

**HEALTH ACT 2006.
DELEGATED POWERS**

(Report by Head of Environmental and Community Health Services)

1. INTRODUCTION

- 1.1 The purpose of this report is to seek member's approval for delegated authority for The Head of Environmental and Community Health Services and the Director of Operational Services to appoint authorised officers to carry out enforcement duties under The Health Act 2006 and associated regulations
- 1.2 The Government has proposed that first-tier local authorities will be the enforcement authorities for the new regulations. For this Council the relevant duties will be carried out by The Environmental and Community Health Services Division.
- 1.3 This report identifies the relevant powers and regulations and requests the approval of Members.

2. BACKGROUND INFORMATION

- 2.1 The Health Act 2006 makes provision for prohibiting smoking in certain premises and from 1st July 2007 virtually all enclosed public places and workplaces (including vehicles) in England will become smokefree.
- 2.2 Smoke free legislation is set out in Part 1 of the Health Act 2006 and details the broad provisions for smoke free workplaces and public places. It provides a number of legal powers to enable more detailed aspects of smoke free legislation to be dealt with in smoke free regulations
- 2.3 Five sets of regulations have now been made
 - a. The smoke-free (Premises and Enforcement) Regulations 2006
 - b. The smoke free Signs Regulations 2007
 - c. The Smoke free (Exemptions and Vehicles) Regulations 2007
 - d. The smoke free (Penalties and Discounted Amounts) Regulations 2007
 - e. The smoke free (Vehicle Operators and Penalty Notices) Regulations 2007
- 2.4 The regulations identify legal requirements and list offences and penalties. Some offences can be discharged through the issue of a fixed penalty notice and others through summary jurisdiction. The Council will not be able to keep any monies arising from payment of fixed penalty notices

3. RECOMMENDATION

- 3.1 It is therefore RECOMMENDED that:

The Head of Environmental and Community Health Services and the Director of Operational Services be authorised to appoint suitably qualified, experienced and trained officers to carry out the duties and other matters arising under the Health Act 2006 and associated Regulations; and

The Head of Environmental and Community Health Services and the Director of Operational Services be authorised to institute legal proceedings after consultation with the relevant executive councillor.

BACKGROUND INFORMATION

Health Act 2006 and associated Regulations

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