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<b>REPORT TO:</b>	<b>ENVIRONMENTAL &amp; DEVELOPMENT SERVICES</b>	<b>AGENDA ITEM:</b> 7
<b>DATE OF MEETING:</b>	<b>THURSDAY 10<sup>th</sup> JULY 2003</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY SERVICES</b>	<b>OPEN PARAGRAPH NO: N/A</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>ALAN TWELLS ENVIRONMENTAL PROTECTION MANAGER (EXT.5945)</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>AMENDMENTS TO SCHEME OF DELEGATION AND AUTHORISATION OF OFFICERS</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: ES14</b>

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## **1.0 Recommendations**

- 1.1 That Committee approves that the Director of Community Services and the Environmental Health Manager, under the delegated Authority contained within Minutes No. PR/5 of the Policy and Resources Committee dated 10<sup>th</sup> July 1997 and of Council dated 28<sup>th</sup> January 1999, is Authorised to act on behalf of the Council under the provisions of the Pollution Prevention and Control Act 1999 and any regulations made under the Act, and for that purpose authorise officers powers under the Act as outlined within Table 1.
- 1.2 That Committee approves that the Director of Community Services and Environmental Health Manager, under the aforementioned scheme of delegation, is authorised to delegate to officers powers conferred under Part IIA Environmental Protection Act 1990 as outlined within Table 2

## **2.0 Purpose of Report**

- 2.1 Under the previous Scheme of Delegation the new enforcement powers within the Pollution Prevention and Control Act 1999 and the subsequent regulations The Pollution Prevention and Control (England and Wales) Regulations 2000, were not covered. This report is intended to clarify these powers and delegate them to the Director of Community Services and the Environmental Health Manager.
- 2.2 The previous Scheme of Delegation did not allow powers under Part IIA of the Environmental Protection Act 1990, relating to Contaminated Land, to be delegated to officers. This report is intended to now allow the Director of Community Services and the Environmental Health Manager to delegate powers to officers.

## **3.0 Detail**

### **3.1 Pollution Prevention and Control Regime**

- 3.2 The Environmental Protection Act 1990, Part 1 required certain prescribed industrial processes to require an Authorisation to operate. The Authorisation contained conditions controlling emissions from the process.
- 3.3 The Pollution Prevention and Control Act 1999, brought in a new regime replacing the existing one commencing 1<sup>st</sup> April 2003, which is being phased in over a period of years. This will mean certain industrial processes will require a permit to operate along with new controls relating to emissions.
- 3.4 The Pollution Prevention and Control (England and Wales) Regulations 2000, were made under the 1999 Act and contained all the regulatory powers for the new regime. Section 8 conferred the functions of the Regulations on to every Local Authority.
- 3.5 As this is a new regime it is open to Committee under the scheme of delegation contained within Minutes No. PR/5 of the Policy and Resources Committee dated 10<sup>th</sup> July 1997 and of Council dated 28<sup>th</sup> January 1999, to delegate officers the powers under the Act. This has been undertaken for all other areas of work within the Environmental Health Division. Both the Director of Community Services and the Environmental Health Manager have previously been delegated with the general Authority to Act under the legislation along with the authority to authorise certain officers in writing to undertake certain powers within the legislation, such as power of entry and service of notices.
- 3.6 In order to clarify what powers will be conferred onto officers by the Head of Community Services or the Environmental Health Manager Table 1 below outlines the statutory powers and the level of authorisation. This is an addition to the original scheme of delegation for Environmental Health approved by The Housing and Environment Committee in June 2000. The officers referred to in brackets are those who it is proposed to authorise in writing the associated powers.

**3.7 Table 1: Delegation of Powers for Pollution Prevention and Control Regime**

Section or Reg.	Statute & Summary of Powers	Officers Empowered
	<b>Pollution Prevention and Control Act 1999 &amp; Regulations Made under the Act – General Authority to Act</b>	D.O.C.S., E.H.M. [E.P.M., C.S.&L.M, P.S.H.M.]
	<b>The Pollution Prevention and Control (England and Wales) Regulations 2000</b>	
10	Issuing of Permits	D.O.C.S., E.H.M. [E.P.M., C.S.&L.M, P.S.H.M.]
17	Variation of Conditions of Permit	D.O.C.S., E.H.M. [E.P.M., C.S.&L.M, P.S.H.M., E.H.O.'s, Technicians, PCO/SO's]
18	Transfer of Permits	D.O.C.S., E.H.M. [E.P.M., C.S.&L.M, P.S.H.M., E.H.O.'s, Technicians, PCO/SO's]
21	Revocation of Permits	D.O.C.S., E.H.M. [E.P.M., C.S.&L.M, P.S.H.M.]
24	Service of Enforcement Notices	D.O.C.S., E.H.M. [E.P.M., C.S.&L.M, P.S.H.M., E.H.O.'s, Technicians, PCO/SCO's]
25	Service of Suspension Notices	D.O.C.S., E.H.M. [E.P.M., C.S.&L.M, P.S.H.M., E.H.O.'s, Technicians, PCO/SCO's]
31	Notice of Determination of certain confidential information.	D.O.C.S., E.H.M. [E.P.M., C.S.&L.M, P.S.H.M., E.H.O.'s, Technicians, PCO/SCO's]
Sch.4	Notice requiring further information for Permits	D.O.C.S., E.H.M. [E.P.M., C.S.&L.M, P.S.H.M., E.H.O.'s,

		Technicians, PCO's]
Sch.7	Notice requiring further information for Variation of Permit Conditions	D.O.C.S., E.H.M. [E.P.M., C.S.&L.M, P.S.H.M., E.H.O.'s, Technicians, PCO/SCO's]
	<b>Environment Act 1995 (as amended by The Pollution Prevention and Control (England and Wales) Regulations 2000</b>	
108	Authorisations of officers in relation to Pollution Control Functions to now include the provisions of the PPC Regs. 2000.	D.O.C.S., E.H.M. [E.P.M., C.S.&L.M, P.S.H.M.]

### 3.8 Abbreviations:

D.O.C.S – Director of Community Services  
E.H.M. – Environmental Health Manager  
E.P.M – Environmental Protection Manager  
C.S.&L.M. – Environmental Health Manager (Commercial Standards & Licensing)  
P.S.H.M. – Private Sector Housing Manager  
E.H.O – Environmental Health Officer  
Technicians – Environmental Health Technicians and Technical Assistants  
PCO/SCO – Pollution Control Officer & Scientific Officers

### 3.9 Contaminated Land Regime

3.10 Under the scheme of delegation referred to previously, powers in relation to Part IIA of the Environmental Protection Act 1990, were not conferred onto officers as at the time it was unclear which Division of the Council would be undertaking the duties. Since that time the Environmental Health Division undertake these duties. It is now felt appropriate to delegate certain powers to officers undertaking this work.

3.11 The Director of Community Services and Environmental Health Manager have previously been delegated with the General Authority to Act. However, this has not been clarified for the delegation of other officers. Table 2 outlines the statutory powers and level of Authorisation proposed. As previously stated, the officers referred to in brackets are those who it is proposed to authorise in writing the associated powers.

### 3.12 Table 2: Delegation of Powers for Contaminated Land Regime

Section or Reg.	Statute & Summary of Powers	Officers Empowered
	<b>Environmental Protection Act 1990, Part IIA</b>	
78B	Notification of the identification of Contaminated Land	D.O.C.S., E.H.M. [E.P.M., C.S.&L.M, P.S.H.M.]
78C	Notification that Land is a special site	D.O.C.S., E.H.M. [E.P.M., C.S.&L.M, P.S.H.M.]
78E	Service of a Remediation Notice in respect of Contaminated Land	D.O.C.S., E.H.M. [E.P.M., C.S.&L.M, P.S.H.M.]
78H	Preparation of a Remediation Statement in Default of a responsible person	D.O.C.S., E.H.M. [E.P.M., C.S.&L.M, P.S.H.M.]
78N	Carry out Remediation Works in Default	D.O.C.S., E.H.M. [E.P.M., C.S.&L.M, P.S.H.M.]
78P	Service of a 'Charging Notice' for recovery of costs	D.O.C.S., E.H.M. [E.P.M., C.S.&L.M, P.S.H.M.]
78T	Determination as to whether information is commercially confidential	D.O.C.S., E.H.M. [E.P.M., C.S.&L.M, P.S.H.M.]

(Abbreviations are as per table 1)

3.13 Approval is therefore sort from Committee for the delegations and authorisations of officers outlined within the above sections. If approval is given then the relevant Officers will be notified in writing.

#### **4.0 Financial Implications**

4.1 None

#### **5.0 Corporate Implications**

5.1 The Delegation and Authorisation of the relevant officers will mean that officers are able to undertake the relevant enforcement powers contained in the legislation, in line with the Enforcement Policy of the Environmental Health Division.

#### **6.0 Community Implications**

6.1 This will ensure that officers have the necessary Authority to enter premises and use enforcement powers as necessary in response to complaints and also for undertaking general enforcement duties within the legislation.

#### **7.0 Conclusions**

7.1 The scheme of delegation as outlined in the report requires updating and amending to take account of the new provisions of the Pollution Prevention and Control Act 1999 and subsequent regulations and also the change in duties and responsibilities for Contaminated Land.

7.2 Relevant controls are in place to ensure that the enforcement work undertaken within the Division is undertaken in a consistent and fair manner.

#### **8.0 Background Papers**

8.1 Environmental Health Enforcement Policy

8.2 Environmental Health Division Delegated Powers June 2000