

Report of	Meeting	Date
Corporate Director (Governance)	Licensing & Public Safety Committee	16/09/2009

AMENDMENT TO THE SCHEME OF DELEGATION – LICENSING COMMITTEE

PURPOSE OF REPORT

1. To propose alterations to the Council's Scheme of Delegation to delegate to the Corporate Director of Neighbourhoods in consultation with the Chair of the Licensing and Public Safety Committee the authority to make decisions on defined Licensing Applications.

RECOMMENDATION(S)

2. That the Licensing and Public Safety Committee approve the delegation to the Corporate Director of Neighbourhoods in consultation with the Chair of Licensing and Public Safety Committee the authority to approve applications for Driver's Licences (either Hackney Carriage or Private Hire Vehicle) which fall outside the Council's usual policies for approval.
3. That the Licensing and Public Safety Committee approve the alteration for the arrangements for Licensing Sub-Committee briefings.

SUMMARY OF REPORT

4. Under the terms of the current scheme of delegation all applications for drivers licences (either Hackney Carriage or Private Hire Vehicles) where the application does not comply with Council Policy must go before a Sub-Committee.
5. This has lead to inappropriate matters being brought before the Sub-Committee, which is particularly frustrating to committee members when the matter is the only agenda item.
6. This report proposes that the scheme of delegation is amended to enable the Corporate Director of Neighbourhoods to consider and make decisions to grant Drivers' Licence applications in limited circumstances and after consultation with the Chair of Licensing and Public Safety Committee. The report further recommends a change to the current Committee briefing arrangements.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

7. The adoption of the recommendation will allow for a more efficient resolution of Drivers' Applications and will prevent the convening of Sub-Committee's to consider straight forward applications.

CORPORATE PRIORITIES

8. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	X

BACKGROUND

9. At the meeting of the Sub-Committee on 5 August 2009 an application for a private hire drivers licence was heard. The applicant had a relevant conviction. The sentence was an absolute discharge. Council Policy requires that all applications that disclose a relevant conviction must be referred to the Sub-Committee for consideration. Members of the Sub-Committee expressed concern that this application, which was straight forward and a certain grant, should necessitate convening a Sub-Committee. This report proposes a mechanism for addressing Members' concerns.

USE OF DELEGATED POWER

10. Historically, Officers in Chorley have been able to grant taxi licences only where the application meets the Council's usual policy requirements. Other applications were formerly referred to the full committee but since last April there have been delegated to Sub-Committees.
11. In light of the concerns expressed by the Sub-Committee on 5 August 2009 the Licensing and Public Safety Committee is invited to consider amendments to the Scheme of Delegation which would avoid such a situation arising again.
12. It is proposed that the scheme of delegation be amended to authorise the Corporate Director of Neighbourhoods to make decisions in consultation with the Chair of the Licensing and Public Safety Committee to approve applications that are contrary to Council Policy. Applications the Corporate Director does not feel able to grant following consultation would continue to go before the Licensing Sub-Committees.
13. The advantage of the amendment to the scheme of delegation is that Sub-Committees would not be convened to address straight forward matters. Framing the discretion in a positive way, ie the Corporate Director has the discretion to grant, would mean that the Corporate Director alone could not refuse any applications and applicants would still have the right to be heard by Committee. The main disadvantage would be reduced member input into these applications.

BRIEFING PROCESSES

14. The current procedures would be amended to use the current briefing meetings for Licensing and Public Safety Committee as a combined consideration of delegated applications, agenda setting and briefing for the Sub-Committee meeting. The briefing would be moved to an earlier date than the date of the meeting to enable the Corporate

Director to consult the Chair on the exercise of the delegation and where it is decided not to use delegated powers those matters can go onto the next Sub-Committee's agenda.

15. It would further be proposed that the Corporate Director would bring a report to each Licensing and Public Safety Committee detailing the occasions on which the discretion has been exercised.

IMPLICATIONS OF REPORT

16. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	No significant implications in this area	

ANDREW DOCHERTY
CORPORATE DIRECTOR (GOVERNANCE)

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Chris Moister	5160	14 August 2009	***