this report

11. **Earlier Cabinet/Committee Resolutions**

- 11.1 Public Protection Meeting 14<sup>th</sup> July 2016 minute number 11