

PUBLIC PROTECTION COMMITTEE: 10 May 2011

Report of the Corporate Chief Officer Communities

AUTHORISATION OF OFFICERS AND DELEGATIONS

1. Background

- 1.1 As the result of the restructuring of the Council Services the licensing and miscellaneous functions undertaken by the Strategic Planning and Environment Service are to be carried out by Regulatory and Supporting Services. To ensure that the officers involved have the appropriate formal authorisation to act on the Council's behalf, the Committee is requested to delegate the appropriate power to officers.

2. Delegation of Authority.

- 2.1 The Council Constitution identifies the Public Protection Committee as having responsibility for the legislation identified in Schedule 1 to this report. As a result of the establishment of Regulatory and Supporting Services there is a need to update and consolidate the current officer authorisations and delegations.
- 2.2 In the interests of effective performance it is proposed to delegate the responsibility for authorising officers to administer the legislation identified in Schedule 1, and to institute any necessary legal proceedings to the Head of Regulatory and Supporting Services.
- 2.3 It is also proposed that the:
- Operational Manager (Licensing & Trading Standards)
 - Operational Manager (Pollution Control)
 - Operational Manager (Public Protection and Private Sector Housing)

where appropriate, be authorised to issue Notices and Orders; to grant and refuse consents; to issue legal proceedings, to implement the relevant provisions in respect of offences or other requirements; to give effect to applications for registration and to issue licences; and to approve or reject applications; and to 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.

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 The allocation of appropriate delegated authority will enable officers to continue to provide the service within the existing budget.

6. Recommendations

It is recommended that Committee: -

- 6.1 Authorises the Head of Regulatory and Supporting Services to act and to authorise appropriately qualified staff to act on the Council's behalf under each of the enactments 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 purposes of meeting the requirements of the legislation and to enable entry onto premises, inspection, sampling, recovering of evidence and any other related operational purposes.
- 6.2 Authorises the Head of Regulatory and Supporting Services to institute any necessary legal proceedings in respect of each of the enactments listed in Schedule 1 and any relevant future enactments determined to be the responsibility of the Public Protection Committee.
- 6.3 Authorises the Operational Manager (Licensing and Trading Standards) and the Operational Manager (Public Protection and Private Sector Housing) and Operational Manager (Pollution Control) to deal with all relevant matters in connection with the legislation detailed in Schedule 1 and any relevant future enactments determined to be the responsibility of the Public Protection Committee.
- 6.4 In the absence of the Head of Regulatory and Supporting Services the officers identified in 6.3 be approved to exercise the delegation listed in 6.2 above.

SARAH McGILL
CORPORATE CHIEF OFFICER COMMUNITIES

4 April 2011

This report has been prepared in accordance with procedures approved by the Corporate Managers.

Background papers: None

Schedule 1

Local Choice Functions:

- Any function relating to contaminated land.
- The discharge of any function relating to the control of pollution or the management of air quality.
- The service of an abatement notice in respect of a statutory nuisance.
- The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
- The inspection of the authority's area to detect any statutory nuisance.
- The investigation of any complaint as to the existence of a statutory nuisance.

Responsibility for Non-Executive Council Functions

Functions relating to Licensing and registration:-

1. Power to issue licences authorising the use of land as a caravan site ("site licences").
2. Power to license the use of moveable dwellings and camping sites.
3. Power to license hackney carriages and private hire vehicles.
4. Power to license drivers of hackney carriages and private hire vehicles.
5. Power to license operators of hackney carriages and private hire vehicles.
6. Power to license sex shops and sex cinemas.
7. Power to license performances of hypnotism.
8. Power to license premises for acupuncture, tattooing ear piercing and electrolysis.
9. Power to license pleasure boats and pleasure vessels.
10. Power to license market and street trading.
11. Duty to keep list of persons entitled to sell non-medicinal poisons.
12. Power of register and license premises for the preparation of food.
13. Power to register scrap metal dealers.
14. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.
15. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.
16. Duty to promote fire safety.
17. Power to license premises for the breeding of dogs.
18. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.
19. Power to register animal trainers and exhibitors.
20. Power to license zoos.
21. Power to license dangerous wild animals.
22. Power to enforce regulations in relation to animal by-products.

23. Power to license the employment of children.
24. Power to approve premises for the solemnisation of marriages and the registration of civil partnerships.
25. Power to issue a permit to conduct charitable collections.
26. Power to grant consent for the operation of a loudspeaker.
27. Power to grant a street works licence.
28. Duty to register the movement of pigs.
29. Power to enforce regulations in relation to the movement of pigs.
30. Power to issue a licence to move cattle from a market.
31. Power to sanction use of parts of buildings for storage of celluloid.
32. Duty to enforce and execute Regulations (EC) No 852/2004 and 853/2004 in relation to food business operators as further specified in regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.
33. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.
34. Powers in respect of registration of motor salvage operators.
35. 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).
36. Power to register variation of rights to common.

Functions relating to Health and Safety at Work

Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of Health and Safety at Work etc. Act 1974), to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer.