

CYNGOR SIR POWYS COUNTY COUNCIL.

**CABINET EXECUTIVE
Date 21st May 2019**

REPORT AUTHOR: County Councillor James Evans
Portfolio Holder for Corporate Governance, Housing and
Public Protection

SUBJECT: Delegation of Powers Under the Scrap Metal Dealers Act
2013

REPORT FOR: Decision

1. Summary

1.1 To review the existing delegation of powers under the Scrap Metal Dealers Act 2013.

2. Proposal

2.1 Since the provisions and functions were agreed by the Cabinet Executive in October 2013 advice has since been received clarifying that the Scrap Metal Dealers Act 2013 is not contained within Schedule 1 of the Functions and Responsibilities Regulations (functions not to be the responsibility of an authority's executive). Therefore, the functions are the responsibility of an executive of the authority under executive arrangements. It is therefore necessary to review the existing delegations.

2.2 In 2013 the then Cabinet Executive approved the delegation of certain functions to the Planning, Taxi Licensing and Rights of Way Committee, consistent with the advice at that time and in line with the majority of Local Authorities, as the legislation was introduced with a very short lead in period and unhelpful guidance.

2.3 We have since been advised that the Executive would be best placed to now delegate these functions to an officer.

2.4 On that basis, we have drafted the attached delegations (Appendix A) which we propose are approved by Cabinet Executive.

2.5 These proposals will save on the unnecessary calling on the time of the Cabinet Executive to approve fees and consider applications and actions under the Act and ensure a seamless and efficient service going forward. The proposal will also ensure that our actions are legally sound.

3. Options Considered / Available

- 3.1 The options available would be to
- a) Continue with the existing delegations that we are now advised are not fit for purpose, or
 - b) To adopt the proposed delegations within Appendix, A which will ensure we are legally robust and fit for purpose.

4. Preferred Choice and Reasons

- 4.1 That the powers and functions contained within the Scrap Metal Dealers Act 2013 be delegated to the Head of Service and officers as outlined within the schedule at Appendix A.
- 4.2 This proposal will ensure our duties under the Act are not open to challenge and will not burden Cabinet Executive with unnecessary obligations.

5. Impact Assessment

- 5.1 Is an impact assessment required? No

6. Corporate Improvement Plan

- 6.1 The proposal reduces the risk to the Council of challenge by ensuring the delegations and actions of the officers of the Council are legally sound.

7. Local Member(s)

- 7.1 The proposal would apply with equal force across the whole County

8. Other Front Line Services

Does the recommendation impact on other services run by the Council or on behalf of the Council? No

9. Communications

Have Communications seen a copy of this report? Yes

Comment: No proactive communication action required.

10. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)

10.1 Legal-The Principal Solicitor (Shire) supports the delegation of these functions in the way proposed in this report

10.2 Finance – The Finance Manager Economy and Environment notes the contents of the report.

11. Scrutiny

Has this report been scrutinised? No

If Yes what version or date of report has been scrutinised?

Please insert the comments.

What changes have been made since the date of Scrutiny and explain why Scrutiny recommendations have been accepted or rejected?

12. Data Protection

If the proposal involves the processing of personal data then the Data Protection Officer must be consulted and their comments set out below.

13. Statutory Officers

The Head of Finance (Section 151 Officer) notes the content of the Report.

The Solicitor to the Council (Monitoring Officer) commented as follows :
“ I note the legal comments and have nothing to add to the report.”

14. Members’ Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

Recommendation:	Reason for Recommendation:
To approve the schedule of delegations under the Scrap Metal Dealers Act 2013 as detailed at Appendix A.	To ensure that the provisions of the Act are carried out in accordance with the legislation in a fair and efficient manner.

Relevant Policy (ies):	
Within Policy:	Y
Within Budget:	Y

Relevant Local Member(s):	N/A
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Person(s) To Implement Decision:	B Cadwallader
Date By When Decision To Be Implemented:	With immediate effect

Is a review of the impact of the decision required?	N
If yes, date of review	
Person responsible for the review	
Date review to be presented to Portfolio Holder/ Cabinet for information or further action	

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**Background Papers used to prepare Report:
Scrap Metal Dealers Act 2013**