

Council – 10 September 2007

Changes to the Constitution with regard to Neighbourhoods

Service Area: Neighbourhoods

Wards: All

Summary of report

This report details minor amendments and updates to the Council's Constitution considered necessary in order to maintain and enhance services. These include:

- An update of the list of legislation relevant to Engineering and Transportation;
- An update of the list of legislation relevant to Public Protection; and,
- Reallocation of authorisations necessary to reflect recent service re-alignments within Neighbourhoods.

Recommendations

- (1) That Council approves the scheme of delegations relevant to Engineering and Transportation as set out in the appendix to this report.
- (2) That Council approves the addition of the detailed legislation to the scheme of delegations relevant to Public Protection as set out in the report to Council of 2 July 2007.
- (3) That these amendments and updates to the scheme of delegations take immediate effect.

Resource and legal considerations

The proposed amendments to the officer delegations within the Constitution have been shared with officers in Legal Services. Such delegation is only permitted provided the function to be delegated is not an 'executive' one, and is in the interests of the citizens of the borough.

Part 2 of the Local Government Act 2000 provides for the discharge of a local authority's functions by an executive of the authority unless those functions are specified as functions that are not to be the responsibility of the authority's executive. Part 3.3(1) of the Constitution sets out the responsibility for executive functions.

Citizen impact

The amended Constitution takes into account functions that have been the subject of restructures and service re-alignments. This will clarify its up-to-date functions and ensure we are able to continue serving the public interest.

Updating the list of legislation available to the Head of Service, Engineering and Transportation, will enable proposed gating orders for alleyways subject to serious and persistent anti-social behaviour to progress to conclusion. This will enhance the quality of life of citizens living adjacent or near to the alleyways in question.

Environmental impact

The amendments to scheme of delegations include, amongst other things, provision to utilise a raft of legislation around environmental protection. This will have a beneficial environmental impact in Walsall.

Performance and risk management issues

It is expected that the proposed changes will improve the Council's performance in carrying out functions more effectively.

If the Constitution is not updated, there is a risk to the Authority effectively and promptly delivering services without challenge.

Equality implications

The proposed changes do not raise any additional equality issues. By ensuring that all members, officers and stakeholders are aware of the Council's Constitution we can all contribute to ensuring that matters dealt with by and on behalf of the Council are undertaken from a basis of equality.

Consultation

The proposed amendments to the officer delegations within the Constitution have been shared with officers in Legal Services.

Background papers

None

Signed:



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Date: 31st August 2007

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Background

Reassignment of authorisations

It is considered that officer delegations ought to be clearly laid out so as to minimise the likelihood of legal challenge due to lack of authority.

Update to applicable legislation and transfer of functions

There have been a number of changes in legislation in recent years which need to be reflected in the Constitution, along with legislation relating to functions transferring into Engineering and Transportation. This includes the following legislation:

Clean Air Act 1993

To protect against high concentrations of air pollutants at ground level, which could create health effects, the Clean Air Act 1993 allows local authorities to control the height of chimneys serving industrial processes.

Clean Neighbourhoods and Environment Act 2005

Part 1 of the Act amends the law relating to crime and disorder reduction partnerships to require them to take into account anti-social and other behaviour adversely affecting the local environment; and makes provision for the gating of minor highways that attract anti-social behaviour.

Local authorities are given new powers to deal with noise from intruder alarms in Part 7 of the Act. The powers for dealing with night time noise nuisance are extended from domestic premises to cover also licensed premises. This Part also allows local authorities to employ alternative means to resolve complaints about noise qualifying as a statutory nuisance prior to issuing an abatement notice.

Control of Pollution Act 1974

The Control of Pollution Act 1974 sought to draw together the earlier separate legislative strands and to treat pollution and waste together as a unified concept. Although it has now largely been superseded sections remain in force that relate to the proactive control of noise and vibration.

Countryside and Rights of Way Act 2000

The Act implements the so-called 'Right to Roam' on certain upland and uncultivated areas of England and Wales. It is being implemented in stages as definitive maps of the areas are produced.

A staged review of footpaths, including limited rights of creation of new paths is being conducted under the Act. Again, this is being conducted in a staged manner, which can produce anomalies. The Act also imposes a duty to prepare a Rights of Way Improvement Plan.

The Environment Act 1995

This act amends many of the acts related to environmental protection to introduce obligations relating to contaminated land, and Air quality. It specifically introduces obligations on local authorities to assess, monitor and address air quality. The act also contains many of the enforcement powers applicable to environmental protection.

The Environmental Protection Act 1990

This act imposes a duty on local authorities obliging them to search for and address contaminated land.

Noise and Statutory Nuisance Act 1993

Under Part III of the Environmental Protection Act 1990, as amended by the Noise and Statutory Nuisance Act 1993, local authorities have a duty to investigate a complaint of noise or other nuisance (including smoke, fumes, accumulations, deposits, odours etc) from premises (land and buildings) and vehicles, machinery or equipment in the street.

Pollution Prevention and Control Act 1999

The Environmental Protection Act 1990 introduced a regime of controlling industries which emit significant levels of pollution to all environmental media (air, land and water). This has now been superseded by a new regime under the Pollution Prevention and Control Act 1999. Under this new regime, Local Authorities are required to regulate the smaller industries termed Part A2 and Part B installations. The Environment Agency regulates the larger industries, which are known as Part A1 installations.

The system of control is called Integrated Pollution Prevention and Control (IPPC) for A1 installations where the Environment Agency is the regulator and local authority Integrated Pollution Prevention and Control (LA-IPPC) for A2 installations where local authorities are the regulators.

Town and Country Planning Act 1990

Section 257 of the Town and Country Planning Act 1990 empowers the Local Planning Authority to make a stopping up or diversion order if it is satisfied that it is necessary to enable development to be carried out in accordance with planning permission granted under Part III of the Act.

Traffic Management Act 2004

Tackling traffic congestion is a key objective for both central and local government. The Traffic Management Act 2004 places new and developing statutory responsibilities on all local authorities to significantly improve the way they manage their highway networks. New powers are available to coordinate and control all activities on the highway in order to reduce the impact of traffic congestion upon the local economy and environment. Failure to deliver the requirements of the Act could result in the authority being subject to direct intervention by central government and therefore being classed as a failing authority.

Wildlife and Countryside Act 1981

The Act requires surveying authorities to maintain up to date definitive maps and statements, for the purpose of clarifying public rights of way. The Act also includes provisions for traffic regulation, ploughing, appointing wardens, signposting, and prohibiting the keeping of bulls on land crossed by public rights of way.

In terms of Public Protection, the following pieces of legislation need to be reflected in the Constitution:

Violent Crime Reduction Act 2006

Chapter 3 of Part 1 inserts a new offence into the Licensing Act 2003 which will be committed if, on three or more different occasions in a period of three consecutive months, alcohol is unlawfully sold on the same premises to a person aged under 18. The new offence is committed by a person who, on the occasion of each unlawful sale, was a person, or one of the persons, holding the premises licence for the premises, or a person, or one of the persons, who is the premises user and gave the temporary event notice authorising licensable activities at the premises. The penalty for the new offence on summary conviction will be a fine not exceeding £10,000 and, where the offender is a premises licence holder, the premises licence could be suspended for up to three months insofar as it authorises the sale of alcohol.

Provision is also made for a senior police officer, of the rank of superintendent or higher, or an inspector of weights and measures, to give a closure notice where there is evidence that a person has committed the new offence of persistently selling alcohol to children at the premises in question, and he considers that the evidence is such that there would be a realistic prospect of conviction if the offender was prosecuted for it. A closure notice will propose a prohibition on sales of alcohol at the premises in question for a period not exceeding 48 hours; and will offer the opportunity to discharge all criminal liability in respect of the alleged offence by the acceptance of the prohibition proposed in the notice. The premises licence holder will have fourteen days to decide whether or not to accept the proposed prohibition or to elect to be tried for the offence. Closure notices may be served by police constables, trading standards officers and community support officers.

Section 40 makes it an offence to sell an imitation firearm to a person under 18. It also makes it an offence for a person under 18 to purchase an imitation firearm. Section 41 increases from 6 months to 12 months the maximum custodial sentence for carrying an imitation firearm in a public place without lawful authority or reasonable excuse.

Section 43 amends section 141A(1) of the Criminal Justice Act 1988 under which it is currently an offence to sell a knife or an article with a blade or point to a person under the age of 16 years. Section 43 increases that age to 18.

Section 44 amends the Crossbows Act 1987 to raise from 17 to 18 the age at which a person can lawfully buy, hire, be sold or hired a crossbow, or possess a crossbow without the supervision of a person aged 21 or over.

The Products Of Animal Origin (Third Country Imports) (England) Regulations 2006

In today's international economy, more food than ever is transported from country to country, and an ever increasing volume of imported food now enters England from the countries which collectively make up the European Union. In fact the E.U is now the world's biggest food importer.

In addition, however, large volumes of food are now entering England from countries in the world which are not part of the E.U, countries known as Third Countries, and where such food originates from animals as opposed to plants, vegetables or fruits, its importation is governed by the Products of Animal Origin (Third Country Imports) (England) Regulations 2006.

These regulations require that products of animal origin from third countries must be imported into the European Union through Border Inspection Posts where the Government's official Veterinary Surgeon (or official Fish Inspector for fishery products) carries out a document check, identity check and physical check. If these prove satisfactory, a Common Veterinary Entry Document is issued for that consignment of goods which can then be imported into the E.U.

Paperwork must accompany the food to its point of retail sale and in order to enable it to be checked, Local Authority Officers need to be authorised.

Usually there is no requirement for authorisation to enforce regulations only primary Acts of Parliament however the requirement for specific authorisation is contained within the Food Law Code of Practice (Section 1.2.2). It is also the current view of the Food Standards Agency that officers should be specifically authorised for undertaking enforcement of these regulations.

Disability Discrimination Act 1995

This legislation imposes duties on the driver of a regulated taxi which has been hired by or for a disabled person who is in a wheelchair; or by a person who wishes such a disabled person to accompany him in the taxi.

The duties are—

- to carry the passenger while he remains in his wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and in reasonable comfort;

A driver of a regulated taxi who fails to comply with any duty imposed on him by this section is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

This section imposes duties on the driver of a taxi which has been hired by or for a disabled person who is accompanied by his guide dog or hearing dog, or by a person who wishes such a disabled person to accompany him in the taxi.

The duties are—

- to carry the passenger's dog and allow it to remain with the passenger; and

- not to make any additional charge for doing so.

A driver of a taxi who fails to comply with any duty imposed on him by this section is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

New Structure

Within recent years Neighbourhoods has undergone a number of changes in responsibility for functions.

The most significant recent change is the transfer of the Pollution Control team from Planning to Engineering and Transportation.

The proposed scheme of delegations has been updated to provide for this extra service.

Documentation

The proposed updated version of the delegations relating to the Head of Engineering and Transportation are contained within Appendix 1.

The proposed updated version of the delegations relating to the Head of Public Protection is contained within Appendix 2.

Appendix One

45 Head of Service, Engineering and Transportation

- (1) To authorise, in the absence of the Head of Engineering and Transportation, the Service Managers for Traffic and Transportation and Engineering Design and Construction to act on behalf of the Council, including the serving of Notices, prosecutions, and such matters as may require attention.
- (2) Authority to take action under the following legislation and to authorise members of staff from time to time employed in Engineering and Transportation to act on behalf of the Council in taking action under the following legislation, including where relevant:

The service of Notices, issuing of licences, permits and authorisations, approval of registrations, prior consents and grants, authorisation of works in default, acceptance of statutory notifications, and to take any other action including the power to apply for warrants and to seize and detain goods and documents.

Clean Air Act 1993

Clean Neighbourhoods and Environment Act 2005

Control of Pollution Act 1974

Countryside and Rights of Way Act 2000

Environment Act 1995

Environmental Protection Act 1990

Highways Act 1980

Land Compensation Act 1973

Late Night Refreshment House Act 1969

Litter Act 1983

Local Government Act 1988

Local Government (Miscellaneous Provisions) Acts 1976 and 1982

New Roads and Street Works Act 1991

Noise Act 1996

Noise and Statutory Nuisance Act 1993

Pollution Prevention and Control Act 1999

Prevention of Damage by Pests Act 1949

Public Health Acts 1936 and 1961

Public Health (Control of Diseases) Act 1984

Refuse Disposal (Amenity) Act 1978

Road Traffic Acts 1988 and 1991

Road Traffic (Consequential Provisions) Act 1988

Road Traffic (Foreign Vehicles) Act 1972

Road Traffic Offenders Act 1988

Road Traffic Regulation Act, 1984

Town and Country Planning Act 1968

Town and Country Planning Act 1990

Town Police Clauses Act 1847

Transport Act 1985

Traffic Management Act 2004

West Midlands County Council Act 1980

Wildlife and Countryside Act 1981

- (3) These delegations will be undertaken in accordance with Council Policy and, as necessary, with the approval of the Head of Finance and/or the Assistant Director of Legal and Constitutional Services and the Council's chief adviser on Personnel and Development matters.
- (4) Authority to vary future levels of charges for services (that is services for which charges are currently made but excluding car parking charges), such revisions having regard to the retail price index and prevailing market conditions.
- (5) Authority to approve short lists of consultants to be invited to tender for or to submit proposals for specific investigations, analyses or designs, subject to compliance with Financial and Contract Rules.
- (6) Authority to approve short lists of contractors to be invited to tender for contracts for a specific scheme of works or for a schedule of rates contract for such works, subject to compliance with Financial and Contract Rules.
- (7) Authority to accept tenders for the supply of works, materials, equipment, plant, investigations, analyses or designs, subject to compliance with Financial and Contract Rules.
- (8) Authority to accept the tender which is next most economically advantageous to the council in cases where the successful tenderer withdraws before entering into contract, subject to compliance with financial and contract rules
- (9) Authority to utilise other contractors in the event of the successful tenderer being unable to meet the programme requirements. Additional or substitute contractors shall be chosen in order of their tenders' rank when assessed by officers, and appointed in compliance with financial and contract rules.
- (10) Authority to appoint consulting engineers after fee bidding, subject to compliance with Financial and Contract Rules.
- (11) Authority to appoint agency staff subject to compliance with Financial and Contract Rules.
- (12) Authority to exercise powers under all Sections of the Highways Act 1980 in respect of the maintenance, improvement and protection of highways, footpaths, bridleways and associated land, including consulting on proposed alterations to highways, granting Licenses, serving notices and taking legal action to prevent abuse or obstruction of the highway where appropriate.
- (13) Authority to exercise powers under the Highways Act 1980 and the Town and Country Planning Act 1991 in relation to the stopping-up and diversion of highways where planning permission for a development requiring the stopping-up or diversion has previously been granted by the Council.

- (14) Authority to exercise powers under the New Roads and Street Works Act 1991 in respect of the protection of highways, footpaths, bridleways and associated land from the activities of Statutory Undertakers including serving notices and taking proceedings where appropriate.
- (15) Authority to exercise powers under the Road Traffic Regulation Act 1984 in respect of the management and safety of traffic and pedestrians and the placing of traffic signs on the highway.
- (16) Authority to exercise powers under the Transport Act 1968 in respect of objections to Operators' Licence applications on safety and environmental grounds.
- (17) Authority to exercise powers under the Transport Act 1985 in respect of applications for Traffic Regulation Conditions on bus services and objections to Traffic Regulation Conditions on bus services.
- (18) Authority to exercise powers under the Wildlife and Countryside Act 1981 in respect of alterations to the definitive footpath map following approval of changes to the route of a footpath or bridleway.
- (19) Authority to prepare agreements and contracts in pursuance of the powers of the Council under Section 33 of the Local Government - Miscellaneous Provisions Act 1982, Section 111 of the Local Government Act 1972, and Sections 38 and 278 of the Highways Act 1980.
- (20) Authority to take action to prosecute offences under the Highways Act 1980, the Road Traffic Regulation Act 1984 and the New Roads and Street Works Act 1991, in accordance with approved policy.
- (21) Authority to approve the design and location of new and replacement street furniture and other highway facilities, and their removal when required, including traffic signs, traffic signals, guardrailing, safety fencing, bollards, dropped kerb crossings, facilities for the disabled, seating, bus stops, bus shelters, statutory undertakers' equipment and street trees, in accordance with approved policy and DfT guidelines.
- (22) Authority to install bollards in verges and footways in accordance with approved policy.
- (23) Authority to implement measures to ensure the safe operation of the highway network, including serving notices and carrying out minor works, within approved budgets.
- (24) Authority to approve the names to be given to new roads in accordance with approved policy and there is no objection to the name(s) from the post or emergency authorities.
- (25) Authority to approve the numbering of houses.

- (26) Authority to approve minor variations to and substitution of schemes in the Highways Capital Programme, in accordance with priorities and within the allocation in the capital programme.
- (27) Authority to approve the details of Minor Improvement Schemes already approved by the Council as part of its annual approval of the Capital Programme, including:
- (a) The design and location of measures to assist pedestrians and cyclists such as pelican, zebra, toucan and puffin crossings, pedestrian refuges and cycle lanes.
 - (b) The design and implementation of measures provided as part of any Safer Routes to School projects.
 - (c) The design and location of traffic calming features.
 - (d) The design of traffic signal controlled junctions.
 - (e) The design of minor junction improvements and alterations.
 - (f) The design of bus priority measures and the location of bus stops and shelters.
 - (g) Enforcement powers under all sections of the Traffic Management Act 2004.

Subject to the proposal being in accordance with approved policy and, where appropriate, following full consultation with local residents and businesses.

- (28) Authority to approve the details of Highways Maintenance and Bridge Strengthening Schemes already approved by the Council as part of its annual approval of the Capital Programme, including:
- (a) The design of the necessary works.
 - (b) The method of procuring the works, subject to compliance with Finance and Contract Rules.
 - (c) The use of innovative methods of treatment following an assessment of alternative methods.
 - (d) The traffic management arrangements to enable works to be carried out safely in accordance with the requirements of the Health & Safety Executive.
 - (e) Consultation with appropriate interested bodies, residents and businesses likely to be affected by the works, in accordance with approved policy.
- (29) Authority to approve the advertising of minor Traffic Regulation Orders where either:
- (a) The Order has been requested by residents and businesses to control parking or traffic movements in a local area, or

- (b) The Order is required to improve the safety of the highway network, or
- (c) The Order is required for safety reasons following the structural assessment of a bridge and structure, or
- (d) The Order is required to allow the satisfactory implementation of a Minor Improvement Scheme.

Subject to the Order being in accordance with approved policy and only after discussion with Ward Councillors and, where appropriate, following full consultation with local residents and businesses.

- (30) Authority to authorise the sealing of Traffic Regulation Orders made under the Road Traffic Regulation Act 1984 where there have been no objections received during the period for objection.
- (31) Authority to approve the sealing of Traffic Regulation Orders made under the Road Traffic Regulation Act 1984 where objections have been received during the period for objection but where:
 - (a) The concerns of the objectors can be accommodated by amending the Order without seriously prejudicing the original intention of the proposal.
 - (b) The concerns of the objectors are not based on a proper understanding of the effects of the Order but the objectors do not withdraw the objections following a further explanation of the effects.
 - (c) The number of objectors to the proposed Order is matched by an equal or greater number of supporters for the proposed Order.
 - (d) There are no more than 2 objectors to the proposed Order and their objections are based on the personal inconvenience which the proposed Order may cause to those individuals.
- (32) Authority to approve “No Parking on the Verge” signs in accordance with approved policy.
- (33) Authority to approve details and locations of authorised items of street furniture, including traffic signs, road markings, lighting and associated equipment, statutory undertakers’ equipment, safety barriers, bollards, bus stops, bus shelters, seats, litter bins and other street furniture in accordance with the approved policies of the Council.
- (34) Authority to approve displays and exhibitions in pedestrianised areas in accordance with approved policy.
- (35) Authority to determine the authorisation and de-authorisation of School Crossing Patrols in accordance with approved policy.
- (36) Authority to provide advice and direction to statutory undertakers and contractors

on safety matters while working in the highway, including signing requirements, restrictions of working arrangements to suit traffic conditions, and requirement to cease working where such directions and renditions are not met.

- (37) Authority to approve advertising on street lighting columns in accordance with the requirements of the Public Lighting Contract.
- (38) Authority to undertake administration of the Public Health Act, 1936, in relation to Part XI - Culverts, ditches and water courses;
- (39) Authority to administer sections 169 and 173 of the Highways Act 1980, with regard to scaffold licences and hoarding permits

42. Head of Service, Public Protection

- (1)
 - (1) To authorise members of staff employed in Public Protection to act on behalf of the Council from time to time in enforcing the following legislation.
 - (2) To authorise, in the absence of the Head of Public Protection, the Divisional Managers of Environmental Health, Trading Standards, Bereavement Services and the Emergency Planning to act on behalf of the Council, including the serving of Notices, prosecutions, and such matters as may require attention.
 - (3) To authorise officers from other authorities and public agencies working on regional projects, to exercise statutory powers within the borough from time to time.

- (2) Authority to take action under the following legislation including, where relevant:-

The service of Notices, issuing of licences, permits and authorisations, approval of registrations, prior consents and grants, authorisation of works in default, acceptance of statutory notifications, and to take any other action including the power to apply for warrants and to seize and detain goods and documents.

Accommodation Agencies Act 1953
Administration of Justice Act 1970
Agriculture Act 1970
Agriculture (Miscellaneous Provisions) Act 1968
Agriculture Produce (Grading and Marking) Acts 1928 and 1931
Animal Boarding Establishment Act 1963
Animal Health Act 1981
Animal Health and Welfare Act 1984
Animals Act 1971
Animal Welfare Act 2006
Anti-social Behaviour Act 2003
Betting Gaming and Lotteries Acts 1963-1971
Breeding of Dogs Act 1973 and 1993
Breeding and Sale of Dogs (Welfare) Act, 1999
British Telecommunications Act 1981
Building Act, 1984
Business Names Act 1985
Cattle Identification Regulations 1998
Celluloid and Cinematograph Film Act 1972
Charities Act 2006
Children and Young Persons Act 1933
Children and Young Persons (Protection from Tobacco) Act 1991
Chronically Sick and Disabled Persons Act, 1970
Cinemas Act 1985
Civil Contingencies Act 2004
Clean Air Act 1993

Clean Neighbourhoods and Environment Act 2005
Companies Act 1985
Companies Act 2006
Competition Act 1980
Consumer Credit Act 1974
Consumer Credit Act 2006
Consumer Protection Act 1987
Control of Pollution Act 1974
Control of Pollution Amendment Act 1989
Copyright Designs and Patents Act 1988
Courts and Legal Services Act 1990
Criminal Attempts Act 1981
Criminal Damage Act 1971
Criminal Justice and Public Order Act, 1994
Criminal Law Act 1977
Dangerous Dogs Acts 1989 and 1991
Dangerous Wild Animals Act 1976
Dairy Products (Hygiene) Regulations 1995
Defective Premises Act, 1972
Development of Tourism Act 1969
Disability Discrimination Act 1995
Dogs Act 1871
Dogs (Fouling of Land) Act 1996
Education Reform Act 1988
Egg Products regulations 1993
Employment Agencies Act 1973
Energy Act 1976
Energy Conservation Act 1981
Environment Act 1995
Environmental Protection Act 1990
Estate Agents Act 1979
European Communities Act 1972
Explosives Act 1875
Factories Act 1961 and 1998
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Food Act 1984
Food and Drugs Act 1955 as amended by Slaughterhouse Act 1958
Food and Environment Protection Act 1985
Food Safety Act 1990
Food Safety (General Food Hygiene) Regulations 1995
Food Premises (Registrations) Regulations 1991
Forgery and Counterfeiting Act 1981
Fraud Act 2006
Gambling Act 2005
Game Act 1831 (Game and Game Dealers)
Game Licences Act 1860 (Game Dealers)
Gaming Act, 1968
Guard Dogs Act 1975
Hallmarking Act 1973
Health Act 2006
Health and Safety at Work etc. Act 1974

Highways Act 1980
Home Energy Conservation Act, 1995
Housing Act 2004
Intoxicating Substances (Supply) Act 1985
Land Compensation Act 1973
Late Night Refreshment Houses Act 1976
Licensing Act 2003
Litter Act 1983
Local Government Act, 1972
Local Government Acts, 1988 and 2000 and 2003
Local Government and Housing Act, 1989
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Lotteries and Amusements Act 1976
Meat Products (Hygiene) Regulations 1994
Medicines Act 1968
Minced Meat and Meat Preparation (Hygiene) Regulations 1995
Mock Auctions Act 1961
Motor Cycle Noise Act 1987
Noise and Statutory Nuisances Act 1993
Noise Act 1996
Nurses Agencies Act 1957
Offices, Shops and Railway Premises Act 1963
Performing Animals (Regulation) Act, 1925
Pet Animals Act 1951
Pigs (Records, Identification and Movement) Order 1995
Poisons Act 1972
Pollution Prevention Control Act, 1999
Powers of Criminal Courts Act 1973
Prevention of Damage by Pests Act 1949
Prices Acts 1974 and 1975
Private Hire Vehicles (Carriage of Guide Dogs etc) Act 2002
Private Places of Entertainment (Licensing) Act 1967
Products Of Animal Origin (Third Country Imports) (England) Regulations 2006
Property Misdemeanors Act 1991
Protection from Harassment Act 1997
Protection of Animals Act 1911
Protection of Birds Acts 1954 to 1976
Public Health Acts 1875, 1936, 1961 and 1969
Public Health (Control of Diseases) Act 1984
Regulation of Investigatory Powers Act, 2000
Refuse Disposal (Amenity) Act 1978
Riding Establishments Acts 1964 and 1970
Road Traffic Acts 1988 and 1991
Road Traffic (Consequential Provisions) Act 1988
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Offenders Act 1988
Road Traffic Regulation Act 1984
Slaughterhouse Act 1974
Slaughter of Poultry Act 1967
Sunday Trading Act 1994
Tattooing of Minors Act, 1969
Telecommunications Act 1984

Theatres Act 1968
Theft Acts 1968 and 1978
Timeshare Act 1992
Town Police Clauses Acts 1847 and 1889
Trade Descriptions Act 1968
Trade Marks Act 1994
Trading Representations (Disabled Persons) Acts 1958 and 1972
Trading Stamps Act 1964
Unsolicited Goods and Services Acts 1971 and 1975
Vehicle (crime) Act 2001
Video Recordings Act 1984
Violent Crime Reduction Act 2006
Waste Minimisation Act 1998
Water Act, 1989
Water Industry Act 1991
Weeds Act 1950, 1959, 1981
Weights and Measures Acts 1976 and 1985
West Midlands County Council Act 1980
Wildlife and Countryside Act 1981
Zoo Licensing Act 1981

(3) To authorise the Head of Public Protection to appoint:, or recommend for appointment

- The Chief Inspector of Weights and Measures
- The Deputy Chief Inspector of Weights and Measures
- An Inspector to institute legal proceedings in respect of the Health and Safety at Work etc. Act 1974
- Registrar of Crematorium
- Lead Officer for Food
- Medical Referee (and deputies) for the Crematorium

(4) Institution of legal proceedings in respect of the enforcement of all legislation set out above and, in the following circumstances:

- (i) where the prosecution relates to a contentious/complex area of legislation and/or is likely to be considered as a "test case",
- (ii) where significant costs are likely to be incurred in bringing the prosecution before the courts,
- (iii) where the prosecution has serious national implications,
- (iv) where the prosecution relates to a significant and/or sensitive local issue,
- (v) any other matter which in the opinion of the Head of Service is of such a serious or sensitive nature that it would be inappropriate for him/her to act under delegated powers,

may be referred for the consideration of the Executive Director in consultation with the Assistant Director of Legal Services.

- (5) Enforcement of the Customs and Excise Management Act 1979 and the Tobacco Products Act 1979 relating to fiscal marking of tobacco products.
- (6) Authorisation of Directed Surveillance and Covert Human Intelligence Sources in accordance with the requirements of the Regulation of Investigatory Powers Act, 2000.
- (7) To authorise the Bereavement Services Manager to administer the following legislation in relation to the disposal of the dead and to exercise all the powers and duties of the Council as a Local Authority, Burial and Cremation Authority, under, and to delegate this authority to officers in Bereavement Services from time to time:
 - Burial Acts 1852, 1853, 1855, 1857, 1859, 1900 and 1906
 - Burial Laws Amendment Act 1880
 - Cemeteries Clauses Act 1847
 - Cremation Acts 1902 and 1952
 - Fees (Increase) Act 1923
 - Local Government Act 1972
 - Public Health (Control of Diseases) Act 1984
 - Environmental Protection Act 1990
 - Environment Act 1995
- (8) Authority to vary fees and charges not fixed by Statute.
- (9) To commence proceedings through the small claims procedure of the County Court for the recovery of outstanding debts.
- (10) Authority to determine and otherwise deal with the following matters, provided that controversial matters may be submitted to the Licensing & Safety Committee in accordance with that Committee's Scheme of Delegations:-
 - (a) Stage Plays Licences;
 - (b) Game Dealers Licences;
 - (c) Scrap Metal Dealers Registration;
 - (d) Motor salvage operators' registration
 - (e) Lottery registration and Prize Bingo permits;
 - (f) Track Betting Licences;
 - (g) Amusements with Prizes permits with and without machines;
 - (h) Street Collection Licences and House to House collection permits;
 - (i) Street Trading Licences;
 - (j) Sporting Event Licences;

- (k) Cinema Licences (including video juke box licences and video karaoke machine licences);
- (l) Certificates of Consent for all public exhibitions, demonstrations or performances of hypnotism;
- (m) Licences to hold civil marriage and civil partnership ceremonies on approved premises;
- (n) Licensing of Sex Establishments (including Sex Cinemas and Sex Shops);
- (o) Issue of permits under the Charities Act 2006;
- (p) Issue of Taxi Licences.