

Report of	Meeting	Date
Report of the Corporate Director of Governance	Licensing & Public Safety Committee	17/09/2009

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 licenses only where the application meets the Council's usual policy requirements. Other applications were formerly referred to the full committee and since last April 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 are 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	***

Licensing and Public Safety Committee
Wednesday, 16 September 2009

Present: Councillor Keith Iddon (Chair), Councillor Pat Haughton (Vice-Chair) and Councillors Judith Boothman, David Dickinson, Anthony Gee, Hasina Khan, Adrian Lowe, Marion Lowe, Thomas McGowan, Debra Platt and Ralph Snape

09.LPS.22 WELCOME

The Chair welcomed everyone present to the meeting.

09.LPS.23 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Terry Brown, Magda Cullens, Doreen Dickinson, Edward Smith, John Walker and Stella Walsh.

09.LPS.24 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest submitted by the Sub-Committee Members.

09.LPS.25 MINUTES

The minutes of the meeting of the Licensing and Public Safety Committee held on 10 June 2009, be confirmed as a correct record and signed by the Chair.

09.LPS.26 MINUTES OF THE LICENSING SUB-COMMITTEES

The Committee was informed that there was a correction to the date of the Sub-Committee reported as the 14 August 2009. The hearing took place on 17 August 2009.

The minutes of the Licensing Sub Committees held on 25 June 2009, 5 August 2009, 17 August 2009, 25 August 2009 and 2 September 2009 be confirmed as correct records and signed by the Chair.

09.LPS.27 AMENDMENT TO THE SCHEME OF DELEGATION

The Committee considered a report of the Corporate Director (Governance) that proposed alterations to the Council's Scheme of Delegation to delegate to the Corporate Director (Neighbourhoods), in consultation with the Chair of Licensing and Public Safety Committee, the authority to make decisions to grant Hackney Carriage and Private Hire Drivers' Licence applications in limited circumstances.

Members of the Committee were reminded that under the terms of the current scheme of delegation all applications for Drivers' licences where the application does not comply with Council Policy must go before a General Licensing Sub-Committee. This had led to inappropriate matters being brought before the Sub-Committee, which had been frustrating to Committee members when the matter was the only agenda item.

The proposed alterations to the Scheme of Delegation would allow for more efficient resolution of Drivers' Applications and would prevent the convening of Sub-Committee's to consider straight forward applications. The main disadvantage would be reduced member input into these applications. Applications the Corporate Director (Neighbourhoods) felt unable to grant would still have the right to be heard by the Sub-Committee.

The report also proposed changes to 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. It had been proposed to move the briefing meetings to an earlier date than the date of

the Sub-Committee to enable the Corporate Director (Neighbourhoods) to consult the Chair of the Licensing and Public Safety Committee on the exercise of delegation and where it had been decided not to use delegated powers those matters could go forward to the next Sub-Committee's.

It was further proposed that the Corporate Director (Neighbourhoods) would bring a report to each Licensing and Public Safety Committee detailing the occasion on which discretion had been exercised.

RESOLVED - the Committee agreed by majority decision (10:1) to approve:

- 1. the delegation to the Corporate Director (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 Vehicles) which fall outside the Council's usual policies for approval.**
- 2. the alteration for the arrangements for Licensing Sub-Committee briefings as a combined consideration of delegated applications, agenda settings and briefing for the Sub-Committee meeting.**
- 3. the Corporate Director (Neighbourhoods) to report to each Licensing and Public Safety Committee details of the occasions when discretion had been exercised.**