

Report to the Cabinet

Report reference: C/131/2005-06.

Date of meeting: 10 April 2006.



**Epping Forest
District Council**

**Portfolio: Community Wellbeing,
Environmental Protection,
Housing,
Civil Engineering.**

Subject: Authorisation of Officers.

Officer contact for further information: Jim Nolan (01992 – 564083).

Democratic Services Officer: Gary Woodhall (01992- 56 4470).

Recommendations:

- (1) That the Head of Environmental Services and the Environmental Health Manager be delegated to authorise suitably qualified officers to exercise those functions relating to the management and provision of the environmental health service as set out in the attached list of environmental health legislation;**
- (2) That the Portfolio Holder for the Environment be authorised to delegate relevant powers to the Head of Environmental Services relating to the management and provision of the environmental health service set out in the attached list of environmental health legislation;**
- (3) That the relevant Portfolio Holder be authorised to approve updates to the list of environmental health legislation; and**
- (4) That the appropriate amendments be made to the Schedule of Delegation to Officers in the Council's constitution.**

Report:

1. In order to provide an efficient and effective environmental health service officers need to be authorised under a wide range of legislation. Presently when legislative or staff changes occur or indeed when temporary staff are employed a report has to be submitted to the Cabinet (and then on to Council) in order to approve those changes. Those reports are invariably approved and the officer duly authorised.
2. By giving delegated authority to a limited number of senior officers and the portfolio holder as outlined in the recommendations above, members will streamline this process thus preventing delay in authorising officers and saving valuable Cabinet and Council time.

Statement in support of recommended action:

3. The proposed recommendation will streamline the authorisation process and save time for both members and officers.

Other options for action:

4. The only other option is to retain the present system where every change to the delegation scheme has to be approved by Council

Consultation undertaken:

5. Legal and Administrative Services, and Research and Democratic Services.

Resource implications: Saving of member and officer time.

Budget provision: Not applicable.

Personnel: Increase in the efficiency of officer authorisation.

Land: None.

Community Plan/BVPP reference: None.

Relevant statutory powers: Local Government Act 1972 section 101.

Background papers: None.

Environmental/Human Rights Act/Crime and Disorder Act Implications: None.

Key Decision reference (if required): Not a key decision.

List of Environmental Health Legislation:

Animal Boarding Establishments Act 1963

sections 1, 2 and 4

Animal Health Act 1981

sections 15(6), 17, 18, 50, 52, 56, 63, 64, 64A, 81 and 91(2)

Breeding & Sale of Dogs (Welfare) Act 1999

Sections 1-11

Betting, Gaming and Lotteries Act 1963

sections 4, 6, 9, 16, 16A and 23, and Schedule 1
paragraphs 5, 12, and 29 of Schedule 2
paragraphs 3, 6, 7, 9, 10, 12(4), and 13 of Schedule 3
paragraph 8 of Schedule 5

Breeding of Dogs Act 1973

sections 1, 1(2A), and 2

Breeding of Dogs Act 1991

section 1

Building Act 1984

sections 54, 56, 59 to 62, 64 to 68, 70 to 72 - 115

EFDC bye laws for the control of dogs

All

Caravan Sites Act 1968

section 14

Caravan Sites and Control of Development Act 1960

sections 3, 5, and 8 to 11
sections 24(1), (2) and (3)
sections 25 and 26

Cattle Identification Regulations 1998

regulation 5

Celluloid and Cinematograph Film Act 1922

sections 1 and 4

Charities Act 1992

sections 68 and 70
section 78

Chronically Sick and Disabled Persons Act 1970

sections 4 and 5

Cinemas Act 1985

sections 1, 1(3)(6D) to 1(3)(6F), 2, 3(2), 3A, 9, 12, 13, 13(3), 14, 18

Civil Evidence Act 1995

section 9

Clean Air Act 1993

sections 4, 6 to 12, 15, 16, 18, 19, 22(3), 24 to 26, 30, 31, 34, 35, 35(2), 35(4)
36, 38, 39, 45 to 48, 51, 55, 56, 57(5), 58, 60

Control of Dogs Order 1992

Sections 4 and 5

Control of Pollution Act 1974

section 22

section 23

sections 57, 60, 61, 68, 68, 91 and 93

Cremation Act 1902

sections 6, 7 and 9

Crime and Disorder Act 1998

section 1 ,

section 12

section 17 and 37

Criminal Justice and Police Act 2001

sections 13, 19, 20, 22 and 25

sections 50, 52 to 55, and 60 to 62

Criminal Justice and Public Order Act 1994

sections 77, 78, 79(3), and 163

Criminal Procedure and Investigations Act 1996

section 26

Customs and Excise Management Act 1979

section 176

Dairy Products (Hygiene) Regulations 1995 (made under the Food Safety Act 1990)

regulations 6, 6(11), 7, 8, 16 and 19

Dangerous Dogs Act 1991

section 5

Dangerous Wild Animals Act 1976

sections 1, 3(1) to 3(3) and 4

Defective Premises Act 1972

Dogs (Fouling of Land) Act 1996

section 4

Egg Products (Regulations) 1993 (made under the Food Safety Act 1990)

regulations 5, 5(5), 8 and 9

Energy Act 1976

section 18

Energy Conservation Act 1981

sections 20, 23 and 24

Environment Act 1995

sections 82 to 84, 88 and 90

sections 108 and 113

paragraphs 2 and 6 of Schedule 18

Environment and Safety Information Act 1988

sections 1 and 3

Environmental Protection Act 1990

sections 2 to 4, 6, 6(6), 7, 8, 8(8), 10, 10(2), 10(3A), 10(5), 11 to 14, 19 to 22, and 24

section 47

section 47(5)

sections 48, 49, 52, 55, 57, 59, 60, 62, 63 and 63A

sections 78B to 78E, 78G, 78H, 78N, 78P, 78R to 78V, 78X, 78YC, and 79 to 82

sections 87 to 89, and 91 to 95

section 140

section 141

sections 149, and 150

section 156

Essex County Council Act 1952

section 58 ,

European Communities Act 1972

section 2

Fire Safety and Safety of Places of Sport Act 1987

sections 26 to 29, 31, 34 and 35

Food and Environment Protection Act 1985

sections 16 and 19

Food Premises (Registration) Regulations 1991

All

Food Safety (Fishery Products and Live Shellfish)(Hygiene) Regulations 1998 All**Food Safety (General Food Hygiene) Regulations 1995**

All

Food Safety Act 1990

sections 5 and 6

sections 9 and 10 AO

sections 11, 11(6) and 11(7)

section 12 AO,

sections 18, 19, 23, 27 and 28

section 29 AO

section 30 AO,

section 31

section 32 AO

sections 32(2), 40 to 42, 44 to 46 and 49

Game Act 1831

section 18

Game Licences Act 1860

sections 4, 8 and 14

Gaming Act 1968

sections 11 and 34, Schedule 2 and Schedule 9

Guard Dogs Act 1975

section 3

Health and Safety at Work etc Act 1974

section 2 CPO
sections 2(1), 3, 4 and 15
sections 18 and 19
sections 20 to 23 and 25 INSPS
sections 26, 27 and 34
section 38 INSPS
sections 39 and 43

Home Energy Conservation Act 1995

sections 2 to 5

Home Safety Act 1961

section 1

House to House Collections Act 1939

All

Housing Act 1985

sections 189, 190, 190A, 191A, 193 to 195, 197 and 202
sections 264, 265, 267, 268, 270 to 275, 278, 279, 284, 286 to 289, 291,
296 and 297
sections 304, 309, 310, 315, 319, 326, 330, 332, 334 to 340, 346 to 352A,
354, 356 to 358, 363 to 365, 368, 372, 375, 377, 377A, 378 to 381, 383
and 385
sections 386 and 387
section 389
sections 390(2), 392, 395, and 397
sections 435 to 443
sections 523, 535 to 537, 540 to 542 and 544 to 546
sections 584A, 584B, 596 and 597
sections 604A, 605 and 606
sections 611, 614, 615 and 617 ,

Housing Act 2004**Housing Grants, Construction and Regeneration Act 1996**

sections 6 to 19, 21 to 43, 45 to 52, 56, 57, 63, 66 to 68, 70, 71, 71(2), 74,
76 to 79, 81, 82, 84 to 89, 92, 95 and 97
sections 108 to 111 and 115
sections 131(4), 132, 134 to 136, 136(2) and 138

Hypnotism Act 1952

sections 1 and 2

Landlord and Tenant Act 1985

sections 1, 4, 5, 8, 12, 19, 20, 20B, 20ZA, 21, 21A, 21B, 22, 23, 29,
30, 30B and 31B
section 34

Licensing Act 1964

sections 3, 6, 7, 8A, 20A, 40, 44(1), 44(2), 45, 49(5), 49(6), 67A, 67C,
71, 72, 78A, 79, 79(5), 81A, 81AA, 98, 169I and 169I(2)
paragraphs 1 and 2 of Schedule 2
paragraphs 4, 6 and 8 of Schedule 6
paragraphs 2 and 5 of Schedule 8A
Local Government (Miscellaneous Provisions) Act 1976
sections 16, 20(1), 20(5), 23, 24, 25, 26, 33 and 35

Local Government (Miscellaneous Provisions) Act 1982

section 29, 30, 33, 37, 41, paragraphs 7, 8, 9, 10(13), 13, 15 to 19 and 25, of Schedule 3

Local Government Act 1972

section 114, 135, 139, 142, 144, 145(2), 214, 214(3), 214(5), 215, 222, 224, 230, 236, paragraphs 11 and 24 of Schedule 26

Local Government Act 1974

section 36

Local Government Act 1988

sections 17, 20, 33, 37

Local Government Act 1999

sections 3 to 5

section 16

section 26

Local Government Act 2000

sections 150 and 151

Lotteries and Amusements Act 1976

sections 5 and 16

Schedule 1, and paragraphs 16 and 17 of Schedule 3

Meat and Meat Preparations (Hygiene) Regulations 1995

regulations 4, 5 and 12

Meat Products (Hygiene) Regulations 1995

regulations 4 to 6, 12 and 17

Medicines Act 1968

sections 108, 111 to 114, 117 and 119

Motor Cycle Noise Act 1987

section 1 and paragraph 3 of the Schedule

Nurses Agencies Act 1957

sections 2 and 3

Open Spaces Act 1906

section 10 ,

sections 11(1) to 11(4)

sections 12 and 13 ,

Pedlars Act 1871

section 17

Performing Animals (Regulation) Act 1925

sections 1 to 4

Pet Animals Act 1951

sections 1, 4 and 6

Pigs (Records Identification and Movement) Order 1995

The Order

Plant Health Act 1967

sections 5 and 6(3)

Poisons Act 1972

sections 5(1) to 5(3), 6 and 9(5)
section 9(6) INSPS
section 9(7) INSPS,

Police and Criminal Evidence Act 1984

section 67(9)

Pollution Prevention and Control Act 1999

section 2

Prevention of Damage by Pests Act 1949

sections 2, 4 to 7, 10, 19, 22 and 26

Private Places of Entertainment (Licensing) Act 1967

sections 3, 3A, 3C to 3E, 4, 4A and 4A(3)

Private Security Industry Act 2001

section 13

Protection of Animals Acts 1911 to 1960**Protection of Animals (Amendment) Act 2000**

sections 2, 3, 3(2) and 4

Public Health (Control of Disease) Act 1984

sections 1, 11, 13, 16, 18 and 20 to 24
sections 26 to 32 and 34 to 43
sections 47, 48, 54, 56 to 59, 61, 64 and 69

Public Health Act 1875

sections 153 and 161
section 164
sections 165, 305 and 308

Public Health Act 1925

section 14
sections 17 and 19
section 56

Public Health Act 1936

sections 1, 45, 48 to 50, 83, 84 to 87, 124, 140, 221, 222, 223, 227, 260, 261, 264, 265, 268 to 270, 275, 276, 278, 284, 287, 290, 291, 293 and 298

Public Health Act 1961

sections 17, 22, 34, 36, 37, 45, 73, 74 and 77

Regulation of Investigatory Powers Act 2000

section 3, 5, 11, 28 to 30, 43, 45, 47, 49, 58 and 72

Riding Establishments Act 1964

sections 1, 2 and 5

Riding Establishments Act 1970

section 1

Safety of Sports Grounds Act 1975

sections 1 to 5, 10, 10B and 11

Scrap Metal Dealers Act 1964

sections 1, 1(3), 1(5), 1(6), 1(9), 3(1), 3(3), 9(2) and 9(3)

Slaughter of Poultry Act 1967

sections 4 and 6

Slaughterhouses Act 1974

sections 4, 5, 10, 19, 20, 22, 29, 41 and 42

Sunday Entertainments Act 1932

section 3

Sunday Trading Act 1994

section 2(3)

paragraphs 4(3) and 5 of Schedule 1

paragraphs 1 and 2 of Schedule 2

paragraphs 3(a) to 3(c) of Schedule 2 INSPS

paragraphs 3(d), 8(5) and 8(7) to 8(9) of Schedule 2

paragraphs 3, 7 and 8 of Schedule 3

Theatres Act 1968

sections 13(4), 13(5) and 15

paragraphs 1, 3 to 7 and 7C of Schedule 1

Water Industry Act 1991

sections 77 to 85

section 115

section 200

Wildlife and Countryside Act 1981

sections 20 and 25

Zoo Licensing Act 1981

sections 1, 4 to 7, 10 to 12 and 14 to 17