

PUBLIC PROTECTION COMMITTEE: 30 NOVEMBER 2021

Report of the Head of Shared Regulatory Services

Authorisation of Officers and Delegations

1. Background

- 1.1 As the result of the changes in post designation within 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.
- 1.2 The only procedural change arising from these delegation requests are 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 on request. Currently these matters have to be reported to Committee which provides delay in what is a routine administrative matter.

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 - Street Scene
 - Head of Shared Regulatory Services
 - Operational Manager – Neighbourhood Services
- 2.3 Where appropriate, any authorised officers 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.

2.4 It is important that resilience remains in place for Officers to continue to exercise the above 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. For example, if a notification is received from the Police of a serious sexual assault by a licensed driver it is imperative that action be taken immediately to revoke the drivers licence in the interests of public safety.

2.5 The only proposed operational change as a result of this report is to enable officers to suspend hackney carriage/private hire driver's licences in circumstances where a driver has failed to produce a medical certificate upon request by the Licensing Authority.

2.6 A medical certificate is required (in certain circumstances) to ensure that drivers are in good enough health to maintain public safety on the roads and on average, the Licensing Authority has approximately 15 outstanding certificates at one time.

2.7 If approved this would allow the Licensing Authority to deal with outstanding certificates without significant delays, thus providing greater protection for the public.

2.8 If a driver's licence was suspended because of a failure to produce a medical certificate, as soon as the required medical certificate was produced the suspension would be lifted, as is currently the case.

3. Achievability

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

4. Legal Implications

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

5. Financial Implications.

- 5.1 There are no direct financial implications arising from the recommendations of this report, for which delegated authority is to be exercised appropriately and within the existing budget.

6. Recommendations

It is recommended that Committee: -

- 6.1 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.
- 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.

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.

Dave Holland
Head of Shared Regulatory Services

9 November 2021

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

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.