

REGULATORY & APPEALS COMMITTEE – 25 SEPTEMBER 2017

Title of paper:	Cross Border Enforcement	
Director:	Andrew Errington	Wards affected: All
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Relevant Council Plan Key Theme:

Strategic Regeneration and Development	<input type="checkbox"/>
Schools	<input type="checkbox"/>
Planning and Housing	<input type="checkbox"/>
Community Services	<input type="checkbox"/>
Energy, Sustainability and Customer	<input checked="" type="checkbox"/>
Jobs, Growth and Transport	<input checked="" type="checkbox"/>
Adults, Health and Community Sector	<input type="checkbox"/>
Children, Early Intervention and Early Years	<input type="checkbox"/>
Leisure and Culture	<input type="checkbox"/>
Resources and Neighbourhood Regeneration	<input type="checkbox"/>

Summary of issues (including benefits to citizens/service users):

Public safety is a Council priority. Enabling authorised officers from neighbouring Councils to carry out enforcement checks on vehicles and drivers licensed by Nottingham City Council will benefit the travelling public by adding an additional layer of safeguarding in relation to the safety of vehicles and the status of the people driving those vehicles, ultimately enhancing the customer experience. Work is progressing with neighbouring authorities for reciprocal arrangements to be afforded to duly authorised Nottingham City Council Officers.

Recommendations:

1	The enforcement powers of the Council under sections 53(3), 68 and 73 of the Local Government (Miscellaneous Provisions) Act 1976 be discharged by the councils listed in the Schedule in Appendix 1, pursuant to the provisions of section 101 of the Local Government Act 1972, such enforcement powers only to be exercised in respect of Nottingham City licensed vehicles and drivers whilst operating within the boundary of the respective councils and only to be exercised by the respective councils' Authorised Officers;
2	The Regional Licensing & Policy Manager be authorised to add to the councils listed in the Schedule where considered expedient, subject to agreeing reciprocal arrangements with the relevant council and subject to consultation with the Chair of the Regulatory & Appeals Committee;
3	The Committee agree to accept a similar transfer of functions from any council listed in the Schedule and any added to that Schedule under the power delegated by recommendation 2.

1 REASONS FOR RECOMMENDATIONS

- 1.1 To promote public safety by more effective use of the Council's powers.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 Nottingham City Council is a 24 hour vibrant city of which the transportation system is an essential, integral part including the Hackney Carriage and Private Hire trades.
- 2.2 Nottingham is surrounded by a shire of 7 Councils those being, Ashfield District, Bassetlaw District, Broxtowe Borough, Gedling Borough, Mansfield District, Newark & Sherwood District and Rushcliffe Borough.
- 2.3 As such, Nottingham City itself receives an abundance of traffic from the outlying areas, a high proportion of which are hackney carriage or private hire vehicles and their drivers either bringing visitors into the City or facilitating their passage outward bound. Whilst the incoming trade is economically beneficial, the Council also has a duty of care in relation to those visitors.
- 2.4 All of the above Councils are not only legally bound to license their own fleets of Hackney Carriage and Private Hire vehicles and drivers but also have to manage a throughput of vehicles and drivers from other authorities, including the City.
- 2.5 Every licensing authority has a responsibility to ensure compliance with pre-set standards and conditions for both drivers and vehicles licensed by them. However, there is no authority at present for authorised officers of one Council to be able to check driver status and/or vehicle condition of drivers and vehicles licensed outside their jurisdiction.
- 2.6 When a driver/vehicle is outside its licensing area, there is more of a chance that risks may be taken which could have an adverse impact when safeguarding vulnerable persons and/or the safety of the travelling public in general. These could include an unlicensed driver, a vehicle in unroadworthy condition and/or the collection of a fare paying passenger whose journey has not been pre-booked.
- 2.7 Following meetings with some of the outlying Councils, it has been agreed in principle that a system of reciprocal arrangements be established where by Authorised Officers (ie those identified as being suitably trained and authorised by their employing council in writing) may exercise certain powers in relation to vehicles and drivers licensed by other councils when they are within their employing council's boundary. This will result in the various councils being asked to make resolutions in similar terms albeit timescales will vary as each Council has a different procedure for consent.
- 2.8 The powers proposed to be discharged by other authorities are all contained in the Local Government (Miscellaneous) Provisions Act 1976 and are:
- S53(3) produce drivers badge/licence for inspection
 - S68 to inspect and test vehicles at reasonable times and suspend the licence if not satisfied as to their fitness.
 - S73 obstruction of authorised officer

- 2.9 Once the resolution has been approved, an Operational Protocol will be put in place with those councils who have agreed to reciprocal arrangements. Where issues of concern are found in relation to drivers/vehicles they will be referred to the relevant licensing authority for any necessary sanctions to be considered and administered.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 None

4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 None – there are existing officers and support officers in situ to be able to facilitate the power of this resolution.

5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

- 5.1 As indicated in the body of the report the intention is to set up a series of reciprocal arrangements with other licensing authorities to enable certain enforcement powers to be used more effectively.
- 5.2 Section 101 of the Local Government Act 1972 can be used to establish these arrangements as it allows this council to transfer the exercise of non-executive functions to another council (without affecting this Council's ability to exercise these functions). Similarly it gives the power for this Council to accept a transfer of powers from other council's.
- 5.3 Under the terms of the resolution the powers are only to be exercised by officers duly authorised under the Act. This should ensure that powers are only exercised by appropriate and suitably trained officers and should thereby reduce any risk involved. Matters of concern will be reported back to this council as the appropriate authority to take action against its own licensed drivers and vehicles.

6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)

- 6.1 N/A

7 EQUALITY IMPACT ASSESSMENT

- 7.1 No- not required because the resolution, if approved, will aid in safeguarding the general public as a whole without discrimination.

8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- 8.1 None

9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 9.1 Local Government (Miscellaneous) Provisions Act 1976