

## Appendix 1

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

#### Environmental Health and Community Protection and Enforcement (Approved on 25<sup>th</sup> January 2024)

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Prevention of Damage by Pests Act 1949	To enter on to land or premises for the purposes of inspection etc	Community Services Manager, Environmental Health Officers, Environmental Health Service Manager, Community Protection and Enforcement Officers, Technical Officers, Pest Control Officers	29.01.74	
Prevention of Damage by Pests Act 1949	To enter on to land or premises for the purposes of the Act	Community Services Manager, Environmental Health Officers, Environmental Health Service Manager, Community Protection and Enforcement Officers, Technical Officers, Pest Control Officers	29.01.74	
Public Health Act 1936	To deal with licensing of movable dwellings and camping sites	Community Services Manager	17.06.75	
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	Operations General Manager	12.10.82	After consultation with the Chair of the Committee.
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	Community Services Manager	18.09.90	After consultation with the Chair and Vice-Chair of the Committee
	(b) To authorise, in writing, Environmental Health Officers and any other persons he/she may determine to act as	Community Services Manager		

authorised officers either generally or specifically in matters arising under the Act

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	Community Services Manager, Environmental Health Officers, Environmental Health Service Manager, Technical Officers	15.01.91	
Food Safety Act 1990: Quick Frozen Foodstuffs Regulations 1990	To undertake prosecutions for contravention	Community Services Manager	17.09.91	After consultation with the Chair and Vice-Chair 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	Community Services Manager	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	Community Services Manager	03.12.91	
Slaughter of Poultry (Licences and specified qualifications) Regulations 1991	To institute legal proceedings for alleged contraventions	Community Services Manager	03.12.91	After consultation with the Chair and Vice-Chair 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	Community Services Manager	01.03.94	After consultation with the Chair and Vice-Chair 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	Community Services Manager	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	

Environmental Protection Act 1990	To appoint authorised persons under the Act	Community Services Manager	17.09.96	
Environment Act 1995	To institute legal proceedings for offences under the Act	Community Services Manager	17.09.96	After consultation with the Chair and Vice-Chair 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	Community Services Manager	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	Community Services Manager	20.09.00	
Environmental Protection Act 1990 (Part 11A) and Environment Act 1995	To exercise powers and duties under the Act	Community Services Manager	20.09.00	
Environmental Protection Act 1990 (Part 11A)	To maintain a public register of the Council's regulatory activity	Community Services Manager	20.09.00	
Environmental Protection Act 1990 (Part 11A) and Environment Act 1995	To institute legal proceedings under the Acts	Community Services Manager	20.09.00	After consultation with the Chair and Vice-Chair 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	Community Services Manager	20.09.00	After consultation with the Chair and Vice-Chair of the Committee
Pollution Prevention and Control Act 1999	To carry out the following functions under the Act -	Community Services Manager	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	Community Services Manager	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 Control Act 1999	To institute legal proceedings under the Act and Regulations	Community Services Manager	20.09.00	After consultation with the Chair and Vice-Chair 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	Community Services Manager	20.03.02	
Products of Animal Origin (Import and Export) Regulations 1996 as amended by the Products	To institute legal proceedings for contravention of the Regulations	Community Services Manager		After consultation with the Chair, (or in his absence, the Vice-Chair)

of Animal Origin (Import and Export) (Amendment) Regulations 2001				of the Licensing and Protection Committee
Meat Enforcement Regulations 2000 (Enhanced Powers)	To appoint suitably qualified Officers to carry out the duties specified under the Regulations	Community Services Manager	20.03.02	
Deer Act 1991	To appoint suitably qualified Officers to undertake the duties specified under the legislation	Community Services Manager	20.03.02	
Deer Act 1991	To institute legal proceedings for contravention of the Regulations	Community Services Manager		After consultation with the Chair, (or in his absence, the Vice-Chair) 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 under Section 19 of the Act	Community Services Manager	20.03.02	
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	Community Services Manager		
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 Community Services Manager		After consultation with the Chair, (or in his absence, the Vice-Chair)

				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	Community Services Manager		After consultation with the Chair, (or in his absence, the Vice-Chair) 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	Community Services Manager or, his absence, the Legal Services Manager	17.09.02	
Transmissible Spongiform Encephalopathies (England) Regulations 2002	To designate appropriate Officers to discharge the duties and powers of the Council as set out in the Regulations	Community Services Manager	24.06.03	
Pollution and Prevention Control (England and Wales) Regulations 2000	To respond to statutory consultation under the Regulations	Community Services Manager	01.08.03	After consultation with the Chair and Vice-Chair 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	Community Services Manager	15.10.03	
European Communities Act 1972	To institute legal proceedings for offences arising from the Act and Regulation	Community Services Manager		After consultation with the Chair, or in his absence, the Vice-Chair 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	Community Services Manager	15.10.03	

Products of Animal Origin (Third Country Imports) (England) Regulations 2011	To institute legal proceedings under the Regulations	Community Services Manager		After consultation with the Chair, or in his absence, the Vice-Chair of the Licensing and Protection Committee
The Imported Regulations 1997	Food To appoint appropriate Officers to carry out duties and powers under the Regulations	Community Services Manager	15.10.03	
The Imported Regulations 1997	Food To institute legal proceedings under the Regulations	Community Services Manager		After consultation with the Chair, or in his absence, the Vice-Chair 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 appoint appropriate Officers to carry out the duties and other matters conferred upon the Council by the Regulations	Community Services Manager	17.02.04	
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	Community Services Manager		After consultation with the Chair, or in his absence, the Vice-Chair 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	Community Services Manager	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	Community Services Manager	12.05.04	After consultation with the Chair, or in his absence, the Vice-Chair of the Licensing and Protection Committee
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	Community Services Manager	13.06.07	
Health Act 2006	To institute legal proceedings under the Act and associated Regulations	Community Services Manager	13.06.07	After consultation with the Chair (or in his absence, the Vice-Chair) of the Committee
Food Hygiene (England) Regulations 2006	To appoint suitably qualified officers	Community Services Manager	19.01.06	
Food Hygiene (England) Regulations 2006	To institute legal proceedings for contravention of the Regulations	Community Services Manager	19.01.06	After consultation with Chair (or in his absence, the Vice-Chair) 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	Community Services Manager	19.01.06	
Official Food and Feeds Controls (England) Regulations 2006	To institute legal proceedings under the Regulations	Community Services Manager	19.01.06	After consultation with Chair (or in his absence, the Vice-Chair) of the Committee



Environmental (Prevention and Remediation) 2009	Damage and Regulations	To appoint Environmental Health Officers and Environmental Protection Officers to enforce the provisions of the Regulations	Community Services Manager	19.03.09	
Environmental (Prevention and Remediation) 2009	Damage and Regulations	To initiate prosecutions under the Environmental Damage (Prevention and Remediation) Regulations 2009	Community Services Manager	19.03.09	After consultation with the Chair of the Licensing and Protection Committee (or in his absence, the Vice-Chair)
Ozone Substances (Qualifications) 2009	Depleting	To appoint Environmental Health Officers and Environmental Protection Officers as 'authorised persons' to enforce the provisions of the Ozone Depleting Substances (Qualifications) Regulations 2009	Community Services Manager	27.10.09	
Ozone Substances (Qualifications) 2009	Depleting	To initiate prosecutions under the Ozone Depleting Substances (Qualifications) Regulations 2009	Community Services Manager	27.10.09	With prior agreement of the Chair or Vice-Chair of the Licensing and Protection Committee
Fluorinated Gases Regulations 2009	Greenhouse	To appoint Environmental Health Officers and Environmental Protection Officers to enforce the provisions of the Fluorinated Greenhouse Gases Regulations 2009	Community Services Manager	27.10.09	
Fluorinated Gases Regulations 2009	Greenhouse	To initiate prosecutions under the Fluorinated Greenhouse Gases Regulations 2009	Community Services Manager	27.10.09	With prior agreement of the Chair or Vice-Chair of the Licensing and Protection Committee
Regulatory Sanctions Act 2008	Enforcement	To review the Food Safety Enforcement Policy and Health and Safety Enforcement Policy as appropriate	Community Services Manager	27.10.09	After consultation with the Chair or Vice-Chair 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	Community Services Manager	16.06.10	
Health and Social Care Act 2008	To initiate prosecutions for offences under the Regulations	Community Services Manager	16.06.10	After consultation with the Chair or Vice-Chair of the Licensing and Protection Committee
The Private Water Supplies (England) Regulations 2016	To appoint Environmental Health Officers and Environmental Protection Officers as 'authorised persons' to enforce the provisions of the Act	Community Services Manager	16.06.10	
The Private Water Supplies (England) Regulations 2016	To initiate prosecutions under the Act	Community Services Manager	16.06.10	After consultation with the Chair or Vice-Chair 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	Community Services Manager	09.06.11	
Sunbeds (Regulations) Act 2010	To initiate prosecutions under the Act	Community Services Manager	09.06.11	After consultation with the Chair of the Committee
Environmental Protection (Controls on Ozone	To appoint Environmental Health Officers and Environmental Protection Officers as 'authorised persons' to enforce the provisions	Community Services Manager	26.10.11	

Depleting Substances) of the Environmental Protection (Controls on  
Regulations 2011 Ozone Depleting Substances) Regulations  
2011

Environmental Protection To initiate prosecutions under the Community Services Manager  
(Controls on Ozone Environmental Protection (Controls on Ozone  
Depleting Substances) Depleting Substances) Regulations 2011  
Regulations 2011

After consultation with  
the Chair and Vice-Chair  
of the Licensing and  
Protection Committee

Animal By Products (Enforcement) (England) Regulations 2011 Official Controls (Animals, Feed and Food) (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	Community Services Manager	25.01.12	
Animal By Products (Enforcement) (England) Regulations 2011 Official Controls (Animals, Feed and Food) (England) Regulations 2009 Official Controls (Animals, Feed and Food) (England) Regulations 2006	To initiate prosecutions under the Regulations	Community Services Manager	25.01.12	After consultation with the Chairman and Vice-Chairman of the Licensing and Protection Panel
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	Community Services Manager	28.01.14	
Food Safety and Hygiene (England) Regulations 2013	To initiate prosecutions under the Regulations	Community Services Manager		After consultation with the Chairman and Vice-Chairman of the Panel
Food Information Regulations 2014	To create and maintain policies and procedures under the Regulations.	Community Services Manager	6.11.14	After consultation with the Executive Councillor for Strategic Economic Development and Legal.
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.	Community Services Manager	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	Community Services Manager	21.6.2016	
Energy Act 2003, Smoke and Carbon Monoxide Alarm (England) Regulations 2015	For the publishing and review of a statement of principles governing the application of the penalty charge regime	Community Services Manager	21.6.2016	After consultation with the relevant Executive 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	Community Services Manager	21.6.2016	

Enterprise and Regulatory Reform Act 2013, Redress Scheme for Letting 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	Community Services Manager	21.6.2016	After consultation with the relevant Executive Councillor
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	Community Services Manager	28.01.14	
Mobile Homes Act 2013	To initiate prosecutions under the Act	Community Services Manager	28.01.14	After consultation with the Chairman and Vice-Chairman of the Panel
Mobile Homes Act 2013	To publish a fees policy, determine fees and undertake an annual review	Community Services Manager	28.01.14	After consultation with the Chairman and Vice-Chairman of the Panel
Caravan Sites and Control of Development Act 1960	To appoint suitably qualified and competent persons to act as authorised persons to determine and issue licences and enforce the provisions of the Act	Community Services Manager		
Caravan Sites and Control of Development Act 1960	To initiate prosecutions under the Act	Community Services Manager		
Anti-Social Behaviour Crime and Policing Act 2014	To appoint Community Protection and Enforcement Officers and Environmental Health Officers as 'authorised persons' to enforce the provisions of the Act	Community Services Manager	6.11.14	

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	Community Services Manager	6.11.14	After consultation with the Executive Councillor for Strategic Economic Development and Legal
Refuse Disposal (Amenity) Act 1978	To appoint suitably qualified officers to implement the provisions under the Act	Community Services Manager		

