

PUBLIC PROTECTION COMMITTEE

30 NOVEMBER 2021

Present: Councillor Mackie(Chairperson)
Councillors Sattar, Derbyshire, Hudson, Lancaster, Robson and Wood

6 : APOLOGIES FOR ABSENCE

Apologies were received from Councillor Goddard and Jacobsen.

7 : DECLARATIONS OF INTEREST

No declarations of interest were received.

8 : MINUTES

The minutes of the meeting held on 2 November 2021 were approved by the Committee as a correct record.

9 : AUTHORISATION OF OFFICERS AND DELEGATIONS

The Committee received a report seeking the approval to update officer authorisation and delegations as a result of changes in post designations within Cardiff Council and Shared Regulatory Services in order to ensure that officers have the appropriate formal authorisation to act on the Council's behalf.

Members were advised that the only procedural change arising from the delegations would be to provide officers with the ability to suspend a hackney carriage and private hire driver's licence for failing to produce their medical certificate to the Licensing Authority upon request. Currently these matters have to be reported to Committee which delays what should be a routine administrative matter. Members were also asked to note that it is important that resilience remains in place for Officers to continue to exercise delegated powers, not only to assist with the day to day operation within Shared Regulatory Services but to ensure action is taken where public safety is at risk.

It was proposed to delegate the responsibility for authorising officers to administer the requirements of functions identified in Schedule 1 of the report, to the following officers:

- Assistant Director - Street Scene
- Head of Shared Regulatory Services
- Operational Manager – Neighbourhood Services

Where appropriate, any authorised officers would be approved to:

1. Issue Notices and Orders;
2. Grant and refuse consents;
3. Implement the relevant provisions in respect of offences or other

- requirements;
4. Consider applications 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 vehicle, private hire vehicle and hackney carriage/private hire driver's licences for failure to comply with any approved policy or standards;
 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.

The Chairperson welcomed Lee Ward of Unite to the meeting. Mr Ward was invited to make representations on the report. Mr Ward stated that the trade welcomes actions that ensure public safety. However, concerns were raised that the delegations could tip the balance of powers away from elected members and towards officers. Mr Ward requested clarification regarding some of the points set out in paragraph 2.3 of the report. Members were requested to take those comments into consideration.

The Chairperson opened the debate on this report. Members requested clarification on the differences between the delegations currently in place and those to be approved. The Licensing Officers stated that the delegations are unchanged, apart from point 7 which has been amended to include reference to hackney carriage/private hire driver's licences as this would allow officers to suspend a drivers licence until such time as a satisfactory medical certificate was provided. The Committee requested further clarification on this requirement. Members felt that consideration should be given to the inclusion of an additional point that explicitly addressed the medical certificate issue.

A Member considered that whilst the concerns set out by the trade representative were valid, there was little in terms of additional powers being transferred to officers.

A Member raised concerns regarding the wording of 6.2 in the report.

'6.2 Delegate authority to the Assistant Director, Street Scene 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.'

The Member was particularly concerned regarding the reference to 'any relevant future enactments determined to be the responsibility of the Public Protection Committee' in paragraph 6.2. The Licensing Officer stated that the intention was to enable officers to react in emergencies situations such as the recent response to the covid pandemic. Members accepted the point and considered that reference to the interests of public safety should be included.

Members considered that in terms of the revocation of a licence following the committal of a serious offence, it was appropriate for officers to act immediately and

not in consultation with the Chairperson of Public Protection Committee, as requested by the trade.

RESOLVED – That the Committee:

1. Authorise the Assistant Director - Street Scene, the Head of Shared Regulatory and the Operational Manager – Neighbourhood Services to act as authorised officers and undertake the roles identified in 2.3 above, subject to the following amendments:

2.3 Point 7 – To suspend or revoke hackney carriage / private hire vehicle licences for failure to comply with any approved policy or standards.

2.3 Point 8 - To suspend hackney carriage / private hire driver licences in the event that a satisfactory medical is required but not produced.'

2. Delegate authority to the Assistant Director, Street Scene 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 in the interests of public safety.

10 : CONTROL OF STREET TRADING IN WHITCHURCH

The Committee received a report and Members were requested to consider designating streets around the junction of Tynewydd and College Road as prohibited streets for the purposes of street trading.

Members were advised that the Licensing Department has received requests from local residents and from colleagues in the Council's Housing Department to designate Tynewydd and College Road as prohibited streets. The site is currently being used by mobile catering vans which are causing a nuisance to residents and causing public safety concerns. A note setting out the concerns of the Housing Department was appended to the report at Appendix A.

The Chairperson invited representations from Antonia Murphy, Regeneration Officer, Housing and Communities and Gareth Jones, Section Leader, Neighbourhood Services. The officers provided a summary of the issues and the concerns leading to the request to prohibit street trading at the site. The concerns expressed related to noise nuisance, damage to open space, the use of a power cable running across a public footpath from a nearby flat and congestion and parking problems at a busy junction that is used by pupils attending a nearby school.

RESOLVED – That:

1. That the Committee indicate its intention to designate the following as prohibited streets for the purpose of street trading:

College Road, Whitchurch
College Close, Whitchurch
Tynewydd, Whitchurch

Tynant, Whitchurch

2. That the Head of Legal Services be authorised to publish legal notice of the Committee's intention and report to the Committee in due course so that it may consider passing the necessary resolution.

11 : URGENT ITEMS (IF ANY)

No urgent items were received.

The meeting terminated at 11.50 am