

7. Director of Public Health and Communities

Authorised by	Colin Cox, Director of Public Health and Communities
Date last updated	31 st March 2023

Delegated Matter	Officer Level
Deputy Director of Public Health (to exercise the statutory functions of the Director of Public Health in the absence of, incapacity of or vacancy in the post of Director of Public Health) <i>This is a personal delegation to a named officer(s)</i>	Public Health Consultants
Chief Inspector of Weights and Measures	Trading Standards Manager
To authorise persons to enter premises under any enactment or power for which the Director of Public Health and Communities is responsible.	Assistant Director Regulatory Services Manager Head of Public Protection
To appoint inspectors and authorised officers (including for the issue of fixed penalty notices) as required by legislation for the purposes of public protection and health.	Assistant Director Regulatory Services Manager Head of Public Protection
Following consultation with the Monitoring Officer, to institute proceedings under any of enactment or power for which the Director is responsible.	Assistant Director Regulatory Services Manager Head of Public Protection
<u>Assets of Community Value:</u>	
In accordance with Chapter 3 of the Localism Act 2011 and relevant regulations, power to process, consider and determine nominations to list land or property as Assets of Community Value (including administering any moratorium process) and to maintain the lists of successfully and unsuccessfully nominated assets	Assistant Director of Communities and Localities, following consultation with ward members and the Deputy Leader (statutory)
In accordance with Chapter 3 of the Localism Act 2011 and relevant regulations, power to review, consider and determine claims for compensation arising from decisions to list land or property as Assets of Community Value	Reserved to Director of Public Health and Communities following consultation with section 151 officer
<u>Licensing:</u>	

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<p>Functions in respect of all licensing matters, including the service of any notice or order, the exercise of any powers of entry and the taking of any other action, but only to the extent that they have not been reserved to Council, Leader and Executive or a Committee:</p> <p>To deal with all matters, and exercise the Council's powers, including enforcement, under the Gambling Act 2005, including:</p> <ul style="list-style-type: none"> • To determine applications for premises licences where no representations have been received or any representations made have been withdrawn. • To determine applications for a variation to a licence where no representations have been received or any representations made have been withdrawn. • To determine applications for the transfer of a licence where no representations have been received from the Commission. • To determine applications for a provisional statement where no representations have been received or any representations made have been withdrawn. • To determine applications for club gaming/club machine permits where no representations have been received or any representations made have been withdrawn. • To determine applications for other permits. • To cancel licensed premises gaming machine permits. • To consider any Temporary Use Notice. <p>To deal with all matters, and exercise the Council's powers, including enforcement, under the Licensing Act 2003 including:</p> <ul style="list-style-type: none"> • To determine applications for a personal licence where no Police objection is made. • To determine applications for a premises licence and a club premises certificate where no relevant representation is made 	<p>Assistant Director Regulatory Services Manager Head of Public Protection Licensing Manager Senior Licensing and Land Charges Officer Senior Specialist - Licensing & Compliance</p>

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<ul style="list-style-type: none"> • To determine applications for a provisional statement where no relevant representation is made. • To determine applications to vary a premises licence or a club premises certificate where no relevant representation is made. • To determine applications to vary a premises licence or a club premises certificate by way of minor variation. • To determine applications to vary the designated premises supervisor in cases where there is no Police objection. • To determine all requests to be removed as a designated premises supervisor. • To determine applications for the transfer of a premises licence where no Police objection is made. • To determine applications for interim authorities where no Police objection is made. • To determine whether a complaint is irrelevant, frivolous, vexatious etc. • To make representations as a Responsible Authority, where appropriate, in response to Applications. Note that the Director must be consulted before making representations. <p>To determine applications under the Hypnotism Act 1952</p> <p>To issue a site licence or collectors licence (first grant, renewal, change of site or change of site manager) under the Scrap Metal Dealers Act 2013, where no relevant representations are made.</p> <p>To issue Pleasure Boat consents / licences (including first grant, renewal, transfer and variations) under the Public Health Acts (Amendment) Act 1907.</p> <p>To issue Sex Establishment licences upon renewal, transfer or variation, where no objections are received (or if objections are withdrawn) under Local Government (Miscellaneous Provisions) Act 1982</p>	

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<p>To issue and refuse House to House and Street Collection Permits under the Police, Factories & c. (Miscellaneous Provisions) Act 1916 and House to house collections Act 1939.</p> <p>To deal with all matters, and exercise every function, and power, including enforcement, as prescribed under the Town Police Clauses Act 1847 (as amended), Local Government (Miscellaneous Provisions) Act 1976 (as amended) and other relevant legislation, relating to hackney carriage, private hire drivers, proprietors and vehicles, and private hire operators, including:</p> <ul style="list-style-type: none"> • To licence (first grant and renewal) all hackney carriage and private hire related licences (drivers, vehicles and operators) – where the application is in compliance with HC & PH Policy • To refuse (first grant and renewal) all hackney carriage and private hire related licences (drivers, vehicles and operators) – where application does not comply with the HC & PH Policy • To suspend or revoke all hackney carriage and private hire related licences but only on the grounds of public safety. <p>To exercise the Council’s powers and duties with respect to tattooing, ear and body piercing and electrolysis, under the Local Government (Miscellaneous Provisions) Act 1982 and byelaws made under this legislation.</p> <p>To deal with all matters, and exercise the Council’s powers, including enforcement, in respect of street trading legislation as prescribed under Local Government (Miscellaneous Provisions) Act 1982, including to issue street trading consents / licences (including first grant, renewal, transfer and variations), where no representations received, or representations have been withdrawn</p>	
<p><u>Environmental Health and Trading Standards:</u></p>	
<p>Environmental Protection</p> <p>Functions in respect of all Environmental Protection matters, including the service of any notice or order, the exercise of any powers of entry and the taking of any other action, but only to the extent that they have not been reserved to Council, Leader and Executive or a Committee, including and not limited to:</p>	<p>Assistant Director Regulatory Services Manager Head of Public Protection</p>

Delegated Matter	Officer Level
<p>To exercise the Council's powers with respect to the identification and remediation of contaminated land, as provided under Environmental Protection Act 1990 and associated regulations.</p> <p>The inspection of the authority's area to detect any statutory nuisance and the investigation of any complaint as to the existence of a statutory nuisance including the service of any abatement notices, as provided under Environmental Protection Act 1990 and associated regulations.</p> <p>Investigating offences under the Environmental Protection Act 1990.</p> <p>To exercise the Council's powers with respect to regulation of processes, and the control of emissions, with a potential impact on the environment (including the issue and revocation of any consent, licence, or permit and taking any action to enforce the provisions of this), as provided under the environment Act 1995, Pollution Prevention and Control Act 1999, and associated regulations, including the Environmental Permitting (England and Wales) Regulations 2016.</p> <p>To exercise the Council's powers and duties with respect to the burning of crop residues, as provided under Environmental Protection Act 1990 and associated Regulations.</p> <p>To exercise the Council's powers and duties with respect to cable burning, as provided under Environmental Protection Act 1990, Pollution Prevention and Control Act 1999 and associated Regulations.</p> <p>To exercise the Council's powers and duties with respect to audible alarm notification areas, as provided by Clean Neighbourhoods Act and Environment Act 2005 and associated Regulations.</p> <p>To exercise the Council's powers and duties with respect to the use of loudspeakers in streets, as provided under Control of Pollution Act 1974 and Noise and Statutory Nuisance Act 1993</p> <p>To exercise the Council's powers and duties with respect to the noise from construction sites, as provided under Control of Pollution Act 1974</p>	

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<p>To exercise the Council's powers and duties with respect to noise from certain premises at night, as provided by Noise Act 1996, as amended.</p> <p>To exercise the Council's powers and duties with respect to the seizure of equipment used to make noise unlawfully as provided by Noise Act 1996, as amended, and Environmental Protection Act 1990.</p> <p>To exercise the Council's powers with respect to smoke emissions from chimneys and premises, as provided under the Clean Air Act 1993 and associated regulations.</p> <p>To exercise the Council's powers with respect to the control of noise levels on construction or demolition sites.</p> <p>To exercise the Council's powers with respect to the control of emissions from furnaces, as provided under the Clean Air Act 1993 and associated regulations.</p> <p>To exercise the Council's powers to determine chimney heights as provided under the Clean Air Act 1993 and associated regulations.</p> <p>To exercise the Council's powers with respect to obtaining information about air pollution or other information to protect the environment.</p> <p>To exercise the Council's powers to prevent pollution of land, water or air or harm to human health, as provided under the Clean Air Act 1993 and associated regulations.</p> <p>To exercise the Council's powers with respect to the review and assessment of air quality, as provided under the Environment Act 1995 and associated regulations.</p> <p>To exercise powers with respect to the control of Anti-Social Behaviour, as provided under the Anti-social Behaviour Act 2003 and associated regulations, including Anti-Social Behaviour, Crime and Policing Act 2014.</p>	
<p>Food Safety and Food Standards</p> <p>Functions in respect of all Food Safety and Food Standards matters, including the service of any notice or order, the exercise of any powers of entry and the taking of any other action, but only to the extent that they have not been reserved to Council, Leader and Executive or a Committee, including and not limited to:</p>	<p>Assistant Director Regulatory Services Manager Head of Public Protection Trading Standards Manager</p>

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<p>To exercise the Council's powers with respect to securing the safety of food throughout the food chain, including imported food, and the condition of food premises (including, but not limited to, powers of licensing and registration), as provided by the Food Safety Act 1990 and any associated Regulations</p> <p>To exercise the Council's powers with respect to water supplies, including private water supplies as provided by the Water Industry Act 1991 and associated Regulations including The Private Water Supplies (England) Regulations 2016.</p> <p>To exercise the Council's powers relating to the closure or restriction of polluted water supply, as provided under Public Health Act 1936.</p> <p>To exercise the Council's powers in relation to the control of animal by products.</p>	
<p>Trading Standards Functions in respect of all Trading Standards matters, including the service of any notice or order, the exercise of any powers of entry and the taking of any other action, but only to the extent that they have not been reserved to Council, Leader and Executive or a Committee, including:</p> <ul style="list-style-type: none"> • Weights & Measures • Food Standards and labelling • Consumer Protection • Consumer Safety • Animal Health & Welfare • Animal Feed • Agriculture • Fair Trading • Health & Safety <p>Taking decision to commence prosecutions</p>	<p>Assistant Director of Public Health and Communities Trading Standards Manager</p> <p>Assistant Director Public Health and Protection Trading Standards Manager</p> <p>each following consultation with Head of Trading Standards (Westmorland and Furness) and Monitoring officer (Cumberland Council)</p>
<p>Health and Safety</p> <p>To exercise the Council's functions relating to health and safety including the service of any Improvement or</p>	<p>Assistant Director of Public Health and Communities</p>

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<p>Prohibition Notices, the appointment of Inspectors and the institution of legal proceedings under the Health and Safety at Work etc Act 1974 and enforcement of any regulation made under the 1974 Act.</p>	<p>Regulatory Services Manager Head of Public Protection Trading Standards Manager</p>
<p>Public Health</p> <p>Functions in respect of all Public Health matters, including the service of any notice or order, the exercise of any powers of entry and the taking of any other action, but only to the extent that they have not been reserved to Council, Leader and Executive or a Committee, including and not limited to:</p> <p>To exercise the Council's powers with respect to defective sanitary conveniences, as provided under Public Health Act 1936.</p> <p>To exercise the Council's powers with respect to overflowing and leaking cesspools, as provided under Public Health Act 1936.</p> <p>To exercise the Council's powers with respect to the provision, replacement and conversion of sanitary conveniences, as provided under Building Act 1984.</p> <p>To exercise the Council's powers with respect to blocked private sewers as provided under Local Government (Miscellaneous Provisions) Act 1976 and Public Health Act 1961.</p> <p>To exercise the Council's powers concerning defective drainage to existing buildings (including unsatisfactory provision of drainage, drainage prejudicial to health or nuisance, soil pipe / ventilating shaft) as provided under Building Act 1984 and Public Health Act 1961.</p> <p>To exercise the Council's powers with respect to unsatisfactory drainage to paving of yards and passages as provided under Building Act 1984.</p> <p>To exercise the Council's powers relating to controlled waste, litter, rubbish, obnoxious matter or anything on land in the open air, as provided under the Public Health Act 1961, Public Health Act 1936, Refuse Disposal (Amenity) Act 1978 & Environmental Protection Act 1990.</p> <p>To exercise the Council's powers for the prevention of smoking in designated places and vehicles, as provided under Health Act 2006 and associated regulations.</p>	<p>Assistant Director Regulatory Services Manager Head of Public Protection</p>

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<p>To exercise the Council's powers with respect to the control of infectious and notifiable diseases, as provided under the Public Health (Control of Diseases) Act 1984 and associated regulations.</p> <p>To exercise the Council's powers with respect to filthy or verminous premises, articles or persons, as provided under Public Health Act 1936 and 1961.</p> <p>To exercise the Council's powers in respect of burial of the dead where there are no relatives who will fund the cost, as provided under Public Health (Control of Diseases) Act 1984 and exhumations as sanctioned under by Ministry of Justice (Burial Act 1857).</p> <p>To exercise the Council's powers for the control of pest and vermin and the prevention of damage by pests, as provided under the Prevention of Damage by Pests Act 1949.</p> <p>To exercise the Council's powers to direct unauthorised campers to leave land, as provided under Criminal Justice and Public Order Act 1994 (including gypsy and traveller encampments and including making a determination as to whether or not to tolerate the encampment).</p> <p>To exercise the Council's powers with respect to port health duties, including control of infectious disease in ships and ship sanitation controls, as provided Public Health Act 1936, including Public Health (Ships) Regulations 1979.</p> <p>To deal with all matters, and exercise the Council's powers, including enforcement, in respect of animal welfare for the licensing of animals and animal associated activities, as provided by the Animal Welfare Act 2006 and associated regulations.</p> <p>To exercise the Council's powers in relation to the protection of buildings, including those which are not effectively secured against unauthorised entry or likely to become a danger to public health, as provided by the Local Government (Miscellaneous Provisions) Act 1982.</p>	
<p>Housing and Health</p> <p>Functions in respect of all Housing & Health matters, including the service of any notice or order, the exercise of any powers of entry and the taking of any other action, but only to the extent that they have not been reserved to Council, Leader and Executive or a Committee, including and not limited to:</p>	<p>Assistant Director Regulatory Services Manager Head of Public Protection</p>

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<p>To exercise powers with respect to housing conditions, as provided under Part 1 Housing Act 2004, including the enforcement of housing standards, service of notices and orders, undertaking emergency measures, demolition orders and slum clearance declaration and the power recover expenses relating to enforcement action.</p> <p>To exercise powers with respect to the licensing of houses in multiple occupation (HMOs), provided under Part 2 Housing Act 2004.</p> <p>To exercise the powers with respect to the selective licensing of other residential accommodation as provided under Part 3 Housing Act 2004.</p> <p>To exercise the powers with respect to the additional control provisions in relation to residential accommodation, as provided by Part 4 Housing Act 2004, including the provisions of Interim and Final Management Orders, Interim and Final Empty Dwelling Management Orders, Over Crowding Notices.</p> <p>To exercise any powers and provisions required in Part 7 of the Housing Act 2004, to cover functions within Parts 1 - 4</p> <p>To exercise any duties as provided by the Housing Act 1985.</p> <p>To exercise powers to address any premises in such a state as to be prejudicial to health, as provided under Building Act 1984.</p> <p>To exercise the Council's powers to ensure a minimum level of energy efficiency for privately rented properties, as provided under the Energy Act 2011 and associated regulations including Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.</p> <p>To exercise the Council's powers relating to the Electrical Safety Standards in Private Rented Housing, as provided under Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.</p> <p>To exercise powers to ensure rented dwellings are provided with smoke and carbon monoxide alarms, as provided under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.</p> <p>To exercise the Council's powers with respect to ruinous and dilapidated buildings, dangerous buildings and the</p>	

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<p>demolition of buildings, as provided under Building Act 1984.</p> <p>To exercise the Council's powers with respect to means of escape from certain high buildings, as provided under Building Act 1984.</p> <p>To exercise powers with respect to the control of caravan sites including powers under the Caravan Sites Act 1968, the Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 2013.</p> <p>To exercise relevant powers in relation to the Housing and Planning Act 2016.</p> <p>To exercise powers as provided by Part 4 of the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014.</p>	