

Bolsover District Council

Council

2nd November 2016

Licensing Enforcement – making arrangements with other local authorities.

**Report of the Assistant Director – Legal and Governance,
Solicitor to the Council and Monitoring Officer**

This report is public

Purpose of the Report

- To enable Sheffield City Council to carry out enforcement action on behalf of the Council in relation to Bolsover District Council licensed hackney carriage vehicles (taxis) and private hire vehicles operating in Sheffield City Council's area.
- To delegate authority to the CEO to authorise other Councils and their officers to undertake licensing enforcement in relation to taxis and private hire vehicles on behalf of the Council and to authorise the officers of those Councils to take enforcement action.

1 Report Details

- 1.1 Under section 101 of the Local Government Act 1972 the Council may arrange for the discharge of any Council functions by another local authority.
- 1.2 Licensing functions including enforcement are the responsibility of the Council (as part of Environmental Health) rather than the Executive. It is therefore for Council to decide whether to arrange for another Council to carry out licensing enforcement.
- 1.3 Under section 101, the Council can also authorise an officer to decide upon and make these arrangements with other local authorities.
- 1.4 The reason that this course of action is being recommended is that Bolsover licensed taxis and private hire vehicles operate in the Sheffield City Council area. As Sheffield's enforcement officers will be carrying out their functions in respect of Sheffield licensed vehicles where this Council's vehicles will also be working, it is helpful if they are also able to deal with any enforcement issues which arise. This would include the serving of formal notices. The alternative would be that they alert the Bolsover Team each time, which is bureaucratic and slow and may allow enforcement problems to continue for longer than necessary.
- 1.4 The recommendation is that the Chief Executive Officer is given authority to make arrangements with Sheffield City Council and any other local authority for their officers to take enforcement action against taxis and private hire vehicles licensed

by Bolsover District Council. In addition, the authorisation would include the necessary requirement for the specific authorisation of Sheffield City Council employees to take enforcement action. It follows that this is necessary for any other local authority which is authorised under this delegation.

2 Conclusions and Reasons for Recommendation

- 2.1 That authority should be given to the Chief Executive Officer to make arrangements with Sheffield City Council for the licensing enforcement function to be carried out by them.
- 2.2 That this should be done so that enforcement issues can be dealt with efficiently at the time they occur and not have to wait. It also effectively increases the number of enforcement officers in relation to taxis and private hire vehicles.

3 Consultation and Equality Impact

- 3.1 This is an extension to the number of enforcement officers with powers to deal with breaches. It is not a new role. Therefore there has been no need for consultation or an equality impact assessment.
- 3.2 However there is a need to inform licensees that Sheffield City Council employees have been authorised. Licensing will need to deal with this following consideration of this report. This will need to include making sure the Sheffield City enforcement officers are aware of the existing licensing policy and conditions they are working to.

4 Alternative Options and Reasons for Rejection

- 4.1 That no such arrangements are made. The affects of this are described in the report. It is not considered to be a good approach.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 None

5.2 Legal Implications including Data Protection

- 5.2.1 Legal implications are contained in the report. There are no Data Protection issues, although data sharing arrangements will have to be formally agreed.

5.3 Human Resources Implications

- 5.3.1 None

6 Recommendations

- 6.1 That the following delegation is given to the Chief Executive Officer with immediate effect:-

- (a) To authorise another local authority to carry out the licensing enforcement function in respect of hackney carriage vehicles and private hire vehicles for the Council as well as the Council retaining those functions, and
- (b) To authorise the enforcement officers of that local authority to issue notices relating to enforcement, make decisions or do anything required in respect of the hackney carriage and private hire licensing enforcement function.

6.2 Standards Committee is asked to include this within the Delegation Scheme in the Constitution as a permanent delegation.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is an executive decision which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Affected	None directly
Links to Corporate Plan priorities or Policy Framework	Supporting our communities to be healthier, safer, cleaner and greener.

8 Document Information

Appendix No	Title
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Correspondence held by the Licensing section.	
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