

## **EXECUTIVE DIRECTOR (PLACE)**

To deputise for the Chief Executive as necessary.

To be responsible for the implementation of strategies policies and plans relating to Regeneration and Economic Development, Planning, Leisure, Community and Cultural Services.

To act as the Council's shareholder representative for the jointly owned Hertfordshire Building Control group of companies.

### **1. ESTATES**

**All the following delegated powers relating to Estates may also be exercised by the Assistant Director (Regeneration and Economic Development) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.**

- 1.1. To control and manage commercial properties owned or occupied by the Council.
- 1.2. To negotiate and determine valuations and rentals of commercial properties owned or occupied by the Council in accordance with the policies adopted by the Council.
- 1.3. To approve all rent reviews and terms of leases where an open market rental is agreed between the Council and the lessee.
- 1.4. To approve changes of use of Neighbourhood Centre shops in accordance with Council Policy.
- 1.5. Any negotiation which involves the purchase, lease or sale of land or buildings, or disposal or acquisition of a right relating to land or buildings or the granting of a license or the right to use Council premises (but excluding hall hirings) shall be conducted by or on behalf of Assistant Director (Regeneration and Economic Development), who will consult the responsible Director, Assistant Director and Legal Services Manager as appropriate.  
  
To approve such property transactions with a value of up to £100,000 for disposals or purchases, and £50,000 per annum for lettings in and out, in conjunction with the Executive Director (Finance and Transformation) or Assistant Director (Finance), up to £500,000.
- 1.6. To submit Rating Appeals for NNDR properties and agree Assessments with the Valuation Office.

- 1.7. To submit planning and any other statutory applications for Council funded projects as appropriate.
- 1.8. Under the Assets of Community Value (England) Regulations 2012, to maintain the List of Assets of Community Value and the List of Assets Nominated unsuccessfully by Community Nomination and the associated administrative procedures.

## **2. STRATEGIC HOUSING DEVELOPMENT SERVICES**

**All the following delegated powers relating to Strategic Housing Development Services can also be exercised by the Assistant Director (Regeneration and Economic Development) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation:**

- 2.1 To be responsible for the development and implementation of strategies, policies and plans relating to strategic housing development services.
- 2.2 To arrange for applications for planning consent in connection with development projects and other housing initiatives.
- 2.3 To plan and implement the Council's Affordable Housing Programme.
- 2.4 To agree the appropriate tenure, mix and property types on S106 sites with developers and associated consultants (subject to planning approval).
- 2.5 To agree arrangements in working with private developers to deliver affordable homes.

## **3. Parking Services**

**All the following delegated powers relating to Parking Services can also be exercised by the Assistant Director (Regeneration and Economic Development) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation:**

- Parking on-street and Council Car Parks
  - Decriminalised Parking
  - Construction of communal parking bays and vehicular dropped kerbs and hard-standings for Council tenants
- 3.1. To make applications for Deemed Planning Consent for schemes which form part of approved programmes, for example, vehicular hard-standings, dropped kerbs and communal parking bays.
  - 3.2. To deal with all operational matters arising in respect of Decriminalised Parking Enforcement.

- 3.3. To be responsible for producing legally compliant Traffic Regulation Orders for, but not limited to, resident parking permit schemes, single and double yellow lines and limited waiting bays.
- 3.4. To advertise and make Traffic Regulation Orders under the Road Traffic Regulation Act 1984 and amendments to Orders, subject to the determination by the Cabinet of any formal objection received.
- 3.5. When no formal objections are received during the Statutory Stage of the Traffic Regulation Order consultation process; a delegated decision is considered by the relevant officer, who outlines the recommendations and reasons in a delegated report. This is checked by a designated officer before a decision is agreed and issued in agreement with portfolio holder.

#### **4 Children's Play Areas**

**All the following delegated powers relating to Children's Play Areas can also be exercised by the Assistant Director (Regeneration and Economic Development) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.**

- 4.1. To use and exercise the powers of the Children Act 1989 and any subordinate Regulations or Orders to ensure all play equipment is safe and suitable and meets the standards set out in EN1176, EN1177 and BS7188.
- 4.2. To uphold the adopted Play Area Strategy for the ongoing management of existing equipped areas of play and to ensure adequate future provision.

#### **5. Planning**

**All of the following delegated powers relating to Planning can also be exercised by the Assistant Director (Planning) who may also delegate to suitably qualified and/or experienced officers in accordance with an agreed Scheme of Delegation:**

- 5.1 To approve and refuse all types of applications submitted under the Town and Country Planning Act 1990 and other planning and relevant legislation.
- 5.2 To determine the appropriate fee for planning and other applications.
- 5.3 To decide whether to register an application based on the information submitted by the applicant and the Council's validation checklist.
- 5.4 To decline to determine an application under Section 70A, 70B or 70C of the

Town and Country Planning Act 1990.

- 5.5 To agree minor and non-material amendments to previously approved applications.
- 5.6 To deal with prior notifications and prior approvals under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 5.7 To apply conditions to secure controls over development and deal with the discharge of planning conditions under Section 70(1)(a), 72 and 73 of the Town and Country Planning Act 1990.
- 5.8 To enter into, vary, revoke and discharge obligations to secure financial contributions and/or works for the benefit of the community under Section 106 of the Town and Country Planning Act 1990.
- 5.9 To agree the Council's response to a screening opinion under Parts 2 and 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 5.10 To agree the Council's response to a scoping opinion under Part 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 or Section 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 5.11 To grant permission-in-principle for sites on the Part 2 Brownfield Register under the Town and Country Planning (Brownfield Land Register) Regulations 2017 and Part 2 of the Town and Country Planning (Permission in Principle) Order 2017.
- 5.12 To respond to consultations concerning policy formulation proposals by government departments, statutory bodies, local authorities, etc, in consultation with the relevant Executive Member, unless it is prudent that the consultation should be considered by members of the relevant committee.
- 5.13 To enter into statements of common ground with other Local Planning Authorities and statutory bodies as part of the plan-making process, in consultation with the relevant Executive Member, unless it is prudent that the statement of common ground should be considered by members of the relevant committee.
- 5.14 To agree the Council's response in relation to a screening opinion concerning the need for a Strategic Environmental Assessment (SEA) or Habitats Regulation Assessment (HRA) related to the production of Neighbourhood Plans.

- 5.15 To respond to consultations concerning development proposals by statutory bodies, local authorities, government departments, the Crown, etc, in consultation with the relevant Executive Member, unless it is prudent that the consultation should be considered by members of the relevant committee.
- 5.16 To progress work related to the preparation, submission, examination and adoption of Development Plan Documents as set out in the Planning & Compulsory Purchase Act 2004 (as amended) (The Act). Detailed regulatory requirements are contained in the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 5.17 To progress work related to the preparation, submission, examination and adoption of a Community Infrastructure Levy, as set out in the Planning and Compulsory Purchase Act 2004 (as amended) (The Act). Detailed requirements are contained within the Community Infrastructure Levy Regulations 2010.
- 5.18 To approve the designation of a Neighbourhood Planning Area where it matches the local town or parish council boundary under Regulation 5 of the Neighbourhood Planning (General) Regulations 2012. [Cabinet must approve the designation of Neighbourhood Planning Area which does not match the town or parish council boundary].
- 5.19 To decide whether the Council's case at a planning appeal should be by way of written representations, informal hearing or public inquiry and to agree the nature and extent of the case to be presented, including in cases where an appeal has been made against non-determination of a planning application.
- 5.20 To enter any land for the purpose of surveying it in connection with the functions of the Council as the local planning authority under Section 324 of the Town and Country Planning Act 1990.
- 5.21 To decide whether to take enforcement action and what level of enforcement action to take in accordance with the Council's Corporate Enforcement Plan and Planning Enforcement Plan.
- 5.22 To serve notices to obtain information as to interests in land under Section 330 of the Town and Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- 5.23 To serve Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990.
- 5.24 To serve, vary and withdraw enforcement notices against suspected breaches of planning control under Section 172 of the Town and Country Planning Act 1990 and to execute and secure the costs of works required

by such notices under Section 178 of the Town and Country Planning Act 1990.

- 5.25 To serve, vary and withdraw listed building enforcement notices against suspected breaches of planning control under Section 38 of the Planning (Listed Building and Conservation Areas) Act 1990 and to execute and secure the costs of works required by such notices under Section 42 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.26 To serve, vary and withdraw Breach of Condition Notices under Section 187A of the Town & Country Planning Act 1990.
- 5.27 To serve Building Preservation Notices under Section 3 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.28 To serve Stop Notices under Section 183 of the Town and Country Planning Act 1990 and Temporary Stop Notices under Section 171E of the Town and Country Planning Act 1990.
- 5.29 To serve Tree Replacement Notices under Section 207 of the Town and Country Planning Act 1990 and to execute and secure the costs of works required by such notices under Section 209 of the Town and Country Planning Act 1990.
- 5.30 To serve Repairs Notices under Section 48 of the Planning (Listed Building and Conservation Areas) Act 1990 and Urgent Works Notices under Section 54 of the Planning (Listed Building and Conservation Areas) Act 1990 and to execute and secure the costs of works required by such notices under Section 55 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.31 To require the discontinuance of advertisements under Section 220 of the Town and Country Planning Act 1990 and to remove or obliterate unauthorised placards, posters and advertisements under Section 225 of the Town and Country Planning Act 1990.
- 5.32 To serve, vary and withdraw notices to require the proper maintenance of land under Section 215 of the Town and Country Planning Act and to execute and secure costs of works required by such notices under Section 219 of the Town and Country Planning Act.
- 5.33 To issue advance written warnings and Community Protection Notices on individuals or bodies whose conduct is having a detrimental effect on the quality of life of those in the locality and is unreasonable and to take action where there is a failure to comply with a Notice under Part 4 Chapter 1 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- 5.34 To apply for Planning Enforcement Orders for deliberately concealed

unauthorised development under Section 171BA, 171BB and 171BC of the Town and Country Planning Act 1990.

- 5.35 To apply for court injunctions to restrain any apprehended or actual breach of planning control under Section 187B of the Town and Country Planning Act 1990.
- 5.36 To apply for court injunctions to restrain any apprehended or actual offence (under section 210 or 211) under section 214A of The Town and Country Planning Act 1990.
- 5.37 To progress prosecution action where enforcement notices have not been complied with under Section 179 of the Town and Country Planning Act 1990.
- 5.38 To progress prosecution action where listed building enforcement notices have not been complied with under Section 38 of the Planning (Listed Building and Conservation Areas) Act 1990
- 5.39 To take direct action under section 178 of the Town and Country Planning Act 1990 and/or section 54 of the Planning (Listed Building and Conservation Areas) Act 1990, in conjunction with the Executive Director (Finance and Transformation) or Assistant Director (Finance)
- 5.40 To serve a Certificate of Appropriate Alternative Development where land is proposed to be acquired by the local authority under Section 65 of the Planning and Compensation Act 1991.
- 5.41 To make, vary and revoke Tree Preservation Orders under Section 198 of the Town and Country Planning Act 1990 and Provisional Tree Preservation Orders under Section 201 of the Town & Country Planning Act 1990.
- 5.42 To make minor amendments to planning conditions and Section 106 legal agreements prior to issuing a decision notice, where the decision has been made by Development Management Committee, but it is not necessary for the item to return to Development Management Committee.
- 5.43 To refer to the Development Management Committee applications to revoke or modify hazardous substances consents as defined under the Planning (Hazardous Substances) Act 1990 for referral to the appropriate Secretary of State.
- 5.44 Applications will be presented to Development Management Committee where:
  - (a) The application does not accord with the provisions of the development

plan or other planning policy guidance or supplementary planning guidance (unless material considerations indicate that the provisions of the development plan no longer apply) but the proposal is recommended for approval.

(b) One of the following has occurred within the specified consultation period and (a) it has been accepted by the Assistant Director (Planning) or Development Management Services Manager and (b) the subsequent officer recommendation goes against the comment of support/objection:

- A comment of support or objection and an associated call-in request has been made by a member of the Borough Council
- A major objection has been received from a local town or parish Council in relation to an eligible application, as defined in the Procedure Rules for Planning Meetings.
- An objection has been received from a consultee listed in Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

5.45 The application is a major development and the Borough Council is the applicant and/or has an interest in the land/property which is the subject of the application.

5.46 A Member of the Borough Council, the Chief Executive, a Director or Assistant Director or a member of staff in the planning service is the applicant and/or has an interest in the land/property which is the subject of the application.

5.47 The Assistant Director (Planning) considers it prudent for the application to be considered by Development Management Committee.

5.48 The matter relates to a planning enforcement case and the Assistant Director (Planning) considers it prudent for it to be considered by Development Management Committee.

## **6. BUILDING CONTROL**

6.1 It should be noted that statutory building control functions are discharged by three members of Hertfordshire Building Control who are seconded to the Council.

6.2 These appointed officers now administer building control functions on behalf of Welwyn Hatfield Borough Council in accordance with the Building Act 1984 and Building Regulations 2010.

## **7. OTHER FUNCTIONS**

- 7.1 To make technical amendments to the Planning Scheme of Delegation to reflect changes to the planning system and planning legislation.
- 7.2 To administer the Estate Management Scheme (“EMS”) for Welwyn Garden City created under the Leasehold Reform Act 1967 for the purpose of “maintaining and enhancing amenities and values in Welwyn Garden City and with due regard to the convenience and welfare of persons residing, working and carrying on business there.” This includes deciding whether to register an application, determining the appropriate fee, approving and refusing applications, discharging conditions, resolving breaches and taking enforcement action against breaches.
- 7.3 Any EMS applications where a Member of the Borough Council, the Chief Executive, a Director or Assistant Director or a member of staff in the planning service is the applicant and/or has an interest in the land/property which is the subject of the application will be determined by the Estate Management Scheme Manager and Assistant Director (Planning), or Executive Director (Place) if either are the applicant.
- 7.4 To deal with notices in respect of temporary markets under Section 37 of the Local Government (Miscellaneous Provisions) Act 1982.
- 7.5 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.
- 7.6 To apply for an enforcement order against unlawful works on registered common land under Section 41 of the Commons Act 2006.
- 7.7 To protect unclaimed registered common land and unclaimed town or village greens against unlawful interference under Section 45(2)(a) of the Commons Act 2006.
- 7.8 To institute proceedings for offences in respect of unclaimed land under Section 45(2)(b) of the Commons Act 2006.
- 7.9 To take action against dangerous trees under Section 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976.
- 7.10 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.
- 7.11 To serve notices in respect of street naming and numbering under Section 64 and Section 65 of the Town Improvement Clauses Act 1847.
- 7.12 To apply for enforcement orders against unlawful works on registered common land under Section 41 of the Commons Act 2006, to protect unclaimed registered common land and unclaimed town/village greens

against unlawful interference under Section 45(2)(a) of the Commons Act 2006 and to institute proceedings for offences in respect of unclaimed land under Section 45(2)(b) of the Commons Act 2006.

## **8. STRATEGIC COMMUNITY SERVICES**

**All the following delegated powers relating to Strategic Community Services can also be exercised by the Assistant Director (Leisure, Community and Cultural Services) who may also delegate to suitably qualified and/ or experienced Officers in accordance with an agreed Scheme of Delegation.**

- 8.1 To maintain community partnerships and develop new ones with the aim of promoting involvement among the community and local business, better health and youth engagement.
- 8.2 To manage the Borough's Sports Facilities Strategy Steering Group and ensure the development and revision of the borough Sports Facility Strategy on an annual basis.
- 8.3 To work in partnership with key stakeholders to develop initiatives and events that improve the vibrancy and footfall within the town centre.
- 8.4 To administer and provide advice on the council's grant application process, including its annual grants, small community grants and the Queens Jubilee grants.
- 8.5 To participate in the Council's corporate community engagement activities through the management and promotion of the established Borough Panel comprising local residents

## **9. LEISURE AND CULTURAL SERVICES**

**All the following delegated powers relating to Leisure and Cultural services can also be exercised by the Assistant Director (Leisure, Community and Cultural Services) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.**

- 9.1 To agree and oversee the programme of activities and events for Council provided leisure and cultural services
- 9.2 To agree all appropriate fees and charges for use of Council provided leisure and cultural services.
- 9.3 To agree and oversee all marketing and promotional activities associated

with the provision and delivery of Council leisure and cultural services.

- 9.4 To work closely with the appointed Executive Member with responsibility for local leisure and cultural services, including the reporting of service activities and developments to members of the Council's Cabinet and other relevant committees and appointed panels.
- 9.5 To work to improve access to leisure and community services for all regardless of their recognised equalities group or circumstances.
- 9.6 To oversee all leisure, culture, arts and heritage applications to national funding bodies such as the National Lottery Heritage Fund, Sport England, Arts Council and others, with final approval being sought from the Chief Financial Officer before submission.
- 9.7 To represent the Council as the designated Client Manager of the appointed leisure contractor, Greenwich Leisure Ltd, who have a contract covering seven different sport and leisure sites running to January 2029.
- 9.8 To be responsible for the management of the Community Lottery Scheme in conjunction with the Council's lottery partner, and propose policies for and make decisions relating to the operation of the lottery.
- 9.9 To co-ordinate meetings and the work programme of the borough's Cultural Consortium comprising local sport, leisure, heritage, arts and culture partners.
- 9.10 To recommend to Cabinet the Housing, Homelessness and Rough Sleeping Strategy and associated strategies and work in partnership with internal and external stakeholders to ensure its effective implementation. This includes working in partnership with Registered Providers to ensure the best housing offer to people in housing need.
- 9.11 To make arrangements for the selection of Registered Providers for development projects.
- 9.12 To recommend to Cabinet on appropriate grant funding to Registered Providers on affordable housing sites.
- 9.13 To discharge the Council's statutory functions in relation to preventing and managing homelessness and in ensuring the Borough's housing needs register is managed in accordance with the Council's Allocations Policy.

## **10. COMMUNITY PARTNERSHIP**

**All the following delegated powers relating to Community Partnership can also be exercised by the Assistant Director (Leisure, Community and Cultural Services) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.**

- 10.1 To administer the Local Strategic Partnership and sub groups.
- 10.2 To coordinate, review and update the plans and Strategies subject to the governance and approval process.
- 10.3 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.

## **11. HOUSING ALLOCATIONS**

**All the following delegated powers relating to Strategic Housing Services can also be exercised by the Assistant Director (Leisure, Community and Cultural Services) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.**

- 11.1 Working where necessary with the relevant Directors and Assistant Directors to:
  - (a) Consider reviews of decisions to exclude applicants from the Housing Needs Register in accordance with relevant legislation.
  - (b) Set up local letting schemes in accordance with Council policy.
  - (c) Agree nomination rights to Council and registered social landlord properties for partner agencies for use as move on.
  - (d) Approve special allocations schemes in accordance with the Council's hard to let strategy, in order to meet housing need, or otherwise in accordance with Council policy.
  - (e) To approve the Annual Lettings Plan and any revisions to the Annual Lettings Plan.
  - (f) To agree prioritisation of properties to specific groups, to ensure the lettings targets set out in the Annual Lettings Plan are met.
  - (g) Revise and change priority of housing for applicants accepted as Homeless as necessary to ensure homelessness duties are managed effectively alongside duties to waiting list and transfer applicants.
  - (h) Agree the necessary arrangements to ensure that wherever possible, in times of high demand from homeless households, Council and Registered Provider properties are used to free up temporary accommodation to prevent the use of bed and breakfast and to ensure that any such arrangements are regularly reviewed and monitored.
  - (i) Make decisions where the interpretation of Housing Policy, including the Allocations Policy is disputed.

11.2 To make arrangements for the selection of Registered Providers for development projects in line with contract procedure rules.

## **EXECUTIVE DIRECTOR (FINANCE AND TRANSFORMATION)**

The Executive Director (Finance and Transformation) (Section 151) is authorised:

- (a) To deputise for the Chief Executive as necessary.
- (b) To undertake any function delegated to a Director/Assistant Director provided it is within the law and within his/her capacity.
- (c) To be responsible for the implementation of strategies, policies and plans relating to Legal and Governance, Human Resources, Customer Services and Transformation, Finance, ICT and Digital Services and Cemetery and Crematoria Services.

### **1. FINANCE, AUDIT AND ICT**

**All the following delegated powers relating to Finance, Audit and ICT can also be exercised by the relevant Assistant Director who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation:**

- 1.1. To be responsible for the implementation of strategies, policies and plans relating to finance, information technology, internal audit, council tax, business rates and housing benefits.
- 1.2. The Executive Director (Finance and Transformation) is the responsible officer under Section 151 of the Local Government Act 1972 and shall, within the framework of statute and the Council's Budget and Policy Framework Procedure Rules and Financial Procedure Rules, administer and advise upon all the financial affairs of the Council. The Assistant Director (Finance) is the deputy responsible officer under this Section.
- 1.3. The Section 151 Officer will act as Registrar of Bonds.
- 1.4. To respond to government and other consultations on matters such as funding, technical accounting and business rates.
- 1.5. The Executive Director (Finance and Transformation), Assistant Director (Finance) and Client Support Services Manager are each authorised to take all necessary action to issue Council Tax bills and rate demands, recover all such sums due, including unoccupied property rates and to sign and serve all related notices and documents.
- 1.6. The Service Manager (Revenues, Benefits and Fraud) can grant discretionary rate relief to those organisations which meet the Council's criteria, referring those that fall outside it to the Cabinet for decision.

- 1.7. The Client Support Services Manager is authorised to determine appeals of applicants in respect of benefit and council tax reduction claims. (If the applicant wishes to take the appeal further regarding their benefit it must be referred to the Tribunal Service.
- 1.8. The Section 151 Officer is to have overall responsibility for the financial administration and monitoring of the whole of the Council's expenditure and income with details set out in the Councils Financial Regulations.
- 1.9. The Executive Director (Finance and Transformation), Assistant Director (Finance), Service Manager (Revenues, Benefits and Fraud) and the Revenue and Benefits Client Officers to be responsible for all matters concerning Rating, Council Tax, Housing Benefits and Council Tax Support.
- 1.10. The Executive Director (Finance and Transformation), Assistant Director (ICT and Digital Services), IT Client Manager to control and manage Information Systems, Technology and Telecommunications.
- 1.11. The Executive Director (Finance and Transformation), Assistant Director (Finance) and Service Manager (Revenues, Benefits and Fraud) to be responsible for all matters relating to Housing Benefit, Universal Credit and Council Tax Reduction.
- 1.12. The Executive Director (Finance and Transformation), Assistant Director (Finance) and Service Manager (Revenues, Benefits and Fraud) and Revenue and Benefits Client Officer have delegated powers for awarding Council Tax hardship relief.
- 1.13. The Executive Director (Finance and Transformation), Assistant Director (Finance) and Income and Home Ownership Manager have delegated powers to:
  - (a) process applications made under the Right to Buy (RTB) scheme and to approve the sale of property under Right to Buy legislation including the assessment of eligibility and calculation of discounts;
  - (b) make decisions where the interpretations and implementation of the Statutory Right to Buy Scheme is required.
  - (c) process deeds of variations for leaseholders;
  - (d) carry out leaseholder consultation under the statutory requirements; and,
  - (e) determine service charges payable by leaseholders.
  - (f) 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

## 2. LEGAL AND GOVERNANCE

**The Assistant Director (Legal and Governance) is authorised to act as the Council’s principal legal advisor and is authorised to instruct and retain Counsel, external Solicitors or other experts in legal proceedings and obtain advice in relation to any matter whenever this is considered to be in the interests of the Council. In the absence of the Assistant Director (Legal and Governance) the Legal Services Manager is authorised to act as the Council’s principal legal advisor and to exercise the authority which is delegated to the Assistant Director Legal and Governance.**

**The Assistant Director (Legal and Governance) is the Monitoring Officer and will exercise all powers necessary to fulfil that statutory role pursuant to Sections 5 and 5A of the Local Government and Housing Act 1989 and is authorised:**

- 2.1. To receive complaints of alleged failure by Members to comply with the Code of Conduct determining whether a complaint merits formal investigation and to arrange such investigation, seeking resolution of complaints without formal investigation wherever practicable, with the discretion to refer decisions on investigation to the Standards Committee where the Monitoring Officer (and in the absence of the Monitoring Officer, the Deputy Monitoring Officer) feels that it is inappropriate to do so
- 2.2. To have the power to grant dispensations to Members, where they have a “disclosable pecuniary interest” (and in the absence of the Monitoring Officer, the Deputy Monitoring Officer) under Section 33 (2) (a), (b), (c), (d) and (e) of the Localism Act 2011, and that where the Monitoring Officer or Deputy Monitoring Officer consider it appropriate to refer the request to the Standards Committee for that body to decide whether to grant such dispensation.
- 2.3. To make changes to the Constitution where required in any relevant circumstances.
- 2.4. To advise the Council on employment legislation, including where necessary attendance on behalf of the Council at Employment Tribunal proceedings.
- 2.5. To authorise the institution or defence, appearance at, withdrawal or settlement of any legal proceeding and be responsible for its conduct in any civil or criminal proceedings provided any necessary Committee/Cabinet approvals have been obtained and in particular:
  - (a) To negotiate and settle claims or disputes of any description including the payment of damages, compensation etc and legal costs for claims

of less than £20,000 in consultation with the Head of Paid Service and Directors.

- (b) To negotiate and settle claims or disputes of any description including the payment of damages, compensation etc and legal costs for claims from

£20,000 and up to a limit of £50,000 in consultation with the Head of Paid Service and Directors and the Executive Member, Resources, subject to the issuing of an Executive Member Decision Notice.

£50,000 and up to a limit of £100,000 in consultation with the Head of Paid Service and Directors and the Executive Member, Resources, subject to a report on the action taken being submitted to the next meeting of the Cabinet.

Over £100,000 in consultation with the Head of Paid Service and Directors and the Leader and Executive Member, Resources, subject to a report on the action taken being submitted to the next meeting of the Council.

**The following delegated powers in 1.6 to 1.18 can also be exercised by the Assistant Director (Legal and Governance) and Legal Services Manager who may also delegate to a suitably qualified and/or experienced officer in accordance with an agreed Scheme of Delegation.**

- 2.6 To authorise, issue and serve all Statutory Notices (including Requisitions for Information) under any enactment. The Assistant Director (Legal and Governance) may authorise another officer to serve all such notices, once issued. The Assistant Director (Legal and Governance) may exercise the power of another officer to authorise, issue and serve such notices when that officer is unable or unwilling to act.
- 2.7 To take all steps incidental to completing or obtaining the confirmation of any Order or other statutory decrees made by the Council
- 2.8 To sign and seal documents on behalf of the Council.
- 2.9 To authorise the institution of legal proceedings in accordance with legislation and common law for the purpose of securing possession of land occupied by travellers.
- 2.10 To give legal effect to all agreements, contracts or any other document requiring execution and completion by the Council provided any necessary Committee/Cabinet approvals have been obtained.
- 2.11 To carry out on behalf of and in the name of the Council the acquisition and disposal of land including for the avoidance of doubt

the sale of Council houses once terms have been agreed and any necessary Committee/Cabinet approvals have been obtained.

- 2.12 To enter into agreements under statutory or other powers to ensure that the Council's functions are fulfilled.
- 2.13 To maintain the Council's legal documentation.
- 2.14 To make street closure orders under section 21 of the Town Police Clauses Act 1847.
- 2.15 To ensure compliance with the requirements specified in relevant Data Protection and Freedom of Information legislation.
- 2.16 To be responsible, in conjunction with the Governance Services Manager for arranging the annual member induction, training and development programmes.
- 2.17 To receive petitions and refer them to the appropriate Committee, in accordance with the Council's Petition Scheme and reject those petitions which do not meet the scheme or which are considered to be vexatious, abusive or otherwise inappropriate.
- 2.18 To be responsible, in conjunction with the Procurement Manager, for the co- ordination of the procurement function throughout the Council to ensure compliance with relevant legislation and that best practice and value for money are achieved in procurement exercises and the development of appropriate strategies.

### **3. HUMAN RESOURCES**

**All the following delegated powers relating to Human Resources can also be exercised by the Human Resources and Organisational Development Manager who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.**

- 3.1 Responsible for the strategic management of Human Resources and overall responsibility for the Human Resources service area, including:
  - (a) Workforce development planning
  - (b) Develop policies and procedures for Senior Leadership Team approval relating to all aspects of employment, and to undertake necessary consultation & negotiations with recognised Trade Unions.

- (c) To implement nationally agreed pay awards for all employees.
- (d) To negotiate and agree settlement agreements where the circumstances warrant it.
- (e) Report on cases outside current policies to the Senior Leadership Team for decision.
- (f) To arrange a corporate learning & development programme as necessary.
- (g) To ensure apprenticeship levy funding is maximised.
- (h) To negotiate and agree Occupational Health provision, an Employee Assistance Programme and other employee benefits as directed by Senior Leadership Team.
- (i) Workplace Wellbeing.

#### **4. COMMUNICATION AND ENGAGEMENT**

**All the delegated powers relating to Communications can also be exercised by the Assistant Director (Customer Service and Transformation) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.**

- 4.1 To manage and coordinate all of the Council's internal and external communications activities across all recognised channels.
- 4.2 To manage the Council's online activities relating to the structure and content of the Council's main website, its separate news and projects website, its social media accounts and its intranet for employees.
- 4.3 To manage, promote and enforce the Council's agreed branding guidelines for all printed and digitally produced material across all services.
- 4.4 To manage the Council's printing and design contracts to ensure there is both a depth and variety of selected contractors with whom services can place work orders.

#### **5. PERFORMANCE**

**All the delegated powers relating to performance can also be**

**exercised by the Assistant Director (Customer Service and Transformation) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.**

- 5.1 To support the Council in developing and reviewing its published three- year Business Plans and yearly Business Action Plans, including its agreed corporate priorities and supporting objectives to which all of its services contribute.
- 5.2 To develop and manage an agreed performance management framework which integrates the Council's corporate priorities and objectives with service planning activities and the budget setting process.
- 5.3 To report on the accurate and timely collection of service performance data which enables the Council to monitor its progress against the published priorities and objectives for the borough.
- 5.4 To integrate new quality, improvement and transformation initiatives, as determined by the Council, into the agreed performance management framework.

## **6 CEMETERY AND CREMATORIA MANAGEMENT AND BURIAL REGISTRATION**

**All the following delegated powers relating to cemetery and crematoria management and burial registration can be exercised by the Assistant Director (Customer Service and Transformation) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.**

- 6.1. To use and exercise the powers of the Local Authorities Cemeteries Order 1977 and The Cremation (England and Wales) Regulations 2008 any subordinate Regulations or Orders.
- 6.2. To do all such things as the Council considers necessary or desirable for the proper management, regulation and control of a cemetery or crematorium.
- 6.3. To bequeath or remove Grants of Exclusive Rights of Burial and Rights to Erect Memorials on such terms and subject to conditions as the Council thinks proper.
- 6.4. To use and exercise the power of the Burial Act 1853 and any other

subordinate Regulations or orders for the appropriate disposal of human cadavers and the keeping of the register of burials and disinterment's.

# **EXECUTIVE DIRECTOR (RESIDENT SERVICES AND CLIMATE CHANGE)**

To deputise for the Chief Executive as necessary.

To be responsible for the implementation of strategies policies and plans relating to Environment, Landscape and Ecology, Climate Change, Private Sector Housing, Environmental Health, Property Maintenance, Tenancy management Services and Health and Safety.

## **1. ENVIRONMENT SERVICES**

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

### **Waste Collection**

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

### **Street Cleansing**

- 1.3 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**

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

### **Enforcement**

- 1.5 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:-

- 1.6 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

- 1.7 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;
  - b) 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).
  - c) Repairing vehicles on a road;
  - d) 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
  - e) +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).
  - f) 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).
- 1.8 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
- 1.9 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 .
- 1.10 To undertake all investigations in line with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

### **Street Naming and Numbering**

- 1.11 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.
- 1.12 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.

- 1.13 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)

## **2. TREES AND WOODLANDS**

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

- 2.1 To manage trees and woodlands as set out in the Council's Trees and Woodlands Strategy.
- 2.2 To manage woodlands and open spaces as set out in the Council's Woodland and Open Space Management Plans
- 2.3 To manage allotments as set out in the Council's Allotment Policy.
- 2.4 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.
- 2.5 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.
- 2.6 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.

## **3. PRIVATE SECTOR HOUSING**

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

- 3.1 To ensure that private sector housing meets the required standard and take enforcement action where required.
- 3.2 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:
- i. Requiring the execution of works of repair to rectify hazards the occupiers and visitors of dwellings
  - ii. Requiring the abatement of overcrowding of dwellings.
  - iii. Of intention to cleanse premises of vermin before demolition.
  - iv. Requiring any information reasonably required to exercise statutory functions.
  - v. Proposing the grant, refusal to grant, variation, refusal of variation, revocation, refusal or revocation of a licence for a house in multiple occupation.
  - vi. Proposing to make a Final Management Order.
  - vii. Proposing to make a Final Management Order with modifications
  - viii. Proposing to vary, refuse, revoke or refusing to revoke an Interim or Final Management Order.
  - ix. 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.
  - x. To determine applications for all classes of home improvement grants and/or loans and applications for Disabled Facilities Grants.
  - xi. 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:
    1. Improvement Notices
    2. Prohibition Orders
    3. Hazard Awareness Notices
    4. Emergency Prohibition Orders
    5. Demolition Orders
    6. Emergency remedial action
  - ii. 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.
  - iii. 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.
  - iv. To serve a Notice of Intention to register or licence houses in multiple occupation.
  - v. Apply for a banning order against a person or corporate body who has been convicted of a banning order offence.
  - vi. To consider representations made in accordance with a notice proposing the application of a banning order
  - vii. 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.
  - viii. Make entries and maintain records according to the Government's Rogue Landlords Database
  - ix. Make Applications for Rent Repayment Orders against persons who have committed relevant offences.
  - x. To consider representations made in accordance with a notice

- proposing the application of a Rent Repayment Order
- xi. 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
  - xii. To consider representations made in accordance with a notice proposing the imposition of a financial penalty.
  - xiii. To make, serve, enforce and execute Closing Orders and Demolition Orders in respect of unfit dwelling houses and unfit houses in multiple occupation.
  - xiv. 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
    - In respect of empty dwellings to make Interim and Final Empty Dwelling Management Orders.
    - To serve or authorise the service of Overcrowding Notices for houses in multiple occupation that do not require a licence.
    - To accept or reject proposals for the reconstruction of condemned houses.
    - To substitute Closing Orders for Demolition Orders and Demolition Orders for Closing Orders.
    - To determine Closing Orders.
    - To serve notice of the time and place at which the making of an order in respect of a building will be considered.
    - To determine home loss and disturbance payments, and compensation
    - To serve Abatement Notices under the Environmental Protection Act 1990
    - To serve Community Protection Warning Notices and Community Protection Notice payments in respect of Closing and Demolition Orders.
    - To authorise the institution of legal proceedings in accordance with housing and other legislation enforced or administered by the Council.
    - To authorise the issue of simple cautions for offences for which the service has enforcement responsibility.

#### **4. ENVIRONMENTAL HEALTH AND LICENSING**

**All the following delegated powers relating to Public Health and Protection, Environmental Health and Licensing can be exercised by the Assistant**

**Director (Public Realm) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.**

**The Assistant Director (Public Realm), Environmental Health Manager and the Licensing Team Leader are Authorising Officers for the purposes of the use of covert surveillance under the Regulation of Investigatory Powers Act 2000.**

- 4.1. 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.
- 4.2. To defer the service of abatement notices in respect of noise nuisance.
- 4.3. To take action to ensure the restoration or continuation of the supply of water, gas or electricity to premises.
- 4.4. To negotiate contracts in respect of pest control.
- 4.5. To negotiate contracts for the performance of any Public Health, Public Protection, Environmental Health and Licensing functions.
- 4.6. 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.
- 4.7. To request or respond to requests for mutual aid assistance for performance of any environmental health function.
- 4.8. 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.
- 4.9. To make or authorise applications to the Magistrates Court for warrants authorising entry to premises or land.
- 4.10. 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.
- 4.11. 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.
- 4.12. To authorise surveillance in connection with the gathering of evidence for Public Health and Protection offences.
- 4.13. 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.

- 4.14. To issue Simple Cautions for offences for which Public Health and Protection has enforcement responsibility (including licensing, hackney carriage and private hire).
- 4.15. To authorise applications for anti- social behaviour orders in connection with legislation falling within the remit of Public Health and Protection.
- 4.16. 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.
- 4.17. To be a Member of the Council's Resilience team.
- 4.18. To negotiate, agree or modify primary authority agreements having first discussed the matter with the relevant portfolio Holder.

4.19. 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.

**4.20. 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.

**4.21. 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.

**4.22. 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 premises 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.
- 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.

**3.24. 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 grant, renew, vary, revoke or refuse licences or consents for pavement licensing.
- f) To register or refuse to register persons and premises for acupuncture, tattooing, semi permanent skin colouring, cosmetic piercing, ear piercing and electrolysis.
- g) To grant, renew, refuse or revoke gaming machine permits.
- h) To set fees for licences, registrations and consents.
- i) To determine and amend conditions for licences registrations and consents.
- j) 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.
- k) To deal with the approval or refusal of applications for licences/permits in relation to house-to-house and street collections.
- l) To grant a personal licence for selling alcohol if no representation has been made.
- m) To approve a provisional statement if no representation has been made.
- n) Except if a representation has been made by the Police, to approve a variation to a designated personal licence holder.
- o) To remove a person as a designated premises supervisor, upon their request.
- p) To approve applications for interim authorities if no Police representation has been made.
- q) To decide if a request for a licence review is irrelevant, frivolous, repetitious or vexatious.
- r) To object to a licence application when the Authority is a consultee and not the lead authority.
- s) 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.

- t) To respond to Temporary Event Notices.
- u) 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.
- v) With the approval of the relevant Executive Member to set fees under the Gambling Act 2005.
- w) To approve applications to grant, vary transfer licence to enable gambling, where no representations have been received or where representations have been withdrawn.
- x) 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.
- y) To approve an application for club gaming or club machine permits where no representations have been received or where representations have been withdrawn.
- z) To approve applications for permits under the Gambling Act 2005.
- aa) 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 issue licences and exercise powers under the Zoo Act 1981.

- 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 Executive Director (Resident Services and Climate Change ) 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.

### **3.25 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.

### **3.26 Street Warden Service**

**All the following delegated powers relating to the Street Warden Service can be exercised by the Assistant Director (Homes and Neighbourhoods ) 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
- m. Search and seize Vehicles connected to offences under section 33 and section 34 of the Environmental Protection Act 1990 (as amended)
- n. 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
- o. use the powers under Section 71(2) of the Environmental Protection Act 1990 to require the provision of information
- p. use and exercise powers of the Environmental Protection Act 1990 in relation to stray dogs.
- q. **To use and exercise powers of the Dangerous Dogs Act 1991 (as Amended) in relation to stray and dangerous dogs.**

#### 4.1 **HACKNEY CARRIAGES**

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

- a) To grant, renew or refuse hackney carriage/private hire vehicle, driver or operator licences unless the Assistant Director (Public Realm or other authorised officer) considers it more prudent and or appropriate for the application to be dealt with by the Licencing Committee.
- b) 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 Assistant Director (Public Realm or other authorised officer) 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.
- c) has the power to serve notice to suspend or revoke any licence in the interest of public safety.
- d) To grant, renew or refuse hackney carriage/private hire vehicle, driver or operator licences unless the Assistant Director (Public Realm or other authorised officer) considers it more prudent and or appropriate for the application to be dealt with by the Licensing Committee
- e) 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.

## 2 **GARAGES**

Authorised signatories for Notices to Quit garages and service of Notices under

Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 for garages include Executive Director (Resident Services and Climate Change) and Assistant Director (Public Realm or other authorised officer).

### **Neighbourhood and Enforcement**

**All the following delegated powers relating to Neighborhood and Enforcement can be exercised by the Assistant Director (Homes and Neighbourhoods) 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. 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.

- 2.7. To process deeds of variations for leaseholders.
- 2.8. To carry out leaseholder consultation under the statutory requirements.
- 2.9. To determine service charges payable by leaseholders.
- 2.10. In pursuance of the Council's duties in respect of 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 also be exercised by the Assistant Director (Homes and Neighbourhoods) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.**

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

To administer the Community Safety Partnership and sub groups.

To coordinate, review and update the plans and Strategies subject to the

To ensure a plan is prepared and updated in connection with the Prevent agenda.

Ensure that training and data gathering are carried out in respect of Prevent

### **3 PROPERTY SERVICES**

**All the following delegated powers relating to property services can be exercised by the Assistant Director (Homes and Neighbourhoods) who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation.**

- 3.1. To develop and implement the Asset Management Strategy for the Council, including housing, in the borough.
- 3.2. To ensure that the Borough's housing stock is well-maintained in accordance with the Asset Management Strategy.
- 3.3. To deliver a high quality and cost effective responsive repairs service for council dwellings and garages which reflect Council policy and demonstrates excellent customer services.
- 3.4. To keep in good repair land, pathways and roads which fall under the management of the housing service.
- 3.5. To effectively manage contracts for the repair and maintenance of Council homes, including gas safety checks, maintenance and installation and all mechanical & electrical and Compliance contracts are in place to meet statutory and regulatory requirements.
- 3.6. To ensure that the highest standards are achieved in meeting all health and safety requirements in relation to the maintenance of Council homes.
- 3.7. Dealing with tenant and leaseholder requests for improvements inside and outside Council dwellings subject to building regulations, planning consents and other restrictions.

### **4 EMERGENCY PLANNING AND CORPORATE HEALTH AND SAFETY**

**All the following delegated powers relating to Emergency Planning can be exercised by the Executive Director (Resident Services and Climate Change) and Corporate Health and Safety and Emergency Planning Manager who may also delegate to suitably qualified and/or experienced Officers in accordance with an agreed Scheme of Delegation**

- 4.1. To lead on Emergency Planning and Resilience.
- 4.2. To be a member of the Council Resilience Team and take all necessary and appropriate action in response to a civil emergency or business continuity incidents, in accordance with the Council's Emergency Plan or Business Continuity Plans.
- 4.3. To be responsible for the functions and duties of the Council in accordance with the Civil Contingencies Act 2004, including:
  - a) The duty to co-operate with other organisations engaged in response within the local resilience area

- b) The duty to share information with other responders
  - c) The duty to carry out risk assessments and co-operate with other agencies in this
  - d) Maintaining emergency plans
  - e) Maintaining business continuity plans
  - f) The duty to warn and inform the public
  - g) Advice and assistance to businesses and the voluntary sector in respect of business continuity management
- 4.4. To provide corporate support in respect of resilience including the training of employees and testing, validation and exercising of plans.
- 4.5. To ensure representation of the Council's interests within meetings of the Local Resilience Forum or groups/sub-groups thereof.
- 4.6. To advise the Council as duty holder under the Health and Safety at Work etc Act 1974 and subordinate legislation and guidance.
- 4.7. To enter at all reasonable times onto any Council premises or land to carry out any safety related investigation, inspection, assessment or review, requesting such records and explanation as may be necessary for these purposes, and to authorise other Officers in this regard.
- 4.8. To require the immediate suspension of any activity where it is believed in good faith that a breach of health and safety law and regulation has occurred or is likely to occur, or where it is believed that there is imminent danger to the health, safety and wellbeing of any persons and to authorise other Officers in this regard.
- 4.9. To attend and represent or authorise another Officer to attend and represent the interests of, and make decisions on behalf of, Welwyn Hatfield Borough Council at any of the below which may be set up either in response to any incident or in order to plan for any identified threat or hazard:
- a) Command Team
  - b) Incident Management Team
  - c) Multi-agency meeting

These duties may include (but are not limited to) the following:

- Activate the Welwyn Hatfield Borough Council Emergency Plan
- Initiate and approve the deployment of Council employees, contractors and partner organisations in support of the response
- Designate a rest/reception centre and deploy staff
- Request appropriate support from Hertfordshire County Council, including (but not limited to) voluntary sector, social care services and passenger transport services
- Receive requests for support required from Welwyn Hatfield Borough Council
- Recommend that the Chief Executive requests mutual aid from other local authorities
- Receive all relevant communications and documentation

related to the incident.

- Attending or facilitating post incident debriefing.

- 4.10. To take all necessary and appropriate action in response to civil emergency or business continuity incidents, in accordance with the Council's Emergency Plan or Business Continuity Plans and Chair the Council's Business Continuity Incident Management Team.
- 4.11. Upon application and in conjunction with the Health, Safety and Resilience Manager and the Health and Safety Officer (unless they have made that decision) to review any decision in relation to stopping, imposing conditions or imposing restrictions on an event within the Borough on the grounds of health or safety.