

Committee:	Date:
Port Health and Environmental Services Committee	16 September 2014
Subject:	Public
Report of Urgent Action Taken Between Meetings	
Report of:	For Information
Town Clerk	
<p><u>Summary</u></p> <p>In accordance with Standing Order 41(a), this report provides Members with the details of decisions taken since the Committee's last meeting in July 2014.</p> <p>Recommendation</p> <ul style="list-style-type: none"> • That the contents of the report be noted. 	

Main Report

Background

1. Standing Order No. 41(a) provides a mechanism for decisions to be taken between scheduled meetings of the Port Health and Environmental Services Committee by the Town Clerk, where it is urgently necessary for a decision to be made, in consultation with the Chairman and Deputy Chairman.

Decisions Taken Between Meetings

2. An Urgent decision has been taken in respect of the following matter since the last meeting of the Port Health and Environmental Services Committee in July 2014:

Delegation of Powers to the Director of Markets & Consumer Protection regarding the City of London (Various Powers) Act 1987 (as amended by the City of London (Various Powers) Act 2013) and the Scrap Metal Dealers Act 2013.

3. The purpose of the City of London (Various Powers) Act 2013 is to amend the provision for the control of street trading in the City of London; to make provision relating to City Walkways; and for related purposes.
4. The Purpose of the Scrap Metal Dealers Act 2013 is to amend the law relating to scrap metal dealers; and for connected purposes. It amends the Scrap Metal Dealers Act 1964, for which your Committee has previously delegated powers to the Director of Markets and Consumer Protection.
5. Port Health had an urgent need to ask for confirmation of the new powers to remove the risk of any subsequent legal challenge before officers started exercising them. It was proposed that the following powers be delegated to the Director of Markets & Consumer Protection:

City of London (Various Powers) Act 1987 (as amended by the City of London (Various Powers) Act 2013))

1. To issue temporary street trading licences under the provisions of S.11A of the Act;
2. To authorise officers of the Department of Markets and Public Protection and the Department of the Built Environment to exercise the power of seizure under S.16A of the Act;
3. To authorise disposal order applications under the provisions of S.16G of the Act

Scrap Metal Dealers Act 2013

1. To authorise proceedings under S.1 of the Act;
2. To issue and renew licences under S.3 of the Act;
3. To issue notices and apply for closure orders under the provisions of S.9 and Schedule 2 of the Act;
4. To authorise officers to exercise the powers of entry and inspection contained in S.16 of the Act and to apply for warrants of entry where necessary;

Conclusion

Decision

10. Consequently, in accordance with Standing Order No. 41(a), Approval was given under Urgency for the City to delegate the above powers to the Director of Markets and Consumer Protection, and in his absence the Port Health and Public Protection Director, to ensure officers can enforce the requirements of the City of London Various Powers Act 2013 and Scrap Metal Dealers Act 2013, continuing the implementation of a wide range of enforcement powers in the area of Environmental Health, Licensing and Trading Standards.
11. Members are asked to note the contents of this report.

Background Papers

- Report of the Director of Markets and Consumer Protection: Delegation of Powers to the Director of Markets and Consumer Protection (*July 2014*)

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