

**TELFORD & WREKIN COUNCIL**

**CABINET – 22 DECEMBER 2011**

**DELEGATED POWERS IN RESPECT OF THE SUNBEDS (REGULATION) ACT 2010**

**REPORT OF HEAD OF GOVERNANCE and HEAD of HOUSING, PLANNING and PUBLIC PROTECTION**

**PART A) – SUMMARY REPORT**

**1. SUMMARY OF MAIN PROPOSALS**

1.1 To seek approval to delegate powers as described at Appendix 1 to public protection staff. This is required to enable the post holders to carry out their duties on behalf of the Council

**2. RECOMMENDATIONS**

**2.1 That the scheme of additional delegation at Appendix 1 be approved**

**3. SUMMARY IMPACT ASSESSMENT**

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	This report has links to community protection and cohesion.
	Will the proposals impact on specific groups of people?	
	No	
<b>TARGET COMPLETION/DELIVERY DATE</b>	<i>December 2011</i>	
<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>	No	There are no direct financial implications arising from this addition to the scheme of delegation.
<b>LEGAL ISSUES</b>	Yes	It is necessary for appropriate delegations to be in place for officers to exercise the functions. The Sunbeds (Regulation) Act 2010 is not reserved to Council and therefore is a Cabinet function.

<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	No	<i>If yes, briefly list any other significant impacts, risks &amp; opportunities- see separate guidance note for areas to consider</i>
<b>IMPACT ON SPECIFIC WARDS</b>	No	<i>Borough-wide impact</i>

## **PART B) – ADDITIONAL INFORMATION**

- 3.1 Public Protection enforcement staff require delegated authority to act on behalf of the Council.
- 3.2 The power to carry out certain duties is delegated to the post and the individual officers are authorised to carry out the duties.
- 3.3 The powers enable staff to enter premises and to carry out enforcement action.

### **4. INFORMATION**

- 4.1 All enforcement officers in Public Protection have powers delegated to them either by Council or Cabinet according to which body is responsible for the function. The delegated powers are noted in the constitution in the Local Government Act 2000, Local Government Act 1972, section 100 g (2) list - Responsibility for Functions List of Powers Exercisable by Officers of the Borough of Telford and Wrekin under Council Functions or Cabinet Functions.
- 4.2 Powers under the relevant Acts are delegated to the post or posts.
- 4.3 Individual officers are authorised, by the Council, to carry out the delegated powers. The process allows the officers to deliver the councils statutory duties at the most appropriate level.
- 4.4 The delegations deal with such matters as:
  - Power to seek information,
  - power of entry,
  - power to take samples,
  - power to serve legal notices,
  - power to authorise works carried out in default of notices and to
  - approve permits and authorisations.
- 4.5 Powers delegated to existing and any new posts require Members' approval. In addition there is a need to accommodate the requirements of new legislation.
- 4.6 The Sunbed (Regulation) Act 2010 is intended to prevent young people (anyone under 18) using sunbeds in places including salons, gyms, hotels and leisure centres. It is hoped that this legislation will help reduce the incidence of skin cancer. Enforcement of the legislation

falls to staff in Public Protection and may involve inspections, test purchases and reacting to customer complaints.

- 4.7 This report seeks Members' approval in respect of Executive functions for the updating of powers to posts as outlined in the attached appendix due to a recent change in legislation.

5. **IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

Not Applicable

6. **PREVIOUS MINUTES**

No previous minutes

7. **BACKGROUND PAPERS**

None

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## Appendix 1

<b>Function</b>	<b>Delegation</b>
All powers and functions under the Sunbeds (Regulation) Act 2010 except authority to prosecute	Public Protection Service Delivery Manager Public Protection Team Leader Environmental Health Officer Trading Standards Officer Compliance Officer Scientific Officer District Officer
Authority to prosecute for offences under the Sunbeds (Regulation) Act 2010	Public Protection Service Delivery Manager Head of Governance