

# Causeway Coast & Glens Borough Council

To: Environmental Services Committee

OFFICER AUTHORISATION AND DELEGATION OF POWER

4 AUGUST 2015

For Decision

Report to Committee

<b>Linkage to Corporate Plan</b>	
<b>Strategic Priority</b>	Innovation and Transformation
<b>Objective</b>	Service Efficiency
<b>Lead Officer</b>	Bryan Edgar
<b>Cost: (If applicable)</b>	None

## 1.1 Background

Members may recall further to Shadow Council meeting SC 150326, item 5.2 and Organisational Development Committee meeting OD 150312 item 5.5 that a Scheme of Officer Authorisation and Delegated Powers items 1 to 3 was approved. Following receipt of legal advice items 4 & 5 of the original report item are presented for reconsideration and decision to ensure clarity of the original committee minute.

Item 4. Where a person has been offered the opportunity to discharge any liability to conviction of an offence under:-

- Dogs (NI) Order 1983 (as amended)
- The Litter (NI) Order 1994 (as amended)
- The Clean Neighbourhoods and Environment Act (NI) 2011
- Street Trading Act (NI) 2001
- Noise Act (NI) 1996
- The Smoking (NI) Order 2006
- The Tenancy Deposit Scheme Regulations (NI) 2012
- The Landlord Registration Scheme Regulations 2014
- Pollution Control and Local Government (NI) Order 1978
- Sunbed Act (NI) 2011
- Energy Performance of Buildings (Certificate and Inspection) Amendment Regulations 2014

and the fixed penalty has not been paid, the Council delegate authority under Section 47A of the Local Government Act (NI) 1972 as amended by Article 26 of The Local Government (Miscellaneous Provisions) (NI) Order 1985 to the Chief Executive, Director of Environmental Services or Head of Health and Built Environment to instigate legal proceedings for the offence on behalf of the Council.

Item 5. The Council, in pursuit of its powers under Section 47(A) of the Local Government Act (NI) 1972, as amended by Article 26 of The Local Government (Miscellaneous Provisions) (NI) Order 1985, having considered the competence of the Chief Executive, Director of Environmental Services and Head of Health and Built Environment, authorises them to discharge its functions relating to:

- the making of recommendations for prosecution on behalf of Council (where legislative provisions permit) and referral of case files to the Council's solicitor for legal action on behalf of the Environmental Health Service without prior approval of Council.

Effectively delegating powers, functions and duties to appropriate staff will ensure that efficient regulatory activities can be performed by the Environmental Services Directorate in accordance with the Council's Enforcement Policy.

## **1.2 Recommendation**

It is recommended that Council delegate the power to instigate legal proceedings for the prosecution of non-payment of fixed penalties as stated in point 4.

It is recommended that Council delegate the power to instigate legal proceedings for all other offences as stated in point 5.