

ROTHERHAM BOROUGH COUNCIL – CABINET

1.	Meeting:	Cabinet
2.	Date:	7 September 2011
3.	Title:	Delegation of Statutory Powers to the Director of Housing & Neighbourhood Services
4.	Programme Area:	Neighbourhoods and Adult Services

5. Summary

The report details of changes required to the list of powers delegated to the Director of Housing and Neighbourhood Services with respect to food safety and animal health. The list is appended to this report as Annex 1.

The report sets out some of the changes in the legislation and the requirement to update the delegated powers list.

6. Recommendations

- **That the Council's powers in relation to the legislation detailed in Annex 1 be delegated to the Director of Housing and Neighbourhood Services**
- **That the legislation detailed in Annex 1 is added to the Scheme of Delegation to members and Officers at the next review**

7. Proposals and Details

Several new pieces of legislation have recently come into force, or taken effect in relation to the Council's activities.

In order for the Council to effectively discharge its functions, the powers contained within the legislation need to be delegated to the Director of Housing & Neighbourhood Services, who can then authorise individual officers as appropriate.

The legislation is detailed in Annex 1, along with a short description of its scope.

The legislation should also be added to the Council's Scheme of Delegation to Officer and Members at the time of next review.

8. Finance

There are no additional financial implications on services as a result of this legislation being delegated to the Director of Housing & Neighbourhood Services.

9. Risks and Uncertainties

Failure to appropriately authorise officers under specific pieces of legislation will hinder the effective discharge of the council's statutory functions.

10. Policy and Performance Agenda Implications

The delegation of powers to the Director of Housing & Neighbourhood Services will ensure that officers are fully equipped to address public and animal health issues within the Borough, and contribute to the council's objective of helping to create safe and health communities.

11. Background Papers and Consultation

[Trade in Animals and Related Products Regulations 2011](#)

[Veterinary Medicines Regulations 2010](#)

[Eggs & Chicks \(England\) Regulations 2009](#)

[Zoonoses \(Monitoring\) \(England\) Regulations 2007](#)

[Avian Influenza \(Vaccination\) \(England\) Regulations 2006](#)

[Salmonella in Turkey Flocks and Slaughter pigs \(Survey Powers\) \(England\) Regulations 2006](#)

[Breeding and Sale of Dogs \(Welfare\) Act 1999](#)

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ANNEX 1

Trade in Animals and Related Products Regulations 2011

These Regulations revoke and replace the three main sets of Regulations which cover imports from third countries of, and trade within the European Union in, animals and animal products: The Products of Animal Origin (Third Country Imports) (England) Regulations 2006; The Animals and Animal Products (Import and Export) (England) Regulations 2006; and The Products of Animals (Import and Export) Regulations 1996.

Veterinary Medicines Regulations 2010

These Regulations revoke and remake with amendments the Veterinary Medicines Regulations 2009. These Regulations implement—(a) Commission Regulation (EC) No 1234/2008 concerning the examination of variations to the terms of marketing authorisations for medicinal products for human use and veterinary medicinal products. They make a number of other changes with respect to veterinary medicines. They also require records to be kept and create offences of importation, possession and supply of unauthorised veterinary medicinal products.

Eggs & Chicks (England) Regulations 2009

These Regulations revoke and replace the Eggs and Chicks (England) Regulations 2008. The Regulations make provision for the enforcement and execution of directly applicable EC marketing standards relating to eggs for hatching and farmyard poultry chicks and directly applicable EC marketing standards relating to eggs in shell for consumption. They also make new provision for the enforcement of directly applicable EC controls for *Salmonella* serotypes with public health significance in relation to the marketing and use of eggs in shell for human consumption. These Regulations provide for food authorities and the Secretary of State to enforce the Regulations and impose a duty on enforcement authorities to give assistance and information to each other.

Zoonoses (Monitoring) (England) Regulations 2007

These Regulations provide inspectors with powers of entry to monitor for zoonoses and antimicrobial resistance to zoonotic agents and other agents that pose a threat to public health. The Regulations set out what inspectors may do on those premises, including take samples, examine records and make inquiries of any person. It also requires food business operators involved in primary production to preserve isolates that have been tested for a zoonosis and to keep the results of those tests and provide them to the Secretary of State on demand.

Avian Influenza (Vaccination) (England) Regulations 2006

These Regulations transpose, in relation to England, Council Directive 2005/94/EC on Community measures for the control of avian influenza repealing Directive 92/40/EEC insofar as it deals with vaccination against avian influenza. They

impose a general prohibition on vaccination of birds against avian influenza except where required or licensed by the Secretary of State.

Salmonella in Turkey Flocks and Slaughter Pigs (Survey Powers) (England) Regulations 2006

The Regulations provides that the occupier or person in charge of a turkey holding must, within 7 days of a request, send information to the Secretary of State to assist him with the survey of turkey flocks. It also provides that the occupier or person in charge of a slaughterhouse must, within 7 days of a request, send information to the Secretary of State to assist him with the survey of slaughter pigs. The Regulations provides inspectors with powers including to enter, to take samples, to examine records and to make inquiries of any person.

Breeding and Sale of Dogs (Welfare) Act 1999

This Act amends and extends certain enactments relating to the commercial breeding and sale of dogs; regulates the welfare of dogs kept in commercial breeding establishments; extends powers of inspection; and establishes records of dogs kept at such establishments. This Act substantially amended the Breeding of Dogs Acts 1973 and 1991.