

WYRE FOREST DISTRICT COUNCIL
CABINET MEETING
THURSDAY 26TH APRIL 2007

RECOMMENDATIONS FROM THE LICENSING AND ENVIRONMENTAL COMMITTEE
2ND APRIL 2007

Delegated Powers – Health Act 2006

In view of changes in legislation, the Licensing and Environmental Committee is seeking approval for the delegation of additional powers to the Head of Planning, Health and Environment and the Environmental Health and Licensing Manager.

These powers relate to the provisions of the Health Act 2006, which will prohibit smoking in England in all enclosed public spaces, workplaces and vehicles used for work. The legislation takes effect on 1st July 2007 and enforcement will be the responsibility of the Council. The proposed delegations, set out below, will form the framework for policing the new regime.

RECOMMENDED to Cabinet to RECOMMEND to Council:

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. **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.