

STOCKTON-ON-TEES BOROUGH COUNCIL

CABINET RECOMMENDATIONS

PROFORMA

Cabinet Meeting5th July 2007

1. Title of Item/Report

The Health Act 2006 - Amendments to Scheme of Delegation in relation to Enforcement of Smokefree Legislation

2. Record of the Decision

Cabinet considered a report relating to the implementation of the Smokefree legislation under the Health act 2006.

Members were reminded that on 1st July 2007 all enclosed public places and workplaces became Smokefree on the implementation of the Health Act 2006 and associated Smokefree regulations.

Responsibility for enforcement of the legislation fell on Local Authorities. In Stockton this role would be carried out by Officers already involved in enforcement duties in Development and Neighbourhood Services.

Officers from Environmental Health, Trading Standards, Licensing and the Enforcement Team needed to be Authorised to have power of entry, issue fixed penalty notices and take enforcement action.

Revisions to Part 3 of the Constitution: Responsibility for Functions - Scheme of Delegation was required by the authority in implementing the Health Act 2006. Four powers were identified as functions relating to smoke free premises in The Local Authorities (Functions and Responsibilities) (England) (Amendment) (No. 2) Regulations 2007. Details of these powers were provided and would be delegated to the Director of Development and Neighbourhood Services.

RECOMMENDED to Council that

1. the report and implications be noted.
2. the necessary changes to the Scheme of delegation be approved.

3. Reasons for the Decision

New legislative framework that would impact significantly upon the Council's enforcement activities.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

None

6. Details of any Dispensations

Not applicable

7. Date and Time by which Call In must be executed

Not applicable.

Proper Officer
09 October 2007