

REPORT FOR DECISION

**Agenda
Item**

MEETING:	LICENSING & SAFETY PANEL
DATE:	6 th OCTOBER 2014
SUBJECT:	DELEGATION TO LICENSING AND SAFETY PANEL WITH REGARD TO COUNCIL SCHOOL & COLLEGE TRANSPORT CONTRACTS
REPORT FROM:	ASSISTANT DIRECTOR (LOCALITIES)
CONTACT OFFICER:	MR W A JOHNSON
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This report is within the public domain
SUMMARY:	The report considers the options for review of drivers providing school & college transport contracts on behalf of the Council
OPTIONS & RECOMMENDED OPTION	<ol style="list-style-type: none"> 1. Make a recommendation to Council for a delegation to Licensing & Safety Panel to undertake reviews of drivers working on Council school and college contracts. This is the preferred option. 2. Leave the process with the Officers currently undertaking the reviews. 3. Make a recommendation on an alternative process
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals
Health & Safety implications:	The fundamental principal is one of public protection. Drivers should not be undertaking work on Council contracts unless the Council is satisfied that the driver is a "fit and proper person" at all times.
Statement by Executive Director of Resources:	The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if drivers appear before Panel or appeals on decisions are lodged with the Courts.
Equality/Diversity implications:	None - The proposals will affect all drivers

	equally and do not affect any of the protected equality characteristics.
Considered by Monitoring Officer:	This report provides for an amendment to the process and ensures it is correctly delegated within the terms of the Council's constitution. This will ensure the risk of decisions being challenged is minimised and that there is consistency in decision making.
Wards Affected:	N/A - the recommendation is not area based
Scrutiny Interest:	Overview and Scrutiny Panel

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 1.1 Through Children's, Young People & Culture the Council arranges School & College transport for a number of young people.
- 1.2 Contracts, which are awarded through a formal procurement process, are provided via local taxi companies or companies operating public service vehicles (PSV).
- 1.3 In undertaking the work drivers are assessed as to their "fit and proper" status through enhanced DBS and restricted occupation checks.
- 1.4 Occasionally, those checks or a complaint may give rise to a concern with regard to a particular driver which needs to be reviewed. This report makes recommendations in how those reviews are undertaken

2.0 ISSUES

- 2.1 At present any reviews relating to contract drivers are conducted by the School & College Transport Manager and the Transport Contract Supervisor.
- 2.2 Where the concern relates to a Council licensed public/ private hire driver there may also be a need for a review before the Licensing & Safety Panel.
- 2.3 The Council Constitution makes a number of specific delegations to the Licensing & Safety Panel including the review of public/ private hire licensed drivers and licence applicants where there are grounds for refusal; but makes no mention of PSV drivers.

2.4 Whilst both reviewing bodies make use of AGMA developed conviction guidelines to ensure consistency it is considered there would be advantages in a single review body.

2.5 The following delegation is suggested as an addition to the existing delegations to Licensing & Safety Panel within in the Council Constitution.

To determine the "fit & proper" status of drivers undertaking school & college transport contracts on behalf of the Council where there are grounds for concern arising from DBS and restricted occupation checks and/ or intelligence received and/ or complaints.

2.6 In determining the "fit & proper" status regard will be had to the Council's Convictions Guidelines. Where drivers are considered not to be "fit & proper" a recommendation will be made to the School & College Transport Manager for action through the contract rules and requirements. This is the only option available to the Council in relation to PSV drivers. However, where those drivers are public and/ or private hire licensed drivers the Panel will, if appropriate, also take direct action through the existing protocols.

3.0 CONCLUSION

3.1 This report proposes that Licensing & Safety Panel becomes the single review body.

3.2 The report recommendation is supported by colleagues in School & College Transport Service and the Strategic Procurement Section.

3.3 In reviewing the process addition benefits have been identified. The Licensing Service is able to assist the School & College Transport Service in the processing of DBS checks and the production of identity badges for contract drivers. This will provide a holistic approach to all drivers operating within Bury.

List of Background Papers:-

Council Constitution- Pt 3.2 (B) Delegations to Regulatory & non- Executive Committees (pg 89)

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