

Report of	Meeting	Date
Director of People and Places	Licensing & Public Safety Committee	19 March 2014

## AMENDMENT TO THE SCHEME OF DELEGATION

### PURPOSE OF REPORT

- To seek Members approval to recommend to full Council the proposal to extend the scope of the Council's Scheme of Delegation to relate to existing private hire and hackney carriage drivers to complement the existing powers delegated to the Director of People and Places relating to those applying for grant of a driver licence.

### RECOMMENDATION(S)

- That Members consider the report and recommend to the next available full Council approval of the proposed changes to the delegated decision scheme to incorporate existing hackney carriage and private hire drivers so that the Director of People and Places in consultation with the Chair or Vice Chair of Licensing and Public Safety Committee is authorised to exercise the powers of the General Licensing Sub-Committee to issue written warnings as to future conduct to lie on the driver's licensing file in relation to drivers who already hold a private hire driver licence or hackney carriage driver licence.

Confidential report Please bold as appropriate	Yes	No

### CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	X

### BACKGROUND

- On 17<sup>th</sup> September 2009, Members of the Licensing and Public Safety Committee approved a proposal report to amend the scheme of delegation to enable the then 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 and printed minutes of the meeting are attached as Appendix 1.
- Following a staff restructure which was completed in 2010 the delegated powers of the Corporate Director of Neighbourhoods are now exercised by the Director of People and Places.
- The report was specific in that it requested amendments to the Scheme of Delegation to relate solely to applications for the grant a private hire or hackney carriage driver's licence which fall outside of the Council's usual policies for approval.

7. These delegated powers have been utilised on several occasions since the approval in September 2009 resulting in a more expedient determination of the applications without the need to convene a Sub-Committee for straightforward matters.
8. It has become apparent that there are occasions when similar delegated powers could potentially be utilised in relation to issues of concern identified with existing private hire and hackney carriage driver licences. Such minor breaches of the Council's Driver Licensing Conditions include but are not limited to motoring convictions and failures to report convictions within the specific timescales laid down in licence conditions.
9. The briefing and determination process by the Director of People and Places would remain the same and the benefits to both the driver and Council as highlighted above are clear. Matters in relation to which the Director does not feel able to approve the utilisation of the scheme following consultation would continue to go before the Licensing Sub-Committee. Ultimate control would still rest with the Chair (or Vice Chair if the Chair were unavailable) who would have the final say on whether the matter should be referred to General Licensing Sub-Committee.
10. It is envisaged that the powers exercised by the Director of People and Places in consultation with the Chair and Vice-Chair would not extend to suspension or revocation of driver licences for disciplinary matters but instead warning letters as to future conduct for minor breaches.

#### IMPLICATIONS OF REPORT

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

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

#### COMMENTS OF THE MONITORING OFFICER

12. The Council has powers under the Local Government (Miscellaneous Provisions) Act 1976 to suspend or revoke existing taxi driver licences. The General Licensing Sub-Committee from time to time decides not to exercise these more drastic sanctions but instead issue a written warning to a driver to lie on the licensing file. This report seeks to delegate such steps to the Director of People and Places in consultation with the Chair or Vice-Chair for less serious matters.
13. There are existing powers delegated to the Director of People and Places to suspend driver licences in relation to serious incidents to be exercised on an urgency basis but these are reported to members to decide whether to re-affirm the suspension, lift the suspension or revoke the licence.

JAMIE CARSON  
DIRECTOR OF PEOPLE & PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Mr Paul Carter	5738	Feb 2014	D/D/SCEHME