

## EAST HERTS COUNCIL

### OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

#### OFFICER DECISION WRITTEN RECORD

<b>Subject matter:</b>	Delegation, from the Head of Housing and Health to the Service Manager – Environmental Health, of the authority of to make certain operational decisions relating to Environmental Health.
<b>Date of Decision:</b>	19 <sup>th</sup> April 2024
<b>Exempt / Confidential information (Yes / No):</b>	No
<b>If Exempt / Confidential give reasons why:</b>	N/A
<b>Authorising Officer:</b>	<p><b>Jonathan Geall</b> Head of Housing and Health</p> <p>Acting under authority within section 10.1.4 of the council's Constitution "to further delegate in writing all or any of the delegated functions to other officers (described by name or post) either fully or under the general supervision and control of the delegating officers", to delegate the following powers delegated to the Head of Housing and Health, subject to limitations on the use of these powers by the Head of Housing and Health arising elsewhere in section 10 of the council's Constitution:</p> <p>1) section 10.6.1.4 powers (a) to (g) in relation to legal action as they relate specifically and solely to Environmental Health functions, namely:</p> <p>"(a) authorise, appoint or nominate Officers;</p> <p>"(b) investigate, prosecute, enforce, lay summons, require individuals to disclose information;</p>

“(c) serve requisitions for information, publish information, apply to a court, sign notices, issue, serve, vary, revoke and publish notices and orders, including fixed penalty notices and serve documents;

“(d) make prohibition orders, suspend or vary a prohibition order;

“(e) take emergency remedial action, carry out works in default, issue certificates, issue consents, issue licences, issue permits, refuse vary or revoke licensing applications or licences or consents;

“(f) issue temporary exemption notices, obtain, introduce, operate, amend extend, vary and revoke orders; and

“(g) impose conditions, introduce and maintain registers, exercise powers of entry without force, apply for a warrant and in relation to land relevant to the service functions to note applications for licences, planning, consent and approvals, declarations and grants except as specifically detailed in the delegations below”

- 2) section 10.16.14 “to apply the powers and duties of enforcement afforded to a District Council in all legislation relating to ... Environmental Health matters”
- 3) section 10.16.15 “to authenticate on the council’s behalf any notice, certificate or other document required to apply any power or duty afforded to a District Council in legislation relating to ... Environmental Health unless reserved for determination by another body of the Council”
- 4) section 10.16.16 “to exercise the powers of the council as registration authority including the issue, renewal, transfer or variation of all licences, consents and registrations set out in legislation pertaining to ... Environmental Health matters unless in the case of contested matters reserved for determination by another body of the Council”
- 5) section 10.16.17 “to authorise suitably qualified and experienced officers to act as inspectors and serve and sign in their own name all notices and

	<p>enforcement instruments as related to the powers and duties afforded to District Councils in ... Environmental Health legislation”</p> <p>6) section 10.16.18 “to appoint and instruct veterinary surgeons to act on behalf of the council”</p> <p>7) section 10.16.20 “to endorse any agreed transfers of enforcement responsibility for any particular premises, or parts of premises, or any particular activities carried on in them, from the Health and Safety Executive to the council, or vice versa”</p> <p>8) section 10.16.30 “to submit monitoring returns to government departments, regulatory bodies and others”.</p>
<p><b>Decision:</b></p>	<p>Delegation to Paul Thomas-Jones, Service Manager – Environmental Health, of the Head of Housing and Health’s powers, subject to limitations on the use of these powers arising elsewhere in section 10 of the council’s Constitution, listed under the following paragraphs of the Constitution; 10.6.1.4 (a) to (g) in relation to legal action as they relate specifically and solely to Environmental Health functions, 10.16.14 – 18 inclusive, 10.16.20 and 10.16.30.</p>
<p><b>Reason(s) for Decision:</b></p>	<p>To enable the decision-making authority to be enacted at the most appropriate level within the organisation so as to effect swift authorisation of officers, decision-making and enforcement actions.</p>
<p><b>Details of alternative options, if any, considered and rejected:</b></p>	<p>Not granting this onward delegation – <b>NOT RECOMMENDED</b> as this would retain this authority at the Head of Housing and Health level which unduly takes day-to-day decision-making away from the most senior operational Environmental Health officer, that is, the Service Manager – Environmental Health. This can unnecessarily complicate and/or delay decision-making.</p> <p>Delegating authority to the Service Manager – Environmental Health – <b>AGREED</b> as the named officer is especially well-placed within the council to utilise these operational powers.</p>
<p><b>Name(s) of any Member who has declared a conflict of interest in</b></p>	<p>N/A – this is a decision delegated to an officer.</p>

<b>relation to the decision that is being taken under specific express authorisation:</b>	
<b>Name(s) of any Member who has removed himself/herself from contributing to this decision because of a conflict of interest:</b>	N/A – this is a decision delegated to an officer.
<b>Signature of Decision Maker (where decision is taken in consultation with a Member):</b>	Jonathan Geall
<b>Signature of Member consulted by Decision Maker (where decision is taken in consultation with a Member):</b>	N/A

SIGNATURES TO BE REDACTED