

HEADING **Public Protection and Public Protection Sub-Committee Arrangements**

Submitted by: **Head of Environmental Health**

Portfolio: **Finance & Resources**

Ward(s) affected: **All**

Purpose of the Report

To review the arrangements of the Public Protection Sub-Committee and consider proposals to review the associated delegations.

Recommendations

That Committee recommend to Council that the scheme of delegation is amended to allow for the delegation of powers to officers to determine matters not in full compliance with the approved taxi policy.

And

Updated terms of reference and procedure for the committees are presented to Council.

Reasons

On 27th June 2018 members of Licensing and Public Protection Committee agreed a report outlining the arrangements for the Public Protection Sub-Committee.

Members of the Licensing and Public Protection Committee have asked for a review of these arrangements.

1. Background

- 1.1 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.
- 1.2 A review of the committee arrangements for licensing and public protection committees was undertaken and in May 2018. Council approved the creation of a Licensing and Public Protection Committee to run sequentially and the creation of a Public Protection Sub-Committee. Amendments to the scheme of delegation were also approved to facilitate these changes.
- 1.3 On 27th June 2018 members of Licensing and Public Protection Committee agreed a report outlining the arrangements for the Public Protection Sub-Committee and requested a review of the arrangements in April 2019. The agreed arrangements were as follows:
- Meeting will be held on a Tuesday, alternating between 10am and 2pm start times.
 - Committees will be held about every 3 weeks.
 - A maximum of 5 reports/cases will be on the agenda.
 - Further meetings may be programmed, if needed.
 - A programme of meetings and nominated members will be developed and reported to public protection committee.
 - The sub-committee to comprise of 3 members
 - The sub-committee chair to be agreed between the sub-committee members.

2. **Issues**

- 2.1 During June & July 2018, there has been a lack of member availability to attend the sub-committees resulting in the cancellation of one meeting and finding substitutes or replacement members to hold the other meetings.
- 2.2 There has been 100% attendance from drivers to the daytime meetings, with only one vehicle proprietor not attending.
- 2.3 The Council's Public Protection Sub-Committee has been delegated functions including the review of hackney carriage and private hire drivers and operators which are not in full compliance with the Council's current 'Taxi and Private Hire Policy 2015'.
- 2.4 Without member attendance at the sub-committees they cannot proceed.
- 2.5 Comments have been received from some Committee members regarding the arrangements and therefore a further review has been undertaken.
- 2.6 Positive comments have been received from drivers who have attended the sub-committee, in particular those that have attended the full committee and the sub-committee have expressed a preference for the arrangements in the sub-committee.

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 Licensing & Public Protection and Sub-Committee arrangements.
 - 3.1.2 OPTION TWO – Make changes to the day of Public Protection Sub-Committee arrangements.
 - 3.1.3 OPTION THREE – Make changes to the day, time and number of members of Public Protection Sub-Committee.
 - 3.1.4 OPTION FOUR – Change the scheme of delegation in respect of Committee and Officer responsibilities.

3.2 Each of these options are detailed further as below:

3.3 **OPTION ONE – Make no changes and retain the existing Licensing & Public Protection and sub-committee arrangements.**

3.3.1 The current arrangements as detailed in section 1.3 and report on 27th June 2018 are to remain and request that members attend or arrange a substitute for their attendance.

3.3.2 The following relate to this option:

OPTION ONE – Make no changes and retain the existing Licensing & Public Protection and sub-committee arrangements	
Advantages	Disadvantages
Arrangements have shown 100% attendance of drivers	Members availability

Meetings have been effective and timely	Having a backlog of applicants due to the 5 case maximum for each Sub-Committee
The efficiencies in the new arrangements have been realised	

3.3.3 The decision to approve this option can be made by Public Protection Committee.

3.4 OPTION TWO – Make changes to the day of Public Protection sub-committee arrangements.

3.4.1 The arrangements would remain as option 1 but the day would change from Tuesday to Wednesdays.

3.4.2 The arrangements have been amended to the following:

- Meeting will be held on a Wednesday, alternating between 10am and 2pm start times.
- Committees will be held about every 3 weeks.
- 5 reports/cases will be on the agenda, unless agreed with chair.
- Further meetings may be programmed, if needed.
- A programme of meetings and nominated members will be developed and reported to public protection committee. This will include 3 members per sub-committee.
- The sub-committee chair to be agreed between the sub-committee members.
- Should members be unable to attend the sub-committee that they notify Democratic Services of an available substitute.

An updated programme of meeting would be as follows:

Date	Time (pm)	Member 1	Member 2	Member 3
03/10/2018	2	Simon White	Stephen Sweeney	John Williams
24/10/2018	10	Tony Kearon	John Tagg	Gill Williams
14/11/2018	2	Mark Olszewski	June Walklate	Ruth Wright
05/12/2018	10	John Cooper	Andrew Parker	Jill Waring
19/12/2018	2	Sylvia Dymond	Kyle Robinson	Trevor Johnson
09/01/2019	10	Simon White	Stephen Sweeney	John Williams
30/01/2019	2	Tony Kearon	John Tagg	Gill Williams
20/02/2019	10	Mark Olszewski	June Walklate	Ruth Wright
13/03/2019	2	John Cooper	Andrew Parker	Jill Waring
03/04/2019	10	Sylvia Dymond	Kyle Robinson	Trevor Johnson
24/04/2019	2	Simon White	Stephen Sweeney	John Williams

15/05/2019	10	Tony Kearon	John Tagg	Gill Williams
05/06/2019	2	Mark Olszewski	June Walklate	Ruth Wright
26/06/2019	6	John Cooper	Andrew Parker	Jill Waring
17/07/2019	2	Sylvia Dymond	Kyle Robinson	Trevor Johnson
07/08/2019	6	Simon White	Stephen Sweeney	John Williams
28/08/2019	2	Tony Kearon	John Tagg	Gill Williams
18/09/2019	6	Mark Olszewski	June Walklate	Ruth Wright

3.4.3 The following relate to this option:

OPTION TWO – Make changes to the Public Protection sub-committee arrangements.	
Advantages	Disadvantages
Increased member engagement	
Arrangements have shown 100% attendance of drivers	
Meetings will continue to be effective and timely	

3.4.4 The decision to recommend this option can be made and approved by Public Protection Committee.

3.5 **OPTION THREE – Make changes to the Public Protection Sub-Committee arrangements.**

3.5.1 There are different options that could be considered, a proposal is below:

3.5.2 The arrangements have been amended to the following:

- Meeting will be held on a Wednesday, alternating between 2pm and 6pm start times.
- Committees will be held about every 3 weeks.
- 5 reports/cases will be on the agenda, unless agreed with chair.
- Further meetings may be programmed, if needed.
- A programme of meetings and nominated members will be developed and reported to public protection committee. This will include 4 members per sub-committee to ensure a quorum of 3 members attendance.
- The sub-committee chair to be agreed between the sub-committee members.
- Should members be unable to attend the sub-committee that they notify Democratic Services of an available substitute.
- Amend constitution to enable a quorum of 2 members.

An updated programme of meeting would be as follows:

Date	Time (pm)	Member 1	Member 2	Member 3	Member 4
03/10/2018	2	Sylvia Dymond	Kyle Robinson	Trevor Johnson	John Williams
24/10/2018	6	Stephen Sweeney	Simon White	June Walklate	John Tagg
14/11/2018	2	Tony Kearon	Mark Olszewski	Gill Williams	Ruth Wright
05/12/2018	6	John Cooper	Andrew Parker	Jill Waring	Sylvia Dymond
19/12/2018	2	Kyle Robinson	Trevor Johnson	John Williams	Stephen Sweeney
09/01/2019	6	Simon White	June Walklate	John Tagg	Tony Kearon
30/01/2019	2	Mark Olszewski	Gill Williams	Ruth Wright	John Cooper
20/02/2019	6	Andrew Parker	Jill Waring	Sylvia Dymond	Kyle Robinson
13/03/2019	2	Trevor Johnson	John Williams	Stephen Sweeney	Simon White
03/04/2019	6	June Walklate	John Tagg	Tony Kearon	Mark Olszewski
24/04/2019	2	Gill Williams	Ruth Wright	John Cooper	Andrew Parker
15/05/2019	6	Jill Waring	Sylvia Dymond	Kyle Robinson	Trevor Johnson
05/06/2019	2	John Williams	Stephen Sweeney	Simon White	June Walklate
26/06/2019	6	John Tagg	Tony Kearon	Mark Olszewski	Gill Williams
17/07/2019	2	Ruth Wright	John Cooper	Andrew Parker	Jill Waring
07/08/2019	6	Sylvia Dymond	Kyle Robinson	Trevor Johnson	John Williams
28/08/2019	2	Stephen Sweeney	Simon White	June Walklate	John Tagg
18/09/2019	6	Tony Kearon	Mark Olszewski	Gill Williams	Ruth Wright

3.5.3 The following relate to this option:

OPTION TWO – Make changes to the Public Protection sub-committee arrangements.	
Advantages	Disadvantages
Increased member engagement	Inequality for drivers costs in attending daytime and evening meetings (eg legal costs in evening are considerably higher)
	Evening meetings have not had 100% attendance of applicants/drivers
	Increased financial costs in holding frequent evening meetings

3.5.4 The decision to recommend this option can be made by Public Protection Committee but would have to be approved by Council prior to implementation.

3.6 OPTION FOUR – Change the scheme of delegation in respect of committee and officer responsibilities

3.6.1 On 16th May 2018, Council approved a scheme of delegation to facilitate the creation of a Public Protection sub-committee. The delegations in respect of Licensing & Public Protection Committee, Licensing Sub-Committee, Public Protection Sub-Committee and Officers can be reviewed and amended to facilitate further changes, which would further reduce the number of Public Protection and/or Public Protection Sub-Committees.

3.6.2 The Council’s Public Protection Sub-Committee has delegated functions including the review of hackney carriage and private hire drivers and operators which are not in full compliance with the Council’s current ‘Taxi and Private Hire Policy 2015’. Officers are delegated to issue licenses to those that are in full compliance with the Council’s current ‘Taxi and Private Hire Policy 2015’.

3.6.3 At this meeting there is a report on a new proposed taxi policy, which outlines the Council’s requirements in respect of taxi licensing (drivers, vehicles, operators and proprietors etc). The Policy details the minimum acceptable standards that the Council should be prepared to accept for all drivers, vehicles, proprietors and operators’ applications, renewals and enforcement. Members currently determine such policy; however the implementation or following of the current ‘2015’ policy or any subsequent version could be delegated to officers.

3.6.4 This option would enable members to ensure that the policy that they approved would be implemented as approved by Officers.

3.6.5 The current scheme of delegation enables officers to refer a case to Public Protection Sub-committee where they have decided not to exercise their delegated authority. It is suggested that this power should remain, so the committees could deal with such matters.

3.6.6 Should this be the preferred option, then Public Protection Sub-Committee would be arranged as and when necessary, in a manner akin to Licensing Sub-Committee and in accordance with the arrangements already agreed by Council.

OPTION THREE – Change the scheme of delegation in respect of committee and officer responsibilities	
Advantages	Disadvantages
Members can prioritise on setting a robust policy that sets out all the requirements relating to taxis	Members would not determine each application which falls outside of the policy
Net reduction in number of committee meetings	
Legally compliant	
Increased financial efficiencies in holding less frequent meetings	
Speed of determination of application will increase	
Members will continue to determine applications where officers have elected not to use their delegated authority	

Increased officer efficiency due to reduction in committee preparations and attendance.	
Policy will be implemented as approved on the basis of protection of the public and as approved	

3.6.6 The decision to recommend this option can be made by Public Protection Committee but would have to be approved by Council prior to implementation.

4. **Proposal**

4.1 It is your officer's recommendation that Option 4 is the preferred arrangement. Should members agree to this option then the report recommendations would be as follows:

4.1.1 That Committee recommend to Council that the scheme of delegation is amended to allow for the delegation of powers to officers to determine matters not in full compliance with the approved taxi policy.

4.1.2 Updated terms of reference and procedure for the committees are presented to Council.

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 applications 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. . If the applicant disagrees with the officers decision they have the right to appeal

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 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. This will result in a net reduction in sub-committee meetings held and there should also be a reduction in the number and duration of full Public Protection committees during the evening.

10. **Major Risks**

- 10.1 There are no major risks associated with this report

11. **Earlier Cabinet/Committee Resolutions**

Council Meeting 16th May 2018

Licensing & Public Protection Meeting 27th June 2018