

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

PUBLIC PROTECTION COMMITTEE

Date 22nd October 2019

Report Title: 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 & Efficiency

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 Constitution and Member Support Working group and 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 Regeneration and Development directorate to Operational Services directorate. A review of the current scheme of delegation has been undertaken and changes proposed to make decisions for private hire and hackney carriages consistent, to reflect the changes to the organisational structure and to take into account provisions included in the approved Taxi Policy 2019.

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 2019'
- 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 2019'. 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 Executive Director (Regeneration and Development) to Executive Director (Operational Services)
- 2.2.2 Officer delegations for suspension, refusal and revocation of Hackney Carriage and Private Hire Vehicle licenses.
- 2.2.3 Inclusion of enforcement action with immediate effect for clarification.
- 2.2.4 Inclusion of issuing warnings as introduced in the Taxi Policy 2019.

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

| Line Number | Legislation | Function | Exercised by | Proposed Change, October 2019 |
|-------------|--|---|---|--|
| | Local Government (Miscellaneous Provisions) Act 1976 (including Town Police Clauses Act 1847) | | | |
| 443 | | Power to approve Council policy with regard to hackney carriage and private hire drivers, vehicles and operators | Public Protection Committee | |
| 444 | | 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 | Executive Director (Operational Services) or Head of Environmental Health |
| 445 | | 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 or Public Protection Sub Committee | |
| 446 | | 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 | Public Protection or Public Protection Sub Committee or Executive Director (Operational Services) or Head of Environmental Health Head of Recycling, Waste & Fleet, Licensing Administration Team Manager & Operations Manager Environmental Services Team Manager |
| | NEW | Power to suspend, refuse or revoke Hackney Carriage vehicle licences with immediate effect | Executive Director (Regeneration and Development) or Head of Environmental Health Head of Recycling, Waste & Fleet | Public Protection or Public Protection Sub Committee or Executive Director (Operational Services) or Head of Environmental Health Head of Recycling, Waste & Fleet, Licensing Administration Team Manager & Operations Manager, Environmental Services Team Manager |
| 447 | | Power to suspend Hackney Carriage driver licences | Executive Director (Regeneration and Development) or Head of Environmental Health or Public Protection | Public Protection or Public Protection Sub Committee or Executive Director (Operational Services) or Head of Environmental Health |
| 448 | | Power to refuse or revoke Hackney Carriage driver licences | Public Protection or Public Protection Sub Committee or Executive Director (Regeneration and Development) or Head of Environmental Health | Public Protection or Public Protection Sub Committee or Executive Director (Operational Services) or Head of Environmental Health |
| | NEW | Power to refuse or revoke Hackney Carriage driver | Public Protection or Public Protection Sub Committee | Public Protection or Public Protection Sub Committee |

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|-----|------------|---|---|---|
| | | licences with immediate effect | or Executive Director (Regeneration and Development) or Head of Environmental Health | or Executive Director (Operational Services) or Head of Environmental Health |
| 449 | | Power to suspend Private Hire, driver licenses and operators licenses | Public Protection or Public Protection Sub Committee or Executive Director (Regeneration and Development) or Head of Environmental Health | Public Protection or Public Protection Sub Committee or Executive Director (Operational Services) or Head of Environmental Health |
| 450 | | Power to refuse or revoke Private Hire driver licenses and operators licenses | Public Protection or Public Protection Sub Committee or Executive Director (Regeneration and Development) or Head of Environmental Health | Public Protection or Public Protection Sub Committee or Executive Director (Operational Services) or Head of Environmental Health |
| | NEW | Power to refuse or revoke Private Hire driver licenses and operators licenses with immediate effect | Public Protection or Public Protection Sub Committee or Executive Director (Regeneration and Development) or Head of Environmental Health | Public Protection or Public Protection Sub Committee or Executive Director (Operational Services) or Head of Environmental Health |
| 451 | | Power to refuse, suspend or revoke Private Hire Vehicle licenses | Public Protection or Public Protection Sub Committee Executive Director (Regeneration and Development) or Head of Environmental Health and/or Head of Recycling, Waste & Fleet Services | Public Protection or Public Protection Sub Committee or Executive Director (Operational Services) or Head of Environmental Health and/or Head of Recycling, Waste & Fleet Services, Licensing Administration Team Manager & Operations Manager, Environmental Services Team Manager |
| | NEW | Power to refuse, suspend or revoke Private Hire Vehicle licenses with immediate effect | Public Protection or Public Protection Sub Committee Executive Director (Regeneration and Development) or Head of Environmental Health and/or Head of Recycling, Waste & Fleet Services | Public Protection or Public Protection Sub Committee or Executive Director (Operational Services) or Head of Environmental Health and/or Head of Recycling, Waste & Fleet Services, Licensing Administration Team Manager & Operations Manager, Environmental Services Team Manager |
| 452 | | Hackney Carriage fares and numbers. | Public Protection Committee | |
| 453 | | Power to authorise prosecution proceedings for Hackney Carriage and Private Hire vehicles, drivers and Operators | Executive Director (Regeneration and Development) or Head of Environmental Health Services | Executive Director (Operational Services) or Head of Environmental Health Services |
| 454 | | Provision of information and production of documents Hackney Carriages and Private Hire vehicles Sect. 50, 53, 53A & 56 | Executive Director (Regeneration and Development) or Head of Environmental Health Services | Executive Director (Operational Services) or Head of Environmental Health Services |
| 455 | | Return of identification plate or disc on revocation or expiry of licence etc., Sect.58. Sect 60 & 61 Sect 62 & 62A. | Executive Director (Regeneration and Development) or Executive Director (Operational Services) or Head of Environmental Health Services | Executive Director (Operational Services) or Head of Environmental Health Services |
| 456 | | Inspection and Testing of Hackney Carriages and Private Hire vehicles for fitness. Sect. 68 | Executive Director (Regeneration and Development) or Executive Director (Operational Services) or Head of Environmental Health Services or Head of Recycling, Waste & Fleet Services | or Executive Director (Operational Services) or Head of Environmental Health and/or Head of Recycling, Waste & Fleet Services, Licensing Administration Team Manager & Operations Manager, Environmental |

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|-----|-----|---|--|--|
| | | | | Services Team Manager |
| 457 | | Action in respect of obstruction of authorised officers | Executive Director (Regeneration and Development) or Head of Environmental Health Services | Executive Director (Operational Services) or Head of Environmental Health Services |
| | NEW | Issue a warning to dual driver | | Executive Director (Operational Services) or Head of Environmental Health Services, Licensing Administration Team Manager, Environmental Services Team Manager |

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 and Sub Committees;
- 3.1.2 Delegate all functions to Officers;
- 3.1.3 Create delegations for Committee, Sub-committee and Officers commensurate with roles and responsibilities.

4. **Proposal**

4.1 That Committee support and recommends to the Constitution and Member Support Working group and 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 –
- Local services that work for local people
 - Growing our people and places
 - A healthy, active and safe borough
 - A town centre for all

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. **Sustainability and Climate Change Implications**

11.1 Not applicable

12. **Key Decision Information**

12.1 Not applicable

13. **Earlier Cabinet/Committee Resolutions**

11.1 Council meeting 4th June 2014

11.2 Council Meeting 16th May 2018

14. **List of Appendices**

14.1 None

15. **Background Papers**

15.1 Not applicable