

SERVICE DIRECTOR (RESIDENT AND NEIGHBOURHOOD)

Deputises for the Chief Executive as necessary.

To undertake any function delegated to a Director/Assistant Director provided it is within the law and within his/her capacity.

To be responsible for the operations relating to Public Health, Hackney Carriages, Licensing, Independent Living, Neighbourhood and Enforcement, Community Safety, Street Wardens, CCTV, Environment Services, Landscape and Ecology and Private Sector Housing.

ENVIRONMENT SERVICES

All the following delegated powers relating to Environmental Services can be exercised by the Service Director (Resident and Neighbourhood) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.

Waste Collection

- 2.1. To manage the contract(s) for the collection of refuse, recycling, garden, food and clinical waste.
- 2.2. To manage the contract(s) for the collection, storage and disposal of abandoned vehicles.

Street Cleansing

- 2.3. To manage the contract(s) for street cleansing, including litter picking, street sweeping and removal of fly-tips from council owned and maintained land.

Grounds Maintenance

- 2.4. To manage the contract(s) for street cleansing, including grass and hedges cutting, maintenance of hedges, shrubs and roses and bedding.

Enforcement

- 2.5. To take enforcement action in respect of its powers and duties as a Local Authority and a Waste Regulation Authority under all applicable legislation including the Clean Neighbourhoods and Environment Act 2005, Environmental Protection Act 1990, Refuse Disposal (Amenity) Act 1978(as amended), Control of Pollution (Amendment) Act 1989, the Controlled Waste (England and Wales) Regulations 2012, the Unauthorised Deposit of Waste (Fixed Penalty) Regulations 2016, The Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018, Environmental Offences Regulations 2017 and the Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018:-

- 2.6. To issue Fixed Penalty Notices in respect of legislation detailed below:-
- a) Offence of abandoning a vehicle (Sections 2A, 2B, 2C of Refuse Disposal (Amenity) Act 1978)
 - b) Offence of dropping litter (to include the practice of placing black bags of refuse out on street after refuse collection day) (Section 87/ 88 of Environmental Protection Act 1990) and Littering from Vehicle Outside London (Keepers: Civil Penalties) Regulations 2018)
 - c) Defacement or Act of graffiti / failure to remove graffiti and Flyposting (sch3A of the Environmental Protection Act 1990, s224 of Town and Country Planning Act 1990 and Section 43/44 of the Anti-social Behaviour Act 2003)
 - d) Failure to produce authority to transport waste (Sections 5B and 5C Control of Pollution (Amendment) Act 1989)
 - e) Failure of a business to furnish waste transfer documents pertaining to its waste collection (Section 34A (2) Environmental Protection Act 1990)
 - f) Failure of residents to use the receptacles provided by the council correctly as stipulated by the S46 Notice; i.e. placing excess or side waste out on street for collection, placing incorrect items in the receptacles.
 - g) Failure by businesses to contain and take reasonable measures to prevent their waste from escaping their containers or presenting side waste as stipulated on Section 47 Notice (Sections 47ZA and 47XB Environmental Protection Act 1990)
 - h) The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 – Section 33 FPN in relation to the illegal deposit of household, industrial, commercial or other controlled waste without a waste management licence commonly referred to as fly tipping
 - i) Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018 – the Section 34(6) householder FPNs in relation to domestic duty of care
 - j) Powers to Search and Seizure of Vehicles- Section 46 of the Environmental Protection Act introduces new sections (34B and 34C) into the 1990 Act and Control of Pollution (Amendment) Act 1998. These provide powers to local authorities to search and seize vehicles connected to offences under section 33 (illegal fly tipping or waste disposal) or section 34 (the duty of care on anybody who deals with waste)
 - k) Powers to require the owner of the land to remove waste in pursuant to Section 59(1) of the Environmental Protection Act 1990 –allowing the waste collection authority the powers to serve notice on the owner of the land requiring fly tipped waste to be removed, Land owners are chargeable for the removal of waste in the event of non-compliance.
 - l) Failure to remove dog faeces (Dog fouling) -s.59 Clean Neighbourhoods and Environment Act 2005
- 2.7. To enforce provisions under s3 and 4 of Clean Neighbourhood and Environment Act 2005 (CNEA) relating to the sale of vehicles and repair of vehicles on the road, as detailed below:

- a) Exposing vehicles for sale on a road;
It is an offence if at any time two or more vehicles are parked within 500 metres of each other on a road or roads, where the vehicles are parked in order to be sold. This offence is not intended to target private individual sellers of single vehicles, but rather the nuisance that is caused by the presence of numbers of vehicles being offered for sale by the same person or business. A road is defined as 'any length of highway or of any other road to which the public has access' (CNEA 2005 Part 2, Section 3).
- b) Repairing vehicles on a road;
It is an offence to carry out "restricted works" to vehicles on a road. Restricted works are "works for the repair, maintenance, servicing, improvement or dismantling of a motor vehicle or any part of or +accessory to a motor vehicle". It is not intended to target private individuals/residents who are carrying out one off minor works to their vehicles (unless the repairs cause annoyance to persons in the vicinity and isn't an ongoing disturbance), or those who carry out necessary work to vehicles by the side of the road due to a breakdown or accident (CNEA 2005 Part 1, Section 4).
- c) The Act allows for the issuing of Fixed Penalty Notices, set at £100 for the above two offences (CNEA 2005, Part 2, Sections 6-9).

- 2.8. To authorise officers to carry out enforcement detailed within Clean Neighbourhood and Environment Act 2005, Environmental Protection Act 1990; Refusal Disposal (Amenity) Act 1978; Control of Pollution (Amendment) Act 1989, the Controlled Waste (England and Wales) Regulations 2012, the Unauthorised Deposit of Waste (Fixed Penalty) Regulations 2016, the Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018, Environmental Offences
- 2.9. To use the powers under section 108 of the Environment Act 1995, Section 71(2) of the Environmental Protection Act 1990 and s29 of the Data Protection Act 1998 (as amended) in progressing legitimate investigations .
- 2.10. To undertake all investigations in line with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Dogs

- 2.11. To use and exercise powers of the Environmental Protection Act 1990 (part 149-151) in relation to stray dogs.

Street Naming and Numbering

- 2.12. To supervise the Local Land & Property Gazetteer (LLPG). The LLPG Data Entry conventions provide the basis for forming a consistent national dataset (NLPG) made up from each of the constituent LLPGs created and maintained by local government.
- 2.13. To deal with the requirements regarding the postal naming and numbering of new developments pursuant to Sections 17, 18 and 19 of the Public Health Act 1925 and only cases where agreement cannot be reached to be reported

to the Cabinet.

- 2.14. To use and exercise powers including a fine where a property fails to display the official house number under the Towns Improvement Clauses Act 1847 (sections 64 & 65)

Trees and Woodlands

All the following delegated powers relating to Trees and Woodlands can be exercised by the Service Director (Resident and Neighbourhood) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.

- 2.28. To manage trees and woodlands as set out in the Council's Trees and Woodlands Strategy.
- 2.29. To manage woodlands and open spaces as set out in the Council's Woodland and Open Space Management Plans.
- 2.30. To manage allotments as set out in the Council's Allotment Policy.
- 2.31. To take action in relation to horses on woodland and open space owned and managed by the Council in accordance with Section 7 of the Control of Horses Act 2015.
- 2.32. To take action under the provisions of Section 23 and Section 24 of the Local Government (Miscellaneous Provisions) Act 1976 (power to deal with dangerous trees) in appropriate cases.
- 2.33. To determine the Council's response to high hedge applications under Part 8 of the Anti-Social Behaviour Act 2003, to authorise powers of entry for the purposes of high hedge complaints and appeals under Section 74 of the Anti-Social Behaviour Act 2003 and to serve High Hedges Remedial Notices and authorise prosecutions under Section 77 of the Anti-Social Behaviour Act 2003.
- 2.34. To grant licences, issue notices and authorise the removal and reinstatement for the planting of trees, shrubs, etc in highways under the Highways Act 1980.

2.35. **Private Sector Housing**

All the following delegated powers relating to Private Sector Housing can be exercised by the Service Director (Resident and Neighbourhood) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.

- 1.1. To ensure that private sector housing meets the required standard and take enforcement action where required.

- 1.2. In pursuance of the Council's duties in respect of private sector housing:-
- a) To sign orders, notices, approvals, licences and Civil Penalties. Make applications for Rent Repayment Orders and Banning Orders. Authorised in accordance with Council policy and Responsibility for Functions.
 - b) To authorise any suitably qualified or experienced person to act or to execute powers under any current licensing and housing legislation enforced or administered by the Council and to sign such authorisations.
 - c) To authorise the carrying out of works in default arising from actions taken in accordance with housing legislation and to arrange for the recovery of costs.
 - d) To serve or authorise the service of notices:
 - Requiring the execution of works of repair to rectify hazards the occupiers and visitors of dwellings
 - Requiring the abatement of overcrowding of dwellings.
 - Of intention to cleanse premises of vermin before demolition.
 - Requiring any information reasonably required to exercise statutory functions.
 - Proposing the grant, refusal to grant, variation, refusal of variation, revocation, refusal or revocation of a licence for a house in multiple occupation.
 - Proposing to make a Final Management Order.
 - Proposing to make a Final Management Order with modifications
 - Proposing to vary, refuse, revoke or refusing to revoke an Interim or Final Management Order.
 - To make or propose to make any other relevant Order or application or take any necessary action in pursuance of the Council's licensing and enforcement responsibilities as set out within housing legislation.
 - e) To determine applications for all classes of home improvement grants and/or loans and applications for Disabled Facilities Grants.
 - f) In connection with houses which have been assessed under the Housing Health and Safety Rating System to serve or authorise the service of the following notices and orders:
 - Improvement Notices
 - Prohibition Orders
 - Hazard Awareness Notices
 - Emergency Prohibition Orders
 - Demolition Orders
 - g) In connection with houses which have been assessed under the Housing Health and Safety Rating System to authorise the taking of Emergency Remedial Action or the making of a Slum Clearance Declaration.
 - h) To issue notices and make Orders in respect of houses in multiple occupation to deal with overcrowding, means of escape from fire and living conditions or any other relevant issue.
 - i) To serve a Notice of Intention to register or licence houses in multiple occupation.
 - j) Apply for a banning order against a person or corporate body who has

been convicted of a banning order offence.

- To consider representations made in accordance with a notice proposing the application of a banning order
- Require a person or corporate body to provide specified information for the purpose of enabling the authority to decide whether to apply for a banning order against that person or corporate body.

- k) Make entries and maintain records accordingly to the Government's Rogue Landlords Database
- l) Make Applications for Rent Repayment Orders against persons who have committed relevant offences.
 - To consider representations made in accordance with a notice proposing the application of a Rent Repayment Order
- m) To Serve a Notice imposing a financial penalty on a person if satisfied, beyond reasonable doubt, that the person's conduct amounts to a relevant housing offence in respect of premises in England
 - To consider representations made in accordance with a notice proposing the imposition of a financial penalty.
- n) To make, serve, enforce and execute Closing Orders and Demolition Orders in respect of unfit dwelling houses and unfit houses in multiple occupation.
- o) In connection with mandatory, additional and selective licensing of houses in multiple occupation to:
 - Grant, refuse, revoke or vary a licence
 - Authorise the taking of legal action for non-compliance with licence conditions or for operating without the required licence
 - To make Interim Management Orders
 - To consider representations regarding the making of Final or Interim Management Orders
 - To make Final Management Orders
 - To consider representations made in accordance with a notice proposing the grant, refusal to grant, variation, refusal of variation, revocation, refusal of revocation of a licence for a house in multiple occupation.
- p) In respect of empty dwellings to make Interim and Final Empty Dwelling Management Orders.
- q) To serve or authorise the service of Overcrowding Notices for houses in multiple occupation that do not require a licence.
- r) To accept or reject proposals for the reconstruction of condemned houses.
- s) To substitute Closing Orders for Demolition Orders and Demolition Orders for Closing Orders.
- t) To determine Closing Orders.
- u) To serve notice of the time and place at which the making of an order in respect of a building will be considered.
- v) To determine home loss and disturbance payments, and compensation

payments in respect of Closing and Demolition Orders.

- w) To authorise the institution of legal proceedings in accordance with housing legislation enforced or administered by the Council.
- x) To authorise the issue of simple cautions for offences for which the service has enforcement responsibility.

PUBLIC HEALTH AND PROTECTION, INCLUDING ENVIRONMENTAL HEALTH AND LICENSING

All the following delegated powers relating to Public Health and Protection, Environmental Health and Licensing can be exercised by the Service Director (Resident and Neighbourhood) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.

The Licensing Team Leader is an Authorising Officer for the purposes of the use of covert surveillance under the Regulation of Investigatory Powers Act 2000.

- 3.1. To serve or authorise service of notices:
 - a) Requiring the disclosure of interests in land.
 - b) Requiring the abatement of statutory nuisances and prohibiting the occurrence or recurrence of statutory nuisances.
- 3.2. To defer the service of abatement notices in respect of noise nuisance.
- 3.3. To take action to ensure the restoration or continuation of the supply of water, gas or electricity to premises.
- 3.4. To negotiate contracts in respect of pest control.
- 3.5. To negotiate contracts for the performance of any Public Health, Public Protection, Environmental Health and Licensing functions.
- 3.6. To authorise the carrying out of works in default arising from actions taken in accordance with environmental health or other legislation and to arrange for the recovery of costs.
- 3.7. To request or respond to requests for mutual aid assistance for performance of any environmental health function.
- 3.8. To appoint or authorise any registered veterinary surgeon or veterinary practitioner to carry out duties in connection with any food or animal related legislation or licence which it is the Council's remit to enforce.
- 3.9. To make or authorise applications to the Magistrates Court for warrants authorising entry to premises or land.
- 3.10. To authorise the institution of legal proceedings in accordance with legislation falling within environmental health, public health, public protection, animal and pest control and licensing duties and responsibilities and for the purpose of

securing possession of land occupied by travellers.

- 3.11. To authorise any suitably qualified or experienced person to act or to execute powers under any current Environmental Health, Public Health, sunbeds/radiological protection, Food Safety, European Community, Environmental Protection, Health and Safety, Infectious Disease, Pollution Control, Community Protection, Clean Neighbourhoods, Animal Welfare, Dog Control, Health Protection, Hackney Carriage, private hire, Licensing, Gambling and Housing legislation enforced or administered by the Council and to sign such authorisations.
- 3.12. To authorise surveillance in connection with the gathering of evidence for Public Health and Protection offences.
- 3.13. To take or authorise the taking of samples of air, land, water, food or other substances or materials and cause them to be tested or examined.
- 3.14. To issue Simple Cautions for offences for which Public Health and Protection has enforcement responsibility (including licensing, hackney carriage and private hire).
- 3.15. To authorise applications for anti- social behaviour orders in connection with legislation falling within the remit of Public Health and Protection.
- 3.16. To appoint or authorise a General Medical Practitioner or other suitable person(s) to act on behalf of the Council or to advise the Council on matters relating to the removal to suitable premises of persons in need of care and attention.
- 3.17. To be a Member of the Council's Resilience team.
- 3.18. To negotiate, agree or modify primary authority agreements having first discussed the matter with the relevant portfolio Holder.

3.19. In pursuance of the Council's duties in respect of pollution control:-

To take action if it appears that waste has been deposited in or on any land in contravention of section 33(1) Environmental Protection Act 1990 and that in order to remove or prevent pollution of land, water or air or harm to human health it is necessary that the waste be forthwith removed or other steps taken to eliminate or reduce the consequences of the deposit or both and to take steps to recover the costs incurred by the Authority in doing so.

- a) To serve or authorise the service of notices:
 - i. Requiring the abatement of statutory nuisance and prohibiting or restricting the occurrence or recurrence of statutory nuisance.
 - ii. In respect of the control of noise on building sites.
 - iii. Requiring further information for the purpose of determining applications for authorisation of prescribed processes.
 - iv. Requiring persons to furnish information concerning processes capable of causing pollution of the environment.
 - v. Requiring information concerning furnaces and fuel consumed.
 - vi. Requiring information concerning the emission of pollutants and other substances into the air from premises.

- vii. To remediate contaminated land.
 - viii. To determine contaminated land.
 - ix. To designate air quality management areas.
- b) To negotiate the handover of special sites to the environment agency.
 - c) To determine conditions for the grant, variation, revocation or refusal of authorisations and permits to carry on prescribed processes.
 - d) To serve or authorise the service of enforcement notices and prohibition notices for prescribed processes.
 - e) To approve or reject applications for prior approval of furnace installations.
 - f) To approve or reject applications for approval of chimney heights.
 - g) To approve or reject applications for exemptions from the requirement to fit plant for arresting grit and dust.
 - h) To determine applications for prior consent in respect of measures to minimise noise on construction sites.
 - i) To register or to refuse the registration of intruder alarms. To designate or withdraw alarm notification areas.
 - j) To issue or authorise the issue of fixed penalty notices for failure to notify key holder details and to arrange for the collection of receipts from such fixed penalty notices.
 - k) To issue or authorise the issue of fixed penalty notices for noise from licensed premises or domestic premises and to arrange for the collection of the fixed penalty receipts from such notices.
 - l) Authorised person for the purposes of s108 and 109 of the Environment Act 1995
 - m) To pursue legal action against occupiers of premises for dark smoke emitted from chimney stacks and dark smoke emitted from industrial or trade premises.
 - n) For the purpose of determining whether any provision of the pollution control enactments in the case of that authority is being, or has been, complied with; of exercising or performing one or more of the pollution control functions of that authority; or of determining whether and, if so how such a function should be exercised or performed any or all of the powers below:
 - i. to enter at any reasonable time (or, in an emergency, at any time and, if need be, by force) any premises which he has reason to believe it is necessary for him to enter;
 - ii. on entering any premises by virtue of paragraph (a) above, to take with him
 - any other person duly authorised by the enforcing authority and, if the authorised person has reasonable cause to apprehend any serious obstruction in the execution of his duty, a constable; and
 - any equipment or materials required for any purpose for which the power of entry is being exercised;
 - iii. to make such examination and investigation as may in any circumstances be necessary;

- iv. as regards any premises which he has power to enter, to direct that those premises or any part of them, or anything in them, shall be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purpose of any examination or investigation under paragraph (iii) above;
- o) to take such measurements and photographs and make such recordings as he considers necessary for the purpose of any examination or investigation under paragraph (iii) above;
- p) to take samples, or cause samples to be taken, of any articles or substances found in or on any premises which he has power to enter, and of the air, water or land in, on, or in the vicinity of, the premises;
- q) in the case of any article or substance found in or on any premises which he has power to enter, being an article or substance which appears to him to have caused or to be likely to cause pollution of the environment or harm to human health, to cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it, unless that is necessary);
- r) in the case of any such article or substance as is mentioned in paragraph (q) above, to take possession of it and detain it for so long as is necessary for all or any of the following purposes, namely
 - i. to examine it, or cause it to be examined, and to do, or cause to be done, to it anything which he has power to do under that paragraph;
 - ii. to ensure that it is not tampered with before examination of it is completed;
 - iii. to ensure that it is available for use as evidence in any proceedings for an offence under the pollution control enactments in the case of the enforcing authority under whose authorisation he acts or in any other proceedings relating to a variation notice, enforcement notice or prohibition notice under those enactments;
- s) to require any person whom he has reasonable cause to believe to be able to give any information relevant to any examination or investigation under paragraph (iii) above to answer (in the absence of persons other than a person nominated by that person to be present and any persons whom the authorised person may allow to be present) such questions as the authorised person thinks fit to ask and to sign a declaration of the truth of his answers;
- t) to require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any records
 - i. which are required to be kept under the pollution control enactments for the enforcing authority under whose authorisation he acts, or
 - ii. which it is necessary for him to see for the purposes of an examination or investigation under paragraph (iii) above,and to inspect and take copies of, or of any entry in, the records;
- u) to require any person to afford him such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the authorised person to exercise any of the powers conferred on him by this section;

- v) any other power for:-
 - i. a purpose falling within any paragraph of subsection (i) above, or
 - ii. any such purpose as is mentioned in subsection (ii) above, which is conferred by Regulations made by the Secretary of State.

in the case of any article or substance found by him on any premises which he has power to enter, and having reasonable cause to believe that, in the circumstances in which it is found the article or substance is a cause of imminent danger of serious pollution of the environment or serious harm to human health, seize it and cause it to be rendered harmless (whether by destruction or otherwise).
- w) To appoint suitable persons as authorised persons under Section 108 of the Environment Act 1995.
- x) To issue or authorise the issue of community protection notices.
- y) To be an Authorised person for the purpose of part 4 chapter 1 and sections 47, 52 and 53 of the Anti-social Behaviour, Crime and Policing Act 2014.
- z) To authorise or designate persons for the purpose of part 4 chapter 1 and sections 47 and 53 of the Anti-social Behaviour, Crime and Policing Act 2014.
- aa) To issue or authorise the issue of a written warning prior to issuing a community protection notice.
- bb) To take or authorise the taking of remedial action where a person has failed to comply with a community protection notice.
- cc) To serve or authorise the service of a notice to a person who has failed to comply with a community protection notice and notices setting out works and costs.
- dd) To authorise the institution of proceedings for failure to comply with a community protection notice.
- ee) To issue or authorise the issue of a fixed penalty notice to anyone believed to have committed an offence under section 48 of the Anti-social Behaviour, Crime and Policing Act 2014.
- ff) To issue or authorise a closure notice under section 76 of the Anti-social Behaviour, Crime and Policing Act 2014 to cancel or vary such notices and to make or authorise the making of an application to a court for a closure order.
- gg) To serve written warnings for failure to comply with a Section 46 requirement where that failure has caused or was likely to cause a nuisance and to require the payment of appropriate fixed penalty sums.

3.20. In pursuance of the Council's duties in respect of food protection:-

- a) To serve notices in respect of food appearing to fail to comply with food safety requirements or appearing likely to cause food poisoning or disease.
- b) To take necessary steps to deal with food which appears to be unsafe.
- c) To serve improvement notices in respect of food premises.

- d) To serve hygiene improvement notices.
- e) To serve emergency prohibition notices and to make application for emergency prohibition orders in respect of food premises.
- f) To serve hygiene emergency prohibition notices and to make application for hygiene emergency prohibition orders in respect of food premises.
- g) To issue certificates ceasing the effect of emergency prohibition notices, emergency prohibition orders, hygiene prohibition notices and hygiene prohibition orders.
- h) To register food premises.
- i) To approve food establishments under product specific legislation and to modify or withdraw approvals.
- j) To detain consignments of food not of animal origin and offer options for rejection, re-export, destruction or alternative use for unsound or unwholesome goods including those which fail to satisfy the food safety requirements.
- k) To enforce Local Authority controls inland for animal products.
- l) To inspect, seize, detain and dispose of meat suspected of containing specified risk material.
- m) To serve remedial action notices.
- n) To serve detention notices.
- o) To certify food as unsafe where a premises within which it is found fails to meet any of the food hygiene requirements.
- p) To approve establishments to remove Specified Risk Material (Bovine Vertebral Column) in animals 24 to 30 months old in butchers shops.
- q) To issue or sign food export certificates.
- r) To sign national food hygiene rating scheme certificates.
- s) To apply to a Court for a hygiene prohibition order.

3.21. In pursuance of the Council's duties and functions except in its capacity as an employer in respect of health and safety at work:-

- a) To serve improvement notices.
- b) To serve prohibition notices.
- c) To grant exemptions to welfare provisions in offices and shops.
- d) To agree the transfer or assignment of enforcement responsibility for health and safety enforcement of premises to and from the Health and Safety Executive.
- e) To appoint suitably qualified persons as Inspectors.
- f) To authorise persons to accompany Inspectors.
- g) To exercise all or any of the powers of Inspectors.
- h) To deal with the causes of imminent danger.
- i) To disclose health and safety information.

- j) To institute proceedings.
- k) To prosecute.
- l) To exercise powers in connection with the control of pesticides.
- m) To accept the handover of an incident scene from the Police.
- n) To enter into flexible warranting arrangements with the Health and Safety Executive.

3.22. In pursuance of the Council's duties in respect of public health:-

- a) To serve or authorise the service of notices:-
 - i. For the cleansing and disinfecting of premises and the disinfecting or destruction of articles.
 - ii. In respect of filthy or verminous premises.
 - iii. In respect of insufficient, blocked, defective or leaking drains, sewers, cesspools and septic tanks.
 - iv. Requiring the provision of satisfactory drainage to buildings.
 - v. Requiring the provision of closets and sanitary conveniences.
 - vi. Requiring the putting into a satisfactory condition of defective closets.
 - vii. In respect of improving a private water supply and requiring the provision of water supply to a premises.
 - viii. For the carrying out of works to remedy unwholesome or insufficient water supplies.
 - ix. For the removal of accumulations of rubbish and noxious matter.
 - x. Requiring the provision of dustbins.
 - xi. Requiring steps to be taken to destroy rats and mice or otherwise keep land free from rats and mice.
 - xii. To give notice of intention to carry out block treatments for rodents.
 - xiii. To issue or authorise the issue of litter clearing notices on the owner or occupiers of land and to authorise work in default, prosecution or receipt of a fixed penalty payment for default of such a notice.
 - xiv. The disinfestations of verminous articles offered for sale.
 - xv. In conjunction and consultation with an officer from the County Council Social Services to direct that a person in need of care is removed to a hospital or institution.
 - xvi. To control communicable, infectious disease, parasites and pests.
- b) To authorise applications for orders to close or restrict the use of polluted water supplies.
- c) To arrange for the unblocking and cleansing of drains and private sewers where alternative courses of action are likely to result in a higher cost to the Council.
- d) To make arrangements for the disposal of dead bodies where no other suitable arrangements are being made.
- e) To issue licences in respect of moveable dwellings.
- f) To set fees for pest control treatments.
- g) To authorise applications for orders for the removal, detention and cleansing of verminous persons.

- h) To make arrangements to secure the removal to suitable premises of persons in need of care and attention.
- i) To represent the Environmental Health interests of the Council at any Science and Technical Advice Cell (STAC), Joint Health Advisory Cell (JHAC), Health Advisory Team, Outbreak Control Team, Command Team or Incident Management Team.
- j) To respond to a consultation from the statutory water undertaker regarding their proposal to obtain a short-term authorised departure from the relevant prescribed concentration or value or other recognised standard.
- k) To issue or authorise the issue of notices to persons who smoke in a smoke-free place.
- l) To issue or authorise the issue of notices for remedying the failure to display no smoking signs in a smoke-free premise, place or vehicle.
- m) Serve notice requiring a parent to keep a child away from school.
- n) Serve notice upon a head teacher (or their deputy) requiring them to provide details of the names, addresses and contact numbers for all the pupils or a group of pupils.
- o) Disinfect or decontaminate or cause to be disinfected or decontaminated a thing when requested to do so by the owner of a thing.
- p) Disinfect or decontaminate or cause to be disinfected or decontaminated a thing upon request of a person with custody or control of that thing.
- q) Disinfect or decontaminate or cause to be disinfected or decontaminated a premises on request of the owner.
- r) Disinfect or decontaminate or cause to be disinfected or decontaminated a premises on request of a tenant.
- s) Refuse to disinfect or decontaminate or cause to be disinfected or decontaminated a thing or premises.
- t) Serve notice on any person or group of persons to request that the person or group of persons do, or refrain from doing, anything for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination which presents or could present significant harm to human health.
- u) Serve notice prohibiting contact with dead bodies.
- v) Serve notice to restrict access to dead bodies.
- w) Relocate or cause to be relocated a dead body to a place where it is considered the risk of the dead body infecting or contaminating people is reduced or removed.
- x) Apply to a justice of the peace for an order under part 2A of the Public Health (Control of Disease) Act 1984 as amended.
- y) Enter a premises at all reasonable hours, other than any part of a premises used as a private dwelling, in order to find out if a part 2A order has been breached or find out if action should be taken in relation to an order or take action in relation to an order or generally for the performance of local authority functions in relation to an order.

- z) To take or authorise the taking of works for the purpose of preventing entry where a building is not secured against unauthorised entry or where land is likely to become a danger to public health.

- aa) To deal with any rubbish which is in the open air and which is seriously detrimental to the amenities of the neighbourhood, including service of notice, issue of fixed penalty notice, collection of fixed penalty receipts, authorisation of work in default and prosecution.
- bb) To require the removal of material from a demolished building.
- cc) To appoint authorised officers in connection with the regulation of sunbeds.
- dd) To make such purchases and secure the provision of such services as considered necessary for the purpose of the proper exercise of functions under the Sunbeds (Regulation) Act 2010.
- ee) To enter any premises (other than domestic premises) where there is reason to believe that a sunbed business is being carried on.
- ff) To carry out on any premises (other than domestic premises) where there is reason to believe that a sunbed business is being carried on such inspections as the officer considers necessary for the purpose of the proper exercise of the officer's functions under the Sunbeds (Regulation) Act 2010.
- gg) Where considered necessary for that purpose, to require the production of any book, document or record (in whatever form it is held) and inspect it, and take copies of or extracts from it (in connection with the regulation of sunbeds).
- hh) To take possession of any book, document or record which is on the premises (in whatever form it is held) and retain it for as long as the officer considers necessary for that purpose; (in connection with the regulation of sunbeds).
- ii) To require any person to give such information, or afford such facilities and assistance, as the officer considers necessary for that purpose (in connection with the regulation of sunbeds).
- jj) To remove or cause to be removed from any land in the open air any rubbish (including rubble, waste, paper, crockery and metal) which is seriously detrimental to the amenity of the neighbourhood.
- kk) to serve a notice under section 9 of the Health Act 2006 relating to smoke free England controls.
- ll) To deal with unoccupied buildings which are not effectively secured or are likely to be a danger to public health, including the service of notice or undertaking immediate works to prevent a danger to public health.
- mm) To determine if a failure to comply with a requirement imposed upon a householder in relation to receptacles for household waste has caused or is or was likely to cause a nuisance or has been or is or was likely to be detrimental to any amenities of the locality.
- nn) To detain a horse which is in any public place within the area of the authority where there are reasonable grounds for believing that the

horse is there without lawful authority and if the land is lawfully occupied by a person, there are reasonable grounds for believing that person would give their consent to the detention of the horse.

- oo) To give notice to the officer in charge of a police station and (where the owner of a horse is known) extending the period for which a horse may be detained.
- pp) To take ownership of a horse on behalf of the Council at the expiration of the detention period and in conjunction with the relevant portfolio holder to dispose of it by selling it, arranging for it to be destroyed or in any other way; the Council retaining liability for any damage caused to the horse by failure to treat it with reasonable care and supply it with adequate food and water whilst so detained.
- qq) To be an authorised person for the purposes of section 23 and 25 of the Psychoactive substances Act 2016.
- rr) In connection with psychoactive substances to give a prohibition notice to a person where it is reasonably believed that the person is carrying on or is likely to carry on a prohibited activity and there is reasonable belief that it is necessary and proportionate to give a prohibition notice for the purpose of preventing the person from carrying on any prohibited activity.
- ss) In connection with psychoactive substances to give a premises notice to a person who owns, leases, occupies, controls or operates a premises where it is reasonably believed that a prohibited activity is being or likely to be carried on at that particular premises and that it is reasonably believed it is necessary and proportionate to give the premise notice for the purpose of preventing and prohibited activity from being carried on at any premises owned, leased, occupied, controlled or operated by that person.
- tt) In connection with psychoactive substances to apply to a Court for a prohibition order.
- uu) In connection with psychoactive substances to apply to a Court for a premises order.
- vv) In connection with psychoactive substances to apply to a Court for the reimbursement of costs incurred for the purposes of clearing, securing or maintaining a premises in respect of which a prohibition is in effect.

3.24. In respect of public health partnership working, health and wellbeing and health improvements:-

- a) To facilitate the Council's partnership working with the National Health Service and other organisations, co-ordinate the Council's response to NHS Public Health England and other initiatives and support the promotion of the Council's role in health improvement by focusing attention on the prevention of ill health in respect of public health partnership working, health and wellbeing and health improvement.
- b) In connection with flood risk management, having first consulted with the Environment Agency and Lead Local Flood Authority to authorise the carrying out of flood risk management work to ordinary watercourses if it is considered the work is desirable having regard to the local flood risk management strategy for the area and the purpose of the work is to manage a flood risk in the authority's area from an ordinary watercourse

including a lake, pond or other area of water which flows into an ordinary watercourse.

3.25. In pursuance of the Council's duties in respect of local licensing:-

- a) To grant, renew, vary or transfer licences for the use of premises for the sale by retail of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, the provision of regulated entertainment, and the provision of late night refreshment where no representations have been made.
- b) To issue, renew, vary, refuse suspend or revoke licences in respect of selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding of dogs, keeping or training animals for exhibition, animal boarding establishments, pet shops and dog breeders.
- c) To grant, renew, refuse, revoke or vary licences for the keeping of dangerous wild animals.
- d) To grant, renew, vary, revoke or refuse licences or consents for street trading.
- e) To register or refuse to register persons and premises for acupuncture, tattooing, semi permanent skin colouring, cosmetic piercing, ear piercing and electrolysis.
- f) To grant, renew, refuse or revoke gaming machine permits.
- g) To set fees for licences, registrations and consents.
- h) To determine and amend conditions for licences registrations and consents.
- i) To authorise the service of notices for the provision, cleaning and availability of sanitary accommodation at entertainments, exhibitions or sporting events, at places used for the sale of food and drink and at betting offices.
- j) To deal with the approval or refusal of applications for licences/permits in relation to house-to-house and street collections.
- k) To grant a personal licence for selling alcohol if no representation has been made.
- l) To approve a provisional statement if no representation has been made.
- m) Except if a representation has been made by the Police, to approve a variation to a designated personal licence holder.
- n) To remove a person as a designated premises supervisor, upon their request.
- o) To approve applications for interim authorities if no Police representation has been made.
- p) To decide if a request for a licence review is irrelevant, frivolous, repetitious or vexatious.
- q) To object to a licence application when the Authority is a consultee and not the lead authority.

- r) To deal with the approval or refusal of applications for registration of societies and the issue or refusal of permits for amusements with prizes at commercial entertainments for the purposes of the Gambling Act.
- s) To respond to Temporary Event Notices.
- t) To approve new applications for the use of up to five amusement with prizes machines and to approve applications for transfers and renewals of existing amusement with prizes machines.
- u) With the approval of the relevant Executive Member to set fees under the Gambling Act 2005.
- v) To approve applications to grant, vary transfer licence to enable gambling, where no representations have been received or where representations have been withdrawn.
- w) To approve an application for a provisional statement under the Gambling Act 2005 where no representations have been received or where representations have been withdrawn.
- x) To approve an application for club gaming or club machine permits where no representations have been received or where representations have been withdrawn.
- y) To approve applications for permits under the Gambling Act 2005.
- z) To issue a cancellation of licensed premise gaming machine permits.
- aa) To consider and respond to a temporary use notice in connection with the Gambling Act 2005.
- bb) To designate persons as an "authorised person" for the purpose of part 15 of the Gambling Act 2005.
- cc) To be an inspector for the purposes of section 51 of the Animal Welfare Act 2006.
- dd) To inspect premises to check compliance with the conditions of a licence or registration relating to animal welfare or regulations which implement a community obligation.
- ee) In connection with the welfare of animals, to serve improvement notices in relation to an animal's needs.
- ff) To take, or arrange to be taken, appropriate immediate steps to alleviate a protected animal's suffering.
- gg) To enter premises for the purposes of searching for a protected animal and for the purpose of exercising any powers under section 10, 18, 19, 25, 26, 27, 28, 29 and 30 of the Animal Welfare Act 2006.
- hh) Enforcement powers under "The Animal Welfare (licensing of Activities Involving Animals) (England) Regulations 2018.
- ii) To require the production of records kept pursuant to an animal welfare licence.
- jj) To carry out an inspection to check compliance with regulations concerning animals bred or for farming.
- kk) To stop, detain and search a vehicle for the purpose of searching for a protected animal where accompanied by a constable in uniform.

- ll) To suspend premises licences and club premises certificates for non-payment of annual fees.
- mm) To issue licences in relation to scrap metal.
- nn) To agree minor variations.
- oo) To approve applications of all types under the Scrap Metal Dealers Act 2013 under delegated authority in the case of applications which are uncontested and/or where enquiries with relevant consultees do not reveal any relevant offences or other cause for concern and to use all local authority enforcement powers provided by the Act and to further delegate these powers to other suitable Council Officers.
- pp) To determine if the Council should exercise its powers as a responsible authority for the purposes of the Licensing Act 2003; and if appropriate to exercise those powers and to put in place arrangements to ensure that there is adequate separation of functions when carrying out those powers.
- qq) To apply to a residential property tribunal when a fee for a caravan site licence has become overdue for an order requiring the licence holder to pay the amount due by a specified date.
- rr) To apply to a tribunal for an order revoking a caravan site licence.
- ss) To determine fees for caravan site licences.
- tt) To issue compliance notices in circumstances where an occupier is failing or has failed to comply with a condition attached to a caravan site licence.
- uu) To revoke a compliance notice.
- vv) To vary a compliance notice by extending the period within which steps must be taken.
- ww) To exercise initiative to determine whether a compliance notice should be revoked or varied.
- xx) To apply to a court for an order revoking a caravan site licence.
- yy) To apply to a court to make an order specifying the date on which the revocation of a caravan site licence takes effect.
- zz) To serve a demand which sets out the expenses which are sought to be recovered from an occupier of land in connection with a compliance notice.
- aaa) To take steps required by a compliance notice and to take such further action as considered appropriate for ensuring condition(s) specified in the compliance notice are complied with.
- bbb) To serve notice setting out the mandatory matters needed to give notice that the local authority will be taking steps required by a compliance notice or such further action as considered appropriate for ensuring condition(s) specified in the compliance notice are complied with.
- ccc) To authorise persons other than an officer of the local authority to take action on behalf of the authority to take steps required by a compliance notice and to take such further action as considered appropriate for ensuring condition(s) specified in the compliance notice are complied with.

- ddd) To exercise powers to take emergency action in connection with licensed caravan sites.
- eee) To serve notice setting out the mandatory matters prior to taking emergency action.
- fff) To apply for a warrant to enter caravan sites.
- ggg) To authorise persons other than an officer of the local authority to take emergency action on behalf of the authority in connection with licensed caravan sites.
- hhh) To serve notice within the period of 7 days beginning with the date when the emergency action is to start which sets out the mandatory matters relating to the nature of the imminent risk of serious harm, the nature of the emergency action and other prescribed matters.
- iii) To impose a charge on the recipient of emergency action to recover the costs incurred in taking emergency action by service of a demand for expenses.
- jjj) To grant, transfer and vary licences for caravan sites.
- kkk) To alter conditions on site licences for caravan sites.
- lll) To determine applications for the grant, renewal, transfer or variation of licences unless established policy states or the Service Director (Resident and Neighbourhood) consider it is more appropriate for the determination to be made by Members.
- mmm) To give notice to the Secretary of State that an applicant for a personal licence has relevant immigration or foreign offences or has refused to pay an immigration penalty.
- nnn) To consider an immigration Objections Notice and its appropriateness to the prevention of illegal working in licensed premises and having consulted with the relevant Portfolio Holder, to reject the licence application if it is considered to do so, having regard to the notice.

3.26. **Infectious Disease**

In accordance with the environmental health legislation falling within the duties and responsibilities of the Council and in accordance with Council Policy and Responsibility for Functions:-

The Proper Officer for the Council in respect of matters relating to the control and spread of infectious disease and contamination shall be any physician working as a consultant in public health medicine or communicable disease control and employed by Public Health England in the South East Midlands and Hertfordshire Centre including those providing on call cover for this team from other geographical areas, the Director of Public Health and any consultant in public health nominated by him; who are authorised and empowered to:-

- a) Execute all powers in relation to the notification and control of infectious

disease.

- b) Issue Pasteurisation Orders.
- c) Sign notices requiring the cleansing of a filthy or verminous person.
- d) To keep a child with infectious disease or contamination off school.
- e) To formally request co-operation to protect public health.
- f) To undertake or arrange for the disinfection/decontamination of premises or articles.
- g) To limit contact with the body of a person who has died from infectious disease or contamination.

3.27. Street Warden Service

All the following delegated powers relating to the Street Warden Service can be exercised by the Service Director (Resident and Neighbourhood) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.

- 1. issue and enforce fixed penalty notices for:
 - a. The Offence of abandoning a vehicle (Sections 2A, 2B, 2C of Refuse Disposal (Amenity) Act 1978
 - b. The Offence of dropping litter (to include the practice of placing black bags of refuse out on street after refuse collection day) (Section 87 and 88 of Environmental Protection Act 1990) and Littering from Vehicle Outside London (Keepers: Civil Penalties) Regulations 2018
 - c. Defacement or Act of graffiti / failure to remove graffiti and Flyposting (sch3A of the Environmental Protection Act 1990, s224 of Town and Country Planning Act 1990 and Section 43/44 of the Anti-social Behaviour Act 2003)
 - d. Failure to produce authority to transport waste (Sections 5B and 5C Control of Pollution (Amendment) Act 1989
 - e. Failure of a business to furnish waste transfer documents pertaining to its waste collection (Section 34A (2) Environmental Protection Act 1990)
 - f. Failure by a resident to use the receptacles provided by the council correctly as stipulated by a Notice given under section 46 of the Environmental Protection Act 1990
 - g. Failure by a businesses to comply with the requirements of a notice served under section 47 of the Environmental Protection Act 1990
 - h. the illegal deposit of household, industrial, commercial or other controlled waste without a waste management licence [commonly referred to as fly tipping]
 - i. the Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018 Section 34(6) householder fixed penalty in relation to domestic duty of care
 - j. Failure to remove dog faeces (Dog fouling) -s.59 Clean Neighbourhoods and

Environment Act 2005

- k. Exposing a vehicle for sale on a road
- l. Repairing a vehicle on a road
- 1. Search and seize Vehicles connected to offences under section 33 and section 34 of the Environmental Protection Act 1990 (as amended)
- 2. Require the owner of land to remove waste in pursuant to Section 59 of the Environmental Protection Act 1990 and should they so not, to undertake those works and recover reasonable expenses incurred
- 3. use the powers under Section 71(2) of the Environmental Protection Act 1990 to require the provision of information
- 4. use and exercise powers of the Environmental Protection Act 1990 in relation to stray dogs.
- 5. **HACKNEY CARRIAGES**

All the following delegated powers relating to the Hackney Carriage function can be exercised by the Service Director (Resident and Neighbourhood) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.

- 5.1 To grant, renew or refuse hackney carriage/private hire vehicle, driver or operator licences unless the Service Director (Resident and Neighbourhood) considers it more prudent and or appropriate for the application to be dealt with by the Licencing Committee.
- 5.2 To carry out investigations into alleged contraventions of hackney carriage and private hire legislation, policy, conditions or byelaws and to take appropriate action including the suspension or revocation of any hackney carriage or private hire licence granted by the Council or to prosecute/institute proceedings for offences. Where the Service Director (Resident and Neighbourhood) considers that it is not prudent and/or appropriate to exercise this delegated power the alleged contravention shall be referred to the Licensing Committee for determination.
- 5.3 , has the power to serve notice to suspend or revoke any licence in the interest of public safety..
- 5.4 To grant, renew or refuse hackney carriage/private hire vehicle, driver or operator licences unless the Service Director (Resident and Neighbourhood) considers it more prudent and or appropriate for the application to be dealt with by the Licensing Committee
- 5.5 In respect of hackney carriage/private hire vehicle, driver or operator licences subject to immigration control, to specify a period with the licence that it will remain in force in accordance with the leave period.

Neighbourhood and Enforcement

All the following delegated powers relating to Housing Operations can be exercised by the Service Director (Resident and Neighbourhood) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.

- 2.1. To ensure services meet the standards as set out in the housing service's performance management framework, published service standards and any relevant regulatory standards as set by central Government.
- 2.2. To operate the Tenant Panel in accordance with its terms of reference to have opportunity to scrutinise and review housing services, making recommendations on service improvement.
- 2.3. To authorise the institution of legal proceedings for council housing related tenancy breaches.
- 2.4. Maximise rental and other types of income collected by the housing service. This includes rent, service charges, communal facilities charge, other fees and charges, former tenant arrears and other debts including re-charges for repairs.
- 2.5. To ensure that tenancies are managed in accordance with legislative requirements and council policies. In fulfilling this function the following powers are delegated:
 - a) Preparation and service of the following Notices and proceeding where necessary with court action and evictions from residential properties:
 - Notices of Seeking Possession
 - Notices to Quit
 - b) Represent the council at court for standard rent arrears possession cases and other tenancy breach court hearings as agreed with the Head of Law and Administration
 - c) Approving applications and the administration of tenancy and rent account related matters, i.e. to sub-let properties, temporary absence, rent refunds, etc.
 - d) Approving mutual exchanges and the vesting, assignment or creation of new tenancies, following the tenant's death or in the event of relationship breakdown in accordance with statutory rights and good housing management.
 - e) Writing off irrecoverable council housing related debts in accordance with the council's financial regulations and policy
- 2.6. To ensure the provision of high quality and relevant housing and other support services to older people and people with specialist support needs. This includes the community bus service.. and community alarms services.
- 2.7. To process applications made under the Right to Buy (RTB) scheme. Sale of housing under Right to Buy including the assessment of eligibility and calculation of discounts. Make decisions where the interpretations and

implementation of the Statutory Right to Buy Scheme is required.

- 2.8. To process deeds of variations for leaseholders.
- 2.9. To carry out leaseholder consultation under the statutory requirements.
- 2.10. To determine service charges payable by leaseholders.
- 2.11. In pursuance of the Council's duties in respect of community safety and the effective management of anti-social behaviour across the borough:
 - a) To authorise any suitably qualified or experienced person to act or to execute powers under any anti-social behaviour, crime and disorder and housing legislation enforced or administered by the Council and to sign such authorisations.
 - b) To authorise or designate persons for the purpose of Part 1, and Part 4 chapters 1, 2 and 3 of the Anti-Social Behaviour, Crime and Policing Act 2014
 - c) To authorise any suitably qualified or experienced person to make applications for injunctions in connection with anti-social behaviour, crime and disorder and housing legislation.
 - d) To authorise any suitably qualified or experienced person to make applications for public space protection orders in connection with anti-social behaviour, crime and disorder and housing legislation.
 - e) To authorise any suitably qualified or experienced person to make applications for closure of premises associated with disorder in connection with anti-social behaviour, crime and disorder and housing legislation.
 - f) To issue or authorise the issue of community protection notices.
 - g) To issue or authorise the issue of a written warning prior to issuing a community protection notice.

Community Safety Partnership

All the following delegated powers relating to Community Safety Partnership can be exercised by the Service Director (Resident and Neighbourhood) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.

- 1.3. To ensure that this council undertakes its mandatory duty to act as a "responsible authority" on the borough's Community Safety Partnership (CSP), in order to plan and deliver measures to tackle crime, anti-social behaviour, substance misuse, to reduce offending and promote assurances to the public whilst working together with other statutory and non-statutory organisations
- 1.4. To administer the Local Strategic Partnership and sub groups.
- 1.5. To coordinate, review and update the plans and Strategies subject to the

governance and approval process.

