



Policy and Resources Committee – 6 June 2011

Proposed Constitutional Changes – Delegation Scheme

Purpose of report

To seek amendments to part 3.2 of the constitution

Attachment

Appendix 1: Delegation Scheme

1.0 Background

1.1 The need has been highlighted for more changes to part 3.2 of the constitution. This follows a further review of delegation to officers within Environmental Services, and the use of the Urgency powers following the elections.

2.0 Proposed Changes to Part 3.2 of the Constitution

2.1 A number of changes were made to the delegation scheme following decisions made by the committee on 6 December 2010 (minutes 312 and 313) and approved by Council on 10 January 2011. These specifically related to functions within the remit of Environmental Services. In addition, the Monitoring Officer was authorised to make adjustments following management restructuring, subject to the concurrence of the Leader and Deputy Leader and the chairman of this committee (minute 317 refers).

2.2 The Head of Environmental Services has now highlighted further changes. The desirability of merging two sections of the Scheme (Licensing and other Environmental Services' functions) and arranging each section in alphabetical order of legislation, and renumbering the document has been recognised and, whilst good progress has been made on this process, authority is being sought for the final document to be tidied to reflect this. The changes made in colour in Appendix 1 are as follows:

Red – as a result of management changes and officer titles; format changes; and changes to Environmental Services' delegation approved in December 2010; repeals of legislation

Green – new sections or amendments made to ensure consistency of approach

Blue – Additional areas of delegation proposed by Environmental Services

2.3 Members will note that Section C includes a new area of delegation to give the Chief Executive and Solicitor to the Council the authority to make orders under Section 91 of the Local Government Act 1972. This follows a situation affecting Glapthorn Parish Council following the recent elections. The urgency provisions in the constitution have been used on this occasion (see agenda item 7). District councils have the power to appoint, on a temporary basis, persons to act as parish councillors until new elections can be held in cases where a council is inquorate.

2.4 The committee is recommended to approve the changes to the revised delegation scheme shown in green and blue, and endorse the other changes in red and authorise the Monitoring Officer to continue the process of merging sections with a view to issuing the revised document in order of legislation, appropriately numbered.

3.0 Equality and Diversity Implications

3.1 There are no equality and diversity implications arising from the proposals.

4.0 Legal Implications

4.1 There would be legal implications if the council was to act at officer level without the necessary authorisation. It is therefore in the council's interests for the changes to be approved.

5.0 Risk Management

5.1 There are no significant risks arising from the proposals, but it is desirable, for reasons of clarity, for the new areas of delegation to be approved as soon as possible.

6.0 Financial Implications

6.1 There are no financial implications arising from the proposals.

7.0 Corporate Outcomes

7.1 The following outcomes are applicable:-

- Effective Management
- Strong Community Leadership

8.0 Consultation

8.1 The views of the Scrutiny Committee will be sought on 29 June and any views will be fed into the Council meeting on 18 July.

9.0 Future Changes to the Constitution

9.1 It is intended that further reports on changes to the constitution will be submitted to the committee on the following aspects:-

Article 4 – Definition of “Policy Framework” (July 2011)

Article 2 - Further consideration of Lead Members and Champions (July 2011)

Implications for the constitution of the Localism Bill (Autumn 2011).

10.0 Recommendation

10.1 The committee is requested to recommend that full council approves the changes in green and blue to part 3.2 of the constitution, endorses the changes in red and authorises the Monitoring Officer to publish the completed document after reformatting and renumbering.

(Reason – to ensure that the constitution is continuously kept up to date; to ensure that all relevant legislation is included, and to facilitate the supply of a completely revised constitution to all members of the council)

Legal	Power: Local Government Acts 1972 and 2000; The Local Authorities (Alternative Arrangements (England) Regulations 2001				
	Other considerations: Council's Constitution				
Background Papers: None					
Person Originating Report: Keith Osborne, Democratic Services Manager, 01832 742113					
Date: 13 May 2011					
CFO		MO		CX	

(Committee Report Normal Rev. 22)

DELEGATED POWERS - OFFICERS

Arranged in the following Order:-

A: Planning Services; B: ~~Licensing & Registration~~; C: Environmental Services (including Licensing & Housing) C: Financial, Legal and Corporate Functions
Community Safety; D: Proper Officer Provisions

Note – The delegation to the Solicitor to the Council extends to the Council's second solicitor. All references to consultation with the Chair of a Committee extend to the Vice-Chair should the Chair be unavailable.

A: PLANNING SERVICES

Function and Legislation

Town & Country Planning Act 1990, as amended and related legislation

Planning applications

- 1(a)** To determine applications with the exception of those applications falling within categories A to I below:-
- A. Outline or full applications for residential development involving 10 or more units in Towns or 0.5 hectares or more site area.
 - B. Outline or full applications for residential development involving more than 1 unit in Restricted Infill Villages or more than 2 units in Limited Development Villages (terms defined in the Local Plan).
 - C. Total or partial demolition of Listed Buildings
 - D. Non-residential development involving more than 1,000 square metres of additional floorspace, unless upon land allocated for commercial development in the development plan or other development document.
 - E. District Council applications under Article 3 or 4 of the Town & Country Planning (General Regulations) 1992
 - F. Applications affecting property owned or controlled by an officer or Member of the Council.
 - G. Observations on proposals referred by adjoining Planning Authorities, Government Departments and statutory undertakers in those cases where such proposals are likely to significantly affect this District.
 - H. Any application at the discretion of the Head of Planning Services
 - I. Any application which a Member requests to be determined by Development Control Committee within the agreed 21 day time scale.
 - J. Any application for renewal where the Development Control Committee considered the original application.

Delegation & Provisos (caps)

Executive Director (~~Planning~~) with the ability to specify other officers (in addition to those below) within Planning Services to act under the scheme

Head of Planning Services (HoPS)

Development Control Manager (DCM)

SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION

Development Control Committee

UNDER SECTION 1(a), PROPOSALS FAILING TO COMPLY WITH DEVELOPMENT PLAN POLICY WILL BE REFERRED 80 TO THE DEVELOPMENT CONTROL COMMITTEE

1 (b) Applications on which Parish or Town Councils have made representations

Where -

1. Representations are made on non-planning grounds, or
2. Objections can be overcome by imposing a planning condition, or
3. Objection has been overcome by an amendment to the proposal, or
4. The decision accords with the representations.
5. Upon direct consultation with the ward members, they agree that a delegated decision should be made.

Otherwise determination shall be by:-

2. Environmental Impact Assessment

Under the Town and Country Planning (Environmental Impact Assessment (England and Wales) Regulations 1999 as amended, to form a view as to whether an Environmental Statement is considered necessary in connection with a particular development proposal.

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3. Adjoining Authority Consultations

To make formal observations on applications relating to proposals submitted by other local authorities, Crown bodies or Government Departments, where it is considered that the proposals are unlikely to significantly affect this District.

4 (a) Minor Non-Material Amendments

Notification to applicants that minor amendments and alterations for planning purposes may be construed as complying with the plans previously approved.

4 (b) Minor Material Amendments

Notification to applicants that minor amendments and alterations for planning purposes may be construed as complying with the plans previously approved, unless the original application was considered by the Development Control Committee.

Enforcement

5. Institution of proceedings for failure to comply with an enforcement notice.

HoPS, DCM; Executive Director ~~(Planning)~~ with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme
SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO
AUTHORISED AND THE DATE OF AUTHORISATION

Development Control Committee

HoPS, DCM; Executive Director ~~(Planning)~~, with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION

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HoPS, DCM; Executive Director ~~(Planning)~~, with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION

Executive Director ~~(Planning)~~, HoPS, DCM in conjunction with Solicitor to the Council with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme
SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO
AUTHORISED AND THE DATE OF AUTHORISATION & REPORTING
TO MEMBERS

- | | | |
|-----|--|--|
| 6. | Institution of legal proceedings under the Town and Country Planning (Control of Advertisement) Regulations relating to fly posting. | Executive Director (Planning), HoPS, DCM; in conjunction with Solicitor to the Council; with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION & REPORTING TO MEMBERS |
| 7. | Service of Planning Contravention Notices, Breach of Condition Notices and Requisition for Information notices under Section 330 | Executive Director (Planning); or HoPS, DCM; in conjunction with Solicitor to the Council; with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION & REPORTING TO MEMBERS |
| 8. | Issue of Enforcement Notices, Completion Notices and Stop Notices (see under Planning (Listed Building and Conservation Areas Act 1990 for listed buildings enforcement) | Executive Director (Planning); or HoPS, DCM; in conjunction with Solicitor to the Council; with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION & REPORTING TO MEMBERS |
| 9. | Rescind Enforcement Notices (or authority to take action) where matters have been satisfactorily resolved | Executive Director (Planning); or HoPS, DCM; with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION & REPORTING TO MEMBERS |
| 10. | Service of Notices under Section 215 – Land adversely affecting amenity. | Executive Director (Planning); or HoPS, DCM; in conjunction with Solicitor to the Council; with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION & REPORTING TO MEMBERS |
| 11. | Service of Discontinuance Notices under the Town and Country Planning (Control of Advertisement) Regulations. | Executive Director (Planning); or HoPS, DCM; in conjunction with Solicitor to the Council; with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION & REPORTING TO MEMBERS |

- 12. Notifications**
To deal with notifications received for agricultural and telecommunications development, hazardous substances and demolition proposals
HoPS, DCM; Executive Director *(Planning)*, with the ability to specify other officers (in addition to those shown) within Planning Services to act under the scheme SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION
- 13. Legal Agreements (S106)**
Execution and completion of Agreements under Section 106 of the Town and Country Planning Act 1990 in relation to applications for planning permission granted under delegated powers.
HoPS, DCM, Executive Director *(Planning)* in conjunction with Solicitor to the Council
- 14. Authority to enter land and premises (Section 196A) for enforcement purposes**
Executive Director *(Planning)*, with the ability to specify other officers to act SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION
- 15. Prosecution - great urgency**
Laying information for contravention of regulations and instigation of emergency injunctions
Solicitor to the Council IN CONSULTATION WITH THE CHAIRMAN & THEN SUBJECT TO RATIFICATION BY DEVELOPMENT CONTROL COMMITTEE
- 16. Footpath Orders**
Confirmation of unopposed diversion or extinguishment orders made following the grant of planning permission
Democratic Services Manager or Legal Officer
SUBJECT TO REPORTING TO MEMBERS
- Listed & Historic Buildings: (Planning (Listed Buildings and Conservation Areas) Act 1990)**
- 17.** Authority to enter land and premises (Section 88)
HoPS; Executive Director *(Planning)*, with the ability to specify other officers to act SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND DATE OF AUTHORISATION
- 18.** To serve Listed Building Enforcement Notices
HoPS, DCM, Executive Director *(Planning)* in conjunction with Solicitor to the Council
- Trees: (The Hedgerow Regulations 1997)**
- 19.** To deal with notifications for removal of hedgerows
HoPS, DCM, Planning Policy & Conservation Manager AFTER CONSULTING WITH CHAIRMAN OF THE DEVELOPMENT CONTROL COMMITTEE & WARD MEMBER(S)
- 20.** The issuing of Notices to replant a hedgerow or to reinstate a gap in a hedgerow where it appears that a hedgerow has been removed in contravention of Regulation 5(1) or (9)
HoPS, DCM; Planning Policy & Conservation Manager
SUBJECT TO REPORTING TO MEMBERS
- (Town & Country Planning (Trees) Regulations 1999; Local Government (Miscellaneous Provisions) Act 1976)**
- 21.** The making of Tree Preservation Orders.
HoPS, DCM, Planning Policy & Conservation Manager SUBJECT TO REPORTING TO LOCAL WARD MEMBERS
- 22.** To sign Tree Preservation Orders.
Chief Executive, or Solicitor to the Council, or Democratic Services

		Manager
23.	Confirmation of unopposed Tree Preservation Orders	Democratic Services Manager or Solicitor to the Council (also covers modification to original order to provide clarity) SUBJECT TO REPORTING TO LOCAL WARD MEMBERS
24.	Confirmation of opposed Tree Preservation Orders (including modifications to orders)	Democratic Services Manager or Solicitor to the Council SUBJECT TO AGREEMENT OF THE CHAIRMAN OF THE DEVELOPMENT CONTROL COMMITTEE AND LOCAL WARD MEMBERS AND REPORTING TO MEMBERS
25.	The determination of applications pursuant to Tree Preservation Orders.	HoPS, DCM, Planning Policy & Conservation Manager SUBJECT TO: 1. REPORTING TO MEMBERS 2. APPROVALS TO OBSERVE THE FOLLOWING CRITERIA: TO MAINTAIN THE TREE IN A SAFE CONDITION OR TO IMPROVE THE RELATIONSHIP AND PROVIDE A BETTER BALANCE BETWEEN THE TREE AND ITS ENVIRONMENT OR IN FURTHERANCE OF GOOD ARBORICULTURAL PRACTICE
26.	The consideration of notices of intention to carry out works to trees in Conservation Areas and the taking of action arising therefrom.	HoPS, DCM, Planning Policy & Conservation Manager SUBJECT TO 1. & 2. ABOVE
27.	To respond to Forestry Authority consultations	HoPS, DCM, Planning Policy & Conservation Manager – SUBJECT TO NOTIFICATION OF WARD MEMBER
28.	Authority to enter land or premises (Section 214B)	Executive Director (Planning), with ability to specify other officers to act SUBJECT TO KEEPING A RECORD OF THE OFFICERS SO AUTHORISED AND THE DATE OF AUTHORISATION
29.	To determine applications under the High Hedges (Appeals) (England) (Regulations) 2005	HoPS, DCM, Planning Policy & Conservation Manager SUBJECT TO RIGHT OF REFERRAL, TO THE DEVELOPMENT CONTROL C'TTEE OF ANY APPLICATION BY MEMBERS, WHERE THEY CONSIDER APPLICATION GIVES RISE TO MORE SIGNIFICANT ISSUES
30.	To determine all Lawful Development Certificate applications (existing and proposed) notwithstanding any comments from the Town/Parish Council	HoPS, DCM in consultation with the Solicitor to the Council

General Operational Arrangements relating to Planning applications.

1. No application is determined before the expiration of the 21 day period allowed for public comment.
2. Delegated decisions are made on a daily basis

3. Applications in the delegated categories are identified in notifications to Councillors
4. All applications received are included on a weekly list circulated to all Members and Parish/Town Councils. The list is also available to view on the Council's web site at www.east-northamptonshire.gov.uk
5. Members wishing to refer an application to Development Control Committee for determination must do so before the "earliest decision" date identified against each application on the Weekly List by notifying – in writing – the appropriate Development Control Officer.

Delegation & Provisos (caps)

Building Control: (Building Act 1984) See under Environmental Services (includes delegation to Building Control and Planning officers)

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|---|--|---|
| | <u>(Party Wall Etc. Act 1996)</u> | |
| 32. | To appoint a third surveyor to arbitrate between two surveyors representing respective neighbours: | Head of Planning Services or Building Control Manager |
| 33. | <u>Street Naming & Numbering: Public Health Act 1925 (Sections 17-19); Town Improvement Clauses Act 1847 (Sections 64 and 65); Public Health Act 1875 (Section 160); Public Health Act 1907 (Section 21); Local Government Act 1972</u> | |
| 34. | To implement street naming on <u>new developments</u> where all the statutory consultees are in agreement: | Head of I.C.T., or Property Information Officer
TO BE REPORTED TO MEMBERS |
| 35. | To number streets: | Head of I.C.T., or Property Information Officer |
| <u>Economic Development: (Local Government Act 2000)</u> | | |
| 36. | To fund environmental improvement schemes within the annual budget (Section 1): | Head of Planning Services SUBJECT TO CONSULTATION WITH CHAIRMAN AND VICE-CHAIRMAN OF POLICY & RESOURCES COMMITTEE & APPROVAL OF APPLICATIONS IS WITHIN A POLICY FRAMEWORK |
| 37. | To approve Business Development Grants within the approved scheme: | Economic Development Assistant SUBJECT TO CONSULTATION WITH CHAIRMAN OR VICE-CHAIRMAN OF POLICY & RESOURCES COMMITTEE |
| <u>Planning Policy: Town & Country Planning Act 1990 – Section 324</u> | | |
| 38. | Powers of entry: | Head of Planning Services; Planning Policy & Conservation Manager; Senior Planning Officer; Planning Officer; Research & Information Officer |
| End of delegation specifically relating to Planning functions | | |

B: ENVIRONMENTAL SERVICES (INCLUDING LICENSING & REGISTRATION, HOUSING): :

Function/Registration
General To specify other officers or posts to act under any specific licensing or environmental health legislation (following changes to staff or responsibilities):

Appropriate specified legislation within this Scheme – extension of authority to include powers in schedules or orders made under the Act or regulations, or East Northamptonshire Byelaws

Delegation and Provisos (in caps)

Chief Executive
 PROVIDED THAT A CENTRAL RECORD IS KEPT OF OFFICERS SO AUTHORISED (DEMOCRATIC SERVICES MANAGER)

Chief Executive; Executive Director; Head of Environmental Services; Commercial Health Manager; Licensing Enforcement Officer; Waste Services Manager; Commercial Health Officer; Environmental Protection Officers; Environmental Health Practitioners; Trainee Environmental Health Practitioners; Environmental Services Officer; Waste Management Officer; Senior Housing Manager; Grants Officer; Housing Technical Officer

Acupuncture, Tattooing etc: (Local Government (Misc. Provisions) Act 1982 - as amended by the Local Government Act 2003)

40. Powers of entry, inspection & examination Sections 15- 17 and Schedule 1(14) Acupuncture etc:

Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; ~~Technical Officers~~; Commercial Health Officer; Environmental Protection Officer; ~~Senior Environmental Health Practitioner; Officers; Trainee Environmental Health Practitioner; Officers~~; Licensing Enforcement Officer; Waste Services Manager

~~Second delegation transferred to Section C~~

41. To register ear piercers, cosmetic piercers, skin-colouring businesses, tattooists, electrolysis (Sections 13-16):

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~Environmental~~); ~~Chief Executive~~; Waste Services Manager; Commercial Health Officer; Environmental Health Practitioner

~~Animal Boarding: (Animal Boarding Establishments Act 1963)~~

42. Section 1 – Licensing of boarding establishments ~~To issue licences (Sections 1(1) and (3)):~~

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; ~~Chief Executive~~; Executive Director (~~Environmental~~) Waste Services Manager

43. Section 2 – Inspection of boarding establishments: ~~Powers of entry, inspection & examination (Section 2):~~

Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; ~~Waste Services Manager; Waste Management Officer; Technical Officers~~; Commercial Health Officer; ~~Environmental Protection Officers~~; Senior Environmental Health Officer; Environmental Health Practitioners; ~~Officers; Trainee Environmental Health Practitioners~~; Environmental Services Officer; Licensing Enforcement Officer;

44. Changes to conditions (where there are no financial implications):

Head of Environmental Services in consultation with the Lead Member for Environmental Services SUBJECT TO A CENTRAL RECORD BEING KEPT

Section 3: Offences and disqualifications:

Section 4: Power to prosecute:

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Chief Executive; Executive Director; Waste Services Manager; Solicitor to the Council

Animal Health Act 1981

Part 1 - Powers by Ministers to make orders to Local Authorities:

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Executive Director; Chief Executive

Part 2 - Disease Control, powers of entry and inspection:

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Commercial Health Officer, Licensing Enforcement Officer, Environmental Protection Officers, Environmental Health Practitioners, Trainee Environmental Health Practitioners, Environmental Services Officer, Waste Management Officer

Part 4 – Local Authority Responsibilities:

Part 5 - Enforcement, Offences and Proceedings:

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Executive Director, Chief Executive; Solicitor to the Council

Animal Health & Welfare Act 1984

Sections 1-4 Amendment to Animal Health Act 1981 to allow seizure to prevent the spread of disease including powers of entry:

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Executive Director; Chief Executive

Animal Welfare Act 2006

Sections 1 – 4: - Introductory:

Sections 4 – 8 - Prevention of Harm:

Sections 9 – 12 - Promotion of Welfare:

Section 13 - Licensing and Registration:

Sections 18 – 21 - Animals in Distress:

Sections 22 – 29 - Enforcement Powers:

Sections 30 – 31 - Prosecutions:

Anti-Social Behaviour Act 2003

~~To take action in relation to graffiti, flyposting, flytipping, and unlawful depositing of waste, including the service of notices and the recovery of expenditure:~~

Part 6 – The Environment:

Part 9 – Miscellaneous Powers:

Dogs: (Breeding of Dogs Act 1973)

To issue licences (Sections 1(4) and (5)):

~~Powers of entry, inspection & examination (Section 2):~~

Breeding of Dogs Act 1991

Sections 1 – 3 - Powers of entry – premises not covered by licence, offences and disqualification :

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Executive Director; Chief Executive

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Commercial Health Officer, Licensing Enforcement Officer, Environmental Protection Officers, Environmental Health Practitioners, Trainee Environmental Health Practitioners, Environmental Services Officer, Waste Management Officer

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Executive Director; Chief Executive

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Executive Director, Chief Executive; Commercial Health Officer, Licensing Enforcement Officer, Environmental Protection Officers, Environmental Health Practitioners, Trainee Environmental Health Practitioners, Environmental Services Officer, Waste Management Officer

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~(Environmental)~~); Chief Executive; Waste Services Manager

~~Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Technical Officers; Commercial Health Officer; Senior Environmental Health Officer; Environmental Health Officer; Licensing Enforcement Officer~~

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; ~~Senior Environmental Health Officers~~; Technical Officers; Commercial Health Officers; Environmental Protection Officers; Executive Director (~~(Environmental)~~); Chief Executive; Waste Services Manager; Commercial Health Officer; Licensing Enforcement Officer; Environmental Health Practitioners; Trainee Environmental Health Practitioners; Environmental Services Officer

45. Breeding and Sale of Dogs (Welfare) Act 1999

To issue licences:

~~Caravans: (Caravan Sites & Control of Development Act 1960)~~

~~Powers of entry, inspection & examination (Section 2(b)):~~

~~Part 1 – Caravan Sites~~

46. ~~To issue licences; amend conditions (Sections 3 & 8):~~

~~Caravan Sites Act 1968~~

~~Part 1 – Provisions for the protection of Residential Occupiers~~

~~Part 2 - Control of Unauthorised Encampments:~~

~~Part 3 – Miscellaneous Powers including enforcement:~~

The Contaminated Land (England) Regulations 2000

Sections 1 – 15 Designation of sites, enforcement, register of sites

Schedules 1 - 3

The Contaminated Land (England) (Amendment) Regulations 2001

All sections – Amendments to previous legislation

The Contaminated Land (England) Regulations 2006

Sections 1 – 14 Amendments to previous legislation

Schedules 1 - 3

The Radioactive Contaminated Land (Enabling Powers and Modification of Enactments) (England) (Amendment) Regulations 2010

~~To enforce the provisions of the regulations and Part 11A of the Environmental Protection Act, including service of Remediation Notices:~~

~~Sections 1 – 4 Amendments to previous legislation~~

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~(Environmental)~~); ~~Chief Executive~~; Waste ~~Services~~ Manager

Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; ~~Housing~~ Technical Officers; Commercial Health Officer; Environmental Protection Officers; ~~Senior Environmental Health Officer~~; Environmental Health Practitioners; ~~Officers~~; Trainee Environmental Health Practitioners; Senior Housing Manager; Grants Officer; Waste ~~Services~~ Manager; ~~Licensing Enforcement Officer~~

~~Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental)); Waste Services Manager TO BE REPORTED TO MEMBERS~~

Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; ~~Technical Officers~~; Commercial Health Officer; ~~Licensing Enforcement Officer~~; Environmental Protection Officers; ~~Senior Environmental Health Officer~~; Environmental Health Practitioners; ~~Officers~~; Trainee Environmental Health Practitioners; Senior Housing Manager; Grants Officer; Waste ~~Services~~ Manager; ~~Housing Technical Officer~~

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Executive Director, Chief Executive

ALL - Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~(Environmental)~~); ~~Chief Executive~~; Waste Services Manager; Environmental Protection Officer; Environmental Health Practitioner, Trainee Environmental Health Practitioner

- Criminal Justice and Police Act 2001**
To serve both closure and cancellation notices and applications to the Magistrates Court for closure orders (Sections 19 and 20):
- Dangerous Animals:**
Dangerous Dogs Act 1991
Sections 1-11 - Destruction, disqualification orders, powers of entry and seizure:
- Dangerous Dogs (Amendment) Act 1997**
Sections 1-3 – Destruction Orders:
- Dangerous Dogs Act 1989**
Section 1 – Additional powers of court for complaints of dangerous dogs:
51. **Dangerous Wild Animals Act 1976**
Sections 1 – 10 – Licences, inspections, seizure, exemptions and penalties:
~~To issue Licences:~~
52. ~~Powers of entry, inspection & examination (Section 3):~~
- Gambling: (Deregulation (Gaming Machines and Betting Offices Facilities) Order 1996**
53. ~~To issue permits for amusements with prizes gaming machines:~~
- Head of Environmental Services with ability to extend the delegation to other Officers in his Team subject to a central record being kept of such Officers given the delegation.
ALL MEMBERS TO BE NOTIFIED AND SENT COPY OF THE SERVING OF SECTION 19 NOTICES.
- Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director; Chief Executive; Waste Services Manager
- Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director; Chief Executive; Waste Services Manager
- Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director; Chief Executive; Waste Services Manager
- Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental); Chief Executive; Waste Services Manager; Commercial Health Officer; Licensing Enforcement Officer; Environmental Health Practitioners; Trainee Environmental Health Practitioners; Environmental Services Officer
SUBJECT TO REPORTING TO WARD MEMBERS ON ISSUE OF LICENCES
- ~~Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Technical Officers; Commercial Health Officer; Environmental Protection Officers; Senior Environmental Health Officer; Environmental Health Officers; Waste Services Manager~~
- ~~Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental)~~

Guard Dogs Act 1975

Section 3 – Issue of licences:

Section 4 – Appeals:

Section 5 – Offences, penalties and Civil Liability:

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Executive Director, Chief Executive

Gambling Act 2005

54. ~~To carry out functions:~~

~~Part 1 – Interpretation of Key Concepts:~~

~~Part 3 - General Offences:~~

~~Part 4 - Protection of Children & Young Persons:~~

~~Part 5 - Operating Licences:~~

~~Part 6 - Personal Licences:-~~

Head of Environmental Services, Commercial Health Manager, ~~Senior Environmental Health Officer (Commercial)~~, Environmental Health Practitioner; ~~Officers (Commercial)~~; Trainee Environmental Health Practitioner; Commercial Health Officer, ~~Technical Officers (Commercial)~~, Environmental Protection Manager, Environmental Protection Officers, Licensing Enforcement Officer; Waste ~~Services~~ Manager

~~Part 7 – Operating and Personal Licences Appeals:~~

Head of Environmental Services, Commercial Health Manager (~~Provided they have not been party to the original decision~~) or Executive Director; Chief Executive

~~Part 8 – Premises Licences:~~

~~Part 9 – Temporary Use of Premises:~~

~~Part 10 – Gaming Machines:~~

~~Part 11 – Lotteries:~~

~~Part 12: Clubs, Pubs, fairs etc:~~

~~Part 13 – Prize Gaming:~~

~~Part 14 – Private and Non-commercial Gaming and Betting:~~

~~Part 15 – Inspection:~~

~~Part 18 – Miscellaneous and General:~~

Head of Environmental Services, Commercial Health Manager, Environmental Protection Manager, Waste ~~Services~~ Manager, Environmental Health ~~Practitioner; Officers (Commercial)~~; Trainee Environmental Health Practitioner; Commercial Health Officer, ~~Technical Officers (Commercial)~~ Environmental Protection Officers, Licensing Enforcement Officer; ~~Environmental Protection Officers~~

55. To determine non-contentious applications under the Gambling Act 2005 within the scope of Appendix 3 (1):

Head of Environmental Services, Commercial Health Manager or Executive Director (WARD MEMBERS ARE NOTIFIED OF APPLICATIONS)

56. To issue cancellations of gaming machine permits within the scope of Appendix 3 (1):

Head of Environmental Services, Commercial Health Manager or Executive Director

House to House Collections Act 1939) and Police, Factories (Etc) (Miscellaneous Provisions) Act 1916

57. Section 2 - To issue licences:

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~(Environmental)~~); Chief Executive; Waste Services Manager
APPLICATIONS WHICH OFFICERS ARE MINDED TO REFUSE TO BE DETERMINED BY A LICENSING (TAXI AND MISCELLANEOUS) PANEL

- Lotteries & Amusements Act 1976**
58. To register Societies for the purpose of operating lotteries Schedule 1):
Head of Environmental Services; Environmental Protection Manager;
Commercial Health Manager; Executive Director (~~(Environmental)~~); Chief Executive; Waste Services Manager
APPLICATIONS WHICH OFFICERS ARE MINDED TO REFUSE TO BE DETERMINED BY POLICY AND RESOURCES COMMITTEE
- Game: (Game Act 1831)**
59. To issue licences
~~Head of Environmental Services; Environmental Protection Manager;
Commercial Health Manager; Executive Director ((Environmental)); Waste Services Manager~~
- Liquor and Entertainment: (Licensing Act 2003)**
60. ~~To carry out the functions of the Act:~~
Part 1 - Licensable Activities:
Part 2 –Licensing Authorities:
Part 3 - Premises Licences:
Part 4 –Clubs:
Part 5 –Permitted Temporary Activities:
Part 6 –Personal Licences:
Part 7 – Offences:
Part 8 –Closure of Premises:
Part 9 –Miscellaneous and Supplementary:
Head of Environmental Services, Environmental Protection Manager;
Commercial Health Manager, Waste Services Manager; Executive Director; Chief Executive; Senior Environmental Health Officer (~~Commercial~~); Environmental Health Practitioner; Officers (~~Commercial~~); Trainee Environmental Health Practitioner; Commercial Health Officer, Technical Officers (~~Commercial~~), Environmental Health Officer, Environmental Protection Officer; Licensing Enforcement Officer
61. To determine non-contentious applications (for example no representations to the grant of a premises licence) within the scope of Appendix 1 – Licensing Committee – 26/1/05
Head of Environmental Services or in his absence the Commercial Health Manager or Executive Director (~~(Environmental)~~) WARD MEMBERS ARE NOTIFIED OF APPLICATIONS
62. To grant or refuse minor variations:
Executive Director (~~(Environmental)~~), Head of Environmental Services, Commercial Health Manager and Senior Environmental Health Officer
WARD MEMBERS TO BE NOTIFIED IF OFFICERS MINDED TO APPROVE APPLICATIONS
63. To issue Notices relating to hearings under the Hearings Regulations.
Democratic Services Manager
- 64a. To arrange alternative Members to serve on Panels (from any Constituted Panel) whenever attendance difficulties arise:
Democratic Services Manager; Head of Resources and OD

Local Government (Misc. Provisions) Act 1976

To serve Notices for the provision of sanitary appliances at places of entertainment (Section 20 and Part II Sections 16 and 35):

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; ~~Senior Environmental Health Officers; Environmental Health Officers; Technical Officers~~; Commercial Health Officer; Executive Director (~~(Environmental)~~); Chief Executive; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Waste Services Manager; Licensing Enforcement Officer

66 Powers of entry, inspection & examination:

Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; ~~Technical Officers; Environmental Protection Officer; Environmental Health Practitioner; Trainee Environmental Health Practitioner Officers~~; Commercial Health Officer; ~~Senior Environmental Health Officers; Environmental Health Officers~~; Waste Services Manager; Licensing Enforcement Officer

To serve Requisitions for Information (Section 16):

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~(Environmental)~~); Chief Executive; Waste Services Manager; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Commercial Health Officer; Licensing Enforcement Officer; Environmental Protection Officer; Environmental Services Officer ; Senior Housing Manager; Housing Technical Officer; Grants Officer

To serve Notices for removal of obstruction in private sewers (Section 35):

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~(Environmental)~~); Chief Executive; Waste Services Manager; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Commercial Health Officer; Senior Housing Manager; Housing Technical Officer; Grants Officer; Environmental Services Officer, Environmental Protection Officer

To grant applications for the issue of hackney carriage and private hire vehicle, drivers' and operators' licences, including renewals of drivers' licences where there have been previous issues arising from reports from CRB, DVLA or other sources but no subsequent issues have arisen since the last grant:

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~(Environmental)~~); Chief Executive; Waste Services Manager
APPLICATIONS WHICH OFFICERS ARE MINDED TO REFUSE TO BE DETERMINED BY A LICENSING (TAXI AND MISCELLANEOUS) PANEL

To suspend and revoke licences under Sections 60, 61 and 62 of the 1976 Act:

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; ~~Senior Environmental Health Practitioner; Officers~~; Commercial Health Officer; Executive Director (~~(Environmental)~~); Chief Executive; Waste Services Manager

To carry out all duties under the above legislation:

Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Environmental Health Practitioner; Trainee Environmental Health Practitioner; ~~Senior Environmental Health Officer (Commercial); Technical Officer~~; Executive Director; Chief Executive; Commercial Health Officer; ~~Environmental Health Officers~~; Licensing Enforcement Officer; Waste Services Manager

Local Government (Miscellaneous Provisions) Act 1982

Powers to repair drains etc and to remedy stopped-up drains (Section 27):

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~Environmental~~); Chief Executive; Waste Services Manager; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Commercial Health Officer; Senior Housing Officer; Housing Technical Officer; Grants Officer; Environmental Protection Officer

To serve notices and to arrange for work to be done in default and recover costs (Section 29):

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~ENVIRONMENTAL~~); Chief Executive; Waste Services Manager; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Commercial Health Officer; Senior Housing Officer; Housing Technical Officer; Grants Officer; Environmental Protection Officer

To institute legal proceedings – illegal street trading (Schedule 4 & Section 3)

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director; Chief Executive; Waste Services Manager AFTER CONSULTATION WITH SOLICITOR TO THE COUNCIL

To issue licences for street layby trading (vacancies only):

Head of Environmental Services; Commercial Health Manager; IN CONSULTATION WITH CHAIRMAN OF POLICY & RESOURCES COMMITTEE & SUBJECT TO COUNCIL'S POLICY

National Assistance Act 1948

Part 4 – General and Supplementary:

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Environmental Health Practitioner; Commercial Health Officer; Waste Services Manager

National Assistance Act 1951

Amendments made under the Act:

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Environmental Health Practitioner; Commercial Health Officer; Waste Services Manager

National Assistance Act (Assessment of Resources) (Amendment) Regulations 1993

See also Proper Officer Provisions

Powers of entry, inspection and examination:

Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Senior Housing Manager; Housing Technical Officer; Commercial Health Officer; Grants Officer; ~~Senior Technical~~; Environmental Protection Officer; Environmental Health Practitioner; Officer; Trainee Environmental Health Practitioner; Waste Services Manager

East Northamptonshire Council Constitution

Part 3.2 (Scheme of Delegation) Approved 1 March 2010

15

Office Shops & Railway Premises Act 1963

Section 4 – 27 – Health Safety and Welfare of Employees (General Provisions):

Sections 52 & 59: Enforcement:

Section 63 – Offences:

Head of Environmental Services; Commercial Health Manager; Commercial Health Officer; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Licensing Enforcement Officer

<u>Pet Animals Act 1951</u>	
68 To issue licences (Section 1(6):	Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (Environmental); Chief Executive; Waste Services Manager
69 Powers of entry, inspection & examination (Section 4):	Commercial Health Manager; Technical Officer (Commercial) ; Head of Environmental Services; Senior Trainee Environmental Health Practitioner Officer (Commercial) ; Environmental Health Practitioner Officer (Commercial) ; Waste Services Manager, Commercial Health Officer, Licensing Enforcement Officer
218 <u>Prevention of Damage by Pests Act 1949</u> To serve notices on owner or occupier requiring treatment and/or structural or other works (Section 4): Part 1 – Rats & Mice: Part 2: Supplemental:	Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Waste Services Manager; Executive Director (Environmental); Chief Executive; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Commercial Health Officer; Environmental Protection Officer; Licensing Enforcement Officer; Senior Environmental Health Officers ; Environmental Services Officer; Waste Management Officer; Technical Officer
219 Powers of entry, inspection & examination (Part 1 and Section 22):	Head of Environmental Services; Commercial Health Manager; Waste Services Manager; Environmental Protection Manager; Technical Officer; Commercial Health Officer; Environmental Protection Officer; Environmental Health Officer; Senior Environmental Health Officers
<u>Private Water Supplies Regulations 1991 2009</u> Part 1 – Water Standards: Part 2 – Monitoring: Part 3 – Action in the Event of Failure: Part 4 – Notice Procedure: Part 5 - Miscellaneous: To relax standards:	Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Executive Director; Chief Executive; Waste Services Manager; Environmental Protection Officer; Trainee Environmental Health Practitioner, Environmental Health Practitioner Environmental Services Officer
<u>Protection from Eviction Act 1977</u> Part 1 – Unlawful Eviction and Harassment: Part 2 – Notice to Quit: Part 3 – Supplemental Provisions:	Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Executive Director; Chief Executive; Waste Services Manager; Environmental Protection Officer; Trainee Environmental Health Practitioner; Senior Housing Manager; Grants Officer; Housing Technical Officer, Environmental Health Practitioner

Refuse Disposal (Amenity) Act 1978

See also Clean Neighbourhoods and Environment Act 2005

Sections 1 & 2: Control of Dumping: ~~Power to authorise proceedings for unauthorised dumping (Section 2):~~

Sections 3 – 6: Abandoned Vehicles and other refuse:

Sections 7 – 13: Miscellaneous and Supplemental:

~~To remove abandoned items/recover costs (Section 6):~~

~~To serve notices (Sections 3 and 4) and to recover costs (Section 5):~~

~~Powers of entry (Section 8 – controlling fly-tipping):~~

Riding Establishments: Riding Establishments Acts 1964 & 1970

70. **Sections 1 – 9 of 1964 Act: ~~To issue full and provisional licences (Sections 1(2) and 4):~~**

71. **Sections 1 – 8 of 1970 Act: ~~Powers of entry, inspection & examination (Section 2):~~**

Scrap Metal Dealers: Scrap Metal Dealers Act 1964

72. **To issue registrations (Section 1):**

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Waste ~~Services~~ Manager; ~~Executive Director; Chief Executive;~~ Waste Management Officer; Environmental Protection Officer; ~~Senior Environmental Services Officer;~~ Environmental Services Officer, ~~Environmental Health Practitioner, Trainee Environmental Health Practitioner~~
SUBJECT TO CONSULTATION WITH THE CHAIRMAN OF POLICY & RESOURCES COMMITTEE SHOULD THE ESTIMATED COSTS EXCEED THOSE LISTED IN THE COUNCIL'S PROCUREMENT STRATEGY (£5,000) ~~£1000.~~

~~Executive Director ((Environmental); Head of Environmental Services; Waste Services Manager; Waste Management Officers; Commercial Health Manager~~

~~Executive Director ((Environmental); Head of Environmental Services; Waste Services Manager; Commercial Health Manager; Environmental Protection Manager; Senior Environmental Health Officers; Environmental Health Officers Technical Officers; Commercial Health Officer; Environmental Protection Officers~~

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~(Environmental); Chief Executive;~~ Waste ~~Services~~ Manager

Head of Environmental Services; Commercial Health Manager; ~~Executive Director; Chief Executive; Technical Officers;~~ Environmental Protection Officer; ~~Senior Environmental Health Officers;~~ Environmental Protection Manager; Environmental ~~Services Health~~ Officer; ~~Licensing Enforcement Officer;~~ Waste ~~Services~~ Manager; ~~Waste Management Officer;~~ Commercial Health Officer; Environmental Health Practitioner; Trainee Environmental Health Practitioner

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~(Environmental); Chief Executive;~~ Waste ~~Services~~ Manager

73. Powers of entry, inspection & examination (Section 6):

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; ~~Technical Officers~~; Commercial Health Officer; ~~Senior~~ Environmental Services Health Officer; Environmental Protection Officer; Waste Services Manager; Licensing Enforcement Officer; Waste Management Officer; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Executive Director; Chief Executive

73a. ~~Site Waste Management Plans~~; Site Waste Management Plans Regulations 2008
Sections 1 – 17 - To accept Site Waste Management Plans and, in conjunction and consultation with all relevant statutory bodies, enforce compliance of these plans:

Executive Director , Chief Executive; Head of Environmental Services, and Waste Services Manager

Solvent Emissions (England and Wales) Regulations 2004

Sections 1 -8 Vary and extend conditions on existing permits covered by SED, solvent reduction scheme
Schedule 1 & 2

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Executive Director, Chief Executive, Environmental Protection Officer, Environmental Health Practitioner, Trainee Environmental Health Practitioner

Sunday Trading Act 1994 – Sch. 2, para. 2

Powers of entry, inspection & examination:

Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Waste Services Manager; Executive Director; Chief Executive; Environmental Health Practitioner; Trainee Environmental Health Practitioner; ~~Senior Environmental Health Officers; Environmental Protection Officers; Technical Officers~~ Commercial Health Officer; Licensing Enforcement Officer ~~Environmental Health Officers~~
TO BE REPORTED TO WARD MEMBERS AND LEAD MEMBER FOR ENVIRONMENTAL SERVICES

Sunbeds (Regulation) Act 2010 – Sections 1-14

Powers of entry and enforcement:

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Executive Director, Chief Executive, Environmental Health Practitioner, Trainee Environmental Health Practitioner, Commercial Health Officer, Licensing Enforcement Officer

Town Police Clauses Act 1847

Transport Act 1985

To deal with applications for all road closures:

Democratic Services Manager; Head of Resources & OD

74. Sections 37 – 68 (TPA)– Hackney carriages:
Sections 10 – 16 (TA) – Taxis and Hire Cars:

Head of Environmental Services; Environmental Protection Manager;
Commercial Health Manager; Executive Director (~~Environmental~~); Chief
Executive; Waste Services Manager; Environmental Health Practitioner;
Trainee Environmental Health Practitioner; Commercial Health Officer;
Licensing Enforcement Officer

APPLICATIONS WHICH OFFICERS ARE MINDED TO REFUSE TO BE
DETERMINED BY A LICENSING (TAXI AND MISCELLANEOUS) PANEL

Vehicle (Crime) Act 2001

Part 1 – Regulation of Motor Salvage Operators:

~~To determine applications for registration – Motor Salvage Operators Regs 2002~~

Head of Environmental Services; Environmental Protection Manager;
Commercial Health Manager; Waste Services Manager; Executive
Director; Chief Executive

Waste Minimisation Act 1998

Sections 1 – 3 – Power of certain local authorities to take steps to minimise
generation of household, commercial or industrial waste:

Head of Environmental Services; Waste Services Manager; Executive
Director; Chief Executive

Water Act 1983

Requirement to enforce regulations and orders made under this Act:

Head of Environmental Services; Commercial Health Manager;
Environmental Protection Manager; Environmental Health Practitioner;
Trainee Environmental Health Practitioner; Commercial Health Officer;
Environmental Protection Officer; Waste Services Manager

~~Water Act 1989 – Sections 56, 57, 58 and 59 (unwholesome or insufficient mains
or private water supply
To take action:~~

~~Head of Environmental Services; Commercial Health Manager;
Environmental Protection Manager; Executive Director (~~Environmental~~);
Waste Services Manager~~

Water Industry Act 1991

Chapter 3 – Quality and Sufficiency of Supplies:

Head of Environmental Services; Environmental Protection Manager;
Waste Services Manager; Commercial Health Manager; Executive
Director; Chief Executive; Commercial Health Officer; Licensing
Enforcement Officer; Environmental Protection Officer; Environmental
Health Practitioner; Trainee Environmental Health Practitioner;
Environmental Services Officer; Waste Management Officer; Senior
Housing Manager; Grants Officer; Housing Technical Officer

To serve Improvement Notices (Section 80):

Head of Environmental Services; Commercial Health Manager;
Executive Director (~~(Environmental)~~); Chief Executive; Waste Services
Manager

~~Powers of entry, inspection & examination (Section 84):~~

~~Head of Environmental Services; Commercial Health Manager;
Environmental Protection Manager; Senior Environmental Health Officers;
Environmental Health Officers; Technical Officers; Commercial Health
Officer; Environmental Protection Officers; Senior Housing Manager;
Grants Officer; Waste Services Manager~~

Wildlife and Countryside Act 1981

Part 1 – Wildlife:

Part 4 – Miscellaneous and General

Head of Environmental Services; Commercial Health Manager; Executive
Director; Chief Executive; Waste Services Manager

Zoo Licensing Act 1981 – Section 10)

~~Powers of entry, inspection and examination:~~

Sections 1 – 7: Licences:

Sections 9a – 12 – Inspections:

Head of Environmental Services; Environmental Protection Manager
Commercial Health Manager; Waste Services Manager; Executive
Director; Chief Executive ~~Technical Officers; Commercial Health Officer;
Environmental Protection Officers; Senior Environmental Health Officers;
Environmental Health Officers;~~

Head of Environmental Services; Environmental Protection Manager;
Waste Services Manager; Commercial Health Manager; Executive
Director; Chief Executive; Commercial Health Officer; Licensing
Enforcement Officer; Environmental Protection Officer; Environmental
Health Practitioner; Trainee Environmental Health Practitioner;
Environmental Services Officer; Waste Management Officer

Section 15 – Fees etc:

Head of Environmental Services; Environmental Protection Manager;
Waste Services Manager; Commercial Health Manager; Executive
Director; Chief Executive

Sections 16 – 19 – Enforcement:

Head of Environmental Services; Environmental Protection Manager;
Waste Services Manager; Commercial Health Manager; Executive
Director; Chief Executive; Commercial Health Officer; Licensing
Enforcement Officer; Environmental Health Practitioner; Trainee
Environmental Health Practitioner

C: ENVIRONMENTAL SERVICES, HOUSING & COMMUNITY SAFETY

Function/Legislation

General

82. ~~To specify other officers or posts to act under any specific environmental health legislation (following changes to staff or responsibilities):~~

~~(Arranged in alphabetical order of legislation)~~

~~Delegation and Provisos (caps)~~

~~Chief Executive
PROVIDED THAT A CENTRAL RECORD IS KEPT OF OFFICERS SO
AUTHORISED (DEMOCRATIC SERVICES MANAGER)~~

83.

~~Bovine Products (Production & Despatch) Regs 1992 – S.8)~~

84. ~~Powers of entry, inspection and examination:~~

~~Head of Environmental Services; Commercial Health Manager; Technical
Officers; Commercial Health Officer; Environmental Protection Officers;
Senior Technical Officer (Public Health); Senior Environmental Health
Officers; Environmental Protection Manager; Environmental Health
Officers~~

Building Control: Building Act 1984

85. **To issue decisions with appropriate conditions as necessary on applications under Building Regulations:**

Building Control Manager or Head of Planning Services or
Executive Director (Planning)

86. **To determine applications for relaxation of Building Regulations**

Head of Planning Services or Building Control Manager or Exec. Director
(Planning)

87. **To take action for contravention of Building Regulations – fine and removal/alteration of offending work (Sections 35 and 36):**

Head of Planning Services or Building Control Manager or Exec. Director
(Planning)

88. ~~To serve notices requiring repair of drains etc (Section 59):~~
Part 3 – Other Provisions about buildings:
Part 4: General

~~Head of Planning Services; Head of Environmental Services; Building
Control Manager; Environmental Protection Manager; Waste Services
Manager; Commercial Health Manager; Executive Director
(Environmental); Chief Executive; Commercial Health Officer; Licensing
Enforcement Officer; Environmental Protection Officers; Environmental
Health Practitioners; Trainee Environmental Health Practitioners;
Environmental Health Officer; Waste Management Officer; Senior Housing
Manager; Grants Officer; Housing Technical Officer~~

89. **To serve notices (Section 69 – Houses insufficient water supply):**

Head of Environmental Services; Environmental Protection Manager;
Commercial Health Manager; Executive Director (~~Environmental~~); ~~Chief
Executive~~; Waste Services Manager

90. ~~To serve abatement notices requiring defects to be remedied (Section 76):~~ Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Waste Services Manager; Senior Housing Manager
91. To serve notices regarding dangerous structures and require work to be done at the owners expense (Sections 77 and 78): Head of Planning Services and Building Control Manager
92. ~~To serve notices regarding ruinous or dilapidated sites (Section 79):~~ Head of Environmental Services; Environmental Protection Manager
93. To serve notices about demolition works (sections 81 and 82): Head of Planning Services and Building Control Manager
94. ~~Powers of entry, inspection and examination (Section 95):~~ Building Control Manager; Head of Planning Services; Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Waste Services Manager; Building Control Surveyors; Environmental Protection Officers; Senior Housing Manager; Grants Officer; Environmental Health Officers; Senior Environmental Health Officers; Technical Officers
95. ~~To arrange work in default where there is a failure to comply with a notice and recover costs (Section 107):~~ Head of Environmental Services; Head of Planning Services; Executive Directors IN CONSULTATION WITH THE CHAIRMAN OF THE POLICY & RESOURCES COMMITTEE (OR LEADER) WHERE PRACTICAL
96. To take all appropriate action to apply to the Magistrates Court in respect of any potentially dangerous buildings or other structures: Head of Planning Services or Building Control Manager
SUBJECT TO AGREEMENT OF SOLICITOR TO THE COUNCIL
- ~~Control of Pollution Act 1974 – Sections 60 & 61 (Control of Noise on Construction Sites)~~
97. ~~Part 3 – Noise: Authority to act:~~ Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Environmental Protection Officers; Environmental Services Health Officer; ~~Technical Officers;~~ Commercial Health Officer; ~~Senior Environmental Health Practitioners; Officers;~~ Trainee Environmental Health Practitioners; Waste Services Manager; Licensing Enforcement Officer; Waste Management Officer
- ~~Part 5 – Supplementary Provisions:~~

- Control of Pollution (Amendment) Act 1989 Section 5/5B**
99. **To issue Fixed Penalty Notices:
Sections 1-11 – Waste Carriers:**
- Head of Environmental Services, Commercial Health Manager, Environmental Protection Manager, Environmental Protection Officer; Waste Services Manager; Licensing Enforcement Officer, Waste Management Officer, Environmental Services Officer, Police Community Support Officers; Environmental Health Practitioner; Trainee Environmental Health Practitioner
- Clean Air Act 1993**
100. **~~Powers of entry, inspection and examination (Section 5(b)):~~
Part 1 - Dark Smoke:
Part 2 - Smoke, Grit, Dust and Fumes:
Part 4 - Control of certain forms of air pollution:
Part 7: Miscellaneous and General:**
- Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Environmental Protection Officers; Environmental Health Practitioners Officers; Technical Officers; Trainee Environmental Health Practitioners; Senior Environmental Health Officers; Waste Services Manager; Waste Management Officer
101. **~~To take action under Sections 6-8; 12-14; 15; 16; 36 & 58:~~**
- Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental)); Waste Services Manager
- Clean Neighbourhoods and Environment Act 2005**
102. **~~Part 2 – Abandoned Vehicles: – To act under Sections 10 – 14:
Part 3 – Litter and Refuse:
Part 4 – Graffiti and other defacement:
Part 5 – Waste:
Part 6 – Dogs:
Part 7 – Noise:
Part 9 - Miscellaneous:~~**
- Head of Environmental Services, Waste Services Manager, Environmental Protection Manager; Commercial Health Manager; Commercial Health Officer; Licensing Enforcement Officer; Waste Management Officer, Environmental Protection Officers, Senior Environmental Services Officer, Environmental Health Practitioners; Trainee Environmental Health Practitioners; Services Officers
- The following are authorised under sections 59-67 only:-
Police Community Support Officers; Police Officers and Special Constables employed by Northamptonshire Police, and, provided they have completed training - .
- Park Rangers at Barnwell & Fermyn Woods Country Parks; Park Rangers; Project Co-ordinator; Voluntary Warden at the three Rockingham Forest Trust areas (Stanwick Lakes, Ditchford Lakes, Twywell Hills and Dales)
103. **~~Part 3 – Litter and Refuse – to act under Sections 18 – 22:~~**
- Head of Environmental Services, Waste Services Manager, Environmental Protection Manager, Waste Management Officers, Environmental Protection Officers, Senior Environmental Services Officer, Environmental Services Officers

- ~~104. To authorise entry to land and recover costs (Section 20):~~ Executive Directors, Head of Environmental Services, Waste Services Manager, Environmental Protection Manager; Commercial Health Manager
- ~~105. Part 5 – Deposit and Disposal of Waste – to act under Sections 40 – 45:~~ Head of Environmental Services, Waste Services Manager, Environmental Protection Manager, Waste Management Officers, Environmental Protection Officers, Senior Environmental Services Officer, Environmental Services Officers
- ~~106. To authorise prosecutions or serve notices (Section 48):~~ Head of Environmental Services, Waste Services Manager, Environmental Protection Manager, Waste Management Officers, Environmental Protection Officers, Senior Environmental Services Officer, Environmental Services Officers
- ~~107. To act under Section 50 including authorisation of prosecutions, service of notices, removal of waste, recovery of costs:~~ Executive Directors, Head of Environmental Services, Waste Services Manager, Environmental Protection Manager; Commercial Health Manager
- ~~108. Controls on Dogs – To authorise the making of “Dog Control Orders” (Sections 55 – 58):~~ Head of Environmental Services, Waste Services Manager, Environmental Protection Manager; Commercial Health Manager
- ~~109. To authorise prosecutions or service of notices etc (Sections 59 – 67)~~ Head of Environmental Services, Waste Services Manager, Environmental Protection Manager, Waste Management Officers; Environmental Protection Officers, Senior Environmental Services Officer, Environmental Services Officers, Police Community Support Officers; Police Officers and Special Constables employed by Northamptonshire Police Licensing Enforcement Officer Commercial Health Manager; Park Rangers at Barnwell & Fermyn Woods Country Parks; Park Rangers; Project Coordinator; Voluntary Warden at the three Rockingham Forest Trust areas (Stanwick Lakes, Ditchford Lakes, Twywell Hills and Dales

Crime & Disorder Act 1998

- ~~110. To process or initiate requests for personal information or conviction data under the Act:~~

Part 1 – Prevention of Crime and Disorder:
Part 115 – Disclosure of Information

Executive Director (~~(Environmental)~~) or Community Safety Officer (designated officers); Head of Environmental Services

Criminal Justice and Public Order Act 1994

111. ~~To take appropriate action against unauthorised encampments (Part V):~~
~~Part 5 – Public Order: Collective Trespass or Nuisance on land:~~

Head of Environmental Services; Environmental Protection Manager;
Commercial Health Manager; Executive Director (~~(Environmental)~~); Chief
Executive; Waste Services Manager; Environmental Health Practitioner;
Trainee Environmental Health Practitioner; Commercial Health Officer;
Environmental Protection Officer; Licensing Enforcement Officer;
Environmental Services Officer; Waste Management Officer; Senior
Housing Manager; Housing Technical Officer; Grants Officer SUBJECT
TO NOTIFICATION OF WARD MEMBERS FOR ACTION TAKEN
AGAINST UNAUTHORISED ENCAMPMENTS

112. ~~Powers of entry, inspection & examination (Section 77):~~

~~Head of Environmental Services; Environmental Protection Manager;~~
~~Commercial Health Manager; Senior Housing Manager; Environmental~~
~~Protection Officers; Environmental Health Officers; Technical Officers;~~
~~Commercial Health Officer; Senior Environmental Health Officers; Grants~~
~~Officer; Waste Services Manager~~

Deer Acts 1991

113. Power to inspect:

Commercial Health Manager; Environmental Protection Manager; Head of
Environmental Services; Environmental Health Officers; Senior
Environmental Health Officers; Commercial Health Officer

Dogs Act 1871 and Dangerous Dogs Act 1989

114. ~~To authorise applications to be made to a court in relation to the keeping of a
dog under proper control or the destruction of a dog on the grounds that it is
dangerous (s. 2 of the Dogs Act 1871) and for a failure to comply with the
provision of section 1 of the Dangerous Dogs Act 1989 (breach of a
disqualification order and failure to comply with an order to keep a dog under
proper control or to deliver a dog up for destruction as required by a court
order).~~

Head of Environmental Services, Waste Services Manager, Environmental
Protection Manager; Commercial Health Manager; Executive Director;
Chief Executive; Environmental Services Officer; Waste Management
Officer

~~Sections 2 & 4 – Destruction of dangerous dogs recovery of penalty:~~

~~Environment Act 1995 - S. 108 (1) and 108 (a) – (h) & (j) – (m); Environmental Protection Act 1990 – S. 17 (3) (a) – (f) & Sc.3, paras 2/2A~~

115. **Powers of entry, inspection and examination:**
Part 2 – Contaminated Land and Abandoned Mines:

Head of Environmental Services; Environmental Protection Manager;
Commercial Health Manager; Environmental Protection Officer;
Environmental Health Practitioner Officers; Trainee Environmental Health
Practitioner; Commercial Health Officer; Senior Environmental Health
Officers; Waste Services Manager

Part 4 – Air Quality:

Head of Environmental Services; Environmental Protection Manager;
Environmental Protection Officer; Environmental Health Practitioner;
Trainee Environmental Health Practitioner

Part 5 – Miscellaneous, General and Supplemental Provisions:

Head of Environmental Services; Environmental Protection Manager;
Environmental Protection Officer; Environmental Health Practitioner;
Trainee Environmental Health Practitioner; Waste Services Manager;
Commercial Health Officer

Environment and Safety Information Act 1988
Sections 1 – 5 – Maintaining Public Registers:

Head of Environmental Services; Environmental Protection Manager;
Commercial Health Manager; Waste Services Manager; Executive
Director; Chief Executive

Environmental Damage (Prevention and Remediation) Regulations 2009

Part 1 – Introductory Provisions and Definitions:

Part 2 – Preventing Environmental Damage:

Part 3 - Remediation:

Part 4 – Administration and enforcement:

Head of Environmental Services; Environmental Protection Manager;
Environmental Protection Officer; Commercial Health Manager;
Environmental Health Practitioner; Trainee Environmental Health
Practitioner; Waste Services Manager; Executive Director; Chief Executive

Environment Permitting (England and Wales) Regulations) 2010

Part 1 – General – Interpretation, exemptions, notices and submissions:

**Part 2 – Environmental Permits – Applications, granting, varying, transfers,
revocations, surrendering permits and appeals:**

Part 3 – Discharge of functions in relation to a regulated facility:

Part 4 – Enforcement and offences:

Part 5: Public Registers:

Part 6: Powers and functions of the regulator and the appropriate authority:

Part 7 – Miscellaneous provisions:

Head of Environmental Services; Environmental Protection Manager;
Commercial Health Manager; Waste Services Manager; Executive
Director; Chief Executive; Environmental Protection Officer; Environmental
Health Practitioner; Trainee Environmental Health Practitioner

Environmental Protection Act 1990: ~~See also~~ Amendments made under the Clean Neighbourhoods and Environment Act 2005

116. ~~To take action under Sections 33 and 34 including the authorisation of prosecutions or service of notices:~~

~~Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Waste Management Officers; Environmental Protection Officers; Senior Environmental Services Officer; Environmental Services Officers; Licensing Enforcement Officer; Commercial Health Manager~~

~~To serve notices (Sections 79, 80 & 80A – Statutory Nuisances):
Part 2 – Waste on Land:~~

~~Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Commercial Health Officer; Senior Environmental Services Health Officer; Environmental Protection Officer; Environmental Health Practitioner; Officers; Trainee Environmental Health Practitioner; Executive Director ((Environmental); Chief Executive; Waste Services Manager; Waste Management Officer; Solicitor to the Council; Licensing Enforcement Officer Senior Housing Officer~~

~~Part 2a – Contaminated Land:~~

~~Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Waste Services Manager; Executive Director; Chief Executive; Environmental Protection Officer~~

~~Part 3 – Statutory Nuisances and Clean Air:~~

~~Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Environmental Health Practitioner, Trainee Environmental Health Practitioner, Commercial Health Officer, Environmental Protection Officer, Licensing Enforcement Officer, Environmental Services Officer, Waste Management Officer; Senior Housing Manager; Housing Technical Officer; Grants Officer~~

Part 4 – Litter etc:

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Executive Director; Chief Executive; Environmental Health Practitioner, Trainee Environmental Health Practitioner, Commercial Health Officer, Environmental Protection Officer, Licensing Enforcement Officer, Environmental Services Officer, Waste Management Officer, Senior Housing Manager, Housing Technical Officer

Part 8 – Miscellaneous:

Part 9 – General:

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Executive Director; Chief Executive; Environmental Health Practitioner, Trainee Environmental Health Practitioner, Commercial Health Officer, Environmental Protection Officer, Licensing Enforcement Officer, Environmental Services Officer, Waste Management Officer, Senior Housing Manager, Housing Technical Officer

- ~~118. To authorise prosecution for non-compliance with abatement notices served under Section 79 of the Act:~~ Head of Environmental Services (in his absence, Commercial Health Manager; or Environmental Protection Manager or Waste Services Manager)
~~SUBJECT TO SOLICITOR TO THE COUNCIL BEING SATISFIED WITH THE EVIDENCE AND IN CONSULTATION WITH THE OF THE POLICY AND RESOURCES COMMITTEE AND LOCAL WARD MEMBER.~~
- ~~119. To revoke authorisations where processes no longer operate:~~ Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental)); Waste Services Manager
- ~~120. To authorise prescribed processes under Part B Sections 6 & 7:~~ Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental)); Waste Services Manager
- ~~121. To vary conditions on authorisations (Section 10):~~ Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental)); Waste Services Manager
- ~~122. To enforce notices – prescribed processes (Section 13):~~ Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental))
- ~~123. To serve notices to obtain information (Section 19):~~ Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental)); Waste Services Manager

<p>Part 2 – Waste on Land</p> <p>124. To take action – receptacles for waste including the authorisation of prosecutions or service of notices (Sections 46 and 47):</p>	<p>Head of Environmental Services, Waste Services Manager, Environmental Protection Manager, Waste Management Officers, Environment Protection Officers; Senior Environmental Services Officer, Environmental Services Officers; Licensing Enforcement Officer; Commercial Health Manager</p>
<p>125. To take all action – removal of waste unlawfully deposited (Section 59):</p>	<p>Executive Directors, Head of Environmental Services, Waste Services Manager, Environmental Protection Manager; Commercial Health Manager</p>
<p>Part 4 – Litter etc</p> <p>126. To take all action – Littering, Street Control Notices (Sections 87, 88, 92–94):</p>	<p>Head of Environmental Services, Waste Services Manager, Environmental Protection Manager, Waste Management Officers, Environmental Protection Officers, Senior Environmental Services Officer, Environmental Services Officers, Police Community Support Officers; Police Officers and Special Constables employed by Northamptonshire Police; Licensing Enforcement Officer; Commercial Health Manager; Park Rangers at Barnwell & Fermyn Woods Country Parks; Park Rangers; Project Coordinator; Voluntary Warden at the three Rockingham Forest Trust areas (Stanwick Lakes, Ditchford Lakes, Twywell Hills and Dales</p>
<p>127. To enter premises/determine if a nuisance exists/seek warrant in appropriate cases (Section 81/Schedule 3):</p>	<p>Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Commercial Health Officer; Senior Environmental Health Officers; Environment Protection Officers; Environmental Health Officers; Senior Housing Manager; Trainee Environmental Health Officer; Waste Services Manager</p>
<p>128. To apply to the High Court for an injunction (noise complaints “pay parties” where normal procedures insufficient:</p>	<p>Head of Environmental Services (in his absence, Environmental Protection Manager or Commercial Health Manager, or Waste Services Manager)</p>
<p>129. Seizure of noise making equipment (Section 80(4):</p>	<p>IN CONSULTATION WITH CX AND CHAIRMAN OF THE POLICY AND RESOURCES COMMITTEE</p>
<p>130. To serve Fixed Penalty Notices (Schedule 3A paras 1(1) & 7:</p>	<p>Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Senior Environmental Health Officers; Environmental Health Officers; Environmental Protection Officers; Executive Director ((Environmental); Waste Services Manager</p>
<p>130. To serve Fixed Penalty Notices (Schedule 3A paras 1(1) & 7:</p>	<p>Head of Environmental Services, Commercial Health Manager, Environmental Protection Manager, Licensing Enforcement Officer, Waste Management Officers, Waste Services Manager, Environmental Services Officers, Police Community Support Officers</p>

Environmental Protection (Stray Dogs) Regulations 1992

132. **Discharge of functions – stray dogs:
Sections 1-4 – Fees for seized dogs, register of seized dogs, finders who wish to keep dog:** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~Environmental~~); Chief Executive; Waste Services Manager
133. **Discretion to reduce/waive charges for first offences/in hardship cases:** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director (~~Environmental~~); Waste Services Manager

Food Safety

Food Safety Act 1990 (as amended) and any orders, regulation, codes of practice and products regulations made thereunder under or relating thereto or having Effect of by virtue of the European Communities Act 1972*, and any modification or re-enactment thereto

134. **General authorisation to act:** Head of Environmental Services, Commercial Health Manager, Environmental Health Practitioner, Trainee Environmental Health Practitioner Mike Deacon; Julia Smith; Christopher Jordan; Amanda Robinson; Amy White; Racheal Phillips; Robert Rowland; Beth Gordon
*NOTE: PROVIDING AN OFFICER IS SUITABLY APPOINTED TO SO ACT, THE FACT THAT THE ENFORCEMENT POWERS ARE CONTAINED IN A REGULATION OR ORDER, WHETHER MADE UNDER THE EUROPEAN COMMUNITIES ACT 1972 OR ANY GENERAL AUTHORITY TO ACT.
135. **Specific General authorisation to act: ~~under The Products of Animal Origin (Import and Export) Regulations 1996, as amended; The Products of Animal Origin (Third Country Imports) (England) (No. 4) Regulations 2004; Emergency Control Regulations eg The Food (Chilli, Chilli Products, Curcuma and Palm Oil) (Emergency Control) (England) Regulations 2005; and The Official Feed and Food Controls (England) Regulations 2006~~** Julia Smith; Racheal Phillips; Amanda Robinson
Head of Environmental Services, Commercial Health Manager, Environmental Health Practitioner, Trainee Environmental Health Practitioner
*NOTE: PROVIDING AN OFFICER IS SUITABLY APPOINTED TO SO ACT, THE FACT THAT THE ENFORCEMENT POWERS ARE CONTAINED IN A REGULATION OR ORDER, WHETHER MADE UNDER THE EUROPEAN COMMUNITIES ACT 1972 OR ANY GENERAL AUTHORITY TO ACT.
136. **Powers to serve Hygiene Improvement Notices, Hygiene Emergency Prohibition Notices, Remedial Action Notices and Detention Notices:** Julia Smith; Christopher Jordan; Amanda Robinson; Racheal Phillips
Commercial Health Manager, Environmental Health Practitioners, Suitably Qualified Environmental Health Practitioners meeting the Food Standards Agency's Code of Practice Requirements
139. **Powers of inspection and seizure of suspected food:**

Food Safety Act 1990 and all subordinate Regulations

137. **Lead Officer for Food safety:** Commercial Health Manager
- ~~138. **General authorisation (Section 5):** Mike Deacon – Head of Environmental Services; Julia Smith – Commercial Health Manager; Christopher Jordan; – Senior Environmental Health Officer; Amanda Robinson and Racheal Phillips – Environmental Health Officers; Robert Rowland – Commercial Health Officer; Amy White – Technical Officer; Caroline Ellis – Environmental Protection Officer; Darren Hale – Environmental Protection Manager; – Mandy Dennis – Environmental Protection Officer~~
140. **Powers of entry, inspection and examination (Section 32) and to serve notices:** Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; **Waste Services Manager;** Commercial Health Officer; Environmental Protection Officer; Environmental Health Practitioner, **Officers; Senior Environmental Health Officers;** Trainee Environmental Health Practitioner **Officer**

Food and Environment Protection Act 1985 & Control of Pesticides Regulations 1986 – Sections 3,4 and 11

141. **To enforce the legislation:**
Part 1 – Contamination of Food:
Part 3 – Pesticides etc:
Part 4 – General and Supplementary: Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; **Waste Services Manager;** Executive Director & Chief Executive if appointed by the Minister
142. **To act as an investigating/enforcement officer - delegation from Department of Health:** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager

Pollution, Prevention and Control Regulations 2000 (Section 28) as amended by the Environmental Permitting (England and Wales) Regs 2007

143. **To require information about a process to determine if it should be permitted or if there is a breach of the requirements of the legislation:** Head of Environmental Services; Environmental Protection Manager; Environmental Protection Officers
144. Health Act 2006 (Smoking Prohibition)
General authority to act:
Part 1 – Smoking: Head of Environmental Services, Commercial Health Manager, Environmental Protection Manager; Waste Services Manager; Licensing Enforcement Officer, Trainee Environmental Health Practitioner Officer, Senior Environmental Health Officer, Commercial Health Officer, Environmental Health Practitioner; Officers, Environmental Protection Officers, Waste Management Officer; Executive Director; Chief Executive; Environmental Services Officer

Health Protection (Local Authority Powers) Regulations 2010

General Authority to act:

Health Protection (Part 2A Orders) Regulations 2010

General authority to act:

Health Protection (Notification) Regulations 2010

General authority to act:

Health & Safety at Work Etc Act 1974

145. Powers of entry, inspection & examination/service of notices (S. 19 & 20):

146. Appointment of Inspectors (Section 19):

147. Powers of Inspectors (Section 20):

148. To serve notices (Sections 21 & 22 - Improvement & Prohibition and S. 25

149. Seizure of articles or substances - cause of imminent danger):

150. To authorise prosecution (Section 33):

Head of Environmental Services, Commercial Health Manager, Environmental Health Practitioner, Trainee Environmental Health Practitioner

*NOTE: PROVIDING AN OFFICER IS SUITABLY APPOINTED TO SO ACT, THE FACT THAT THE ENFORCEMENT POWERS ARE CONTAINED IN A REGULATION OR ORDER, WHETHER MADE UNDER THE EUROPEAN COMMUNITIES ACT 1972 OR ANY GENERAL AUTHORITY TO ACT.

Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Executive Director; Chief Executive Robert Rowland—Commercial Health Officer; Amy White—Technical Officer; Palden Dorje—Environmental Protection Officer; Amanda Robinson and Racheal Phillips—Environmental Health Officers; Manager; Christopher Jordan, – Senior Environmental Health Officer; Caroline Ellis—Environmental Protection Officer; –Beth Gordon (NOT SERVICE OF NOTICES)

Commercial Health Manager; Head of Environmental Services; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Commercial Health Officer

Julia Smith—Commercial Health Manager; Darren Hale—Environmental Protection Manager; Racheal Phillips and Amanda Robinson—Environmental Health Practitioner Officers; Sections 21 & 22 only: Robert Rowland— Commercial Health Officer; Amy White—Technical Officers (Commercial); Christopher Jordan—Senior Environmental Health Officer (Commercial)

Mike Deacon— Head of Environmental Services; Julia Smith, Commercial Health Manager; Mark Lovell— Executive Director ((Environmental); Neil Pritchard— Chief Executive; Solicitor to the Council

151. To instigate proceedings under Section 38:

~~Julia Smith~~ – Commercial Health Manager; ~~Christopher Jordan~~, ~~Senior Environmental Health Practitioner~~; ~~Officer (Commercial)~~; ~~Racheal Phillips and Amanda Robinson~~ – ~~Environmental Health Officers~~; ~~Robert Rowland~~ Commercial Health Officer; ~~Amy White~~ – ~~Technical Officer~~ IN CONSULTATION WITH HEAD OF ENVIRONMENTAL SERVICES AND SUBJECT TO CONSIDERATION OF EVIDENCE BY SOLICITOR TO THE COUNCIL

Home Energy Conservation Act 1995

Sections 1-9 – Energy Conservation advice, guidance, loans, grants and reports:

Head of Environmental Services, Environmental Protection Manager, Commercial Health Manager, Waste Services Manager, Executive Director, Chief Executive, Senior Housing Manager, Grants Officer, Housing Technical Officer, Environmental Protection Officer, Environmental Health Practitioner, Trainee Environmental Health Practitioner

Housing: Housing Act 1985

152. ~~Part 10 – Overcrowding: Powers of entry inspection and examination (Sections 222 repair; 319 unfitness procedures; 340 overcrowding; 395 houses in multiple occupation; 411 common lodging houses; 600 survey & examination):~~

Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Waste Services Manager; Senior Housing Manager, Grants Officer; Executive Director ((~~Environmental~~)); Chief Executive; Housing Technical Officer; Environmental Protection Officer; Environmental Health Practitioner; Trainee Environmental Health Practitioner

Part 11 – Houses in Multiple Occupation:

Part 12 – Common Lodging Houses:

Part 18 – Miscellaneous and General Provisions:

153. ~~Powers of entry inspection and examination (Section 54):~~

~~Head of Environmental Services; Senior Housing Manager, Grants Officer; Housing Technical Officer; Environmental Protection Manager~~

154. ~~To issue repair notices (S.189 unfit dwellings and S. 190 dwellings in disrepair but not unfit):~~

~~Head of Environmental Services; Senior Housing Manager; Executive Director ((~~Environmental~~)); Environmental Protection Manager~~

155. ~~To serve notices (Sections 352, 354, 360 and 361 – houses in multiple occupation):~~

~~Head of Environmental Services; Senior Housing Manager; Executive Director ((~~Environmental~~)); Environmental Protection Manager~~

Housing Acts 2004 and 1985 – Part 1 – Housing Conditions

Part 1 – Housing Conditions:

**Except Prohibition Orders (Sections 20-27 and 32-39)
Emergency Prohibition Orders (Sections 43-45) and Chapter 4**

Emergency Remedial Action (Sections 40-42):

~~156. To carry out Inspections – (Sections 4 (1) and 4 (2):~~

**~~157. Part 2 – Licensing of Houses in Multiple Occupation: To serve or suspend
Improvement Notices – Sections 11, 12 and 14:~~**

**~~158. Part 3 – Selective Licensing of Other Residential Accommodation: To revoke and
vary Improvement Notices – Section 16:~~**

**~~159. Part 4 – Additional Control Provisions in relation to Residential Accommodation:
To review Improvement Notices – Section 17:~~**

Chapter 3: Overcrowding Notices:

~~160. To serve or suspend Prohibition Orders Sections 20, 21 and 23:~~

~~161. To revoke and vary Prohibition Orders – Section 25:~~

~~162. To serve Hazard Awareness Notices – Sections 28 and 29:~~

~~163. To carry out Emergency Remedial Action – Section 40:~~

~~164. To serve Emergency Remedial Action Notices – Section 41:~~

~~165. To recover Expenses for taking Emergency Remedial Action – Section 42:~~

Head of Environmental Services; Environmental Protection Manager;
Commercial Health Manager; Waste Services Manager; Executive
Director; Chief Executive; Senior Housing Manager; Housing Technical
Officer; Grants Officer; Environmental Protection Officer; Environmental
Health Practitioner; Trainee Environmental Health Practitioner

Executive Director; Chief Executive; Head of Environmental Services

Executive Director; Chief Executive; Head of Environmental Services
Environmental Protection Manager; Commercial Health Manager;
Waste Services Manager

~~Environmental Protection Manager; Senior Housing Manager~~

Head of Environmental Services; Environmental Protection Manager;
Commercial Health Manager; Waste Services Manager; Executive
Director; Chief Executive ~~Senior Housing Manager~~

Head of Environmental Services; Executive Director; Chief Executive

Head of Environmental Services; Executive Director; Chief Executive

Head of Environmental Services; Executive Director; Chief Executive
Commercial Health Manager; Waste Services Manager; Environmental
Protection Manager; Senior Housing Manager; Housing Technical Officer;

~~BOTH – Executive Directors, Head of Environmental Services~~

~~Environmental Protection Manager; Senior Housing Manager~~

~~Executive Directors, Head of Environmental Services, Environmental
Protection Manager~~

~~Executive Directors, Head of Environmental Services, Environmental
Protection Manager, Senior Housing Manager~~

~~Solicitor to the Council, Executive Directors, Head of Environmental
Services~~

166. To serve Emergency Prohibition Order – Section 43:	ALL – Executive Directors, Head of Environmental Services
167. To serve Demolition Orders – Subsection (1) or (2) Section 265:	
168. To declare the Area in which premises with a Category 1 is located as a Clearance Area – Section 289(2) and (2A) (1985):	
169. To deal with Failures to Comply with Improvement Notices – Section 30(1):	
170. To recover Expenses for taking Enforcement Action – Section 31:	Solicitor to the Council, Executive Directors, Head of Environmental Services
171. To prosecute for Failure to Comply with Prohibition Orders – Section 32(1):	BOTH – Executive Directors, Head of Environmental Services
172. To authorise charges for Enforcement Action – Section 49:	
173. To recover Charges – Section 50:	Solicitor to the Council, Executive Directors, Head of Environmental Services
<i>Part 2 – Licensing of Houses in Multiple Occupation</i>	
174. To Grant or Refuse Licences – Section 64:	Executive Directors, Head of Environmental Services
175. To Vary Licences – Section 69:	Executive Directors, Head of Environmental Services, Environmental Protection Manager
176. To revoke Licences – Section 70	ALL – Executive Directors, Head of Environmental Services
177. To Designate an Area subject to Additional Licensing – Section 56:	
178. To Revoke Designation of an Area Subject to Additional Licensing – Section 60:	
179. To Serve Temporary Licensing Exemption Notices – Section 62:	Executive Directors, Head of Environmental Services, Environmental Protection Manager
180. To Prosecute for Offences – Section 72:	Executive Directors, Head of Environmental Services SUBJECT TO RATIFICATION OF THE DECISION BY THE SOLICITOR TO THE COUNCIL SUBJECT TO NOTIFICATION OF WARD MEMBERS
181. To Apply – Rent Repayment Orders – Section 73:	Executive Directors, Head of Environmental Services; Solicitor to the Council
<i>Part 3 – Selective Licensing of Other Residential Accommodation</i>	
182. To Designate Selective Licensing Areas – Section 80:	BOTH – Executive Directors, Head of Environmental Services
183. To Revoke Selective Licensing Areas – Section 84:	

184. ~~To Serve Temporary Licensing Exemption Notices – Section 86:~~ Executive Directors, Head of Environmental Services, Environmental Protection Manager
185. ~~To Grant or Refuse Licences – Section 88:~~ Executive Directors, Head of Environmental Services
186. ~~To Prosecute for Offences – Section 95:~~ Executive Directors, Head of Environmental Services SUBJECT TO RATIFICATION OF THE DECISION BY THE SOLICITOR TO THE COUNCIL
187. ~~To Apply – Rent Repayment Orders – Section 96:~~ Executive Directors, Head of Environmental Services
- Part 4 – Additional Control Provisions In Relation to Residential accommodation*
188. ~~To make Interim Management Orders – Section 102:~~ Executive Directors, Head of Environmental Services
189. ~~To Vary or Revoke Interim Management Orders – Section 102:~~ BOTH – Executive Directors
190. ~~To Revoke Final Management Orders – Section 113:~~
191. ~~To make or Vary Final Management Orders – Section 113:~~ Executive Directors, Head of Environmental Services
192. ~~Power of Entry; Section 131:~~ Head of Environmental Services, Environmental Protection Manager, Senior Housing Manager
- Chapter 2*
193. ~~To make Interim Empty Dwelling Management Orders – Section 133:~~ BOTH – Executive Directors, Head of Environmental Services
194. ~~To make Final Empty Dwelling Management Orders – Section 136:~~
- Chapter 3 – To serve Overcrowding Notices – Section 139:*
195. ~~To revoke or vary Overcrowding Notice – Section 144:~~ BOTH – Head of Environmental Services, Environmental Protection Manager, Senior Housing Manager
- Mortgages:
196. To serve notice on mortgagors in arrears requiring either payments of the arrears of instalments or payment of the outstanding loan debt and, in default, to institute proceedings in the County Court for either recovery of debt or recovery of possession and power of sale as appropriate: Head of Resources and Organisational Development or Chief Finance Officer
197. To authorise the affixing of Council's seal on redemption of mortgages: Solicitor to the Council

198. To suspend temporarily repayments of the principal element of house purchase loans (authority to take effect retrospectively from date on which Social Security payments commenced): BOTH - **Head of Resources and Organisational Development** or Chief Finance Officer
199. To determine and declare at 6 monthly intervals local average rate of applicable to each of the two main categories of mortgage lending:
200. To transfer the outstanding sum to an alternative provider: BOTH - Chief Finance Officer
201. To authorise incentive payments for the transfer of the mortgage to an alternative provider: SUBJECT TO THE CONSENT OF THE BORROWER
SUBJECT TO STATUTORY LIMITS
202. **Housing Stock transfer:** To agree monies due from Spire Homes under the terms of the transfer contract.: Chief Finance Officer
- Homelessness**
203. To decide on homelessness claims under Part III of the Act: Housing Services Officer; Housing Strategy Manager (appeal to Solicitor to the Council)
In the absence of the Housing Services Officer or Housing Strategy Manager, the Executive Director (**Planning**) to nominate an appropriately qualified officer in a neighbouring authority to make a recommendation on which a decision can be made by the ED (Planning) PROVIDED THAT A RECORD IS KEPT OF THE NAME(S) OF OFFICERS AND DATES OF ACTIONS TAKEN
- Housing Grants Construction & Regeneration Act 1996**
204. To approve applications for renovation, disabled facilities and home repair grants: Head of Environmental Services or in his absence, Senior Housing Manager or Environmental Protection Manager DETAILS TO BE REPORTED TO MEMBERS
205. Section 82: Powers of entry, inspection & examination: Head of Environmental Services; **Executive Director; Chief Executive; Commercial Health Manager; Waste Services Manager;** Senior Housing Manager; ~~Environmental Protection Officer~~; Environmental Protection Manager; Grants Officer; Housing Technical Officer; **Environmental Protection Officer; Environmental Health Practitioner; Trainee Environmental Health Practitioner**
- Hypnotism Act 1952**
Sections 1-7 – Control of demonstrations at premises, fees, prohibition of hypnotising under 21s and powers of entry: Head of Environmental Services; Executive Director; Chief Executive; Environmental Protection Manager; Commercial Health Manager; Waste Services Manager; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Commercial Health Officer; Licensing Enforcement Officer

<p>206. <u>Land Drainage Act 1991</u> To undertake land drainage functions under Sections 14, 15, 25, 26 and 64:</p>	<p>Executive Director ((Environmental)); Chief Executive</p>
<p><u>Local Government Act 1972 – Sections 112 and 223</u> 207. To act as appropriate in the Magistrates Court:</p>	<p>Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Environmental Health Practitioner; Commercial Health Officer; Waste Services Manager</p>
<p><u>Local Government & Housing Act 1989 – Section 97</u> 208. Powers of entry, inspection and examination:</p>	<p>Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Executive Director; Chief Executive; Environmental Protection Officer; Trainee Environmental Protection Officer; Housing Technical Officer; Commercial Health Officer; Grants Officer Environmental Health Officers</p>
<p><u>Meat Products (Hygiene) Regulations 1994</u> 211. To issue approvals where premises meet required standard:</p>	<p>Head of Environmental Services; Commercial Health Manager; Executive Director ((Environmental))</p>
<p><u>Noise Act 1996 (Section 8)</u> Sections 1-9 – Summary procedure for dealing with noise at night: To issue Fixed Penalty Notices: Section 10 – Seizure etc of equipment used to make noise unlawfully: Sections 11 – 14 – General provisions: Schedules relating to the above Sections:</p>	<p>Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Waste Services Manager, Senior Environmental Health Officer, Environmental Health Practitioner Officer, Commercial; Trainee Environmental Health Practitioner; Licensing Enforcement Officer, Commercial Health Officer, Technical Officer, Environmental Protection Officer; Waste Management Officer</p>
<p><u>Pollution Prevention and Control (England and Wales) Regulations 2000</u> 217. To undertake duties under Sections 10,11,12,13,17,1,21 & 24)</p>	<p>Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager</p>
<p><u>Noise & Statutory Nuisance Act 1993</u> Powers of entry, inspection and examination (Schedule 3, para. 6): To serve notices and action any subsequent prosecutions Sections 2-5 – Amendment to Environmental Protection Act 1990):</p> <p>To serve notices regarding recovery of costs (Sections 2-5): Section 10 – Recovery of Costs:</p>	<p>Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Waste Services Manager; Executive Director; Senior Housing Manager; Housing Technical Officer; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Commercial Health Officer; Grants Officer; Environmental Protection Officer; Environmental Services Officer; Waste Management Officer Senior Environmental Health Officers</p> <p>Executive Director ((Environmental)); Chief Executive; Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Waste Services Manager; Solicitor to the Council</p>

- Public Health Act 1936**
220. ~~To serve Notices – Removal of Noxious Matter (Section 79):
Part 2 – Sanitation and Disease:~~
221. ~~Powers of entry, inspection and examination (Section 287):
Part 4 – Provisions for the protection of public from polluted water:~~
222. ~~Part 12 – General To-serve notices – intention to fumigate (Section 83):~~
223. ~~To apply to Court in respect of domestic supplies or supplies where there is preparation of food/drink for human consumption (Section 140 – closure of polluted water supply):~~
- Public Health Act 1961**
224. ~~Part 2 – Sanitation and Buildings: Powers of entry, inspection & examination (Sections 17,34,36 & 37):~~
225. ~~To serve notices/undertake work in default & recover costs (Section 17):~~
- ~~BOTH– Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Trainee Environmental Health Practitioner; Executive Director; Chief Executive; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Senior Housing Manager; Licensing Enforcement Officer; Environmental Protection Officer; Technical Officers; Environmental Services Officer; Senior Environmental Health Officers; Commercial Health Officer; Waste Management Officer; Grants Officer; Housing Technical Officer~~
- Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental); Chief Executive; Waste Services Manager
- Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental); Chief Executive; Waste Services Manager; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Senior Housing Manager; Licensing Enforcement Officer; Environmental Protection Officer; Technical Officers; Environmental Services Officer; Senior Environmental Health Officers; Commercial Health Officer; Waste Management Officer; Grants Officer; Housing Technical Officer
- Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Waste Services Manager
- Commercial Health Manager; Head of Environmental Services; Environmental Protection Manager; Waste Services Manager; Executive Director; Chief Executive; Environmental Health Practitioner; Trainee Environmental Health Practitioner; Environmental Protection Officer; Licensing Enforcement Officer; Housing Technical Officer; Commercial Health Officer; Environmental Health Services Officer; Waste Management Officer; Senior Environmental Health Officer; Senior Housing Manager; Grants Officer
- Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental); Waste Services Manager

- 226. To serve notices/recover costs (Section 34 Accumulations of Rubbish):** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental)); Waste Services Manager
- 227. To serve notices (Section 36):** Head of Environmental Services; Environmental Protection Manager; Commercial Health Manager; Executive Director ((Environmental)); Waste Services Manager
- Public Health (Control of Disease) Act 1984 See also Proper Officer Provisions**
- 228. Section 61 - Powers of entry, inspection and examination:** Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Waste Services Manager; Executive Director; Chief Executive; Senior Environmental Health Practitioner; Officers; Trainee Environmental Health Practitioner; Commercial Health Officer; Environmental Protection Officer; Licensing Enforcement Officer; Housing Technical Officer; Grants Officer; Environmental Services Officer; Senior Housing Manager
- Public Health (Infectious Disease) Regulations 1998 See also Proper Officer Provisions**
- 229. Powers of entry, inspection and examination:** Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Executive Director; Chief Executive; Waste Services Manager; Senior Environmental Health Practitioner; Officers; Trainee Environmental Health Practitioner; Commercial Health Officer; Environmental Protection Officer; Licensing Enforcement Officer; Housing Technical Officer; Grants Officer; Environmental Services Officer; Senior Housing Manager; Waste Management Officer
- Rag Flock & Other Filling Materials Act 1951 - Section 13**
- Slaughter of Poultry Act 1967 - Section 4**
- 235. Powers of entry:** Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Senior Environmental Health Officer; Environmental Health Officers; Technical Officers; Commercial Health Officer; Environmental Protection Officers; Waste Services Manager
- Slaughter of Poultry (Licences & Specified Qualifications) Regs. 1991**
- 236. To act as Welfare Supervising Officers:** Head of Environmental Services; Commercial Health Manager; Technical Officer (Commercial)
- Contravention of environmental health legislation**
- 242. To issue cautions for minor offences:** Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Senior Environmental Health Officer (Commercial); Executive Director ((Environmental)); Chief Executive; Waste Services Manager; Environmental Health Practitioner (Senior)
- End of Environmental Services delegation**

C: FINANCIAL, STAFFING AND LEGAL/CORPORATE FUNCTIONS ISSUES

Function/Legislation

Delegation and Provisos (caps)

Administration of Estates Acts, 1925 & 1971

To make application, in all appropriate cases, to administer the estates:

Solicitor to the Council

Petitions: Local Democracy, Economic Development and Construction Act 2009

To reject petitions that are vexatious, abusive or otherwise inappropriate, subject to notifying SMT and the Leader of the Council:

Monitoring Officer

Local Government Act 1972

Section 91

To make an order appointing temporary parish councillors until new elections are held (cases where the council is inquorate and not able to comply with its legal obligations) :

Chief Executive and Solicitor to the Council

Section 112(2) (Staff Benefits and Actions)

To approve or decline applications for car loans from staff:

Chief Finance Officer or Head of Resources & OD and either Chief Executive or Executive Director

~~To approve changes to the defined cars as a result of changes to the Vauxhall range; Chief Executive discretion to disallow vehicles not deemed appropriate (Car leasing)~~

To deal with requests from Chief Officers for the grant of car allowances for appropriate posts:

Chief Executive

To appoint, discipline and dismiss staff below the grade of Senior Officer & to initiate action for the discipline/dismissal of staff at/above that rank:

Chief Executive; Executive Director

Sections 120-123 -(Land Transactions & Council Assets)

To select valuer (etc):

Head of the Paid Service or Executive Director or Head of Resources and OD

To deal with leases - (1) implementation of options to renew on terms specified in lease or to be negotiated by valuer (2) approve licences to assign existing leases:

Head of the Paid Service or Executive Director

Local Government Act 1972 (S 223 (1); Courts and Legal Services Act 1990; County Courts Act 1984; Rights of Audience Order 1999

To institute or defend proceedings in the Magistrates/County/High Court:

Head of the Paid Service or Executive Director, or Solicitor to the Council SUBJECT TO NOTIFICATION TO THE CHAIRMAN OF POLICY & RESOURCES AND THE LEADER

To authorise staff under the above provisions:

Solicitor to the Council

To take Counsel's opinion when he deems it in the Council's interest:

Head of the Paid Service or Executive Director, or Solicitor to the Council CHAIRMAN OF THE POLICY AND RESOURCES

Ombudsman – Maladministration: Local Government Act 2000 – Section 92

To make payments in cases of maladministration:

COMMITTEE AND THE LEADER TO BE NOTIFIED

Chief Executive; Executive Director SUBJECT TO REPORTING TO THE POLICY & RESOURCES COMMITTEE

Local Government Finance Acts 1988 and 1992 (Council Tax etc)

243. To represent the Council in proceedings in the Magistrates Court:

Head of Customer and Community ~~Revenue and Benefit~~ Services; Revenues Manager; Business Rates Officer; Senior Revenue Officer (Recovery)

244. To deal with completion of dates of new or altered buildings:

~~Head of Revenue and Benefit Services~~;—Revenues Manager; Business Rates Officer; ~~Senior Revenue Officer~~

245. To impose or quash penalties:

Head of Customer and Community ~~Revenue and Benefit~~ Services; Chief Finance Officer; Executive Director

246. To administer the legislation including various control, management and relief functions:

Head of Customer and Community ~~Revenue and Benefit~~ Services; ~~Chief Finance Officer~~; Executive Director; Revenues Manager

Rate relief:

247. To approve applications for **rate** relief for partial occupation of non-domestic properties:

Head of Customer and Community ~~Revenue and Benefit~~ Services or Chief Finance Officer; or Executive Director

248. To approve applications for discretionary relief:

Head of Customer and Community ~~Revenue and Benefit~~ Services; Executive Director ~~Chief Finance Officer~~

Local Government Finance Act 1992 and Council Tax Benefit Regulations

249. To implement and operate the Act and its supporting regulations:

Head of Customer and Community ~~Revenue and Benefit~~ Services; Chief Finance Officer; Executive Director

250. To calculate the award of Council Tax benefit:

~~Head of Revenue and Benefit Services~~; Benefit Manager; Assessment Staff and Quality Manager

251. To conduct internal reviews:

Chief Finance Officer and Head of Customer and Community ~~Revenue and Benefit~~ Services; Executive Director

252. To operate the Council's scheme on discretionary payments:	Chief Finance Officer; Head of Customer and Community Revenue and Benefit Services; Executive Director
253. To represent the Council at Appeals Tribunals:	Benefit Manager; Senior Assessment Benefit Officer and Quality Manager
254. To determine and recover the overpayment of benefit:	Head of Customer and Community Revenue and Benefit Services; Benefit Manager; Senior Benefit Officer (Fraud & Overpayments)
5. To institute recovery proceedings through the Courts including representing the Council in Court:	Head of Customer and Community Revenue and Benefit Services; Benefit Manager; Revenues Manager; Senior Revenues Benefits Officer (Recovery) Recovery Officer
<u>Local Government (Miscellaneous Provisions) Act 1976</u>	
To approve Member Empowerment Grants Sport & Leisure, Youth Council, Art and Heritage Grants to £3,500:	Head of Policy & Community Development Executive Director; Head of Customer & Community Services
<u>Local Government Pensions Regulations 1997</u>	
To agree to the release of preserved benefits where the request does not..... have significant cost implications:	Chief Finance Officer
<u>Public Health Act 1936 - Section 291</u>	
To enter into repayment agreements and make Charging Orders (expenses recoverable from owners):	Both Executive Director, with power to delegate to specific officers
<u>Regulation of Investigatory Powers Act 2000 (Covert Surveillance):</u>	
Authorisation of covert surveillance - undertaking investigations:-	ALL SUBJECT TO THE COUNCIL'S CORPORATE POLICY & HOME OFFICE CODE OF PRACTICE & FOR REQUESTS FOR COMMS. DATA TO BE CHANELLED THROUGH DEMOCRATIC SERVICES MANAGER (AS THE COUNCIL'S SINGLE POINT OF CONTACT)
Authorisation of requests for access to, and disclosure of, communications data:	
1. Crime and disorder and anti-social behaviour; Noise; Licensing; Food Safety; Littering; Dog Control; Flytipping; Refuse; Health & Safety; Abandoned Vehicles 2. Planning Enforcement 3. Benefit Fraud 4. Personnel Issues	ALL – Chief Executive; Executive Director Head of Environmental Services; Commercial Health Manager; Environmental Protection Manager; Waste Manager Replacing individual Heads of Service Other officers in absence of all 4 above: Solicitor to the Council; Democratic Services Manager
Covert Human Intelligence Authorisations for vulnerable people or juveniles, or where surveillance involves communications subject to legal privilege, confidential person information or confidential journalistic material:	Chief Executive (or other Executive Director in his absence) IN CONSULTATION WITH LEADER OF COUNCIL (OR DEPUTY LEADER IN HIS ABSENCE)
267 <u>Road Traffic Regulation Act 1984</u>	
4 To take court action in respect of contraventions of the Rushden Off-Street Parking Places Order:	Solicitor to the Council SUBJECT TO BEING SATISFIED AS TO THE EVIDENCE

Social Security Contributions and Benefits Act 1992; Immigration and Asylum Act 1999 (Section 15); Social Security Administration Act 1992; Child Support, Pensions and Social Security Act 2000: Social Security (Consequential Provisions) Act 1992; Social Security Administration (Fraud) Act 1997; Social Security Act 1998; Tribunals, Courts and Enforcement Act 2007

256. To implement the Acts and supporting legislation: Head of Customer and Community ~~Revenue and Benefit~~ Services; Chief Finance Officer; Executive Director
257. To calculate and approve the award of housing benefit: Head of Customer and Community ~~Revenue and Benefit~~ Services; Benefit Manager; Assessment staff and Quality Manager
258. To conduct appeals for reconsideration: ~~Chief Finance Officer~~ and Head of Customer and Community ~~Revenue and Benefit~~ Services (provided the original decision was not taken by HCCS); Executive Director
259. To operate the Council's scheme on discretionary payments: ~~Chief Finance Officer~~; Head of Customer and Community ~~Revenue and Benefit~~ Services; Executive Director; Benefit Manager
260. To represent the Council at Appeals Tribunals: Benefit manager; Senior Benefit ~~Officer Assessment Officers~~ and Quality Manager
261. To determine and recover the overpayment of benefit: Head of Customer and Community ~~Revenue and Benefit~~ Services; Benefit Manager; Senior Benefit Officer
262. To institute recovery proceedings through the Courts including representing the Council in Court: Head of Customer and Community ~~Revenue and Benefit~~ Services; Benefit Manager; Senior Benefit Officer
263. To operate counter fraud activities in respect of benefit fraud, including authorising prosecutions, and imposing sanctions (see also Regulation of Investigatory Powers Act under Legal/Corporate below) : ~~Head of Revenue and Benefit Services~~-Executive Director or Chief Executive
- ~~Transport Acts 1985 and 2000~~
- ~~264. To administer the Council's agreed Concessionary Travel Scheme: Chief Finance Officer; Revenues Manager; Quality Manager~~
- Town & Country Planning General Regulations 1976
268. To seek deemed planning permission (regulations 4 & 5): ~~Executive Director~~ Any Head of Service (but not Planning)

D: PROPER OFFICER PROVISIONS - Local Government Act 1972:

The Chief Executive & Clerk of the Council is the Proper Officer under the various sections indicated (April 1974):-

39 Electoral Registration Officer

41 Returning Officer for Elections

13	Parish Trustee	83	Declaration of Acceptance of Office
88	Notice of Resignation of Office	89	Receipt of Notice of Casual vacancy - local government electors
204	Receipt of Application for Justices Licence	146	Transfer of Securities
225	Deposit of Documents	210	Charity functions
234	Authentication of documents	229	Certification of photographic copies of documents
238	Certification of Byelaws	236	Procedure etc. for Byelaws
Sch 12	Signature -Summons to Meeting; Receipt of Notices-address to send Summons	248	Keeping of Roll of Freemen
Sch 16	Receipt on deposit of lists of protected buildings	Sch14	Certification of Resolutions

The Chief Finance Officer is the Proper Officer for the sections indicated:-

Section 115(2) Receipt of money due from officers
 Section 151 Administration **of the Council's financial affairs**

Section 228(3) Accounts to be open for inspection by Members

The Monitoring Officer is the Proper Officer for the following:-

Section 100A-K Access to Information

The Executive Director (Planning) is the Proper Officer for:-

Section 191 Functions relating to Ordnance Survey

The Executive Director (Planning) is the Proper Officer for:-

Section 212 Local Land Charges Register

~~The Executive Director~~ (Chief Finance Officer) is the Chief Property Officer (Asset Management).

The Head of Environmental Services is the Proper Officer for:- Housing Inspections Housing Act 2004 Section 4

Health Protection

The consultants in Health Protection below based in the East Midlands have been appointed as Proper Officers

Dr Philip Monk; Dr Roy Fey; Dr Sophie Haroon; Ms Lindsey Abbott; Mrs Janice Bright; Miss Susanne Howes; Miss Lesley McFarlane; Mrs Chloe Leggat; Mrs Cathy Mallaghan *for the legislation indicated*

Legislation & Sections	Effect
Public Health (Control of Disease) Act 1984 Sections 11, 18, 20, 21, 22, 24, 29, 31, 32,36, 38,40, 42, 43 and 48	Notification and control powers for Communicable Diseases
Public Health (Infectious Diseases) Regulations 1988 - Regulations 6, 8, 9, 10 Schedules 3 and 4	Additional Powers to the above
Public Health Act 1936 - Sections 84 and 85	Cleansing of filthy or verminous articles, persons or clothing

Public Health Act 1961 - Section 37	Disinfestations of verminous articles offered for sale
National Assistance Act 1948 - Section 48	Removal to suitable premises of persons in need of care and attention

The Head of Environmental Services is authorised to appoint Proper Officers in future to exercise the powers set out above subject to the appointees being the Consultants in Health Protection based in the East Midlands and approved by the Health Protection Agency.