

Report of the Head of Regulatory Services

## **DELEGATED AUTHORITY – ENVIRONMENTAL HEALTH**

### **SUMMARY**

The Constitution allows for officers of the District Council to exercise decision making on its behalf. This report proposes amendments to the scheme of delegation in relation to the work of the Environmental Health team in order to update legislation and allow the amendment of officers' authorisations.

### **RECOMMENDATION**

That the scheme of delegated authority in relation to the activities of the Environmental Health and Licensing functions is amended as set out in the appendix to this report.

### **WARDS AFFECTED**

All

### **STRATEGIC LINK**

Effective Environmental Health and Licensing services support the District Council's proposed priority to be safe.

---

### **REPORT**

- 1.1 Part 3 of the District Council's Constitution sets out how the Council's functions are operated and includes tables that list the responsibilities, duties and powers that are delegated to officers in order to allow these roles to be undertaken in as smooth and transparent a manner as possible. For clarity the tables that set out these delegated powers are listed under the Committee to which they relate.
- 1.2 Those delegated powers that are exercised by the District Council's Environmental Health team are set out in the table listed under the Community and Environment Committee and in total this table runs for 29 pages. Officers from our Environmental Health and Legal teams have been undertaking a review of these powers and have found that over time there have been a small number of omissions and a longer list of amendments that need to be rectified.
- 1.3 It has been general practice to make any such changes at the District Council's Annual Meeting, when the whole of the Constitution is reviewed. However, some of these changes are required urgently in order to ensure that officers can undertake their tasks with the correct legal authorisations. As such it is considered that the correct course of action is to present these additions and amendments as a separate report so that Members can see clearly what powers are being delegated to officers on their behalf.

- 1.4 There is also one amendment to be made under the powers delegated to officers by the Licensing and Appeals Committee.
- 1.5 The list of proposed additional delegations is as follows:
- Section 13 Environmental Protection Act 1990 – power to serve an enforcement notice – All Environmental Health Officers
  - Section 14 Environmental Protection Act 1990 – power to serve an prohibition notice – All Environmental Health Officers
  - Section 117 Environmental Protection Act 1990 – power to deal with cause of imminent danger of damage to the environment – all Environmental Health Officers
  - Section 25 Health and Safety at Work etc Act 1974 – power to deal with cause of imminent danger – all Environmental Health Officers
  - Section 235 Housing Act 2004 – power to require information – all Environmental Health Officers
- 1.6 The list of proposed amendments is as follows:
- (PAGE 12) Transmissible Spongiform Encephalopathies Regulations should be amended from 2002 to 2010
  - Products of Animal Origin (Third Country Imports)(England) Regulations – repealed – now contained in Trade in Animals and Related Product Regulations 2011
  - (PAGE 13) Products of Animal Origin (Import and Export) Regulations 1996 – repealed – now contained in Trade in Animals and Related Product Regulations 2011
  - Food Closing Orders – LG(MP)A 1982 – relevant section repealed in 2005 – now a Licensing Act function
  - Food Hygiene Regulations – now dated 2013
  - (PAGE 14) The Official Feed and Food Controls (England) Regulations 2005 – Regulations repealed – most current version is 2009
  - (PAGE 17) The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 – repealed – now 2013 Regulations
  - (PAGE 18) Housing Act 1985 - Closing Orders are repealed
  - Performing Animals (Regulations) Act – 1925 not 1975 as stated
  - (PAGE 23) Application for possession order and court orders should be in conjunction with Head of Corporate Services as delegated officer to authorise legal proceedings
  - (PAGE 27) Contaminated Land – Environmental Act 1995 should read Environment Act 1995
  - (PAGE 28) Environmental Damage Regulations 2009 – repealed now Environmental Damage (Prevention and Remediation)(England) Regulations 2015

- (PAGE 34) Environmental Permitting (E&W) Regs 2007 – repealed now 2010
- (PAGE 63) Scrap Metal Dealers Act 1964 – amend to read 2013

1.6 For complete clarity a copy of the amended Scheme of Officer Delegation is included as Appendix 1 to this report.

### **3 RISK ASSESSMENT**

#### **Legal**

3.1 The scheme of delegation accords with the powers set out in paragraph 101 of the Local Government Act 1972. The legal risk is therefore low.

#### **Financial**

3.2 The proposed arrangements will not result in any additional expenditure. The financial risk is therefore assessed as low.

### **4 OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

### **5 CONTACT INFORMATION**

Tim Braund, Head of Regulatory Services, Tel: 01629 761118, Email: [tim.braund@derbyshiredales.gov.uk](mailto:tim.braund@derbyshiredales.gov.uk)

### **6 BACKGROUND PAPERS**

None

### **7 ATTACHMENTS**

Appendix 1 – Amended Constitution 15 – Part 3 – Responsibility for Functions