

TONBRIDGE & MALLING BOROUGH COUNCIL
LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

27 October 2008

**Joint Report of the Director of Health and Housing and Cabinet Member for
Environmental Services**

Part 1- Public

Matters for Recommendation to Cabinet - Council Decision

1 THE HOP FARM, BELTRING – TRANSFER OF REGULATORY FUNCTIONS

Summary

The report considers the transfer of a range of regulatory functions to the Council to ensure a coordinated approach to enforcement at the Hop Farm.

- 1.1.1 The Council has a statutory duty to enforce a range of regulatory functions at the Hop Farm, Beltring. Those functions relevant to this report relate to:
- Health and Safety at Work
 - Food Safety
 - Pest Control
 - Sunday Trading
- 1.1.2 The site is mainly within the Council's area but there are parts which fall within both Tunbridge Wells Borough Council and Maidstone Borough Council boundaries. The areas not in our area are to be used for ancillary functions to the main activity of the Hop Farm, for example, car parking. It is important that the public safety regulatory activities, previously identified, are coordinated by one authority at this venue which, as Members know, attracts many visitors, particularly over the summer months.
- 1.1.3 The Local Government Acts 1972 and 2000, together with associated regulations, provide for a council to exercise delegated functions on behalf of other councils. Discussions with neighbouring councils have resulted in a provisional agreement which would permit us to exercise delegated functions on their behalf in respect of the Hop Farm site.
- 1.1.4 A draft agreement has been produced and is being considered by each council. A copy of the draft agreement can be found at **[Annex 1]** which includes a map of the site with council boundaries marked **[Annex 1a]**.

1.2 Legal Implications

- 1.2.1 The Council is able to carry out these functions on behalf of other authorities once they have been properly delegated by those authorities under s101 Local Government Act 1972, s20 Local Government Act 2000 and the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2000.

1.3 Financial and Value for Money Considerations

- 1.3.1 There will not be any financial implication associated with this arrangement. However, enhanced consideration of the enforcement activity will result in an improved effectiveness of our service.

1.4 Risk Assessment

- 1.4.1 The failure to effectively coordinate enforcement activities could adversely affect public health and safety on this site.

1.5 Recommendations

- 1.5.1 Cabinet are **RECOMMENDED** to request Council to **APPROVE** in principle the setting up of an agreement with Tunbridge Wells Borough Council and Maidstone Borough Council as detailed in this report; and **RECOMMEND** to Council that the Chief Solicitor and the Director of Health and Housing be provided with delegated authority to finalise the agreement on behalf of the Council.

Background papers:

contact: Phil Beddoes

Nil

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Director of Health and Housing

Councillor Owen Baldock
Cabinet Member for Environmental Services