

Name of meeting and date: Licensing & Safety Committee 11 February 2015

Title of report: Constitution - Revised Scheme of Delegation

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not Applicable
Is it in the Council's Forward Plan?	Yes
Is it eligible for "call in" by Scrutiny?	Not Applicable
Cabinet member portfolio	Regeneration, Environment & Transportation

Electoral wards affected and ward councillors consulted: ALL

Public or private: Public

1 SUMMARY

1.1 To inform the Committee of the amendments to the scheme of delegation in relation to the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976

2 BACKGROUND

2.2 The prime aim of licensing of vehicles, drivers, and operators is protecting public safety and ensuring that those issued with a hackney carriage/private hire drivers licence (badge) in Kirklees are fit and proper persons to hold them.

2.3 Historically the power to refuse applications for Hackney Carriage or Private Hire Drivers Licenses has been a delegated function of the Regulatory Panel a sub-committee of the Licensing & Safety Committee.

2.4 The new amendments to the scheme include, in certain circumstances that the power to suspend, revoke, grant or refuse to renew licences under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 be delegated to the Director of Place.

3 THE CIRCUMSTANCES

3.1 The circumstances in which the new powers will be used are when there are concerns regarding any safeguarding matters. This means the protection of children or vulnerable adults from harm to their health, safety, well-being or development and "safeguarding

concern” means grounds to believe that the individual applicant or driver may not be a fit and proper person because grant , retention or renewal of a licence may risk such harm occurring. (Vulnerable adult has the meaning in section 59 of the Safeguarding Vulnerable Groups Act 2006)

4. THE SCHEME

4.1 In practise this means that decisions will be made by an officer only after consideration of the case by a panel comprising the Director of Place or her nominee the Assistant Director Legal Governance and Monitoring or her nominee and the Assistant Director Family Support and Child Protection or his nominee.

4.2 In order that the Committee can monitor how well the scheme is working a periodic report will be prepared for Members detailing the number of cases dealt with by the officer panel and the outcomes of those matters.

5 RESOURCE IMPLICATIONS

5.1 There are no resource issues.

6 LEGAL IMPLICATIONS

6.1 None

7 RECOMMENDATIONS

7.1 Committee is asked to note the contents of the report.

For further information on this report please contact Catherine Walter on 456868 or by email at catherine.walter@kirklees.gov.uk