

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO HEALTH & HOUSING COMMITTEE

Agenda Item No.

meeting date: 2 JUNE 2011  
title: AUTHORISATION OF OFFICERS IN RELATION TO SECTION 108 OF  
THE ENVIRONMENT ACT AND THE MAKING OF WEB ENABLED  
ENQUIRIES [WEE] WITH THE DVLA  
submitted by: CHIEF EXECUTIVE  
principal author: JAMES RUSSELL

## 1 PURPOSE

1.1 To confirm formal authorisation of officers to undertake data enquiries with the Driver and Vehicle Licensing Agency (DVLA), Swansea.

1.2 Relevance to the Council's ambitions and priorities

- Council Ambitions – the measures recommended by this report will contribute to making peoples lives safer and healthier.
- Community Objectives – the measures will enhance the objective to promote and support the healthy environment, economic and social wellbeing of people who live, work and visit Ribble Valley.
- Corporate Priorities – to promote a healthy environment and lifestyle.
- Other Considerations – these authorisations are required to enable officers to be able to enforce the provisions of legislation.

## 2 BACKGROUND

2.1 The Council has formal arrangements and immediate access to obtain information from the DVLA Swansea database, to trace vehicles to identify offenders and take appropriate enforcement action.

2.2 As part of the formal arrangements, the DVLA audit Councils periodically and issue guidance and protocols requiring Councils to control the use and access of their data for legitimate and appropriate purposes.

## 3 ISSUES

3.1 To meet the latest guidance issued on 26 April 2011, the users of the Web Enabled Enquiries (WEE) system are asked to adhere to a list of very prescriptive requirements.

3.2 The latest protocol has been extended to require Councils to have available; 'the appropriate evidence of all persons who are duly authorised in writing by an enforcing authority under Section 108(J) or (K) of the Act in relation to identifying the keeper of a stationery or moving vehicle, that is alleged to have been used to dispose of rubbish on land where it is not permitted (ie fly tipping and littering)'.<sup>1</sup>

3.3 DVLA enquiries can be made in relation to the following matters:

- Fly tipping and littering
- Abandoned vehicles/untaxed vehicles
- Noise nuisance
- Dog fouling
- Fly posting
- Nuisance vehicles
- Damage to street furniture
- Caravans

3.4 Whilst officers have been duly authorised previously, there have been a significant number of changes to both staff and job titles. For completeness and clarity, I ask Committee to reconfirm the authorisation of officers for the purposes of Section 3.3 as follows:

- Head of Environmental Health Services
- Head of Engineering Services
- Senior and District Environmental Health Officers
- Environmental Health Technicians (including Pollution Control Officer)
- Cemetery and Grounds Maintenance Officer
- Market Superintendent
- Dog Wardens
- Enforcement Officer (Licensing and Environmental Health)
- Engineering Manager
- Waste Management Officer
- Cleansing Manager
- Amenity Cleansing Manager
- Amenity Cleansing Operatives
- Any other officer duly authorised by the Chief Executive

## 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – failure to comply with WEE guidance will result in withdrawal of the service and significant reconnection charges.
- Technical, Environmental and Legal – failure to approve proper authorisation of enforcement officers can result in legal challenge and cost being awarded during court proceedings.

- Political – having necessary measures in place better protects the local environment.
- Reputation – having the necessary measures enhances the Council's reputation and commitment to a clean and green environment.

5 RECOMMENDED THAT COMMITTEE

- 5.1 Authorise the officers listed in paragraph 3.4 for the purposes of paragraph 3.2 and 3.3 and for any regulations made there under or amending or replacing the same.

CHIEF EXECUTIVE

BACKGROUND PAPERS

- 1 DVLA – 'Nuisance Vehicle Online System' user guide, version 3.7, issued 26 April 2011.

For further information please ask for James Russell, extension 4466.