

## WORKING GROUP ON CONTRACT STANDING ORDERS, FINANCIAL REGULATIONS AND OFFICER DELEGATION

### SCHEDULE OF DELEGATION REVIEWS - EXECUTIVE

#### 1. North Weald Airfield - Non Commercial Lettings (Delegation Reference N2)

The Current wording of delegation N2 places responsibility for all lettings of the Airfield with the Director of Corporate Support Services. The delegation does not reflect the involvement of Airfield staff in negotiating routine or casual bookings of Airfield facilities which is the responsibility of the Director of Environment and Street Scene.

The Director of Corporate Support Services is responsible for negotiating other bookings (i.e., those which are not routine) and also for drawing up licences and similar agreements. Equally, the Director of Corporate Support Services may draw up agreements for lettings etc., negotiated by the Airfield Manager.

It is suggested that the delegation should be re-drafted to reflect better the roles of the two Directorates concerned.

#### Recommendation:

That delegation N2 be revised as follows:

Function	Responsible
(a) To negotiate and produce agreements and licences for all regular bookings and single events (of a non public character) which comply with the standard licence agreement and fees operated by the Council	Director of Environment and Street Scene (or nominated officer)
(b) To negotiate in liaison with the Airfield Manager, any arrangements regarding use of the Airfield (except those which fall under item (a) above), and, where appropriate, to draft and execute appropriate agreements or licences for all Airfield uses including any negotiated under (a) above, which may be referred to the Director of Corporate Support Services.	Director of Corporate Support Services (or nominated officer)

## 2. **Licensing - Hackney Carriage and Private Hire Vehicle Drivers (Delegation Reference S1)**

The Licensing Committee revised the officer delegations in respect of Hackney Carriages etc at its meeting in October 2008, as follows:

"1. All applications for Hackney Carriage and Private Hire Vehicle Driver's licences will be determined by the Director of Corporate Support Services, the Assistant Director of Legal Services and the Senior Licensing Officer or suitably qualified officers authorised by them to exercise this function except in the following circumstances when the application will be referred to the Sub-Committee:

(a) where there have been breaches of condition of a previous driver's licence or related law in the preceding twelve months;

(b) an applicant fails to comply with the Council's licensing procedure or meet the experience or medical fitness requirements;

(c) where in the opinion of the Council's medical advisor (or doctor nominated by them), an applicant is not medically fit to hold a driver's licence;

(d) an applicant for a driver's licence has any unspent criminal convictions;

(e) an applicant has motoring convictions listed below:

(i) disqualification from driving by a court for any reason within the preceding ten years;

(ii) an accumulation of a total of ten or more penalty points from endorsable motoring offences in any of the preceding five years; or

(iii) any unspent conviction for an offence or offences within the following categories:

- CD10 Driving without due care and attention;
- CD20 Driving without reasonable consideration for other road users;
- CD30 Driving without due care and attention or without reasonable consideration for other road users;
- CD40 Causing death through careless driving when unfit through drink;
- CD50 Causing death by careless driving when unfit through drugs;
- CD60 Causing death by careless driving with alcohol level above the limit;
- CD70 Causing death by careless driving then failing to supply a specimen for analysis; or
  
- DD30 Reckless driving;
- DD40 Dangerous driving; or
  
- IN10 Using a vehicle uninsured against third party risks."
  
- SP60 Undefined speed limit offence

2. Where Director of Corporate Support Services, the Assistant Director (Legal) or the Senior Licensing Officer consider it appropriate to exercise her discretion by reason of their concern as to the suitability of the applicant they may refer the application to the Licensing Sub-Committee.

3. The Director of Corporate Support Services, the Assistant Director (Legal) and the Senior Licensing Officer may grant at their discretion a licence for a short period until the next meeting of the Licensing Sub-Committee if a driver wishing to renew his or her licence has committed an offence such that there is no delegated authority to renew the licence.

**Recommendation:**

**To incorporate these changes in the schedule of delegation**

**3. Parking Contravention Notices (New Delegation)**

The schedule of delegation currently omits any reference to the Traffic Management Act 2004 and the supporting operational guidance from the Government regarding parking policy and enforcement.

The Act requires that elected members and unauthorised staff should not be involved in adjudicating on the outcome of individual challenges or representations in response to contravention notices. The statutory requirement is for such matters to be dealt with by fully trained staff to ensure that the criteria for cancelling notices are followed.

**Recommendation:**

**That the following new delegation be included in the Schedule of Delegation as follows:**

**"Traffic Management Act 2004 - Penalty Charge Notices (Parking)**

**To consider representations or challenges to Penalty Charge Notices issued by the Council and decide, if the evidence or circumstances provide grounds for doing so, to cancel any notice.**

**Director of Environment and Street Scene (or suitably qualified staff authorised to act on his behalf)"**