

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

FULL COUNCIL

20 November 2019

1. **Report Title** **Amendments to the Scheme of Delegation for Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847**
- Submitted by:** **Interim Head of Legal & Monitoring Officer**
- Portfolio:** **Corporate and Service Improvement, People and Partnerships**
- Ward(s) affected:** **All**

Purpose of the Report

This report advises Council of the recent decision of the Licensing and Public Protection Committee in relation to amendments to the scheme of delegation in respect taxi and private hire licensing.

Recommendations

That Council approves the proposed amendments to the scheme of delegation at Appendix 4 of the Constitution as set out at paragraph 2.3 of Appendix A to the report

Reasons

Re- organisation of the services has resulted in taxi and private hire licensing services being moved to the Operational Services Directorate. The current scheme of delegation has been reviewed and the proposed changes reflect the organisational structure, take account of the changes approved in the Taxi Policy 2019 and will ensure consistent decision making.

1. **Background**

- 1.1 At the recent meeting of the Licensing and Public Protection Committee on the 22 October 2019 members considered and recommended amendments to the current scheme of delegation. A copy of the report to the Committee is appended at Appendix A.

2. **Issues**

- 2.1 A review of the arrangements for dealing with taxi and private hire licensing has been undertaken to determine whether matters can be dealt with more effectively.
- 2.2 In summary the proposed changes to the current scheme of delegation include:
 - Change from Executive Director (Regeneration and Development) to Executive Director (Operational Services)
 - Officer delegations for suspension, refusal and revocation of Hackney Carriage and Private Hire Vehicles

- Inclusion of enforcement action with immediate effect for clarification
- Inclusion of issuing warnings as introduced in the Taxi Policy 2019

3. **Proposal**

- 3.1 The proposed changes are set out in full at paragraph 2.3 of the attached report at Appendix A

4. **Reasons for Proposed Solution**

- 4.1 To enable Committee to determine applications in the most effective and practical manner.
- 4.2 To ensure that the Council continues to provide safe transport for those wishing to use Private Hire and Hackney Carriage Vehicles.

5. **Options Considered**

- 5.1 Other options include delegating all functions to the Committee, or to Officers but the current proposal is recommended as the most appropriate solution in the circumstances.

6. **Legal and Statutory Implications**

- 6.1 All local authorities are required to have a written Constitution which must be kept under regular review and publicised. Any amendments to the Constitution require the approval of full Council.
- 6.2 S101 of the Local Government Act 1972 allows the Council to arrange for a Committee, sub Committee, an officer or another local authority to carry out its powers and duties.

7. **Equality Impact Assessment**

- 7.1 Meetings will be undertaken in accordance with the Human Rights Act 1998.

8. **Financial and Resource Implications**

- 8.1 No significant additional resources will be required in relation to the recommendations.

9. **Major Risks**

- 9.1 That the Scheme of Delegation does not reflect up to date legal requirements and /or best practice resulting in challenge to Council decisions and/or reputational damage.

10. **Sustainability and Climate Change Implications**

- 10.1 There are no direct implications.

11. **Key Decision Information**

- 11.1 This is not a key decision which requires inclusion on the Cabinet Notice of Decisions/ Forward Plan.

12. **Earlier Cabinet/Committee Resolutions**

Council Meeting 4 June 2014

Council Meeting 16 May 2018

13. **List of Appendices**

- 13.1 Appendix A – Amendments to Scheme of Delegation for Local Government (Miscellaneous Provisions) Act 9176 & Town Police Clauses act 1847 – 22 October 2019 Licensing & Public Protection Committee

14. **Background Papers**

None