

**THE PUBLIC PROTECTION COMMITTEE AND
THE LICENSING COMMITTEE:**

10th October 2006

Report of the Chief Strategic Planning and Environment Officer

AUTHORISATION OF OFFICERS AND DELEGATIONS

1. Background

- 1.1 Strategic Planning and Environment has the responsibility for enforcing many varied pieces of legislation. To ensure that officers have the appropriate authorisation the Council delegates powers to the Chief Strategic Planning and Environment Officer and Operational Managers. In addition the Council approves the authorisation of certain qualified officers to carry out the requirements of specific legislation.
- 1.2 The Council has adopted a new Constitution and Scheme of Delegations with effect from 1 October 2006 that sets out the present arrangements for decision-making and delegations. However, in the course of instituting legal proceedings, the Council is occasionally challenged to demonstrate an unbroken line of authority between the enforcement powers contained in the legislation concerned and the officer who will be expected to use those powers and initiate legal proceedings.
- 1.3 This report is provided to clarify the delegation of authority within the Environment and Public Protection and Consumer Protection services of Strategic Planning and Environment in respect of specific legislation.

2. Delegation of Authority.

- 2.1 The new Council scheme of delegations were approved by Council in July 2006. These delegations permit Chief Officers to appoint staff in accordance with the Council's Human Resources and Financial procedures.
- 2.2 The new scheme of delegations further authorise Chief Officers to issue and serve statutory and other notices, to institute formal cautions, to institute legal proceedings before courts or tribunals, to take default action under all legislation relevant to their functional area and to authorise officers to appear on behalf of the Council in tribunals, review boards and inquiries, also to sign all necessary documents and authorise entry to land in pursuance of statutory powers.
- 2.3 The scheme also includes for Chief Officers to delegate in writing all or any of the delegated functions to other officers (described by name or post) either fully or under the general supervision and control of the delegating officer.

The written record of the decision will be kept in accordance with the requirements of the Chief Officer.

- 2.4 The Local Authorities Coordinating Office for Regulatory Services (LACORS) has made recommendations regarding local authority delegated powers, authorisation of officers and use of credentials in a document dated November 2004.
- 2.5 An instrument of appointment should be used to confer such powers as are appropriate to the officer to undertake his/her work, making it clear which statutes these powers relate to. Strategic Planning and Environment has an authorisation of officers procedure in place which details the process for creating such an authorisation and details the statutes the officer has been authorised to enforce.
- 2.6 In order to clarify the legislation the Chief Officer may delegate, a table of statutes is appended as Annexe 1 to the report.

3. **Achievability**

This report has no equality, property or human resource implications.

4. **Financial Implications**

This report is for information purposes only and does not result in any additional financial implications.

5. **Legal Implications**

This report provides clarification of the delegation of authority in respect of specific legislation enforced by Environment and Public Protection and Consumer Protection Service areas.

6. **Recommendations**

It is recommended that Committee: -

- 6.1 Confirm the delegation of authority to the Chief Strategic Planning and Environment Officer to deal with those statutes detailed in Annexe 1 and any amendments or modifications thereof, any byelaws, orders, regulations made thereunder, or at any time hereafter to be made pursuant thereto any amendments or modifications thereof for the time being in force, relevant to such enactments as the City and County of Cardiff Council require or are required to enforce.
- 6.2 In the absence of the Chief Strategic Planning and Environment Officer or upon his approval the delegations are exercisable by the Operational Manager (Environment and Public Protection) or the Operational Manager (Consumer

Protection) in the interests of the efficient performance of the statutory functions.

6.3 In the absence of the Chief Strategic Planning and Environment Officer, the Operational Manager (Environment and Public Protection) and Operational Manager (Consumer Protection) be delegated authority to exercise the delegation in the interests of effective performance of the functions and that for the purposes of Part 3 of the Council's constitution:

- a) in the absence of the CSPEO and the OM(EPP) the Operational Manager (Licensing & Strategic Services), Operational Manager (Public Protection), the Operational Manager (Environment) be authorised to exercise the delegations within the functional area; and
- b) in the absence of the CSPEO and the OM(CP) the Operational Manager (Fair Trading) and the Operational Manager (Consumer Services), be authorised to exercise the delegations within the functional area.

Sean Hannaby
Chief Strategic Planning and Environment Officer

18th September 2006

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

Background Papers:

Scheme of Delegations approved by Council July 2006.

LACORS Advice – Local Authority Delegated powers, Authorisation of Officers and Use of Credentials November 2004

ANNEXE 1 – Schedule of Legislation

Animal Boarding Establishments Act 1963
Animal Health Act 1981
Animals Act 1971
Anti Social behaviour Act 2003
Betting Gaming and Lotteries Act 1963
Breeding of Dogs Act 1973
Building Act 1984
Cardiff City Council Act 1984
Cardiff Corporation Acts 1961-1969
Cattle Identification Regulations 1998
Civic Amenities Act 1967
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Control of Pollution Act 1974
County of South Glamorgan Act 1976
Dangerous Dogs Act 1991 as amended
Dangerous Wild Animals Act, 1976
Disability Discrimination Act 1995
Dogs (Fouling of Land) Act 1996
Dogs Act 1906 as amended
Environment Act 1995;
Environmental Protection Act 1990
Environmental Protection Act 1990 Section 149
European Communities Act 1972; and all Regulations & Emergency Control Orders made thereunder
Explosives Act 1875
Factories Act 1961
Food Safety Act 1990 as amended
Gambling Act 2005
Game Licenses Act 1860
Gaming Act 1968
Good Rule and Government Byelaws 2004
Guard Dogs Act 1976
Health Act 2006 and Regulations made thereunder relating to the service area
Health and Safety at Work Act 1974
House to House Collections Act 1939
Imported Food Regulations 1997
Licensing Act 2003 *
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Local Government and Housing Act 1989
Lotteries and Amusements Act 1976
Lotteries and Amusements Act 1976 (Small Lotteries);
Office Shops and Railway Premises Act 1963
Performing Animals (Regulation) Act 1925 and Performing Animals Rules 1925.

Pet Animals Act 1951 (as amended)
Petroleum (Consolidation) Acts 1928 and 1936
Pigs (Records, Identification and Movement) Order 1995
Police, Factories etc., (Miscellaneous Provisions) Act 1916
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Private Security Industry Act 2001
Public Health (Control of Diseases) Act 1984
Public Health Acts (Amendment) Act 1907
Public Health Acts 1875 - 1984
Refuse Disposal (Amenity) Act 1978
Riding Establishments Act 1964
Safety of Sports Grounds Act 1975 (as amended)
Scrap Metal Dealers Act 1964;
Section 215 of the Town and Country Planning Act 1990
South Glamorgan Act 1976
Sunday Entertainments Act 1932
Sunday Trading Act 1994
The Food Hygiene (Wales) Regulations 2006
The General Food hygiene Regulations 2004
The Guard Dogs Act 1975;
The Meat (Enhanced Enforcement Powers) (Wales) Regulations 2001
The Products of Animal Origin (Import and Export) Regulations 1996 as amended
The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2004
The Sunday Theatre Act 1972;
The T.S.E. (Wales) Regulations 2002
The Town Police Clauses Act 1847-1889
Transport Act 1985
Vehicles (Crime) Act 2001
Zoo Licensing Act 1981

- * The Chief Strategic Planning and Environment Officer is delegated authority in respect of the determination of appropriate classifications and the approval of the showing of unclassified films as part of film festivals.