

<b>UPDATE TO SCHEME OF AUTHORISATION AND DELEGATION OF POWERS</b>	<b>1<sup>st</sup> August 2017</b>
<b>TO: ENVIRONMENTAL SERVICES COMMITTEE</b>	
<b>FOR DECISION</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Innovation & Transformation
<b>Outcome</b>	Update to Scheme of Officer Authorisation and Delegation of Powers
<b>Lead Officer</b>	Head of Health & Built Environment
<b>Cost: (If applicable)</b>	Not Applicable

## **Background**

Further to previous reports to Shadow Council, SC 150326 item 5.2, Organisational Development Committee, OD 150312 item 5.5, and ES 150804 item 12 that a scheme of officer authorisation and delegated authority was approved. It is necessary to amend the scheme to enable the rescinding of officer authorisations where staff have left the organisation and to update the approved list as a result of new legislation detailed below.

1. Tobacco Retailers Act (Northern Ireland) 2014 and Regulations made there under.
2. The Road Traffic Regulation (Northern Ireland) Order 1997 as amended by Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 (Article 8 schedule 3A)
3. Consumer Rights Act 2015
4. The Criminal Justice and Police Act 2001

The Consumer Rights Act 2015 consolidates the investigatory powers of consumer law which regulates a diverse range of business sectors and enables local authority product safety enforcers to more effectively and efficiently work across local authority boundaries.

The investigatory powers have been consolidated, modernised and radically simplified to improve their transparency and accessibility for businesses and enforcers. In addition, stronger safeguards have been added to powers of entry in accordance with the Protection of Freedoms Act 2012. The powers and safeguards strike a balance between enabling effective and proportionate investigation of breaches of consumer law whilst protecting civil liberties and not disproportionately burdening compliant businesses.

The Criminal Justice & Police Act 2001 provides enforcement officers with additional powers of seizure and retention of material, including the power to retain inextricably linked material.

### **Recommendation**

It is recommended that the above legislation be included in the approved scheme of delegation at section 2 of Appendix 1 of the scheme.

It is further recommended that at Paragraph 2.1.1 of the approved scheme, the following wording be inserted after the word staff (and the rescinding of such authorisation as necessary).