

**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.