
Report To:	Education and Communities Committee	Date	20 January 2015
Report By:	Corporate Director Education, Communities & Organisational Development	Report No:	EDUCOM/07/15/MM
Contact Officer:	Martin McNab	Contact No:	4246
Subject:	Delegated Powers		

1.0 PURPOSE

- 1.1 To grant delegated powers to the Head of Safer & Inclusive Communities to authorise officers under a number of acts and regulations.

2.0 SUMMARY

- 2.1 The Head of Safer & Inclusive Communities currently has delegated powers to authorise officers under the legislation listed in appendix 1. New enforcement powers arising from changed responsibilities however necessitate an update to this list.
- 2.2 The Disabled Persons' Parking Badges (Scotland) Act 2014 extends the power to examine and seize disabled parking badges (blue badges) from the police to authorised officers of local authorities. This is done by amendments to the Chronically Sick and Disabled Persons Act 1970 and delegated powers are required to allow officers to be authorised under this Act. It is intended that any actions taken under this Act to prevent misuse and uphold the reputation of the "blue badge" scheme will be carried out by officers already authorised to enforce parking controls.
- 2.3 The Single Use Carrier Bags Charge (Scotland) Regulations 2014 brought in new controls over the supply of carrier bags. Enforcement of the regulations falls to local authorities therefore delegated powers are required for the Head of Safer and Inclusive Communities to authorise officers. The regulations are made under the Climate Change Scotland Act 2009 therefore delegated powers are required for this Act and regulations made thereunder.

3.0 RECOMMENDATIONS

- 3.1 That delegated powers are granted to the Head of Safer & Inclusive Communities to authorise officers under the Chronically Sick and Disabled Persons Act 1970.
- 3.2 That delegated powers are granted to the Head of Safer & Inclusive Communities to authorise officers under regulations made under the Climate Change Scotland Act 2009.

4.0 IMPLICATIONS

6.1 Financial Implications

None

6.2 Legal Implications

Legal Implications are as noted in the body of the report.

6.3 Human Resources Implications

None

6.4 Equalities Implications

None

6.5 Repopulation Implications

None

7.0 CONSULTATIONS

7.1 The Head of Legal & Property Services has been consulted

8.0 LIST OF BACKGROUND PAPERS

8.1 None

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 & Inclusive Communities. The list is correct as of 03/12/2014

<i>Act</i>	<i>Committee Date</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**

Decriminalised Parking Enforcement		01/09/2014
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

Act	Delegated Powers	Committee Date
Petroleum (Transfer of Licences) Act 1936		11/01/2007
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 Misdescriptions 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