

REPORT TO: Council
LEAD OFFICER: Mike Hill, Director of Health and Environmental Services

13th April 2017

Delegation of Power

Purpose

1. To seek authorisation from Council to delegate the power to permit an industrial process under the Pollution Prevention Control Act 1999 and Environmental Permitting (England and Wales) Regulations 2016 to Cambridge City Council in special circumstances.
2. This is not a key decision but has been brought before Council because the Constitution states that it “may delegate non-executive functions to another local authority”.

Recommendations

3. It is recommended that Council
 - (a) Delegate the power to Cambridge City Council to determine the variation to Permit VAR08 for Marshalls, Cambridge, where an installation or technically connected activity is undertaken within South Cambridgeshire’s area or straddles the boundary.

Reasons for Recommendations

4. The need has arisen in operational circumstances to transfer responsibility for authorising a prescribed process to a neighbouring authority. This has occurred through business innovation and growth which has meant an expansion of a particular process at Marshall’s, Cambridge.

Background

5. A situation has arisen whereby a business which has operated for many years in a neighbouring local authority has expanded an existing process across the local authority boundary into South Cambridgeshire District Council area. This process has been regulated by Cambridge City Council and currently takes place wholly within the City boundary. Recent innovation has meant that the process can now be transported to other hangars within the airport site where the operator will spray small areas of aircraft following routine maintenance operations. In order to reduce red tape we have been approached by the authority to consider transferring power to them to regulate the process that will be operating in a small area of South Cambridgeshire.

Considerations

6. This is a very specific operational issue where a prescribed process has grown to straddle the boundary of our District. Owing to the nature of the process the local authority is required to issue a permit to the operator. Under usual circumstances where the business is located within South Cambridgeshire District Council area the Director of Health and Environmental Services has delegated powers, as a non-executive function to sign the permit to authorise the process. In this situation the process is currently operational and authorised by a neighbouring authority; the proposed expansion would normally be dealt with by a variation of the existing permit. However this is complicated by the position of the administrative boundary.
7. Powers exist under section 101 of the Local Government Act 1972, as amended, to transfer responsibility from one authority to another. In this case it would mean the business retains a single regulator for the process thus reducing red tape.

Options

8. Council could
 - (a) Agree to delegate the power to Cambridge City Council to authorise the application to vary the existing permit and transfer the responsibility for regulating this specific process, which will fall within South Cambridgeshire's boundary to that authority, thus ensuring an efficient service and supporting business within the district
 - (b) Refuse to delegate this power thus requiring the business to submit a new application to South Cambridgeshire District Council.

Implications

9. There are no significant implications identified.

Consultation responses

10. Owing to the nature of this request no consultation has been undertaken.

Effect on Strategic Aims

Aim 1 – Living Well

11. Support for our communities to remain in good health whilst protecting the natural and built environment.

Aim 2 – An Innovative and Dynamic Organisation

12. Adopting a more commercial and business-like approach to ensure we can continue to deliver the best possible services at the lowest cost.

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

Local Government Act 1972 (as amended)

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