

Committee: LICENSING & ENVIRONMENTAL HEALTH

Agenda Item

Date: 13 July 2011

4

Title: SCHEME OF DELEGATION

**Author: Michael Perry, Assistant Chief Executive –
Legal, 01799 510416**

Item for decision

Summary

1. Under part 3 of the Council's Constitution (Responsibility for Functions) certain environmental health functions which are not the responsibility of the executive were assigned to this committee. This report is to propose a scheme of delegation for those functions to officers.

Recommendations

2. That members approve the draft Scheme of Delegation (annexed) with or without amendments.

Financial Implications

3. None. There are no costs associated with the recommendations.

Background Papers

4. None.

Impact

- 5.

Communication/Consultation	None arising from this report.
Community Safety	None arising from this report.
Equalities	None arising from this report.
Health and Safety	None arising from this report.
Human Rights/Legal Implications	Decisions of officers which are not within the Scheme of Delegation are subject to legal challenge.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

6. Local authorities are creatures of statute and can only act within their statutory powers. Some functions are by virtue of legislation not capable of being performed by the council's executive and must be performed by Full Council, a committee of the Council, a sub-committee of a Council Committee or officers.
7. Within the Constitution, responsibility for certain environmental health functions which are not within the remit of the Cabinet has been assigned to this Committee. Under the old committee structure, most of these functions were in practice delegated to officers. The Committee may if it wishes extend that delegation.
8. It is open to the Committee to amend the Scheme of Delegation at any time.

Risk Analysis

9.

Risk	Likelihood	Impact	Mitigating actions
Decisions are challenged on the basis that they are not within delegated powers.	3, there is currently increasing scrutiny of the authority of officers to take decisions.	2, in most cases any defect can be rectified by referring the decision up for reconsideration although in some cases the Council may face a threat of judicial review.	That the Scheme of Delegation be kept under review.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

SCHEME OF DELEGATION OF ENVIRONMENTAL HEALTH FUNCTIONS

The following functions are delegated to the Director of Public Services, the Divisional Head Housing and Environment and those authorised by them:-

1. The preparation, implementation and monitoring of the annual Environmental Health Work Programme.
2. Functions relating to the licensing and registration of:-
 - a. animal boarding establishments, dangerous wild animals, dog breeding, performing animals, pet shops, riding establishments and zoos.
 - b. Game and game dealers
 - c. Pleasure boats under the Public Health Amendment Acts Amendment Act 1907
 - d. Movable dwellings and campsites under the Public Health Act 1936
 - e. Caravan sites under the Caravan Sites and Control of Development Act 1960
 - f. Acupuncture, tattooing, ear-piercing and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982
 - g. Food premises under the Food Safety Act 1990
 - h. The operation of loudspeakers under the Noise and Statutory Nuisance Act 1993
 - i. Houses in multiple occupation under the Housing Act 2004
3. Functions relating to health, safety and welfare in connection with work and control of dangerous substances to the extent that the functions are discharged by the authority otherwise than in its capacity as an employer under Part 1 Health and Safety at Work Act 1974
4. Functions relating to smoke free premises
5. To issue, enforce or revoke any statutory notices, authorisations, licences and certificates.