

TELFORD & WREKIN COUNCIL

CABINET - 20th FEBRUARY 2014

DELEGATED POWERS TO ESTABLISH PRIMARY AUTHORITY PARTNERSHIPS and AMENDMENT OF OTHER DELEGATED POWERS

REPORT OF ASSISTANT DIRECTOR: HEALTH, WELLBEING & PUBLIC PROTECTION

LEAD CABINET MEMBER – CLLR RICHARD OVERTON

1. SUMMARY OF MAIN PROPOSALS

- 1.1 To seek approval for the delegation of authority to enter into Primary Authority Partnerships with business and request nomination of partnerships by Better Regulation Delivery Office (BRDO) under the provisions of section 25 of the Regulatory Enforcement and Sanctions Act 2008.
- 1.2 To seek approval for delegated powers for legislation 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

COMMUNITY IMPACT	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	Protect and create jobs as a 'Business Supporting, Business Winning Council'
	Will the proposals impact on specific groups of people?	
	No	

TARGET COMPLETION/DELIVERY DATE	1 st March 2014	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes/No	3 hours initial support will be provided to each local business from within existing resources in Public Protection. Any support provided after that will be charged for at £50 per hour as recommended by the BRDO. It is intended that this charge will cover any additional costs incurred by Public Protection in providing this support. MLB 03.01.14
LEGAL ISSUES	Yes	The main legal issues are set out in the body of the report and in Appendix 1. Any charges made must be on a cost recovery basis only.
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes/No	<i>This represents an important support service to locally based businesses that fall within the scope of the Primary Authority Scheme. Offering Primary Authority Partnerships may attract new businesses to the borough as it helps reduce the regulatory burden facing businesses</i>
IMPACT ON SPECIFIC WARDS	No	<i>Borough Wide Impact</i>

4. INFORMATION

4.1 Local businesses that trade across council boundaries can be subject to differing requirements from the many different local authorities that regulate them. This undermines consistency and creates unnecessary burdens for business. It can also mean that regulation of the business is less effective, reducing the impact that local authorities could have on protection of their residents, workers and the environment from harm and fraud.

4.2 Primary Authority is a national scheme that allows a business to form a partnership with a single local authority and this partnership, once it has been nominated by the BRDO (Better Regulation Delivery Office), has a statutory basis.

4.3 When Telford & Wrekin Council offers Primary Authority to businesses it is demonstrating the Council's willingness to work constructively with a business to improve its compliance, and is taking on responsibility for leading

and shaping the regulation of that business across its operations. It does this by providing tailored, assured regulatory advice to the business over and above the level of advice provided free of charge to all businesses in the borough that are regulated by the Public Protection Service.

4.4 By means of Primary Authority Telford & Wrekin Council can guide the way that other local authorities regulate the business so that it is effective, efficient, consistent, avoiding duplication of effort and unnecessary legal action.

4.5 Primary Authorities are giving their partner businesses confidence that they are doing what is needed to comply with legal requirements which in turn can lead to confidence to invest, as well as giving local inspectors confidence that they are following a consistent approach.

4.6 Primary Authority represents an important support service to locally based business and contributes to the local priority for being a “**Business Winning Business Supporting**” Council.

4.7 It is proposed that 3 hours free advice is offered initially to each local business once the BRDO agree the partnership, and a charge of £50 per hour thereafter for officer’s time (cost recovery only). The issue of costs and recovery will be discussed at the initial meetings with each business where the cost recovery process etc will be discussed and agreed. The charges are necessary to ensure that there are sufficient resources available to support these valuable partnerships.

4.8 The Public Protection service is already working with a number of local businesses to promote Primary Authority and Dukeshill Ham have recently entered into a Primary Authority agreement with the Council.

4.9 Public Protection employees require delegated authority to act on behalf of the Council under a range of legislation.

4.10 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.

4.11 The power to carry out certain duties under the relevant Acts are delegated to the post and the individual officers are authorised to carry out the duties. The process allows the officers to deliver the council’s statutory duties at the most appropriate level.

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.
- Authority to agree appropriate arrangements for cost recovery with business partners.
- Provide assured advice as part of a Primary Authority Partnership

4.12 Powers delegated to existing and any new posts require Members' approval. In addition there is a need to accommodate the requirements of new legislation.

4.13 This report seeks Members' approval in respect of Executive functions for the updating of powers to posts as outlined in the attached appendix 1.

5. **IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

None.

6. **PREVIOUS MINUTES**

None.

7. **BACKGROUND PAPERS**

None.

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Appendix 1

Function	Delegation
Delegated Authority to act under Section 25 of the Regulatory Enforcement and Sanctions Act 2008 as amended	Assistant Director Health, Well-being and Public Protection Public Protection Service Delivery Manager who will delegate further to other officers as appropriate.
All powers and functions under the Sunday Trading Act 1994 except authority to prosecute	Public Protection Service Delivery Manager who will delegate further to other officers as appropriate.
Authority to prosecute for offences under the Sunday Trading Act 1994	Public Protection Service Delivery Manager who will delegate further to other officers as appropriate. Assistant Director Health, Well-being and Public Protection
All powers and functions under the Health and Safety at Work etc Act 1974 except the authority to prosecute.	Health and Safety Advisors