
Report To:	Education and Communities Committee	Date	08 March 2016
Report By:	Corporate Director Education, Communities & Organisational Development	Report No:	EDUCOM/24/16/MM
Contact Officer:	Martin McNab	Contact No:	01475 714246
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. Recent changes to legislation however necessitate an addition to that list.
- 2.2 The Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016 introduces an offence of smoking in a private motor vehicle when there is a child in the vehicle. The Act gives powers to authorised officers of a local authority to enter and search private vehicles parked in the area to ascertain whether an offence has been committed and to serve a fixed penalty notice if an offence has been committed. The penalty for smoking in a car with a child present is currently set at £100.
- 2.3 These powers have been given to local authorities and to the police in spite of a general consensus amongst local authority Environmental Health departments that the enforcement powers would be better exercised by Police Scotland. As such it is likely that the powers will be granted in the first instance to uniformed Council staff as they will be more readily identifiable to the public.
- 2.4 Appendix 1 lists legislation for which delegated powers have previously been granted to the Head of Safer & Inclusive Communities.

3.0 RECOMMENDATION

- 3.1 That delegated powers are granted to the Head of Safer & Inclusive Communities to authorise officers under the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016.

John Arthur,
Head of Safer & Inclusive Communities

4.0 IMPLICATIONS

4.1 Financial Implications
None

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

4.3 Human Resources Implications
None

4.4 Equalities Implications
None

4.5 Repopulation Implications
None

5.0 CONSULTATIONS

5.1 N/A

6.0 LIST OF BACKGROUND PAPERS

6.1 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 Communities. The list is correct as of 11/02/2016 .

<u>Act</u>	<u>Delegated Powers</u>	<u>Committee Date</u>
Agriculture (Miscellaneous Provisions) Act 1968	<input checked="" type="checkbox"/>	11/01/2007
Animal Boarding Establishments Act 1963	<input checked="" type="checkbox"/>	11/01/2007
Animal Health Act 1981	<input checked="" type="checkbox"/>	11/01/2007
Animal Health and Welfare (Scotland) Act 2006	<input checked="" type="checkbox"/>	11/01/2007
Animal Health and Welfare Act 1984	<input checked="" type="checkbox"/>	11/01/2007
Antisocial Behaviour etc. (Scotland) Act 2004	<input checked="" type="checkbox"/>	11/01/2007
Breeding of Dogs Act 1973	<input checked="" type="checkbox"/>	11/01/2007
Breeding of Dogs Act 1991	<input checked="" type="checkbox"/>	11/01/2007
Building Scotland Act 2003	<input checked="" type="checkbox"/>	19/10/2006
Business Names Act 1985	<input checked="" type="checkbox"/>	11/01/2007
Cancer Act 1939	<input checked="" type="checkbox"/>	11/01/2007
Caravan Sites and Control of Development Act 1960	<input checked="" type="checkbox"/>	11/01/2007
Children and Young Persons (Protection from Tobacco) Act 1991	<input checked="" type="checkbox"/>	11/01/2007
Chronically Sick and Disabled Persons Act 1970	<input checked="" type="checkbox"/>	20/01/2015
Civic Government (Scotland) Act 1982	<input checked="" type="checkbox"/>	11/01/2007
Clean Air Act 1993	<input checked="" type="checkbox"/>	11/01/2007
Climate Change (Scotland) Act 2009	<input checked="" type="checkbox"/>	20/01/2015
Companies Act 1985	<input checked="" type="checkbox"/>	11/01/2007
Consumer Credit Act 1974 (as amended)	<input checked="" type="checkbox"/>	11/01/2007
Consumer Credit Act 2006	<input checked="" type="checkbox"/>	11/01/2007
Consumer Protection Act 1987	<input checked="" type="checkbox"/>	11/01/2007
Consumer Rights Act 2015	<input checked="" type="checkbox"/>	19/01/2016
Consumers, Estate Agents and Redress Act 2007	<input checked="" type="checkbox"/>	05/05/2009
Control of Dogs (Scotland) Act 2010	<input checked="" type="checkbox"/>	06/03/2012
Control of Pollution Act 1974	<input checked="" type="checkbox"/>	11/01/2007
Copyright, Designs and Patents Act 1988	<input checked="" type="checkbox"/>	11/01/2007
Copyright, Designs and Patents Act 1988	<input checked="" type="checkbox"/>	11/01/2007

<i>Act</i>	<i>Delegated Powers</i>	<i>Committee Date</i>
Customs and Excise Management Act 1979	<input checked="" type="checkbox"/>	23/03/2010
Dangerous Dogs Act 1991	<input checked="" type="checkbox"/>	11/01/2007
Dangerous Wild Animals Act 1976	<input checked="" type="checkbox"/>	11/01/2007
Decriminalised Parking Enforcement	<input checked="" type="checkbox"/>	01/09/2014
Development of Tourism Act 1969	<input checked="" type="checkbox"/>	11/01/2007
Dog Fouling (Scotland) Act 2003	<input checked="" type="checkbox"/>	11/01/2007
Dogs Act 1871	<input checked="" type="checkbox"/>	11/01/2007
Education Reform Act 1988	<input checked="" type="checkbox"/>	11/01/2007
Enterprise Act 2002	<input checked="" type="checkbox"/>	11/01/2007
Environmental Protection Act 1990	<input checked="" type="checkbox"/>	11/01/2007
Estate Agents Act 1979	<input checked="" type="checkbox"/>	11/01/2007
European Communities Act 1972	<input checked="" type="checkbox"/>	11/01/2007
Explosives Acts 1875 & 1923	<input checked="" type="checkbox"/>	11/01/2007
Factories Act 1961	<input checked="" type="checkbox"/>	11/01/2007
Fair Trading Act 1973	<input checked="" type="checkbox"/>	11/01/2007
Farm and Garden Chemicals Act 1967	<input checked="" type="checkbox"/>	11/01/2007
Fireworks Act 2003	<input checked="" type="checkbox"/>	11/01/2007
Food and Environment Protection Act 1985	<input checked="" type="checkbox"/>	11/01/2007
Food Safety Act 1990	<input checked="" type="checkbox"/>	11/01/2007
Forgery and Counterfeiting Act 1981	<input checked="" type="checkbox"/>	11/01/2007
Guard Dogs Act 1975	<input checked="" type="checkbox"/>	11/01/2007
Hallmarking Act 1973	<input checked="" type="checkbox"/>	11/01/2007
Health and Safety at Work etc Act 1974	<input checked="" type="checkbox"/>	11/01/2007
Housing (Scotland) Act 1987	<input checked="" type="checkbox"/>	11/01/2007
Housing (Scotland) Act 2006	<input checked="" type="checkbox"/>	11/01/2007
Knives Act 1997	<input checked="" type="checkbox"/>	11/01/2007
Licensing (Scotland) Act 2005	<input checked="" type="checkbox"/>	01/05/2008
Medicines Act 1968	<input checked="" type="checkbox"/>	11/01/2007
Motor Cycle Noise Act 1987	<input checked="" type="checkbox"/>	11/01/2007
Motor Vehicles (Safety Equipment for Children) Act 1991	<input checked="" type="checkbox"/>	11/01/2007
National Lottery etc. Act 1993	<input checked="" type="checkbox"/>	11/01/2007
Nurses (Scotland) Act 1953	<input checked="" type="checkbox"/>	11/01/2007
Olympic Symbol etc. (Protection) Act 1995	<input checked="" type="checkbox"/>	11/01/2007

<i>Act</i>	<i>Delegated Powers</i>	<i>Committee Date</i>
Performing Animals (Reg.) Act 1925	<input checked="" type="checkbox"/>	11/01/2007
Pet Animals Act 1951	<input checked="" type="checkbox"/>	11/01/2007
Petroleum (Consolidation) Act 1928	<input checked="" type="checkbox"/>	11/01/2007
Petroleum (Transfer of Licences) Act 1936	<input checked="" type="checkbox"/>	11/01/2007
Poisons Act 1972	<input checked="" type="checkbox"/>	11/01/2007
Prevention of Damage by Pests Act 1949	<input checked="" type="checkbox"/>	11/01/2007
Prices Acts 1974 and 1975	<input checked="" type="checkbox"/>	11/01/2007
Property Misdescriptions Act 1991	<input checked="" type="checkbox"/>	11/01/2007
Public Health etc. (Scotland) Act 2008	<input checked="" type="checkbox"/>	02/09/2008
Refuse Disposal (Amenity) Act 1978	<input checked="" type="checkbox"/>	11/01/2007
Registered Designs Act 1949	<input checked="" type="checkbox"/>	11/01/2007
Sewerage (Scotland) Act 1968	<input checked="" type="checkbox"/>	11/01/2007
Smoking, Health & Social Care (Scotland) Act 2005	<input checked="" type="checkbox"/>	11/01/2007
Telecommunications Act 1984	<input checked="" type="checkbox"/>	11/01/2007
Tobacco Advertising and Promotion Act 2002	<input checked="" type="checkbox"/>	11/01/2007
Tobacco and Primary Medical Services (Scotland) Act 2010	<input checked="" type="checkbox"/>	30/03/2010
Tobacco Products Duty Act 1979	<input checked="" type="checkbox"/>	23/03/2010
Trade Descriptions Act 1968	<input checked="" type="checkbox"/>	11/01/2007
Trade Marks Act 1994	<input checked="" type="checkbox"/>	11/01/2007
Trading Representations (Disabled Persons) Act 1958 and 1972	<input checked="" type="checkbox"/>	11/01/2007
Unsolicited Goods and Services Acts 1971 and 1975	<input checked="" type="checkbox"/>	11/01/2007
Video Recordings Act 1984 & 1993	<input checked="" type="checkbox"/>	11/01/2007
Water (Scotland) Act 1980	<input checked="" type="checkbox"/>	11/01/2007
Water Services etc. (Scotland) Act 2005	<input checked="" type="checkbox"/>	11/01/2007
Weights and Measures Act 1985	<input checked="" type="checkbox"/>	11/01/2007
Weights and Measures Etc. Act 1976	<input checked="" type="checkbox"/>	11/01/2007
Zoo Licensing Act 1981	<input checked="" type="checkbox"/>	11/01/2007