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| Report To: | Education & Communities Committee | Date: | 12 March 2013 |
| Report By: | Corporate Director Education, Communities & Organisational Development | Report No: | EDUC/25/13/MMcN |
| Contact Officer: | Martin McNab | Contact No: | 714246 |
| Subject: | Delegated Powers Update | | |

1.0 PURPOSE

- 1.1 To update the Delegated Powers of the Head of Safer & Inclusive Communities with respect to the authorisation of officers.

2.0 SUMMARY

- 2.1 Safer & Inclusive Communities is responsible for the enforcement of a multitude of Acts and statutory instruments covering a wide range of topics. Regular reports have been made to Education & Communities Committee and its precursor updating the delegated powers of the Head of Safer & Inclusive Communities to authorise officers.
- 2.2 Owing to the unexpected delay in new legislation replacing the Public Health (Ships) (Scotland) Regulations it is necessary to add the Public Health (Scotland) Act 1945 under which these regulations were made to the list of acts for which the Head of Safer & Inclusive Communities has delegated powers to authorise officers.
- 2.3 In order to avoid any dubiety arising from the recent report to Council on delegated powers it is also requested that the existing delegated powers of the Head of Safer & Inclusive Communities contained in Appendix 2 should be reaffirmed.

3.0 RECOMMENDATIONS

- 3.1 That the Head of Safer & Inclusive Communities be given delegated powers to authorise officers under the Acts contained in Appendix 1 and regulations made thereunder.
- 3.2 That the delegated powers of the Head of Safer & Inclusive Communities to authorise officers under the Acts contained in Appendix 2 and regulations made thereunder be reaffirmed.

4.0 IMPLICATIONS

4.1 Financial Implications

None

4.2 Legal Implications

This reaffirmation of the powers delegated to the Head of Safer & Inclusive Communities will reduce the risk of the legality of officers' authorisation being challenged in future.

4.3 Human Resources Implications

None

4.4 Equalities Implications

None

4.5 Repopulation Implications

None

Appendix 1 - List of Primary Legislation Under Which The Head of Safer & Inclusive Communities requires Delegated Powers to Authorise Officers.

Act

Public Health (Scotland) Act 1945

Authorisation Delegated to the Head of Safer & Inclusive Communities

Inverclyde Council delegates powers to authorise officers under the undermentioned legislation and any relevant regulations made thereunder to the Head of Safer Communities. The list is correct as of 05/02/2013

| <i>Act</i> | <i>Original Date of Delegation</i> |
|---|---|
| Agriculture (Miscellaneous Provisions) Act 1968 | 11/01/2007 |
| Animal Boarding Establishments Act 1963 | 11/01/2007 |
| Animal Health Act 1981 | 11/01/2007 |
| Animal Health and Welfare (Scotland) Act 2006 | 11/01/2007 |
| Animal Health and Welfare Act 1984 | 11/01/2007 |
| Antisocial Behaviour etc. (Scotland) Act 2004 | 11/01/2007 |
| Breeding of Dogs Act 1973 | 11/01/2007 |
| Breeding of Dogs Act 1991 | 11/01/2007 |
| Building Scotland Act 2003 | 19/10/2006 |
| Business Names Act 1985 | 11/01/2007 |
| Cancer Act 1939 | 11/01/2007 |
| Caravan Sites and Control of Development Act 1960 | 11/01/2007 |
| Children and Young Persons (Protection from Tobacco) Act 1991 | 11/01/2007 |
| Civic Government (Scotland) Act 1982 | 11/01/2007 |
| Clean Air Act 1993 | 11/01/2007 |
| Companies Act 1985 | 11/01/2007 |
| Consumer Credit Act 1974 (as amended) | 11/01/2007 |
| Consumer Credit Act 2006 | 11/01/2007 |
| Consumer Protection Act 1987 | 11/01/2007 |
| Consumers, Estate Agents and Redress Act 2007 | 05/05/2009 |
| Control of Dogs (Scotland) Act 2010 | 06/03/2012 |
| Control of Pollution Act 1974 | 11/01/2007 |
| Copyright, Designs and Patents Act 1988 | 11/01/2007 |
| Copyright, Designs and Patents Act 1988 | 11/01/2007 |
| Customs and Excise Management Act 1979 | 23/03/2010 |
| Dangerous Dogs Act 1991 | 11/01/2007 |
| Dangerous Wild Animals Act 1976 | 11/01/2007 |

Act**Delegated Powers****Committee Date**

| | | |
|---|--|------------|
| Development of Tourism Act 1969 | | 11/01/2007 |
| Dog Fouling (Scotland) Act 2003 | | 11/01/2007 |
| Dogs Act 1871 | | 11/01/2007 |
| Education Reform Act 1988 | | 11/01/2007 |
| Enterprise Act 2002 | | 11/01/2007 |
| Environmental Protection Act 1990 | | 11/01/2007 |
| Estate Agents Act 1979 | | 11/01/2007 |
| European Communities Act 1972 | | 11/01/2007 |
| Explosives Acts 1875 & 1923 | | 11/01/2007 |
| Factories Act 1961 | | 11/01/2007 |
| Fair Trading Act 1973 | | 11/01/2007 |
| Farm and Garden Chemicals Act 1967 | | 11/01/2007 |
| Fireworks Act 2003 | | 11/01/2007 |
| Food and Environment Protection Act 1985 | | 11/01/2007 |
| Food Safety Act 1990 | | 11/01/2007 |
| Forgery and Counterfeiting Act 1981 | | 11/01/2007 |
| Guard Dogs Act 1975 | | 11/01/2007 |
| Hallmarking Act 1973 | | 11/01/2007 |
| Health and Safety at Work etc Act 1974 | | 11/01/2007 |
| Housing (Scotland) Act 1987 | | 11/01/2007 |
| Housing (Scotland) Act 2006 | | 11/01/2007 |
| Knives Act 1997 | | 11/01/2007 |
| Licensing (Scotland) Act 2005 | | 01/05/2008 |
| Medicines Act 1968 | | 11/01/2007 |
| Motor Cycle Noise Act 1987 | | 11/01/2007 |
| Motor Vehicles (Safety Equipment for Children) Act 1991 | | 11/01/2007 |
| National Lottery etc. Act 1993 | | 11/01/2007 |
| Nurses (Scotland) Act 1953 | | 11/01/2007 |
| Olympic Symbol etc. (Protection) Act 1995 | | 11/01/2007 |
| Performing Animals (Reg.) Act 1925 | | 11/01/2007 |
| Pet Animals Act 1951 | | 11/01/2007 |
| Petroleum (Consolidation) Act 1928 | | 11/01/2007 |
| Petroleum (Transfer of Licences) Act 1936 | | 11/01/2007 |

Act**Delegated Powers****Committee Date**

| | | |
|--|--|------------|
| Poisons Act 1972 | | 11/01/2007 |
| Prevention of Damage by Pests Act 1949 | | 11/01/2007 |
| Prices Acts 1974 and 1975 | | 11/01/2007 |
| Property Misdemeanors Act 1991 | | 11/01/2007 |
| Public Health etc. (Scotland) Act 2008 | | 02/09/2008 |
| Refuse Disposal (Amenity) Act 1978 | | 11/01/2007 |
| Sewerage (Scotland) Act 1968 | | 11/01/2007 |
| Smoking, Health & Social Care (Scotland) Act 2005 | | 11/01/2007 |
| Telecommunications Act 1984 | | 11/01/2007 |
| Timeshare Act 1992 | | 11/01/2007 |
| Tobacco Advertising and Promotion Act 2002 | | 11/01/2007 |
| Tobacco and Primary Medical Services (Scotland) Act 2010 | | 30/03/2010 |
| Tobacco Products Duty Act 1979 | | 23/03/2010 |
| Trade Descriptions Act 1968 | | 11/01/2007 |
| Trade Marks Act 1994 | | 11/01/2007 |
| Trading Representations (Disabled Persons) Act 1958 and 1972 | | 11/01/2007 |
| Unsolicited Goods and Services Acts 1971 and 1975 | | 11/01/2007 |
| Video Recordings Act 1984 & 1993 | | 11/01/2007 |
| Water (Scotland) Act 1980 | | 11/01/2007 |
| Water Services etc. (Scotland) Act 2005 | | 11/01/2007 |
| Weights and Measures Act 1985 | | 11/01/2007 |
| Weights and Measures Etc. Act 1976 | | 11/01/2007 |
| Zoo Licensing Act 1981 | | 11/01/2007 |