

WYRE FOREST DISTRICT COUNCIL

LICENSING & ENVIRONMENTAL COMMITTEE

21st April 2011

Scheme of Delegation

OPEN	
RESPONSIBLE OFFICER:	Director of Planning and Regulatory Services
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APPENDICES:	Appendix 1 - Proposed Scheme of Delegation Appendix 2 - Extract from Constitution showing current Licensing delegations

1. PURPOSE OF REPORT

- 1.1 To consider and comment upon a revised scheme of delegation for incorporation into the Constitution as part of the review of the Constitution which is due to be considered by Council on 18th May 2011.

2. RECOMMENDATION

The Committee is asked to RECOMMEND to Council:

- 2.1 **That the proposed scheme of delegation at Appendix 1 is incorporated into the Constitution for agreement by Council.**

3. BACKGROUND

- 3.1 The Council's Transformation Board has been considering proposals to amend and streamline the current constitution at its meetings on 14th December 2010, 1st February 2011 and 8th March 2011, with a view to presenting a revised constitution to Council at its annual meeting on 18th May 2011.
- 3.2 Part of the review of the constitution has considered responsibilities and delegation and, in so doing, has highlighted the need to review the scheme of delegation for the regulatory committees – Planning Committee and Licensing & Environmental Committee.
- 3.3 The scheme of delegation from Planning Committee in respect of the determination of planning and other applications underwent a fundamental review in 2007, taking it from an 'inclusive' scheme where only those matters that were included in it were delegated to officers, to an 'exclusive' scheme where all matters were delegated to officers other

than those specifically excluded, which are dealt with by the Planning Committee. The scheme has undergone some minor changes thereafter to accommodate changes to planning legislation and guidance.

- 3.4 The scheme of delegation from Licensing & Environmental Committee still remains an 'inclusive' scheme and the various delegations are currently spread throughout the scheme of delegations contained in the constitution. An extract of the current delegations within the constitution from Licensing & Environmental Committee is attached at Appendix 2 to this report.
- 3.5 The overall thrust of the proposed streamlining of the constitution is to empower the Chief Executive and the four Directors with a general authorisation to take decisions on operational matters that fall within their areas of responsibility. In order to support this direction of travel, it is proposed that the scheme of delegation to deal with licensing applications is amended to an 'exclusive' scheme to mirror that for dealing with planning applications.

4. KEY ISSUES

- 4.1 The attached scheme of delegation proposes that officers are enabled to exercise authority in a variety of decision making capacities, including refusing and approving applications under various pieces of legislation, except in the circumstances that are listed. The exceptions would be dealt with by the Licensing and Environmental Committee. For example, it is still intended to report applications for hackney carriage/private hire vehicle and drivers licences to Committee where officers are recommending that they be refused. Licensing & Environmental Committee would therefore still determine applications falling outside the scheme of delegation.
- 4.2 In the 2010/11 Municipal year, the Licensing & Environmental Committee has met nine times, including this meeting. Setting aside reports pertaining to policy or other procedural matters, the Committee has determined 28 applications for hackney carriage/private hire vehicles or drivers: 24 were approved, 3 refused and one deferred.
- 4.3 The introduction of the scheme of delegation will benefit those applying for licences as in the case of approvals their applications will not be delayed by the timing of Committee meetings, nor will their business day be interrupted by having to attend or present their vehicle at Committee.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications arising as a result of this report. However the proposal supports the Council's budget decision to reduce staffing in the committee section and in turn the number of formal meetings that are held. In 2010, the best part of two meetings of the Committee were given over to considering applications for vehicles that exceeded the age set out in the licensing policy, with only one vehicle

being refused by members – under the proposed scheme of delegation, only vehicles recommended for refusal would be reported to the Committee. It is likely therefore that the number committee meetings in 2011/12 would be lower than in the last year.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The proposed revisions to the Constitution will ensure the legal authority to delegate the decisions will be in place.

7. RISK MANAGEMENT

- 7.1 There are no direct risks involved as a result of this report.

8. EQUALITY IMPACT ASSESSMENT

- 8.1 This report does not give rise to any equality impact issues.

9. CONCLUSION

- 9.1 As the Council is undertaking a review of the Constitution, including responsibilities and delegations, it is appropriate to review the scheme of delegation for the determination of licensing and other similar applications.
- 9.2 The proposed revised scheme of delegation mirrors that approach adopted by Planning Committee for determination of planning and other applications whereby all applications are rendered capable of delegation unless they are excepted, in which case they will fall to the Licensing & Environmental Committee to determine.

10. CONSULTEES

- 10.1 Director of Legal & Corporate Services.
10.2 Chief Executive.

11. BACKGROUND PAPERS

- 11.1 Existing scheme of delegation contained in the Council's Constitution.