

Dear Councillor

LICENSING AND PROTECTION COMMITTEE - TUESDAY, 19 JULY 2016

I am now able to enclose for consideration at the above meeting the following reports that were unavailable when the agenda was printed.

**Agenda Item
No.**

**3. SERVICE PLAN FOR HEALTH AND SAFETY REGULATION
2016/17 (Pages 3 - 22)**

To consider the Service Plan for Health and Safety Regulation 2016/17.

5. SCHEME OF DELEGATION (Pages 23 - 54)

To consider a report by the Head of Community Services on the Scheme of Delegation.

- (a) Scheme of Delegation to Licensing and Protection Sub-Committee
- (b) Scheme of Delegation to Officers.

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Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title:	The Service Plan for Health and Safety Regulation 2016-17
Meeting/Date:	Licensing and Protection Committee - 19 July 2016
Executive Portfolio:	Executive Councillor for Community Resilience - Cllr Steve Criswell
Report by:	Commercial Team Leader – Keith Lawson
Ward(s) affected:	All

Executive Summary:

Huntingdonshire District Council is a health and safety enforcing authority. The Health and Safety Executive (HSE) is the national regulator for health and safety and it requires every local authority to outline how it will fulfil its duty “to make adequate arrangements for the enforcement of the relevant statutory provisions within its area”. This requirement is supported by the National Local Authority Enforcement Code and Local Authority Circular (LAC) 67/2 (rev5).

Recommendation:

Members are requested to:-

1. Consider the ‘Service Plan for Health and Safety Regulation 2016-17’ and if in agreement, approve the Service Plan for 2016-17.

1. PURPOSE OF THE REPORT

- 1.1. The report formally presents the Service Plan for Health and Safety Regulation 2016-17 (“the Service Plan”) to the members of the Licensing and Protection Committee, invites their comments and their approval of the Service Plan. This enables the Council to discharge its duty as an enforcing authority for health and safety regulation.

2. WHY IS THIS REPORT NECESSARY?

- 2.1 Huntingdonshire District Council is a health and safety enforcing authority. The Health and Safety Executive (HSE) is the national regulator for health and safety and it requires every local authority to outline how it will fulfil its duty “to make adequate arrangements for the enforcement of the relevant statutory provisions within its area”. The requirement is supported by the National Local Authority Enforcement Code and the Local Authority Circular (LAC) 67/2 (rev5).
- 2.2 The council’s role as a health and safety regulator is delivered by the Commercial Team of the Community Division and the purpose of the Service Plan is to explain how that service will be delivered. It also details the resources required to deliver the service, together with a review of the previous year’s performance.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 The Service has considered the national Enforcement Code, LAC 67/2 (rev5), the data from the 2015-16 Service Plan and the direction of travel for Huntingdonshire District Council in its Corporate Plan 2016-18.

4. KEY IMPACTS/RISKS

- 4.1 A failure to produce an appropriate Service Plan could invite criticism from the HSE which, as the national regulator oversees local authorities. This in turn could result in contact from the HSE’s Local Authority Unit.

5. TIMETABLE FOR IMPLEMENTATION

- 5.1 The work in the Service Plan will be delivered during the financial year 2016-17. It will be delivered alongside the Commercial Team’s other core regulatory functions, namely food safety, food-related infectious disease control, smoking in public places and private water supplies.

6. LINK TO THE CORPORATE PLAN

- 6.1 The Service Plan supports the Council’s Corporate Plan and contributes to the three strategic priorities therein.

7. LEGAL IMPLICATIONS

- 7.1 The HSE has a key role as the national regulator in overseeing health and safety regulation undertaken by local authorities.
- 7.2 The HSE’s National Local Enforcement Code recognises that service plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally.

7.3 The Health and Safety Service Plan is developed annually to ensure compliance with the Code. This plan updates the previous plan approved by the Licensing and Protection Panel on the 23 June 2015. Service plans must include a review of performance in order to address any variances from meeting the requirements of the service plan and identify areas for improvement.

7.4 This authority has a statutory duty to comply with the Code. These duties include requirements for the planning, management and delivery of the health and safety regulation service

8. RESOURCE IMPLICATIONS

8.1 The overall budget for 2016-17 is 19% less than in 2015-16. This is almost entirely attributable to a reduction in the cost of overheads which is due to changes in the methods of internal recharging.

8.2 The budget is within the approved budget for 2016-17

9. OTHER IMPLICATIONS

9.1 The HSE expects local authorities to carry out its regulatory activities in an effective, risk-based, proportionate and consistent way. The production, publication and delivery of the Service Plan will meet those expectations.

10. REASONS FOR THE RECOMMENDED DECISIONS

10.1 Huntingdonshire District Council is required to produce, and approve a Service Plan for Health & Safety Regulation. The Service Plan for Health & Safety Regulation 2016-17 presents a robust plan which is achievable, but challenging, within the aspirations of the Council and approved resources.

LIST OF APPENDICES INCLUDED

Appendix 1 - The Service Plan for Health and Safety Regulation 2016-17

CONTACT OFFICERS

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COMMUNITY DIVISION

THE SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2016-17

**Drawn up in accordance with the National Local Authority
Enforcement Code and Local Authority Circular LAC 67/2 (rev5)**

June 2016

EXECUTIVE SUMMARY 2016-17

AIMS AND OBJECTIVES

The overall aim of the service is to work with businesses and employees to protect people from unsafe working conditions.

The service is linked to the Council’s Corporate Plan and aims to comply with the Health and Safety Executive’s (HSE) “National Local Authority Enforcement Code”. Much of this work is directed by a national circular (LAC 67/2 (rev45 which outlines the ways in which local authorities should comply with the national code.

The health and safety service is one of the functions carried out by officers within the Commercial Team of the Community Division. Those officers also deliver regulatory and advisory functions in the fields of food safety, infectious disease control, drinking water safety and smoke free legislation.

RESOURCES

STAFF

	2015-16	2016-17
Environmental Health Officers (EHO)*	1.15	1.15
Environmental Health Protection Officers (EHPO)	0.35	0.35
	1.50	1.50
Admin Support Staff	0.75	0.16
Total	2.25	1.66

* These figures represent the full time equivalent posts on the establishment. There has been a vacancy (0.2 FTE) since 31 December so in practice only 0.95 FTE EHO posts have been available to deliver the service since then.

FINANCIAL

	2015-16	2016-17
Direct Costs		
Employees (salaries, NI and pensions)	£78,830	£79,614
Other (Legal fees, sampling, equipment etc.)	£10,848	£10,028
Overheads	£48,934	£22,063
TOTAL	<u>£138,611</u>	<u>£111,705</u>

Table 1 – programmed activity

Activity	Level of activity	
	Actual 2015-16	Estimated 2016-17
Premises inspections and interventions (including revisits)	197	100
Health and safety complaints	38	40
Accident and dangerous occurrence investigations	19	20
Specific smoke free enforcement visits	6	10
Health and safety promotion and advice to business/enquiries	e.g. provision of training courses, development of newsletter, leaflets, website, educational initiatives (in addition to those identified in “interventions”)	
Liaison with other organisations	Maintenance and development of existing links and initiatives both internal and external	
Staff development and training	Internal and external training courses, and development	
Service management	Overall supervision and management of service, policies and procedures	

The overall budget for 2016-17 is 19% less than in 2015-16. This is almost entirely attributable to a reduction in the cost of overheads which is due to changes in the methods of allocating internal recharges.

The administrative support comprises the following: preparation of reports, letters and notices; updating computer records; recording of enquiries and service requests; collation of data about reportable accidents; collation of data for HSE and CIEH returns and internal PI monitoring.

A balanced workload has been proposed for 2016-17 which incorporates a range of intervention activities. The plan assumes that the service remains fully staffed. Unforeseen events can place unexpected demands on the service and will prejudice our ability to deliver the plan. These include fatal accident investigations and staffing issues such as long term sickness.

1.0 SERVICE AIMS AND OBJECTIVES

- 1.1 Health and safety regulation represents an important mechanism for reducing accidents and ill health in the workplace as well as contributing directly to economic success and a safe working environment. The aim is to ensure that everyone can enjoy a working environment that is safe and without undue or unreasonable risk to health.
- 1.2 The service aims to:
- Fulfil the statutory duty imposed on the council as a “Health and Safety Enforcing Authority” and ensure the effective regulation of health and safety standards and;
 - Deliver a complementary programme of advice and enforcement to ensure that businesses are better placed to comply with their duties.
- 1.3 The service seeks to meet these aims through a number of key actions which include:
- Securing compliance with health and safety law, having regard to Approved Codes of Practice and guidance
 - Investigating complaints and taking appropriate action
 - Delivering a programme of interventions in accordance with statutory guidance
 - Investigating reported accidents, dangerous occurrences and notifiable diseases on the basis of risk and taking appropriate enforcement action
 - Maintaining a register of premises for which the Council has enforcement responsibility
 - Maintaining a register of evaporative condensers and water-cooling towers on behalf of the HSE
 - Responding to statutory notifications about the removal of asbestos or asbestos-containing material
 - Taking samples of articles and substances as they relate to a working environment
 - Providing advice and guidance, in particular to new businesses
 - Working in partnership with other organisations to promote health and safety in the workplace.
- 1.4 The plans and initiatives to which the service must have regard include:
- The HSE’s strategy “Help GB Work Well”
 - The Council’s Corporate Plan 2016-18
 - The HSE’s National Local Authority Enforcement Code
 - The Better Regulation Delivery Office’s (BRDO) Regulators’ Code

2.0 SERVICE DELIVERY

2.1 Introduction

- 2.1.1 The health and safety service is delivered by officers within the Commercial Team of the Community Division.
- 2.1.2 The team will deliver a mixture of proactive and reactive interventions which will be consistent with government guidance. In practice this will comprise programmed inspections of the highest risk workplaces alongside targeted projects aligned with LAC 67/2 (rev5). These will be supplemented with risk-based reactive interventions in response to reported accidents, work-related diseases, dangerous occurrences and complaints.
- 2.1.3 Whilst the need to work in accordance with national guidance is recognised, the service will also honour the Council's long standing commitment to provide support for businesses.

2.2 Health and safety inspections

- 2.2.1 There are 2371 premises on the database for which the Council is the health and safety enforcing authority. A breakdown by HSE classification is shown below. According to the database 71 businesses are due for an inspection during 2016-17. However, the National Local Authority Enforcement Code supported by LAC 67/2 (rev5) states that unannounced proactive inspections should only be used for the highest risk premises, those on HSE's published list of specific local authority enforced sectors and where there is local intelligence which shows that risks are not effectively managed. This means that many of the premises which are due for an inspection will not be visited unless they are within the specified categories.

Table 2 - Analysis of premises by type

Retail Shops	502
Catering, restaurants and bars	497
Offices	376
Consumer services (e.g. hairdressing, tyre fitting, tattooing)	365
Wholesale, warehouses and fuel depots	218
Leisure and cultural services (e.g. cinema, place of worship)	151
Hotels, camp sites and other short-stay accommodation	54
Provision of permanent residential accommodation	53
Other premises (not classified above)	51
Not classified	104

2.2.2 It is the Council's policy that unannounced health and safety inspections are restricted to the highest risk premises and to those sectors identified in the national code. Other interventions will be used in accordance with the National Local Authority Enforcement Code.

2.2.3 Proactive inspections can also be carried out at premises where a food hygiene inspection and a health and safety inspection are both due in the same year. These premises will be inspected accordingly.

2.2.4 These are the high risk sectors that according to the National Code are suitable for unannounced inspections

- Open farms and animal visitor attractions
- Independent tyre fitters
- High volume warehousing and distribution
- Large scale public events
- Commercial catering premises that use solid fuel cooking equipment

2.3 Other health and safety interventions

2.3.1 LAC 67/2(rev5) identifies several other intervention types which can be used as an alternative to unannounced proactive inspections. These include the following:

- Visits by appointment
- The provision of advice and information
- Sector-specific initiatives which target local problems
- Responding to "local intelligence" which gives cause for concern.

2.3.2 We will continue to support HSE's wider strategic aims subject to available resources.

2.4 New business enquiries and inspections

2.4.1 Health and safety legislation does not require new businesses to notify the Council when they start up. The service has an online form which a business can complete instead and there is liaison with the NNDR team where necessary. All planning applications are circulated to officers for review and advice is provided to the applicant where necessary. When new businesses open they are added to the inspection programme on the basis of risk.

2.4.2 This year the service will increase its commitment to the provision of advice to new businesses. Where possible and according to risk, the first contact with a new business will focus on the provision of compliance advice.

2.5 Health and safety complaints and requests for service

2.5.1 These fall into one of the following broad categories:

- Complaints about unsafe working conditions, practices or equipment

- Complaints about welfare-related issues such as working hours and meal breaks
- Complaints about the lack of suitable training, supervision or instruction for employees
- Adverse Inspection Reports about lifting equipment and pressure vessels

2.5.2 They are investigated in accordance with internal procedures and central guidance.

2.6 Notifiable accidents, injuries, diseases and dangerous occurrences

2.6.1 Investigations are carried out in accordance with relevant guidance and procedures. Enforcement action is in accordance with the Enforcement Policy.

2.7 Licensing and registration

2.7.1 The service acts as a consultee for applications, representations for new premises licences, or variations to existing licences. Any public safety aspects of the proposals are considered and reported to the Licensing Officer. Visits are also carried out following applications for registration of skin-piercing and tattooing activities. The service also carries out inspections under the Zoo Licensing Act and Riding Establishments Act and administers the licensing processes.

2.8 Formal notifications

2.8.1 The Council receives formal notifications from specialist engineers relating to lifting equipment; work with asbestos; pressure systems and location of cooling towers. Follow-up work is often required in all these areas to ensure that safe working practices are in place.

2.9 Advice to businesses

2.9.1 This year the service will increase its commitment to the provision of advice to new businesses. Where possible and according to risk, the first contact with a new business will focus on the provision of compliance advice.

2.9.2 The Council supports the philosophy that effective regulation involves working with businesses. Officers will work with businesses to help them to comply with the law and to encourage the use of best practice. This is achieved through a range of activities which include:

- Awareness seminars and targeted mail shots prompted by changes in legislation
- Maintenance and development of the department's web site.
- Provision of training when resources permit
- A periodic business newsletter which contains information about health and safety requirements
- Ad hoc seminars and lectures for schools, trade and voluntary groups

2.10 Health and Safety Partnership Working

- 2.10.1 The Council supports the principles of the Primary Authority Partnership Scheme (PAP). A company with multiple outlets in different local authority areas can invite one to set up a PAP. The local authority is not obliged to do so but if it agrees then it must be mindful of the significant demand on resources that will result.
- 2.10.2 Nationally there are almost 2000 direct partnerships with 176 different local authorities. It is estimated that there are about 60 companies in Huntingdonshire with partnerships. The Council doesn't have any health and safety partnerships but will consider doing so if approached. Such partnerships are resource intensive but costs can be recovered from the business partner.
- 2.10.3 The Council recognises the importance of liaison with businesses and statutory bodies to ensure a consistent approach to enforcement. The most established mechanism is the Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers' Group.

2.11 Enforcement Policy

- 2.11.1 Huntingdonshire District Council has signed up to the Enforcement Concordat. The Division endorses the principles laid down in the Better Regulation Delivery Office's Regulators' Code. .

2.12 Smoke free Implementation

- 2.12.1 Smoke free enforcement work has now become integrated into routine inspection activity and in response to specific complaints.
- 2.12.2 In the year up to 31 March 2016 our officers responded to 10 complaints about non-compliance with the regulations. Standards are also assessed during routine food hygiene and health and safety visits of which there were just over 900.

3.0 RESOURCES

3.1 Staffing

3.1.2 The Commercial Team comprises seven posts, one of which has been vacant since 31 December 2014. Administrative support is provided by the Community Administration Team.

	2016-17
Environmental Health Officers (1 post vacant since 31/12/14)	1.15
Environmental Health Enforcement Officers	0.35
	1.50
Admin support staff	0.16
TOTAL	1.66

3.1.3 These figures represent the full time equivalent posts on the establishment. There has been a vacancy (0.2 FTE) since 31 December so in practice only 0.95 FTE EHO posts have been available to deliver the service since then.

3.2 Financial

	2015-16	2016-17
Direct Costs		
Employees	£78,830	£79,614
Other (Legal fees, sampling, equipment etc.)	£10,848	£10,028
Overheads	£45,747	£22,063
TOTAL	<u>£138,611</u>	<u>£111,705</u>

3.2.1 The overall budget for 2016-17 is 19% less than in 2015-16. This is almost entirely attributable to a reduction in the cost of overheads caused by changes in the methods of allocating internal recharges.

3.2.2 The administrative support workload includes the production of detailed post-inspection letters, data entry to Flare, recording of enquiries and service requests, collating data on reportable accidents, collation of data for HSE and CIEH returns and internal monitoring.

3.2.3 A balanced workload has been proposed for 2016-17 which incorporates a range of activity. Long-term sickness, vacancies and other absenteeism will prejudice our ability to meet the requirements of the service plan. These would impact on the completion of inspection targets and the delivery of the plan of work outlined in Section 5.4.

3.2.4 The impact of large-scale events such as the Secret Garden Party, carnivals and local heritage events also needs to be recognised. They require significant staff resources during the planning and operational phases.

3.3 Competency and Professional Development

- 3.3.1 All members of staff are involved in a staff review and development process with annual appraisals and six-monthly reviews. Staff training needs are identified as part of this process together with routine assessments of competency and each contributes to the training programme.

- 3.3.2 Officers who are routinely involved in health and safety enforcement are appropriately qualified and training is provided for them in order maintain their level of competence. During 2016-7 they will have access to any training which is necessary to fulfil the requirements of the Chartered Institute of Environmental Health (CIEH) Continuing Professional Development (CPD) scheme and the requirements of the Regulators' Development Needs Assessment and HSE Competency Frameworks.

4.0 QUALITY ASSESSMENT

4.1 The following methods are used to assist with the quality assessment of the service:

- Standard Operating Procedures
- Periodic benchmarking and peer review exercises
- Review of post-inspection paperwork by the Team Leader
- Periodic assessment of competencies
- Accompanied visits with the Team Leader
- Regular team meetings
- Review of officers' personal work plans
- Annual performance appraisal and development interviews
- County-wide working groups addressing specific issues, consistency of enforcement, training issues.

5.0 REVIEW

5.1 Review of Performance

- 5.1.1 The Health and Safety Executive (HSE) has issued guidance to all local authorities. This requires them to review their performance in order that any variances from the requirements of the Service Plan can be identified.
- 5.1.2 The Service was not fully staffed for the year. A vacancy has been held open since 31 December 2014.
- 5.1.3 The Secret Garden Party, a licensed annual music and arts festival attracting over 25,000 visitors, required significant resources and officer involvement. This included the inspection of site infrastructure, displays, event areas, water and lake-based activities, car parking and camping areas. A large number of vendors were visited, and several food and water samples were taken. Formal action was taken where appropriate.

5.2 Formal Enforcement Action

- 5.2.1 The Health and Safety at Work Enforcement Policy Statement states that a graduated approach to enforcement will be adopted and that in the first instance duty holders will be given the opportunity to discuss and remedy problems before action is taken. In order to determine the best course of action, an officer will assess the degree of risk, the severity of the offence, the technical means by which the contravention can be remedied, together with the known compliance history of the duty holder. The most appropriate enforcement option must always be governed by the particular circumstances of the case.
- 5.2.2 In most cases, compliance is secured by informal means, most commonly by letter. However, it is sometimes necessary to use formal methods. Two improvement notices were served for significant breaches of health and safety requirements and one prohibition notice was served for an imminent risk to health and safety.

Table 3 shows a comparison with the enforcement activity carried out in the previous two years.

Table 3 – enforcement action

	2013-14	2014-15	2015-16
Total number of inspections, visits and revisits	259	172	99
Number of letters	104	104	42
Improvement notices	12	8	2

	2013-14	2014-15	2015-16
Prohibition notices	2	6	1
Simple cautions	3	0	0
Prosecutions	0	0	0
Health & Safety complaints	87	66	38
Accident Notifications	84	82	68

5.2.3 The reduction in the number of visits is in line with the expectation that local authorities will only carry out unannounced inspections of high risk premises. The number of letters includes all written notifications to employers, whether or not there were contraventions of health and safety requirements. Of these, 27 related to breaches of health and safety requirements.

5.3 A Review of the Service Plan

5.3.1 Section 5.4 of the 2015-16 Service Plan contained the plan of work for the year. The following is a summary of that work.

5.3.2 Several groups of premises were visited in order to assess the management of risks associated with the following

- Respirable dusts and fumes (including asthmagens).
- Vehicle movements in and around warehouses
- Work at height
- Lone working

No enforcement action was necessary.

5.3.3 A system was developed that allows officers to deal with “Matters of Evident Concern” (MEC) which are noted during other routine activities such as food hygiene visits. These include electrical and gas safety hazards, slip and trip risks and unguarded equipment. This ensures that potentially dangerous situations can be dealt with quickly without imposing unnecessary burdens on the business.

5.3.4 The databases of skin piercers and skin piercing premises were reviewed. There are several fundamental discrepancies which until resolved will hamper further work in this area.

5.3.5 All the highest risk (category A) premises were inspected. Enforcement action was taken to deal with any breaches of legal requirements.

5.3.6 Of the 68 accidents that were reported, 19 required an investigation. One of these involved a fatality at a local ski club and the investigation has been necessarily time consuming. It has involved extensive liaison with the Police and the Coroner's Office. The investigation has already accounted for over 100 hours of officer time and has yet to be completed.

5.4 Plan of work for 2016-17

5.4.1 The work will be guided by the content of Local Authority Circular (LAC) 67/2 (rev5), the National Local Authority Enforcement Code and the HSE's Help GB Work Well Strategy.

5.4.2 Whilst we recognise the need to work in accordance with national guidance we will also honour the Council's long standing commitment to provide support for businesses and this will be reflected in this year's plan of work. Where possible and according to risk, the first contact with a new business will focus on the provision of compliance advice.

5.4.3 Proactive inspections of existing premises can be carried out where a food hygiene inspection and a health and safety inspection are both due in the same year. There are 16 such premises and they will be inspected accordingly.

5.4.3 The work will be a mixture of conventional inspections and targeted interventions which will focus on the priority sectors and activities identified in the HSE Code together with support for the HSE's Help GB Work Well strategy. Examples include the following:

5.4.3.1 The management of work-related asthmagens – building on the work carried out in 2015-16 to provide information to businesses via the Newsletter.

5.4.3.2 The management of fork lift trucks – write to relevant small businesses to remind them of their legal duties and then follow up with visits to assess staff training and maintenance of vehicles.

5.4.3.3 Increasing compliance support for new businesses – provision of a bespoke health and safety business card to signpost employers to relevant sources of information.

5.4.3.4 Newsletter – increase the coverage of health and safety at work issues in the newsletter. Consider an occasional health and safety "special edition" newsletter.

5.4.3.5 The management of work-related dermatitis – identify small catering businesses at which employees don't have access to dishwashing machines and then assess the management of risk.

5.4.3.6 The management of working at height and workplace transport in warehouses – building on the work carried out in 2015-16.

5.4.3.7 Continue to deal with "matters of evident concern" which arise during the course of other interventions (e.g. food hygiene visits) and take appropriate enforcement action.

Public

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Licensing & Protection Committee – Scheme of Delegation to Licensing & Protection Sub-Committee
Meeting/Date:	Licensing & Protection Committee – 19 th July 2016
Executive Portfolio:	Executive Councillor for Community Resilience – Cllr Steve Criswell
Report by:	Head of Community - Chris Stopford
Ward(s) affected:	All

Executive Summary:

In February 2016, Council approved a new Constitution. Contained therein is the Responsibility for Functions (Part 3), and specifically those functions of the Licensing & Protection Committee, and the Licensing and Protection Sub- Committee (Table 2, Part 3).

Legal advice has recommended that the Licensing & Protection Committee formally resolve the scheme of delegation between the Licensing & Protection Committee and the Licensing & Protection Sub-Committee, as contained within Table 2, Part 3 of the Council Constitution.

Recommendation(s):

The Licensing & Protection Committee is

RECOMMENDED

- i) approve the scheme of delegation from Licensing & Protection Committee to the Licensing and Protection Sub Committee.
- ii) that the Head of Community be authorised to make minor editorial changes which by definition make no change to the powers of delegations,
- iii) that the Head of Community, in consultation with the Chair and Vice Chairman of the Licensing & Protection Committee, be authorised to make changes as a result of revocations, amendments, or enactment of relevant statutory provisions

1. PURPOSE OF THE REPORT

- 1.1 The Council Constitution 2016 details the Responsibility for Functions, and specifically the responsibilities of the Licensing & Protection Committee (the Committee) and the Licensing & Protection Sub-Committee (the Sub Committee). Legal advice has recommended that the Licensing & Protection Committee formally resolve this delegation of licensing and registration functions from the Committee to the Sub-Committee

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The Council has approved a new Constitution, which includes the responsibility for functions relating to a range of licensing and registration functions. This in the main relates to hackney carriage and private hire matters, but includes other licensing and registration matters as detailed in the table below. The functions do not include those under the Licensing Act 2003 or Gambling Act 2005.
- 2.2 Advice obtained from James Button, a legal 'expert' on licensing law has recommended that the Committee should formally resolve to approve a scheme of delegation between the Committee and the Sub Committee.
- 2.3 The scheme being recommended for approval, detailed below, allows for the efficient and effective execution of the Council's functions licensing and registration matters, such that decisions which fall outside of the scheme of delegation to Officers, can be determined by the Sub Committee of three Members, as opposed to having to convene a meeting of the full Committee.
- 2.4 The recommended scheme of delegation to the Sub Committee, allows the Committee to effectively reverse the delegation and determine a matter if the Committee considers it necessary.

Extract from Huntingdonshire District Council Constitution 2016
Part 3, Table 2 Responsibility for Council Functions

Committee/Panel and Membership	Functions	Delegation of Functions
<p>Licensing and Protection Committee</p> <p>12 members of the Council including at least 1 member of the Cabinet</p>	<p>All functions that are the responsibility of the district council relating to licensing and registration as detailed in Part B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 detailed below but without limiting this general delegation:</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences regarding Hackney Carriage and private hire vehicles, drivers and operators under the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976 so far as these powers are not the responsibility of the Cabinet.</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences authorising the use of land as a caravan site ("site licences") under the Caravan Sites and Control of Development Act 1960</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences for the use of moveable dwellings and camping sites under s269 Public Health Act 1936</p> <p>All powers and functions relating to late night levy requirements under Police Reform and Social Responsibility Act 2011, Chapter 2 of Part 2 and all relevant regulations.</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to sex establishment licences under Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3</p>	<p>Delegations to Officers as set out in the scheme of delegation to Officers</p>

	<p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences for performances of hypnotism under the Hypnotism Act 1952.</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences for acupuncture, tattooing, skin-piercing and electrolysis under ss13-17 Local Government (Miscellaneous Provisions) Act 1982.</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences for pleasure boats and pleasure vessels under s94 Public Health Acts Amendment Act 1907</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to street trading under Local Government (Miscellaneous Provisions) Act 1982 Part III and Schedule 4.</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to food premises licences under s19 Food Safety Act 1990 and all relevant regulations.</p> <p>All powers in relation to the issue, amendment or replacement of safety certificates (whether general or special) for sports grounds under The Safety of Sports Grounds Act 1975.</p> <p>All powers in relation to the issue, amendment or replacement of safety certificates for regulated stands at sports grounds under Fire Safety and Safety of Places of Sport Act 1987 Part III.</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to dog breeding licences under the Breeding of Dogs Act 1973 and the Breeding and Sale of Dogs (Welfare) Act 1999.</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to the licensing of pet shops and other establishments where animals are bred</p>	
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	<p>or kept for the purposes of carrying on a business under the Pet Animals Act 1951, the Animal Boarding Establishments Act 1963, the Riding Establishments Acts 1964 and 1970, the Breeding of Dogs Act 1973 and the Breeding and Sale of Dogs (Welfare) Act 1999.</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to the registration of animal trainers and exhibitors under the Performing Animals (Regulation) Act 1925.</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to the licensing of zoos under the Zoo Licensing Act 1981.</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to the licensing of the keeping of dangerous wild animals under the Dangerous Wild Animals Act 1976.</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to the licensing of persons to collect for charitable and other causes in the street or house to house under Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.</p> <p>Taxi, food and miscellaneous licensing, street trading, environmental health, anti-social behaviour, and community safety</p> <p>Functions relating to Health and Safety under any "relevant statutory provisions" within the meaning of Part I of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer.</p> <p>The approval of the Food Safety service plan</p> <p>Determining the amount of any charge to be made for any approval, consent, licence, permit or registration, or other activity for which the Council has the ability to levy a legal charge within the terms of reference of the Committee.</p>	
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<p>Licensing and Protection Sub-Committee</p> <p>The sub committee shall consist of 4 members, drawn from the Licensing and Protection Committee</p>	<p>The Licensing and Protection Committee has delegated the following functions to a Sub-Committee but reserves the right to itself to determine any such matter should the Committee so resolve.</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences regarding Hackney Carriage and private hire vehicles, drivers and operators under the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976 so far as these powers are not the responsibility of the Cabinet.</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences authorising the use of land as a caravan site ("site licences") under the Caravan Sites and Control of Development Act 1960</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences for the use of moveable dwellings and camping sites under s269 Public Health Act 1936</p> <p>All powers and functions relating to late night levy requirements under Police Reform and Social Responsibility Act 2011, Chapter 2 of Part 2 and all relevant regulations.</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to sex establishment licences under Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences for performances of hypnotism under the Hypnotism Act 1952.</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences for acupuncture, tattooing, skin-piercing and electrolysis under ss13-17 Local Government (Miscellaneous Provisions) Act 1982.</p>	<p>Delegations to Officers as set out in the scheme of delegation to Officers</p>
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	<p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to licences for pleasure boats and pleasure vessels under s94 Public Health Acts Amendment Act 1907</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to street trading under Local Government (Miscellaneous Provisions) Act 1982 Part III and Schedule 4.</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to food premises licences under s19 Food Safety Act 1990 and all relevant regulations.</p> <p>All powers in relation to the issue, amendment or replacement of safety certificates (whether general or special) for sports grounds under The Safety of Sports Grounds Act 1975.</p> <p>All powers in relation to the issue, amendment or replacement of safety certificates for regulated stands at sports grounds under Fire Safety and Safety of Places of Sport Act 1987 Part III.</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to dog breeding licences under the Breeding of Dogs Act 1973 and the Breeding and Sale of Dogs (Welfare) Act 1999.</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to the licensing of pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business under the Pet Animals Act 1951, the Animal Boarding Establishments Act 1963, the Riding Establishments Acts 1964 and 1970, the Breeding of Dogs Act 1973 and the Breeding and Sale of Dogs (Welfare) Act 1999.</p> <p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to the registration of animal trainers and exhibitors under the Performing Animals (Regulation) Act 1925.</p>	
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	<p>The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to the licensing of zoos under the Zoo Licensing Act 1981.</p>	
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The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to the licensing of the keeping of dangerous wild animals under the Dangerous Wild Animals Act 1976.

The determination of applications, renewals, suspensions, revocations and all other relevant powers in relation to the licensing of persons to collect for charitable and other causes in the street or house to house under Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.

3. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND / OR CORPORATE OBJECTIVES

- 3.1 The Councils Corporate Plan provides a priority of 'becoming a more efficient and effective Council'. This scheme of delegation between the full Committee and the Sub Committee supports this priority, and its action of 'improve processes to reduce the time taken from receipt to decision of licensing matters'.

4. LEGAL IMPLICATIONS

- 4.1 Without a formalised scheme of delegation for licensing and registration functions, the Council may be exposed to legal challenge in the decisions that it makes regarding these functions. This report reduces the risk of being challenged by way of 'demonstration of an approved scheme of delegation'.

5. RESOURCE IMPLICATIONS

- 5.1 There are no resource implications to this report. The report formalises a scheme of delegation between the Committee and Sub Committee. It could be considered that this actually reduces the cost of the Licensing Service as decisions can be made by the Sub-Committee of three members, rather than having to be determined by the full Committee.

6. REASONS FOR THE RECOMMENDED DECISIONS

- 6.1 The recommendation implements the legal advice that has been obtained as part of the Council's Constitution review

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HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Licensing and Protection Committee – Scheme of Delegation to Officers
Meeting/Date:	Licensing Committee – 19 th July 2016
Executive Portfolio:	Executive Councillor for Community Resilience – Cllr Steve Criswell
Report by:	Head of Community - Chris Stopford
Ward(s) affected:	All

Executive Summary:

In February 2016, Council approved a new Constitution. Contained therein is the Responsibility for Functions (Part 3), and specifically those functions of the Licensing & Protection Committee, and the Licensing & Protection Sub- Committee (Table 2, Part 3).

Legal advice has recommended that the Licensing Committee formally resolve the scheme of delegation between the Licensing Committee and the Council's Officers.

Recommendation(s):

The Licensing Committee is

RECOMMENDED to

- i) approve the scheme of delegation from Licensing & Protection Committee to Officers
- ii) that the Head of Community be authorised to make minor editorial changes which by definition make no change to the powers of delegations,
- iii) that the Head of Community, in consultation with the Chair and Vice Chairman of the Licensing & Protection Committee, be authorised to make changes as a result of revocations, amendments, or enactment of relevant statutory provisions
- iv) that the Head of Community be authorised to appoint such suitably qualified officers as deemed appropriate to exercise those duties delegated to him

1. PURPOSE OF THE REPORT

- 1.1 The Council Constitution 2016 details the Responsibility for Functions, and specifically the responsibilities of the Licensing & Protection Committee (the Committee). Legal advice has recommended that the Committee formally resolve a scheme of delegation for Officers with regards to the licensing and registration functions, and health and safety at work functions contained with Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The Council has approved a new Constitution, which includes the responsibility for functions under Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.
- 2.2 Advice obtained from James Button, a legal 'expert' on licensing law has recommended that the Committee should formally resolve to approve a scheme of delegation between the Committee and the Council's Officers.
- 2.3 The scheme being recommended for approval, detailed below, allows for the efficient and effective execution of the Council's functions under Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, such that decisions in defined instances can be made by Officers of the Council, rather than having to be determined by Licensing & Protection Committee, or Licensing & Protection Sub Committee.
- 2.4 The recommended scheme of delegation to the Officers, allows the Committee to effectively reverse the delegation and determine a matter under Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended if the Committee considers it necessary.

POWERS DELEGATED BY OR ON THE RECOMMENDATION OF THE LICENSING AND PROTECTION COMMITTEE

(Reviewed 19th July 2016)

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Local Government (Miscellaneous Provisions) Act 1976	To determine transfers of hackney carriage plates	Head of Community	24.01.78	
Local Government (Miscellaneous Provisions) Act 1976	To determine applications for private hire and hackney carriage vehicle licences, private hire and hackney carriage driver's licences, and private hire operators licences	Head of Community	23.01.79	Refusal, suspension and revocation provisions to be exercised in consultation with the Chairman and Vice-Chairman of the Committee.
Local Government (Miscellaneous Provisions) Act 1976	To refuse, suspend or revoke private hire and hackney carriage driver's licences, and private hire operators licences.	Head of Community	23.01.79	Refusal, suspension and revocation provisions to be exercised in consultation with the Chairman and Vice-Chairman of the Committee.
Local Government (Miscellaneous Provisions) Act 1976	To refuse, suspend or revoke private hire and hackney carriage vehicle licences	Head of Community	23.01.79	
Local Government (Miscellaneous Provisions) Act 1976	To review the penalty points system for private hire operators, proprietors and drivers in light of changes to legislation	Licensing Manager	09.06.11	
Local Government (Miscellaneous Provisions) Act 1976	To determine the scale of fees for advertising on digital display screens (fitted to the front headrests of hackney carriage and private hire vehicles)	Licensing Manager	09.06.11	After consultation with the Chairman and Vice-Chairman of the Committee.

Police, Factories etc. (Miscellaneous Provisions) Act 1916 (as amended)	To determine permits for street collections and charity stalls	Head of Community	04.10.83	After consultation with Cambridgeshire Constabulary where appropriate
Police, Factories etc. (Miscellaneous Provisions) Act 1916 (as amended)	To determine applications for house to house collections within the District	Head of Community	17.01.84	After consultation with Cambridgeshire Constabulary where appropriate
Local Government (Miscellaneous Provisions) Act 1976 (Part II)	To make the necessary arrangements for the inspection and testing of Hackney Carriage and Private Hire vehicles	Head of Community	15.01.85	
Local Government (Miscellaneous Provisions) Act 1982 (Schedule 3)	To determine applications for the grant, renewal, variation or transfer of licences for sex shops, sex cinemas and sexual entertainment venues	Head of Community	24.06.14	In the event of objectors being received, the Licensing and Protection Sub Committee of the Panel be authorised to determine the application
Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4)	To grant licences for street trading	Head of Community	11.03.85	
Local Government (Miscellaneous Provisions) Act 1982	To instigate proceedings in the Magistrates' Court in respect of street trading	Head of Community	11.03.85	
Local Government (Miscellaneous Provisions) Act 1982	To determine applications for street trading licences and to revoke licences	Head of Community	02.12.09	Where the Head of Community is minded to refuse an application for a licence or to revoke an existing licence and the

Local Government (Miscellaneous Provisions) Act 1982	To instigate proceedings through the courts for contravention of the street trading legislation contained in the Act	Head of Community	02.12.09	application or licence holder, as appropriate, indicates that he wishes to submit representations, the Licensing and Protection Sub Committee be authorised to determine the application or revoke the licence respectively after hearing the representations submitted.
Local Government (Miscellaneous Provisions) Act 1976	To instigate proceedings for contravention of any legislation relating to the licensing functions falling within the purview of the Licensing and Protection Panel	Head of Community	Licensing Panel 13.12.93	After consultation with the Chairman of the Committee.
Prevention of Damage by Pests Act 1949 Pet Animals Act 1951 Caravan Sites and Control of Development Act 1960 Animal Boarding Establishments Act 1963 Scrap Metal Dealers' Act 1964 Refuse Disposal (Amenity) Act 1978	To enter on to land or premises for the purposes of inspection etc	Head of Community, Environmental Health Officers, Enforcement Officers	29.01.74	

Prevention of Damage by Pests Act 1949	To enter on to land or premises for the purposes of the Act	Pest Control Officers and Environmental Health Officers	29.01.74	
Game Act 1831 Pet Animals Act 1951 Caravan Sites and Control of Development Act 1960 Animal Boarding Establishments Act 1963 Riding Establishments Act 1964	Licensing of animal boarding establishments, riding establishments, caravan sites, game dealers, persons keeping pet animals	Head of Community	29.01.74	
Pet Animals Act 1951 Caravan Sites and Control of Development Act 1960 Animal Boarding Establishments Act 1963	To authorise prosecutions for alleged contraventions under this legislation	Head of Community	07.01.75 (as amended 16.01.79)	After consultation with the Chairman and Vice-Chairman of the Committee.
Riding Establishments Act 1964	To authorise prosecutions for alleged contraventions under this legislation	Head of Community	07.01.75	After consultation with Chairman and Vice-Chairman of the Committee.
Public Health Act 1936	To deal with licensing of movable dwellings and camping sites	Head of Community	17.06.75	
Dangerous Wild Animals Act 1976	The Powers of the Council under the Act including licensing of individuals to keep specific animals	Head of Community	18.01.77	
Highways Act 1980 (S.179)	To issue consent or to serve such notices as may be considered appropriate in relation to construction under streets in accordance with S.179 of the Act	Head of Operations	12.10.82	After consultation with the Chairman of the Committee.
Local Government	To undertake all necessary action arising	Head of Community	04.06.85	

(Miscellaneous Provisions) Act 1982 Part VIII	from the adoption of this legislation with regard to the registration of tattooists				
Local Government (Miscellaneous Provisions) Act 1982 Part VIII	To undertake all necessary action arising from the adoption of the legislation in relation to acupuncture, ear-piercing and electrolysis	Head of Community		11.03.86	
Food Safety Act 1990	(a) To institute legal proceedings for contraventions of the Act and any re-enactment, amendment or modification thereof or any regulations made thereunder	Head of Community		18.09.90	After consultation with the Chairman and Vice-Chairman of the Committee.
	(b) To authorise, in writing, Environmental Health Officers and any other persons he/she may determine to act as authorised officers either generally or specifically in matters arising under the Act	Head of Community			
Environmental Protection Act 1990	To undertake duties, serve Notices and institute legal proceedings for non-compliance with Statutory Notices under Part III of the Act	Head of Community, Environmental Health Officers		15.01.91	
Zoo Licensing Act 1981	To appoint Inspectors and to act for and on behalf of the Council in all matters arising from the Act except in those cases where objections to the grant or renewal of a licence are received or consideration is being given to the revocation of a licence	Head of Community		04.06.91	
Zoo Licensing Act 1981	To act for the Council in cases involving an objection to the grant or renewal of a licence	Head of Community		04.06.91	After consultation with the Chairman and Vice-Chairman of the Committee.

Food Safety Act 1990: Quick Frozen Foodstuffs Regulations 1990	To undertake prosecutions for contravention	Head of Community	17.09.91	After consultation with the Chairman and Vice- Chairman of the Committee.
Slaughter of Poultry Act 1967 (as amended by Animal Welfare Act 1984)	To appoint suitably qualified persons to act as Welfare Supervisory Officers	Head of Community	03.12.91	
Slaughter of Poultry (Licences and specified qualifications) Regulations 1991	To grant, renew, modify, refuse, suspend or revoke a licence for the slaughter of poultry	Head of Community	03.12.91	
Slaughter of Poultry (Licences and specified qualifications) Regulations 1991	To institute legal proceedings for alleged contraventions	Head of Community	03.12.91	After consultation with the Chairman and Vice- Chairman of the Committee.
Noise and Statutory Nuisance Act 1993 (Section 8 & Schedule 2)	To determine applications in respect of loud- speakers in streets between 9 pm and 8 am	Head of Community	01.03.94	After consultation with the Chairman and Vice- Chairman of the Committee.
Noise and Statutory Nuisance Act 1993 (Section 8 & Schedule 2)	To appoint contractors to act as agents for the Council in towing away vehicles and equipment causing a nuisance and impounding them until reclaimed	Head of Community	01.03.94	
Noise and Statutory Nuisance Act 1993 (Section 8 & Schedule 2)	To sign noise abatement notices on behalf of the Council	All officers authorised under the Environmental Protection Act 1990 to take action in respect of statutory nuisances	01.03.94	
Animal Boarding Establishments Act 1963	To adopt the new model licence conditions compiled by the British Veterinary Association and RSPCA and published by the Institute of Environmental Health Officers	Head of Community	19.09.95	

as the conditions to be attached to licences granted for cat and dog breeding establishments in the District

Animal Boarding Establishments Act 1963	To exercise discretion in enforcing compliance with the new model licence conditions to enable dog and cat boarding establishment owners a reasonable time to comply with the new requirements	Head of Community	19.09.95	
Environmental Protection Act 1990	To appoint authorised persons under the Act	Head of Community	17.09.96	
Environment Act 1995	To institute legal proceedings for offences under the Act	Head of Community	17.09.96	After consultation with the Chairman and Vice-Chairman of the Committee.
Food Safety Act 1990: Quick Frozen Foodstuffs Regulations 1990	To appoint, in writing, an Environmental Health Officer and any other person as he may determine to act as authorised Officers either generally or specifically in matters arising under the Regulations	Head of Community	17.09.91	
Environmental Protection Act 1990 (Part 11A) and Environment Act 1995	To exercise the powers of entry, inspection and investigation and to serve notices	Head of Community	20.09.00	
Environmental Protection Act 1990 (Part 11A) and Environment Act 1995	To exercise powers and duties under the Act	Head of Community	20.09.00	
Environmental Protection Act 1990 (Part 11A)	To maintain a public register of the Council's regulatory activity	Head of Community	20.09.00	
Environmental Protection	To institute legal proceedings under the Acts	Head of Community	20.09.00	After consultation with

Act 1990 (Part 11A) and Environment Act 1995					the Chairman and Vice-Chairman of the Committee.
Environmental Protection Act 1990 (Part 11A) and Environment Act 1995	To carry out urgent remedial action under the Acts where there is an imminent danger of serious harm in that circumstances exist which are likely to endanger life or harm or cause pollution of controlled waters	Head of Community		20.09.00	After consultation with the Chairman and Vice-Chairman of the Committee.
Pollution Prevention and Control Act 1999	To carry out the following functions under the Act -	Head of Community		20.09.00	
	(i) the determination of applications for the grant, variation and transfer of permits and accompanying conditions;				
	(ii) the collection of fees as determined by the DETR;				
	(iii) the suspension and revocation of permits and service of notices; and				
	(iv) the variation and enforcement of permit conditions, taking of samples and the taking of remedial action at the expense of the permit holder				
Pollution Prevention and Control Act 1999	To appoint suitably qualified persons to exercise the powers and duties conferred by the Act	Head of Community		20.09.00	
Environment Act 1995	To exercise powers of entry under Section 108(4) of the Act	Appointed Officers		20.09.00	
Pollution, Prevention and	To institute legal proceedings under the Act	Head of Community		20.09.00	After consultation with

Control Act 1999	and Regulations				the Chairman and Vice-Chairman of the Committee.
Products of Animal Origin (Import and Export) Regulations 1996 as amended by the Products of Animal Origin (Import and Export) (Amendment) Regulations 2001	To appoint suitably qualified Officers to carry out the duties specified under the legislation	Head of Community		20.03.02	
Products of Animal Origin (Import and Export) Regulations 1996 as amended by the Products of Animal Origin (Import and Export) (Amendment) Regulations 2001	To institute legal proceedings for contravention of the Regulations	Head of Community			After consultation with the Chairman, (or in his absence, the Vice-Chairman) of the Licensing and Protection Committee.
Meat (Enhanced Enforcement Powers) Regulations 2000	To appoint suitably qualified Officers to carry out the duties specified under the Regulations	Head of Community		20.03.02	
Deer Act 1991	To appoint suitably qualified Officers to undertake the duties specified under the legislation	Head of Community		20.03.02	
Deer Act 1991	To institute legal proceedings for contravention of the Regulations	Head of Community			After consultation with the Chairman, (or in his absence, the Vice-Chairman) of the Licensing and Protection Committee.
Health and Safety at Work (etc) Act 1974 (S19 and 20)	To appoint suitably qualified Officers as Inspectors to carry out the duties specified	Head of Community		20.03.02	

under Section 19 of the Act

Health and Safety at Work (etc) Act 1974 (S19 and 20)	To exercise discretion as to the extent of the powers granted to individual inspectors under Section 20 in accordance with the statutory guidance issued by the Health and Safety Commission	Head of Community	
Health and Safety at Work (etc) Act 1974 (S19 and 20)	To authorise other persons to accompany duly authorised Officers appointed under Section 19 and Section 20 (2)(c)(1) of the Act, where necessary, on inspections for the purposes of the Act	Officers appointed under Section 19 of the Health and Safety at Work (etc) Act 1974	
Health and Safety at Work (etc) Act 1974 (S19 and 20)	To institute legal proceedings in the Magistrates Court under any of the relevant statutory provisions defined in the Act	Inspectors appointed under Section 19 of the Health and Safety at Work (etc) Act 1974 following the approval of the Head of Community or the Corporate Director, (Delivery)	After consultation with the Chairman, (or in his absence, the Vice-Chairman) of the Licensing and Protection Committee.
Health and Safety at Work (etc) Act 1974 (S19 and 20)	To institute legal proceedings in the Crown Court for contraventions of the Health and Safety at Work (etc) Act 1974 and any re-enactment, amendment or modification thereof and any Regulations made thereunder	Head of Community	After consultation with the Chairman, (or in his absence, the Vice-Chairman) of the Licensing and Protection Committee.
Regulation of Investigatory Powers Act 2000 (RIPA)	To designate appropriate Officers to discharge the powers and duties of the Council as set out in the Act and any Codes of Practice and Regulations made thereunder	Corporate Director (Delivery) or, his absence, the Legal Services Manager	17.09.02
Transmissible Spongiform Encephalopathies (England) Regulations	To designate appropriate Officers to discharge the duties and powers of the Council as set out in the Regulations	Head of Community	24.06.03

2002						
Pollution and Prevention Control (England and Wales) Regulations 2000		To respond to statutory consultation under the Regulations	Head of Community	01.08.03	After consultation with the Chairman and Vice-Chairman of the Licensing and Protection Committee.	
European Communities Act 1972		To appoint suitably qualified Officers to carry out the duties conferred upon the Council in the Act and Regulations	Head of Community	15.10.03		
European Communities Act 1972		To institute legal proceedings for offences arising from the Act and Regulation	Head of Community		After consultation with the Chairman, or in his absence, the Vice-Chairman of the Licensing and Protection Committee.	
Products of Animal Origin (Third Country Imports) (England) Regulations 2011		To appoint appropriate Officers to discharge the powers and duties under the Regulations	Head of Community	15.10.03		
Products of Animal Origin (Third Country Imports) (England) Regulations 2011		To institute legal proceedings under the Regulations	Head of Community		After consultation with the Chairman, or in his absence, the Vice-Chairman of the Licensing and Protection Committee.	
The Imported Food Regulations 1997	Food	To appoint appropriate Officers to carry out duties and powers under the Regulations	Head of Community	15.10.03		
The Imported Food Regulations 1997	Food	To institute legal proceedings under the Regulations	Head of Community		After consultation with the Chairman, or in his	

The Product of Animal Origin (Third Country Imports) (England) Regulations 2003 as amended by The Products of Animal Origin (Third Country Imports) (England) Amendment Regulations 2004 and any further amendment thereafter	To appoint appropriate Officers to carry out the duties and other matters conferred upon the Council by the Regulations	Head of Community	17.02.04	absence, the Vice-Chairman of the Licensing and Protection Committee.
The Product of Animal Origin (Third Country Imports) (England) Regulations 2003 as amended by The Products of Animal Origin (Third Country Imports) (England) Amendment Regulations 2004 and any further amendment thereafter	To institute legal proceedings under the Regulations and any further amendments thereto	Head of Community		After consultation with the Chairman, or in his absence, the Vice-Chairman of the Licensing and Protection Committee.
The Noise Act 1996 as amended by the Anti-Social Behaviour Act 2003	To appoint Officers to investigate complaints of night time noise and to issue warnings or fixed penalty notices	Head of Community	12.05.04	
The Noise Act 1996 as amended by the Anti-Social Behaviour Act 2003	To institute legal proceedings under the Act for failure to comply	Head of Community	12.05.04	After consultation with the Chairman, or in his absence, the Vice-Chairman of the Licensing and Protection

Health Act 2006	To appoint suitably qualified, experienced and trained Officers to carry out the duties and other matters arising under Part 1 of the Health Act 2006 and associated Regulations	Head of Community	13.06.07	Committee.
Health Act 2006	To institute legal proceedings under the Act and associated Regulations	Head of Community	13.06.07	After consultation with the Chairman (or in his absence, the Vice-Chairman) of the Committee.
Breeding of Dogs Act 1973 and 1991	To appoint persons and to act for and on behalf of the Council in all matters arising from the Acts in circumstances where consideration is being given to the revocation of a licence	Head of Community	19.01.06	
Breeding of Dogs Act 1973 and 1991	To act for the Council in cases involving revocation of a licence	Head of Community	19.01.06	After consultation with Chairman (or in his absence, the Vice-Chairman) of the Committee.
Breeding of Dogs Act 1973 and 1991	To authorise prosecutions for alleged contraventions under the Act	Head of Community	19.01.06	After consultation with Chairman (or in his absence, the Vice-Chairman) of the Committee.
Breeding and Sale of Dogs (Welfare) Act 1999	To appoint persons and to act for and behalf of the Council in all matters arising from the Act	Head of Community	19.01.06	
Breeding and Sale of Dogs (Welfare) Act 1999	To authorise prosecutions for alleged contraventions under the Act	Head of Community	19.01.06	After consultation with Chairman (or in his absence, the Vice-

					Chairman) of the Committee.
Food Hygiene (England) Regulations 2006	To appoint suitably qualified officers	Head of Community	19.01.06		
Food Hygiene (England) Regulations 2006	To institute legal proceedings for contravention of the Regulations	Head of Community	19.01.06		After consultation with Chairman (or in his absence, the Vice-Chairman) of the Committee.
Official Food and Feeds Controls (England) Regulations 2006	To appoint suitably qualified, experienced and trained officers to carry out duties under the Regulations	Head of Community	19.01.06		
Official Food and Feeds Controls (England) Regulations 2006	To institute legal proceedings under the Regulations	Head of Community	19.01.06		After consultation with Chairman (or in his absence, the Vice-Chairman) of the Committee.
Environmental Damage (Prevention and Remediation) Regulations 2009	To appoint Environmental Health Officers and Environmental Protection Officers to enforce the provisions of the Regulations	Head of Community	19.03.09		
Environmental Damage (Prevention and Remediation) Regulations 2009	To initiate prosecutions under the Environmental Damage (Prevention and Remediation) Regulations 2009	Head of Community	19.03.09		After consultation with the Chairman of the Licensing and Protection Committee (or in his absence, the Vice-Chairman)
Ozone Depleting Substances (Qualifications)	To appoint Environmental Health Officers and Environmental Protection Officers as	Head of Community	27.10.09		

2009		'authorised persons' to enforce the provisions of the Ozone Depleting Substances (Qualifications) Regulations 2009			
Ozone Depleting Substances (Qualifications) 2009	To initiate prosecutions under the Ozone Depleting Substances (Qualifications) Regulations 2009	Head of Community	27.10.09	With prior agreement of the Chairman or Vice-Chairman of the Licensing and Protection Committee.	
Fluorinated Greenhouse Gases Regulations 2009	To appoint Environmental Health Officers and Environmental Protection Officers to enforce the provisions of the Fluorinated Greenhouse Gases Regulations 2009	Head of Community	27.10.09		
Fluorinated Greenhouse Gases Regulations 2009	To initiate prosecutions under the Fluorinated Greenhouse Gases Regulations 2009	Head of Community	27.10.09	With prior agreement of the Chairman or Vice-Chairman of the Licensing and Protection Committee.	
Regulatory Enforcement Sanctions Act 2008	To review the Food Safety Enforcement Policy and Health and Safety Enforcement Policy as appropriate	Head of Community	27.10.09	After consultation with the Chairman or Vice-Chairman of the Licensing and Protection Committee.	
Regulatory Enforcement Sanctions Act 2008	To review enforcement policies with regard to the Act and to introduce necessary changes to policies as appropriate	Relevant Heads of Service	27.10.10	After consultation with the relevant Executive Councillor	
Health and Social Care Act 2008	To appoint Environmental Health Officers and Environmental Protection Officers as 'authorised persons' to enforce the provisions of the Regulations and to make applications to the Magistrates Court as appropriate	Head of Community	16.06.10		

Health and Social Care Act 2008		To initiate prosecutions for offences under the Regulations	Head of Community	16.06.10	After consultation with the Chairman or Vice-Chairman of the Licensing and Protection Committee.
Private Water Supply Regulations 2009		To appoint Environmental Health Officers and Environmental Protection Officers as 'authorised persons' to enforce the provisions of the Act	Head of Community	16.06.10	
Private Water Supply Regulations 2009		To initiate prosecutions under the Act	Head of Community	16.06.10	After consultation with the Chairman or Vice-Chairman of the Licensing and Protection Committee.
Sunbeds (Regulations) Act 2010		To appoint Environmental Health Officers and Environmental Health Protection Officers as 'authorised persons' to enforce the provisions of the Act	Corporate Director (Delivery)	09.06.11	
Sunbeds (Regulations) Act 2010		To initiate prosecutions under the Act	Head of Community	09.06.11	After consultation with the Chairman of the Committee.
Environmental Protection (Controls on Ozone Depleting Substances) Regulations 2011		To appoint Environmental Health Officers and Environmental Protection Officers as 'authorised persons' to enforce the provisions of the Environmental Protection (Controls on Ozone Depleting Substances) Regulations 2011	Head of Community	26.10.11	
Environmental Protection (Controls on Ozone		To initiate prosecutions under the Environmental Protection (Controls on Ozone	Head of Community		After consultation with the Chairman and Vice-

Depleting Substances) Regulations 2011	Depleting Substances) Regulations 2011			Chairman of the Licensing and Protection Committee.
Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847	To determine whether a DSA driver's assessment for private hire or hackney carriage or future equivalent test should be undertaken in circumstances where there are serious concerns as to the fitness of an existing driver to hold a licence with each case considered on its merits	Head of Community	26.10.11	After consultation with the Chairman and Vice-Chairman of the Licensing and Protection Committee.
Animal By Products (Enforcement) (England) Regulations 2011 Official Feed and Food Controls (England) Regulations 2009 Official Controls (Animals, Feed and Food) (England) Regulations 2006	To appoint Environmental Health Officers and Environmental Health Protection Officers as authorised persons to enforce the provisions of the Regulations 2006	Head of Community	25.01.12	
Animal By Products (Enforcement) (England) Regulations 2011 Official Feed and Food Controls (England) Regulations 2009 Official Controls (Animals, Feed and Food) (England) Regulations 2006	To initiate prosecutions under the Regulations	Head of Community	25.01.12	After consultation with the Chairman and Vice-Chairman of the Licensing and Protection Committee.
Local Government Act 1972	To convene meetings of the Applications Sub-Group comprising four Members of the Panel to determine such matters in the case of an individual licence or application which have not been delegated to Officers	Elections and Democratic Services Manager	13.06.07	

Food Safety and Hygiene (England) Regulations 2013	To appoint suitably qualified and competent persons to act as authorised persons to enforce the provisions of the Regulations	Head of Community	28.01.14	
Food Safety and Hygiene (England) Regulations 2013	To initiate prosecutions under the Regulations	Head of Community		After consultation with the Chairman and Vice-Chairman of the Committee.
Mobile Homes Act 2013	To appoint suitably qualified and competent persons to act as authorised persons to determine and issue licences and enforce the provisions of the Act	Head of Community	28.01.14	
Mobile Homes Act 2013	To initiate prosecutions under the Act	Head of Community	28.01.14	After consultation with the Chairman and Vice-Chairman of the Committee.
Mobile Homes Act 2013	To publish a fees policy, determine fees and undertake an annual review	Head of Community	28.01.14	After consultation with the Chairman and Vice-Chairman of the Committee.
Anti-Social Behaviour Crime and Policing Act 2014	To create and maintain policies and procedures arising from the Public Space Protection Orders under the 2014 Act	Head of Community	6.11.14	After consultation with the relevant Executive Councillor.
Food Information Regulations 2014	To create and maintain policies and procedures under the Regulations.	Head of Community	6.11.14	After consultation with the relevant Executive Councillor
Food Information Regulations 2014	For the purposes of enforcement of the Food Information Regulations 2014, to appoint such other officers as considered appropriate to initiate legal proceedings for offences under the Regulations.	Head of Community	6.11.14	After consultation with the Legal Services Manager.
Energy Act 2003, Smoke and Carbon Monoxide Alarm (England) Regulations 2015	For the purposes of enforcement of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015	Head of Community	21.6.2016	
Energy Act 2003, Smoke and Carbon Monoxide	For the publishing and review of a statement of principles governing the application of the	Head of Community	21.6.2016	After consultation with the relevant Executive

Alarm (England) Regulations 2015	penalty charge regime				Councillor
Enterprise and Regulatory Reform Act 2013, Redress Scheme for Lettering Agency Work and property Management Work (Requirements to Belong to a Scheme) (England) Order 2014	For the purposes of enforcement of the Redress Scheme for Lettering Agency Work and property Management Work (Requirements to Belong to a Scheme) (England) Order 2014	Head of Community		21.6.2016	
Enterprise and Regulatory Reform Act 2013, Redress Scheme for Lettering Agency Work and property Management Work (Requirements to Belong to a Scheme) (England) Order 2014	For the purposes of determining the value of the penalty charge for failure of a business to be a member of an approved scheme	Head of Community		21.6.2016	After consultation with the relevant Executive Councillor

3. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND / OR CORPORATE OBJECTIVES

- 3.1 The Councils Corporate Plan provides a priority of 'becoming a more efficient and effective Council'. This scheme of delegation between the full and the Sub Committee supports this priority, and its action of 'improve processes to reduce the time taken from receipt to decision of licensing matters'.

4. LEGAL IMPLICATIONS

- 4.1 Without a formalised scheme of delegation for Licensing Act 2003 and Gambling Act 2005 functions, the Council may be exposed to legal challenge in the decisions that it makes regarding these functions. This report reduces the risk of being challenged by way of 'demonstration of an approved scheme of delegation'.

5. RESOURCE IMPLICATIONS

- 5.1 There are no resource implications to this report. The report formalises a scheme of delegation between the Committee and Officers. It could be considered that this actually reduces the cost of the Licensing Service as decisions can be made by Officers rather than having to be determined by the full Committee.

6. REASONS FOR THE RECOMMENDED DECISIONS

- 6.1 The recommendation implements the legal advice that has been obtained as part of the Council's Constitution review

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