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Cardiff
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AGENDA

Committee	PUBLIC PROTECTION COMMITTEE
Date and Time of Meeting	TUESDAY, 9 FEBRUARY 2016, 10.30 AM
Venue	COMMITTEE ROOM 1 - COUNTY HALL
Membership	Councillor Parry (Chair) Councillors Manzoor Ahmed, Boyle, Bridges, Goddard, Hudson, Kelloway, Morgan, Murphy, Simmons and Walsh

1 **Apologies for Absence**

To receive apologies for absence.

2 **Declarations of Interest**

To be made at the commencement of the agenda item in question, in accordance with the Members' Code of Conduct.

3 **Minutes**

(Pages 1 - 4)

To approve as a correct record the minutes of the meetings held on 12 January 2016.

4 **APPLICATION TO AMEND A STREET TRADING LICENCE**

(Pages 5 - 14)

5 **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE FEES 2016**

(Pages 15 - 24)

6 **AUTHORISATION OF OFFICERS AND DELEGATIONS**

(Pages 25 - 28)

Marie Rosenthal

Director Governance and Legal Services

Date: Wednesday, 3 February 2016

Contact: Graham Porter, 029 2087 3401, g.porter@cardiff.gov.uk

PUBLIC PROTECTION COMMITTEE

12 JANUARY 2016

Present: County Councillor Parry(Chairperson)
County Councillors Manzoor Ahmed, Goddard, Kelloway,
Murphy and Walsh

23 Apologies for Absence

Apologies for absence were received from Councillors Boyle, Bridges, Hudson, Morgan and Simmons.

24 Declarations of Interest

No declarations of interest were received.

25 Minutes

The minutes of the meeting held on 6 October 2015 and the Sub Committee meetings held on 6 October, 3 November and 1 December 2015 were approved by the Committee as a correct record.

26 Hackney Carriage/Private Hire Matters

RESOLVED – That the Mercedes GL registration number MIW1998 be approved as a prestige vehicle with a 10-year age restriction.

27 Application for the Citroen Berlingo to be Approved as a Type of Vehicle Suitable for Use as a Purpose Built Hackney Carriage in Cardiff

RESOLVED – That the Citroen Berlingo Taxi be approved as a purpose built hackney carriage.

The meeting terminated at Time Not Specified

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PUBLIC PROTECTION SUB COMMITTEE

12 JANUARY 2016

Present: County Councillor Parry(Chairperson)
County Councillors Goddard and Walsh

17 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

RESOLVED – That the following matters be dealt with as indicated:

- (1) Application 1
No further action
- (2) Application 2
No further action.
- (3) Application 3
Hackney Carriage/Private Hire Drivers licence suspended for 1 week for unreasonable refusal of a fare.
- (4) Application 4
Hackney Carriage/Private Hire Drivers licence suspended for 1 week for unreasonable refusal of a fare.
- (5) Application 5
Driver to receive a written warning.
- (6) Application 6
Licence revoked due to conviction for affray.
- (7) Application 7
No further action.
- (8) Application 8
Renewal of Hackney Carriage/Private Hire Drivers licence not granted.
- (9) Application 9
Licence revoked due to failure to provide a valid DBS certificate.
- (10) Application 10
Licence revoked due to failure to provide a valid DBS certificate.

- (11) Application 11
No further action.
- (12) Application 12
Deferred for 1 month
- (13) Application 13
Adjourned to allow for a request of further information to be put to the applicant's G.P.

18 : LEGAL PROCEEDINGS AND ENFORCEMENT ACTIONS

The Committee noted the legal proceedings and enforcement actions that had taken place during the period.

The meeting terminated at 3.30 pm

**CITY OF CARDIFF COUNCIL
CYNGOR DINAS CAERDYDD**

Agenda No.

PUBLIC PROTECTION COMMITTEE: 9 February 2015

Report of the Head of Regulatory Services

APPLICATION TO AMEND A STREET TRADING LICENCE

1. Background

- 1.1 The Licensing Section has received an application from Mr Tim Harris to vary his Street Trading Licence. Mr Harris is currently licensed under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to sell baguettes, jacket potatoes, pre-cooked hotdogs and non-alcoholic drinks.
- 1.2 Mr Harris is applying to vary his licence so he can also sell burgers.

2. Details.

- 2.1 At its meeting of 4th August 2015, the Public Protection Committee approved the change in street designation of part of Working Street to a licence street, to allow Mr Harris to relocate his street trading business from Central Square due to the redevelopment of the area.
- 2.2 When Mr Harris was located at Central Square he was also licensed to sell burgers, however following objections received during the consultation period for the change in street designation Mr Harris agreed not to sell burgers at the Working Street site.
- 2.3 The vast majority of the objections to the change in street designation originated from the Hayes Island Snack Bar on the basis of unfair competition, and much of the discussion at the Committee centred on what goods would be sold by Mr Harris, as Hayes Island Snack Bar sold similar goods.
- 2.4 Mr Harris has been trading from the Working Street site since September 2015. He has stated that the relocation of his site has adversely affected his business and many of his previous customers (from the Central Square site) have been asking for burgers which he is no longer able to sell.
- 2.5 Mr Harris is requesting to add burgers to his street trading licence again to bring back some of the trade he has lost.
- 2.6 An objection to the variation application was received on 26th January 2016 and is detailed in Appendix A

3. **Street Trading Legislation**

- 3.1 Street trading is controlled by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Under this legislation, the Council may only refuse an application on any of the following grounds:
- (a) that there is not enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons using the street;
 - (b) that there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade;
 - (c) that the applicant desires to trade on fewer days than the minimum number specified in a resolution passed by the Council [in Cardiff there is no such resolution];
 - (d) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (e) that the applicant has at any time been granted a street trading licence by the Council and has persistently refused or neglected to pay fees due to them for it or charges due to them for the collection of refuse, the cleansing of streets, and other services rendered by them to her in her capacity as licence-holder;
 - (f) that the applicant has at any time been granted a street trading consent by the Council and has persistently refused or neglected to pay fees due to them for it;
 - (g) that the applicant has without reasonable excuse failed to avail himself to a reasonable extent of a previous street trading licence
- 3.2 Mr Harris is a long established licenced street trader and it is unlikely that any of the grounds for refusal listed above apply.

There are other businesses within the vicinity that the Committee might be aware of. There is currently one other licensed street trader on a different pitch in Working Street who is licensed to sell fruit and vegetables. The only permanent premises on Working Street selling food is Atigiano coffee shop. There are also seasonal temporary markets.

However even if these businesses were affected by the proposal Ground (b) for refusal – namely that there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade – does not apply. This is because “the street” for this purpose is the designated licence street in which Mr Harris’s stall is located, and that is only a part of Working Street large enough to accommodate his stall.

4. Achievability

This report contains no equality personnel or property implications.

5. Legal Implications

5.1 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 states that a street trading licence shall specify:

(a) The street in which, days on which, and times between which the licence holder is permitted to trade; and

(b) The description of articles in which he is permitted to trade.

5.2 As indicated in Section 3 of this Report, an application for a street trading licence in a Licence Street can only be refused on the grounds specified at paragraph 3.1.

5.3 If the Council was minded to refuse the application it would have to inform Mr Harris of the ground on which it would refuse and give him the opportunity to make representations. However there are no grounds on which the Committee may refuse the application.

6. Financial Implications.

6.1 This report contains no direct financial implications

7. Recommendation

7.1 It is recommended that the Committee determine the application made by Mr Tim Harris to vary his street trading licence.

Dave Holland
HEAD OF REGULATORY SERVICES

12 January 2016

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: Minutes of the Report of the Director of Governance & Legal Services to the Public Protection Committee: 'Control of Street Trading – Working Street' 4th August 2015.

Appendix A

Dear Sirs,

We have recently been instructed to act on behalf of Mrs Shani Worton, the Leaseholder of the Hayes Island Snack Bar.

Our client has engaged us to object to the application issued by Mr Timothy Harris to amend his Street Trading License to include the sale of “burgers” from his site at Working Street 2.

We have attached a copy of our client’s objections to the extension of the existing license.

The background to Mr Harris’ application is vitally important in consideration of this amendment.

On 4 August 2015, the Public Protection Committee considered the re-designation of part of Working Street to allow Mr Harris to relocate following development at Mr Harris’ previous site at Central Square. This application, if successful, brought Mr Harris’ site into direct competition with the Hayes Island Snack Bar.

Objections were raised by our client at the Public Protection Committee meeting in which it was pointed out that the Local Authority had promoted and encouraged the redevelopment of the Hayes Island Snack Bar. Based on this encouragement, considerable sums of money were spent to redevelop not only the site itself but, in addition, the acceptance of responsibility for the subterranean toilets.

We are instructed that the Committee took on board the investment made by our client in regenerating the area and the potential impact of its trade in re-designating part of Working Street and wanted safeguards put in place before the re-designation application was considered. Accordingly, Mr Harris agreed to limit his trade to that of baguettes, jacket potatoes, pre-cooked hotdogs and non-alcoholic drinks.

Our client is therefore dismayed that only five months later, the basis upon which the re-designation was granted, is now subject to an application to remove it.

The application, on our instructions, undermines the entire basis upon which the re-designation was granted and if it had not been for the offer to limit the extent of the License granted the application to re-designate would not have been successful. It is understood by our client that it was the original intention of the Committee to ensure the long term commercial survival of the Hayes Island Snack Bar, which, until recently, had been in significant decline.

Our client has demonstrated, in her attached objection, that it is clear that Mr Harris is directly undercutting the prices charged by the Hayes Island Snack Bar, which, of course, he is able to do as a result of his status as a street trader and his limited overheads.

Our client objects to the inequality that will exist in the event of a successful application and will have little other option than to consider her position further should the Application be granted.

Our client also wishes to address the Committee on the issue of this Application. Please confirm the agreement of the Committee.

We look forward to hearing from you.

Yours faithfully,

Graeme John Limited Solicitors,
1 Victoria Square,
Aberdare.
CF44 7LA.

HAYES ISLAND SNACK BAR



PUBLIC PROTECTION COMMITTEE, 9th FEBRUARY 2016
APPLICATION TO AMEND A STREET TRADING LICENCE.
OBJECTION IS BROUGHT AGAINST THIS PROPOSAL BY:
MRS. SHANI WORTON (OWNER)
HAYES ISLAND SNACK BAR.

HAYES ISLAND SNACK BAR

Application to amend street trading licence Public Protection Committee

9th February 2016.

Objection is brought against this proposal by Mrs. Shani Worton (Owner) of Hayes Island Snack Bar.

Background:

The application from Mr. Tim Harris to vary his street trading licence may appear to be a small, non consequential change, however this is NOT the case.

Only five months ago the Public Protection Committee, approved the change of the street designation of part of Working Street with clear understanding that, the scope of the licence was specifically to sell cold baguettes, jacket potatoes, hot dogs and non alcoholic drinks. Mr. Harris agreed NOT to sell burgers and as such this detail is noted in the street trading licence dated 18th December 2015 (attached) and the committee approved the application.

Much of the meeting on the 4th August 2015 centered around exactly what foods would be sold and the impact to other long established businesses in the area. With the strict provisions as detailed the licence was granted.

Street Trading Consent Act 1982.

2. Only those foods specified in the consent may be sold.

Mr. Harris states that relocation to Working Street has adversely affected his business. With incredibly small overheads relating to a street trading licence, his exhaustive existing menu and position in one of the top five retail destinations in the UK, this is hard to believe. (These points will be expanded upon)

Schedule 4 (miscellaneous provisions) Act 1982

3.1 (b) that there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade;

Clause 3.1(b) certainly applies and consent would have direct impact on existing businesses in the immediate vicinity.

HAYES ISLAND SNACK BAR

Although 'the street' is a designated licence street, surely it does not give way to sell any product and does not give ground to extend the scope of licence that will create these consequences. Just because Mr. Harris's stall is located within a licenced street does not entitle him to be granted to sell anything he so wishes - where are the boundaries? This clause must be enforced.

Competition Act - Unfair advantage.

Ultimately, both Hayes Island Snack Bar (HISB) and Mr. Harris are tenants and Cardiff Council are the landlord.

Street Trading Licence.

Mr. Harris has a street trading Licence that does not provide security or longevity as the licence only lasts one year. In practice however this rolls over year after year.

Mr. Harris only pays a very small amount of money for the licence that is most certainly not a commercial rent and pays no rates. Mr. Harris has not made investment and all trading platforms are provided free of charge by the Council.

Long Term Lease.

Hayes Island Snack Bar have a long term lease and pay a commercial rent plus rates and have invested heavily into this area (Please see attached). To give an idea HISB pay sixty times more rent than Mr. Harris irrespective of rates. HISB has also worked closely with the Council and through Cabinet agreement via an alternative delivery method run, insure, clean, maintain and pay for the subterranean toilets to be open to the citizens of Cardiff free of charge at our expense. They had previously been closed due to budget cuts. These facilities alone used to cost the Council £120,000 per annum to run and maintain.

Cardiff Council have created this unfair playing field and with reference to the Competitions Act disparity and competitive advantage to Mr. Harris. Both parties should exist on a level playing field. As highlighted (copy attached) this competitive advantage is now demonstrated where HISB menu has been directly copied and undercut by Mr. Harris - directly due to Cardiff Council.

For example - Beef with Horseradish filled roll - HISB charge £3.00 or £4.00. Mr Harris offers the same for £2.50 or £3.50. Pulled Pork with apple sauce rolls are also offered as at HISB, again priced as above. Tuna mayo melts are offered at £2.90 as opposed to £3.00 at the Hayes. These examples are to name but a few.

HISB has certainly experienced adverse effects due to the opening of Mr. Harris's licence. Action will be brought proving and highlighting the Competitions Act and damages for loss of profit will be sought.

HAYES ISLAND SNACK BAR

HISB are being forced by the Council (Landlord) through unfair competition to the point that the business is not financially viable. The consequences of which are that 18 people will loose their jobs, toilets facilities closed and investment withdrawn.

Signed.....

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Further observations contrary to the street trading licence extended to Mr. Harris.

Street Trading Consent (Miscellaneous Provisions) Act 1982.

Use of Site.

5. Where permission has been granted by the Council for a Consent Holder to use a receptacle/stall for the sale of goods, the receptacle/stall used for trading must be erected so as not to protrude or project outside the limits of the permitted area in any way.

Please see advertising board clearly protruding and projecting outside of the permitted areas not to mention a health and safety issue.



External seating is not permitted in the licence however persistently on a daily basis being used. As seen, a health and safety issue in a crowded street without consent or permission.



PUBLIC PROTECTION COMMITTEE: 9 February 2016

Report of the Head of Shared Regulatory Services

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE FEES

1. Background

- 1.1 At its meeting on 4th March 2014 the Committee authorised the introduction of the current fees and charges for hackney carriage and private hire vehicle licences which, after further consideration by the Committee of objections, were implemented on 1st June 2014.
- 1.2 The purpose of this Report is to seek approval of new fees for hackney carriage and private hire vehicle licences.

2. Proposed Fees.

- 2.1 The table below shows the existing fees compared with the proposed new fees.

	Existing Fee	Proposed Fee
Hackney Carriage 12 month renewal	£163	£154
Hackney Carriage 6 month renewal	£104	£86
Private Hire 12 Month Grant	£140	£103
Private Hire 12 Month Renewal	£102	£85
Private Hire 6 Month Grant	£98	£69
Private Hire 6 Month Renewal	£69	£51

- 2.2 In the 2014/15 financial year, there was a £9961 surplus in respect of hackney carriage vehicle licences, and a £12,786 surplus in respect of private hire vehicle licences. In calculating the proposed new fees, the full surpluses have been taken into account.

No costs have been included in the proposed fees in relation to the taxi marshal service.

- 2.3 The proposed fees have been calculated using a toolkit developed by the Wales Licensing Expert Panel. The toolkit is being used by all Welsh local authorities. The method used to calculate the fees and details of the figures are shown in Appendix A.

3. **Legal Implications**

- 3.1 Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to charge fees for the grant of licences in respect of hackney carriage and private hire vehicles. The Council must set the fees for these licences on the basis that it only recovers costs which it is entitled statutorily to recover.

In respect of vehicle licences the Act states that the Council may charge such fees as may be sufficient in the aggregate to cover in whole or in part:

- The reasonable cost of inspecting Hackney Carriages and Private Hire vehicles to ascertain whether any such licence should be granted or renewed.
- The reasonable cost of providing Hackney Carriage stands.
- Any reasonable administrative or other costs in connection with the above and with the control and supervision of Hackney Carriages and Private Hire vehicles.

- 3.2 The Act, which dates from 1976, also states that the fee for vehicle licences shall not exceed £25 or such other sum as the Council may from time to time determine. In the light of current costs, £25 is not seen as a realistic fee.

- 3.3 Case law has established that when the Council makes a surplus in respect of licence fees it should give account for that the next time that the fees are set; and if it makes a deficit it may also take that into account. The calculations in respect of each type of licence issued by the Council should be kept separate.

- 3.4 When the Council proposes to set new fees for vehicle licences it is required by Section 70 of the 1976 Act to publish notice of the proposed variation in a local newspaper stating that objections may be made within a period of not less than 28 days. If objections are received and not withdrawn the Council must consider them and set a further date on which the variation shall come into force with or without modifications.

4. **Financial Implications**

The report sets out the proposed fee structure to take effect from 1st April 2016. The method adopted in calculating the fees is shown in Appendix A with all relevant costs having been included.

Should a surplus accrue as part of the final outturn position for 2015/16, this will be taken into account when setting the fees in 2017.

5. **Recommendations**

- 5.1 That the Committee approve the proposed licence fees outlined in this Report with an implementation date of 1st April 2016.
- 5.2 That the Committee authorise the Head of Shared Regulatory Services to carry out the necessary public notice procedure.
- 5.3 If objections are received within 28 days of the publication of the notice of the proposed changes to the fees, the matter come back before the next appropriate Committee meeting so that any such objections can be considered, modifications be considered, and a new date for the introduction of the variations can be set.

Dave Holland
Head of Shared Regulatory Services

15 January 2016

Background papers: Financial calculations

Appendix A

Calculation Method:

The Hackney Carriage and Private Hire vehicle licence fees are calculated using a toolkit produced by the Wales Licensing Expert Panel. The purpose of the toolkit is to provide a consistent and robust mechanism to setting licensing fees. The toolkit is utilised by many other local authorities.

Part 1 –Cost Summary

All general expenditure across the Licensing Section (based on 2014/15 figures) is documented and applied to each post to give an hourly rate of each member of staff.

Licensing Section General Expenditure:

Support Services	£86,990
Accommodation Costs	£46,000
Capital Financing	£2,950
Employee Related (Excl salary)	£13,721
Transport	£2,733
Supplies & Services	£66,199

The total general expenditure (£204,872) is divided amongst each member of staff (14 in total) to give an hourly rate.

Licensing Support Assistant (x3)	£32.00
Licensing Assistant (x2)	£32.00
Licensing Enforcement Officer (x6)	£44.50
Senior Enforcement Officer	£48.00
Senior Technical Officer	£48.00
Team Manager	£53.50

These figures have been rounded to the nearest 0.50

Part 2 – Application Costs

Officer time spent on tasks relating to the licence type are calculated in minutes such as dealing with enquiries, general admin, meetings, project work training, complaint investigation, compliance and enforcement.

In respect of hackney carriage vehicle licences, the total costs for additional officer time are £144,613.

In respect of Private Hire vehicle licences the additional costs for officer time are £95,150.

Any other licence specific costs are also applied. For example, in the case of vehicles, the cost of advertising the fees in the paper is applied.

General taxi expenditure is £30726 and comprises of:

Taxi office rent	£7,000
Equipment	£791
Materials/Stationery	£4602
Bank charges	£725
Phone	£1098
ICT	£13046
Internet	£191
Security	£3273

The general taxi expenditure is then apportioned across the licence costs: £8603 is apportioned to hackney carriage vehicle licences, and £10,139 to private hire vehicle licences.

The cost of undertaking additional applications such as vehicle transfers, change of vehicles, and replacement plates is also calculated and added to the specific costs. These additional and specific costs are £32,732 for hackney carriage vehicle licences and £19,083 for private hire vehicle licences

The costs set out above are divided by the total number of relevant applications for 12 month licences to give a cost of £140 for Hackney Carriage vehicle licences and £70 for Private Hire vehicle licences, per application.

The officer time and specific costs for 6 month licences are halved, giving a cost of £70 for hackney carriages and £32 for private hire vehicles, per application.

N.B. (1) there has been an increase of nearly 200 private hire vehicle licence application since the last time the fees were set, which has reduced the total charges for each licence (as the costs are divided by more applications)

(2) In 2014/15, it has been calculated that there was a £9,961 surplus in terms of hackney carriage licence, and surplus of £12,798 in respect of private hire vehicle licences. The Council will take account of these surpluses in full in the new fees;

(3) In reference to expenditure the term 'taxi' refers to both hackney carriage and private hire vehicles

Part 3 Process steps

The cost of the administration of the licence (based on the hourly rates calculated in Part 1) and are added to the application costs outlined in part 2 above resulting in the following fees:

**Cost of 1 year hackney carriage vehicle licence renewal:
£154**

**Cost of 6 month hackney carriage vehicle licence renewal:
£86**

**Cost of 1 year private hire vehicle licence Grant:
£103**

**Cost of 1 year private hire vehicle licence Renewal:
£85**

**Cost of 6 month private hire vehicle licence Grant:
£69**

**Cost of 6 month private hire vehicle licence Renewal:
£51**

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Dear Claire Hartrey,

Thank you for the copy of the report prepared for reviewing last year's licence fees and restructuring it for current year , however having seen the report, the members of the hackney carriage Association is disappointed to see that once again you kept the licence fee for private hire vehicles significantly lower than hackney vehicle's licence fees, despite the fact that licence fees for private hire vehicle's are exactly same if not more in every local authority in England and Wales.

Furthermore;

We are also very disappointed to see that the Cardiff Council is paying £32.00 an hour to licensing support assistant, and £44.50 an hour for licensing enforcement officers, and £48.00 an hour to senior licensing enforcement officers, and £53.50 an hour to the team leader.

When a school teachers and police officers only gets £15.00 an hour in Wales after been through extensive training, i.e. school teachers go through 2-3 years training and a police officers go through 12 weeks of intensive residential training with 2 years under supervision work. Where as a licensing enforcement officer is required to take only one week training, as the work involve with licensing section is far less complex than those of teacher's and police officer's.

Yours faithfully

Mathab Khan

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PUBLIC PROTECTION COMMITTEE: 9 February 2016**Report of the Head of Shared Regulatory Services****AUTHORISATION OF OFFICERS AND DELEGATIONS****1. Background**

1.1 As the result of the restructuring of the Council and the Shared Regulatory Service there is a need to update authorisation and delegation arrangements to ensure that the officers involved in enforcement activities have the appropriate formal authorisation to act on the Council's behalf. The Committee is requested to delegate the appropriate powers to officers; legislation sets out those circumstances where officers may not undertake decisions.

2. Delegation of Authority.

2.1 The Council Constitution identifies the Public Protection Committee as having responsibility for the functions identified in Schedule 1 to this report. This report updates and consolidates the current officer authorisations and delegations for the discharge of those functions that can be delegated to officers.

2.2 In the interests of effective performance, it is proposed to delegate the responsibility for authorising officers to administer the requirements of functions identified in Schedule 1, to the following officers:

- Assistant Director - City Operations
- Head of Shared Regulatory Services

2.3 Where appropriate, any authorised officers be approved to:

1. issue Notices and Orders;
2. grant and refuse consents;
3. to implement the relevant provisions in respect of offences or other requirements;
4. give effect to applications for registration and to issue licences;
5. approve or reject applications;
6. revoke with immediate effect hackney carriage/private hire drivers in the interest of public safety;
7. suspend or revoke hackney carriage and private hire vehicle licences
8. arrange for the execution of works pursuant to any of the rules, regulations and/or Orders made thereunder (or any replacement or re-enactment thereof) identified in Schedule 1.

3. Achievability

- 3.1 The recommendations can be achieved. These authorisations and appointments enable the officers to undertake their statutory duties.

4. Conclusions

- 4.1 It is essential that all necessary authorisations are in place as otherwise enforcement action may fail on a technicality.

5. Legal Implications

- 5.1 The authorisations and appointments proposed will ensure that the officers involved have an appropriate authorisation to carry out the relevant regulatory functions.

6. Financial Implications.

- 6.1 The allocation of appropriate delegated authority will enable officers to continue to provide the service within the existing budget.

7. Recommendations

It is recommended that Committee: -

- 7.1 Authorise the Assistant Director for City Operations, and the Head of Shared Regulatory Services to act as authorised officers and undertake the roles identified in 2.3 above.
- 7.2 Delegate authority to the Assistant Director for City Operations, and the Head of Shared Regulatory Services to appoint and authorise appropriately qualified staff to act on the Council's behalf under each of the functions listed in Schedule 1 and any relevant future enactments determined to be the responsibility of the Public Protection Committee.

Such officer authorisations to be for the administration of the requirements of the functions in Schedule 1 and to enable entry onto premises, inspection, sampling, recovering of evidence and any other related operational purposes.

Andrew Gregory
DIRECTOR – CITY OPERATIONS

21 January 2016

This report has been prepared in accordance with procedures approved by the Corporate Managers.

Background papers: None

Schedule 1 (to be read in conjunction with the Council Constitution and the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 as amended)

Local Choice Functions:

- Any function relating to contaminated land.
- The discharge of any function relating to the control of pollution or the management of air quality.

Responsibility for Non-Executive Council Functions

Functions relating to Licensing and registration:-

1. Power to license hackney carriages and private hire vehicles.
2. Power to license drivers of hackney carriages and private hire vehicles.
3. Power to license operators of hackney carriages and private hire vehicles.
4. Power to license sex shops and sex cinemas.
5. Power to license performances of hypnotism.
6. Power to license premises for acupuncture, tattooing ear piercing and electrolysis.
7. Power to license market and street trading.
8. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.
9. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.
10. Duty to promote fire safety.
11. Power to license dangerous wild animals.
12. Power to enforce regulations in relation to animal by-products.
13. Power to license the employment of children.
14. Power to grant a street works licence.
15. Power to sanction use of parts of buildings for storage of celluloid.
16. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.
17. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:
 - a. An exchange of lands effected by an order under Section 19(3) of, or paragraph 6 (4) of Schedule 3 to, the Acquisition of Land Act 1981 (c.67) or
 - b. An order under Section 147 of the Enclosure Act 1845 (c.8 & 9 Vict.c.118).
18. Power to register variation of rights to common.

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