



Thursday, 18 September 2025

Report of Councillor Philip Knowles,
Cabinet Member for Corporate
Governance and Licensing

Proposed Amendment to the Constitution - Scheme of Delegation

Report Author

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Purpose of Report

To approve proposed changes to the Scheme of Delegation.

Recommendations

Full Council is asked to approve the following amendments to Part 3 (Responsibility for Functions) of the Constitution, under 3(c) – Delegated Powers to Officers:

1. Ref 2 (Animals) to remove the *Assistant Director (Governance and Public Protection)* as the 'Officer Granted Delegation' and replace with '*Chief Executive, Deputy Chief Executive and relevant Director or Assistant Director and any other officers they authorise in writing as being appropriately qualified and trained.*'
2. Ref 27 (Public Health) to remove the *Assistant Director (Governance and Public Protection)* as the 'Officer Granted Delegation' and replace with '*Chief Executive, Deputy Chief Executive and relevant Director or Assistant Director and any other officers they authorise in writing as being appropriately qualified and trained.*'
3. Remove the *Assistant Director (Governance and Public Protection)* as an officer granted a delegation within functions 1 – Air Pollution, 8 – Contaminated Land, 15 – Health and Safety, 17 – Legal Proceedings, 19 – Licensing, 21 – Neighbourhoods and 25 – Private Sector Housing.

Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Effective council
Which wards are impacted?	(All Wards);

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 There are no financial or procurement implications arising from this report.

Completed by: Richard Wyles, Deputy Chief Executive and s151 Officer

Legal and Governance

- 1.2 There are no significant governance implications arising from this report which are not already included within the body of the report.

Completed by: James Welbourn, Democratic Services Manager

2. Background to the Report

- 2.1 Full Council is asked to consider for approval amendments to the Scheme of Delegation.

3. Key Considerations

- 3.1 The Officer Scheme of Delegation is contained at Part 3(c) of the Constitution and contains several workstreams where officers have been granted delegated power to take decisions on behalf of the Council.
- 3.2 Functions 2 (Animals) and 27 (Public Health) are solely within the delegated purview of the Assistant Director (Governance and Public Protection). This post is currently vacant, with recruitment being undertaken. Functions 2 and 27 are listed below:

Ref	Function	Delegation	Officer(s) Granted Delegation
2	Animals	<p>a) To approve all applications for licences or registrations when all qualifying conditions are met in respect of animal licensing</p> <p>b) To engage a veterinary officer to carry out premises inspections at a fee, if necessary</p> <p>c) To be the Appointed Officer in respect of Dogs.</p> <p>d) To enter premises, serve notices and take all necessary action under relevant legislation in respect of the following:</p> <ul style="list-style-type: none"> ▪ Seizure and detention of stray dogs ▪ Microchipping of dogs <p>e) To enter premises, serve notices and take all necessary action under relevant legislation in respect of the following:</p> <ul style="list-style-type: none"> ▪ Animal boarding ▪ Animal welfare ▪ Breeding and sale of dogs ▪ Dangerous dogs and wild animals ▪ Day care for dogs ▪ Keeping or training animals for exhibition ▪ Pet animals ▪ Riding establishments ▪ Zoos <p>f) Authority is given for delegation to Police Community Support Officers to serve fixed penalty notices in relation to dog fouling</p>	Assistant Director (Governance and Public Protection) and any other officer they authorise in writing as being appropriately qualified and trained
27	Public Health	<p>To act as the Proper Officer of the Council in relation to public health matters and to carry out those public health functions that are the responsibility of the Council in accordance with relevant legislation. The Proper Officer:</p> <p>a) Will notify the UK Health Security Agency of any communicable disease or condition presenting the risk of significant harm to human health on behalf of the Local Authority</p> <p>b) Will carry out the following functions without the authorisation of a Justice of the Peace:</p> <ul style="list-style-type: none"> ▪ Requiring that a child is kept away from school ▪ Requiring a head teacher to provide a list of contact details of pupils attending their school ▪ Disinfect or decontaminate premises or articles on request 	Assistant Director (Governance and Public Protection)

	<ul style="list-style-type: none"> ▪ Request, but not require, individuals or groups to co-operate for health protection purposes ▪ Restrict contact with, or relocate, a dead body for health protection purposes c) Can apply to a Justice of the Peace for an order imposing restrictions or requirements on a person to: <ul style="list-style-type: none"> ▪ Undergo a medical examination, not a treatment or vaccination ▪ Be taken to hospital or other suitable establishment ▪ Be detained in hospital or other suitable establishment ▪ Be kept in isolation or quarantine ▪ Be disinfected or decontaminated ▪ Wear protective clothing ▪ Provide information or answer questions about their or other circumstances ▪ Have their health monitored and the results reported ▪ Attend training or advice sessions on how to reduce the risk of infecting or contaminated others ▪ Be subject to restrictions on where they go or who they have contact with ▪ Abstain from working or trading d) Can request for an order from a Justice of the Peace requiring that: <ul style="list-style-type: none"> ▪ A thing(s) is/are seized or retained, kept in isolation or quarantine, disinfected or decontaminated or destroyed and disposed of ▪ A body or human remains be buried or cremated, or that human remains are otherwise disposed of ▪ Premises are closed, premises are disinfected or decontaminated, a conveyance or movable structure is detained or a building, conveyance or structure is destroyed e) Will receive notifications of any communicable disease or condition presenting the risk of significant harm to human health on behalf of the Local Authority f) May enter premises, serve notices and take all necessary action under relevant legislation in respect of the following <ul style="list-style-type: none"> i) Drainage, when satisfied that immediate action is necessary ii) Requiring works to be carried out in buildings with defective water closets capable of repair iii) Overflowing and leaking cesspools 	
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	<p>iv) Unblocking private sewers</p> <p>v) Removal of noxious matter</p> <p>vi) Closing or restricting the use of water from a polluted source of supply</p> <p>vii) Control of rats and mice</p> <p>viii) Private water supplies</p> <p>ix) Securing buildings against unauthorised entry</p> <p>x) Cleansing of filthy or verminous premises or persons</p> <p>g) Will arrange for the burial or cremation of a body of a person who has died or been found dead in the area where no other suitable arrangements have or will be made and seek to recover any costs incurred</p> <p>h) Can appoint a public analyst under Section 77 of the Food Safety Act 1990</p> <p>Authority is delegated to the Director of Public Health and all other Proper Officers of the UK Public Health Security Agency as follows:</p> <p>i) To apply to the Justice of the Peace for orders in relation to persons suffering from communicable diseases</p> <p>ii) To apply in emergency situations to the relevant Court for the removal to suitable premises of people in need of care and attention</p>	
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3.3 It is proposed to amend the references to Assistant Director (Governance and Public Protection) within the 'Officer Granted Delegation' field and replace with '*Chief Executive, Deputy Chief Executive, relevant Director or Assistant Director and any other officers they authorise in writing as being appropriately qualified and trained*'. This wording is standard throughout the Scheme of Delegation.

3.4 The Assistant Director (Governance and Public Protection) is named throughout Part 3(c) within other delegations, but there are other officers that have an existing delegation for those functions. It is proposed that references to Assistant Director (Governance and Public Protection) be removed from these functions. These areas are:

1 – Air Pollution
 8 – Contaminated Land
 15 – Health and Safety
 17 – Legal Proceedings
 19 – Licensing
 21 – Neighbourhoods
 25 – Private Sector Housing

4. Other Options Considered

4.1 To not make the amendments to the Scheme of Delegation. If the amendments were not made then new or returning officers, or officers with changing roles within those areas would not be authorised to act under these delegated powers, leaving the Council at risk. This would be a particular risk in areas where enforcement notices needed to be urgently issued.

5. Reasons for the Recommendations

5.1. To update the Scheme of Delegation.

6. Consultation

6.1 The Chairman and Vice-Chairman of Governance and Audit Committee have been consulted regarding this report, as Constitutional amendments would normally be considered by that committee prior to Full Council. They agreed that due to the urgency of the decision they were content for it to go straight to Full Council.