

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Licensing & Protection Committee – Scheme of Delegation to Licensing & Protection Sub-Committee

Meeting/Date: Licensing & Protection Committee – 19 June 2019

Executive Portfolio: Executive Councillor for Operations and Regulation – Cllr Mrs M L Beuttell

Report by: Head of Community - Chris Stopford

Ward(s) affected: All

Executive Summary:

In July 2016, The Licensing & Protection Committee approved a new scheme of delegations (Appendix A) giving powers of suspension, refusal and revocation of taxi licensing to the Head of Service in consultation with the chairman and vice chairman.

Following a lean review in 2018, the service looked at streamlining application procedures for the benefit of both customer and back office. As part of this review a recommendation is put forward to implement a lean process in the decision making for taxi licensing applications.

Clearer policy and conditions introduced in January 2019 offer an opportunity to reconsider the current scheme of delegations in relation to taxi matters where decisions may be taken in line with policy and conditions to promote the Councils Corporate Plan of 'becoming a more efficient and effective Council and supporting the Licensing service lean review undertaken in 2018.

Recommendation(s):

The Licensing & Protection Committee is

RECOMMENDED to

- i) Approve an amended scheme of delegation (Appendix B) from Licensing & Protection Committee to officers.**
- ii) That the Head of Community be authorised to delegate decisions to the Operations Manager and Licensing Manager where appropriate to expedite efficient decision making.**

1. PURPOSE OF THE REPORT

- 1.1 The Council Constitution 2016 details the Responsibility for Functions, and specifically the responsibilities of the Licensing & Protection Committee (the Committee) and the Licensing & Protection Sub-Committee (the Sub Committee). This report is to consider the efficiencies and benefits of implementing the corporate lean approach in the decision making process related to taxi licence applications.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The Council Constitution includes the responsibility for functions relating to hackney carriage and private hire matters as a scheme of delegations. The current position is set out in Appendix A.
- 2.2 The scheme of delegations being recommended for approval at Appendix B, allows for the efficient and effective execution of the Council's functions of licensing and registration matters, such that decisions which are currently referred to the Sub Committee of Members can be delegated to officers where legislation permits.
- 2.3 The Licensing team undertook a "lean review" in July 2018 to maximise efficiency in the taxi licensing processes, with a particular emphasis on the customer journey in respect of the application and decision process
- 2.4 The lean review looked at a range of actions including the processes between submission of an application and communication of a decision upon applications. Where a Committee decision is required this can take up to 3 months.
- 2.5 In addition to applying the lean approach to the hearing process between application and decision, the new scheme of delegations would present efficiency benefits for officers and members spent administering the process.
- 2.7 In January 2019 the Licensing Committee introduced a new and more robust licensing policy bringing clarity to the Council's approach to licensing of the taxi and private hire functions with clearer boundaries on how licenses would be determined and what standards are expected as part of obtaining and maintaining a licence.
- 2.8 Where an application or conduct of a driver, vehicle or operator is in clear breach of our policy or conditions delegated authority would allow for the head of Service to act promptly and swiftly by refusing or suspending a licence,
- 2.9 As part of delegated authority the Head of Service in any decision making process would have three options available, namely:-
- i) To grant a licence, along with relevant conditions as appropriate, subject to legislative restrictions
 - ii) To refuse a Licence
 - iii) To refer the application to a Licensing Sub-Committee
- 2.10 Where a revocation of any licence is considered the most appropriate action, consultation will take place with the Chairman and Vice-chairman of the Committee, unless it is of such significant risk to the public, under S.61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976 Part ii, that action is required immediately.

3. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND / OR CORPORATE OBJECTIVES

- 3.1 The Councils Corporate Plan provides a priority of 'becoming a more efficient and effective Council'. This scheme of delegation between the Sub-Committee and officers supports this priority, and its action to 'improve processes to reduce the time taken from receipt to decision of taxi licensing matters'.

4. LEGAL IMPLICATIONS

- 4.1 Without a formalised scheme of delegation for licensing and registration functions, the Council may be exposed to legal challenge in the decisions that it makes regarding these functions. This report reduces the risk of being challenged by demonstrating 'an approved scheme of delegation'.

5. RESOURCE IMPLICATIONS

- 5.1 There are no direct resource implications to this report. The report formalises a scheme of delegation between the sub Committee and officers. This presents efficiency savings in the Licensing Service as certain decisions can be made by officers, rather than having to be determined by the Sub-Committee.

6. REASONS FOR THE RECOMMENDED DECISIONS

- 6.1 The recommendation fulfils the corporate aim of being a more efficient and effective council

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