

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

2ND APRIL 2007

Delegated Powers – Health Act 2006

OPEN	
RESPONSIBLE OFFICER:	Head of Planning, Health and Environment
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APPENDICES	None

1. PURPOSE OF REPORT

- 1.1 To report on changes in legislation which will require Delegated powers being granted to the Head of Planning, Health and Environment, and the Environmental Health and Licensing Manager.

2. RECOMMENDATION

The Committee is asked to RECOMMEND to Council:

- 2.1 **The Head of Planning, Health and Environment, and the Environmental Health and Licensing Manager be granted delegated powers under the following legislation:**

Health Act 2006, and all regulations made under the Act including:

- **The Smoke-free (Premises and Enforcement) Regulations 2006**
- **The Smoke-free (Signs) Regulations 2007**
- **The Smoke-free (Exemptions and Vehicles) Regulations 2007**
- **The Smoke-free (Penalties and Discounted Amounts) Regulations 2007**
- **The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007.**

2.2 The Head of Planning, Health and Environment, and the Environmental Health and Licensing Manger or any duly qualified officers who are authorised in writing by either of them to act as proper officer to:

- a) Sign and service Notices including Fixed Penalty Notices**
- b) Sign and issue Licences, Permits, Orders and other documents**
- c) Execute works in default**
- d) Procure samples, seize equipment, goods and animals**
- e) Exercise powers of entry**
- f) Engage specialist advisors/contractors**
- g) Institute legal proceedings (in consultation with the Head of Legal and Democratic Services)**

falling within the power and duties which the Council is authorised to exercise under the above legislation and any replacement legislation.

3. BACKGROUND

- 3.1 England is going smoke-free on 1st July 2007 and smoking will be prohibited in all enclosed public places, workplaces and vehicles used for work.
- 3.2 Enforcement will be the responsibility of this Council and the above legislation forms the framework for policing the new regime.

4. KEY ISSUES

- 4.1 The legislation will prohibit smoking in the workplace and enclosed public places and will need to be enforced.
- 4.2 Smoke free offences are:
 - Smoking in a smokefree place
 - Failing to display adequate no-smoking signs
 - Failing to prevent smoking in a smokefree place
- 4.3 Associated Issues
 - Noise
 - Shelters – requiring planning and licensing consent and building control
 - Fire safety
 - Health promotion
- 4.4 Smoking offences can be dealt with by verbal advice, written warning or formal prosecution via fixed penalty notice.

5. FINANCIAL IMPLICATIONS

- 5.1 Funding for the introduction and enforcement has been provided by Central Government.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The Council has a duty to enforce the regulations and these delegated powers will allow officers to do this more efficiently.

7. CONCLUSION

- 7.1 The approval of these delegated powers is necessary for the efficient delivery of the service.

8. CONSULTEES

- 8.1 Head of Legal and Democratic Services

9. BACKGROUND PAPERS

- 9.1 Health Act 2006

12th March 2007