

CARLISLE CITY COUNCIL

Report to:- Carlisle City Council

Date of Meeting:- 17 July 2007

Agenda Item No:-

Public

Title:- **DELEGATION OF POWERS UNDER THE HEALTH ACT 2006**

Report of:- **Director of Legal and Democratic Services**

Report reference:- **LDS.61/07**

Summary:- The Regulatory Panel on 4 July 2007 considered a report on the Health Act 2006 which makes provision for the prohibition of smoking in certain premises, places and vehicles. The Council is responsible for the enforcement of the legislation, therefore, the scheme of delegation of the Council's functions requires amending to reflect the said Act.

Recommendation:- The Regulatory Panel recommended that the City Council:

1. Approve the delegation of those functions to be exercised by the Council under the Health Act 2006 and ancillary Regulations to the Regulatory Panel;
2. Approve the further delegation of the said functions under the Health Act 2006 and ancillary Regulations to the Director of Community Services; and
3. Authorise the Director of Legal and Democratic Services to make the consequential amendments to the Council's Constitution.

Contact Officer: M D Lambert

Ext: 7019

J M Egan

Director of Legal and Democratic Services

05 July 2007

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

CARLISLE CITY COUNCIL

Report to:- **THE CHAIRMAN AND MEMBERS OF THE REGULATORY PANEL**

Date of Meeting:- 4 July 2007

Agenda Item No:-

Public	Operational	Delegated Yes
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Accompanying Comments and Statements	Required	Included
Cumbria Fire Service	No	No
Cumbria Constabulary	No	No
Environmental Services	No	No
Corporate Planning & Information Unit	No	No

Title:- **DELEGATION OF POWERS UNDER THE HEALTH ACT 2006**

Report of:- **LEGAL AND DEMOCRATIC SERVICES**

Report reference:- **LDS 60.07**

Summary:-

The Health Act 2006 makes provision for the prohibition of smoking in certain premises, places and vehicles. The Council is responsible for the enforcement of the legislation, therefore, the scheme of delegation of the Council's functions requires amending to reflect the said Act.

Recommendation:-

- 1.1 That Council be asked to:
 - 1.1.1 Approve the delegation of those functions to be exercised by the Council under the Health Act 2006 and ancillary Regulations to the Regulatory Panel;
 - 1.1.2 Approve the further delegation of the said functions under the Health Act 2006 and ancillary Regulations to the Director of Community Services; and
 - 1.1.3 Authorise the Director of Legal and Democratic Services to make the consequential amendments to the Council's Constitution.

M D Lambert, Head of Legal Services, Legal & Democratic Services

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:- Health Act 2006 and associated Regulations made thereunder.

To the Chairman and Members of the Regulatory Panel 4 July 2007

1.0 INTRODUCTION

- 1.2 Members will be aware of the Health Act 2006 ("the Act") which introduces a prohibition on smoking in certain premises, places and vehicles.
- 1.3 The Smoke Free (Premises and Enforcement) Regulations 2006 (SI 2006/3368) designate the City Council as an enforcement authority for the purposes of the Act.
- 1.4 The recently published Local Authorities (Functions and Responsibilities) (England) (Amendment) (No 2) Regulations 2007 provide that the Health Act 2006 functions are not to be the responsibility of the Council's Executive. Accordingly the matter is reserved to be dealt with by the Council.
- 1.5 In accordance with the Constitution, the most appropriate Committee of the Council to deal with the functions is the Regulatory Panel. The direct enforcement of the Act is to be dealt with by the Director of Community Services. This report asks Members to recommend to Council that the powers contained in the Health Act 2006 and associated Regulations be delegated to and exercised by the Regulatory Panel and thereafter the Director of Community Services and that the Constitution be amended accordingly.

2 RECOMMENDATION

- 2.1 That Council be asked to:
 - 2.1.1 Approve the delegation of those functions to be exercised by the Council under the Health Act 2006 and ancillary Regulations to the Regulatory Panel;
 - 2.1.2 Approve the further delegation of the said functions under the Health Act 2006 and ancillary Regulations to the Director of Community Services; and
 - 2.1.3 Authorise the Director of Legal and Democratic Services to make the consequential amendments to the Council's Constitution.

3 REASONS FOR THE RECOMMENDATION

To facilitate the proper operation of the Council's functions.

Prepared by M D Lambert ext 7019.