

# Part 3 - Responsibility for Functions

## Section 4. Scheme of Officer Delegations

### Director of Community Services

#### Community Safety

- 10.1 To issue fixed penalty notices in respect of parking, litter and dog fouling and undertake appropriate action including initiating prosecutions to recover the payments of outstanding fines.
- 10.2 To authorise the use of covert surveillance under the RIPA regulations.
- 10.3 To approve on behalf of the authority, the use of ASBO's, Crack house closures, dispersal orders and other similar measures to tackle low level crime and anti social behaviour
- 10.4 To make applications to the Rent Officer under the Rent Act, 1977 (Section 68(1)) for consideration of the fair rent, where necessary, for any dwelling house where the tenant applies for a rent allowance.

#### Housing Needs and Homelessness

- 10.5 Housing Register and property allocation:-
  - (a) To manage the housing register in accordance with current requirements and in line with the agreed policy of the Council.
  - (b) To accept applications to the housing register and assess the level of need according to the prescribed policy of the Council.
  - (c) To make offers of accommodation to persons/households on the housing register either in to the council's housing stock through nominations to RSLs or through any mobility arrangements with other local authorities.
  - (d) To make determinations on cases of statutory homelessness.
- 10.6 Landlord Services:-
  - (a) To manage the council's housing stock including the letting of any maintenance contracts required to repair and improve the stock and council estates.
  - (b) To make decisions relating to the granting, management and termination of tenancies/licences/leases in the council's housing portfolio subject to the appropriate legislation and any policies determined by the council.

- (c) To administer the Right to Buy Scheme, agreeing discounts and eligibility subject to the provisions of the 1985 Housing Act and subsequent legislation amending the scheme.
- 10.7 To agree the disposal of Housing Revenue Account areas of land to where no HRA need exists.
- 10.8 To approve an application for release of covenants contained within documentation and to take action against breach of covenant for which the Council has benefit.
- 10.9 To agree all payments in the disposition of acquisition of land granting easements, premiums, etc, in accordance with Financial Procedure Rules.
- 10.10 To approve the assignment, change of use, surrender or amendment of other terms of leases.
- 10.11 To determine land to be sold with a Council dwelling under the Right to Buy provisions of the Housing Act 1985.

### **Environmental Health**

- 10.12 To implement the provisions of the Public Health Acts, Local Government (Miscellaneous Provisions) Acts, Building Act 1984 and Environmental Protection Act 1990 to eliminate statutory nuisances.
- 10.13 Employ veterinary surgeons and other advisory officers as necessary in pursuance of the exercise of the Council's registration and licensing functions.
- 10.14 To implement the provisions, including the service of all relevant notices and orders of the Food Safety Act 1990 (as amended) and: any subsequent legislation relating to the Council's statutory responsibility in respect of food safety:
  - (a) any Orders or Regulations made there under or relating to the foregoing or having effect by virtue of the European Communities Act 1972, and
  - (b) any modification or re-enactment of the foregoing.
- 10.15 To authorise officers to act on matters arising whilst performing their duties in accordance with the Food Hygiene (England) Regulations 2006 and the Official Feed and Food Controls (England) Regulations 2007.
- 10.16 To act in such matters as specified by the Local Government (Miscellaneous Provisions) Act 1976 - Section 33 - Restoration or Continuation of Supply of Water, Gas or Electricity and in particular:-
  - (i) negotiate terms with owners, occupiers and statutory undertakers;
  - (ii) pay accounts both for supplies and for the restoration of services where necessary;
  - (iii) serve demands for payments; and
  - (iv) serve notice on tenants and other occupiers under Section 33(4) requiring rent to be paid to the Council in settlement of the said accounts.

- 10.17 To implement the provisions of the Anti-Social Behaviour Act 2003, Part 8, in respect of the control and enforcement high hedges.
- 10.18 To implement the provisions of the Environmental Protection Act 1990 (stray dogs) and of the Dangerous Dogs Act 1991.
- 10.19 To implement the provisions of the Public Health (Control of Diseases) Act 1984, in respect of Welfare Burials.
- 10.20 Management and enforcement regarding unauthorised Traveller encampments on private land; and return of Gypsy Census statistics.
- 10.21 To carry out the functions as required by the Health and Safety (Enforcing Authority) Regulations 1989 and to approve, on behalf of the Council, the transfer of enforcement responsibility for any particular premises from the Health and Safety Executive to the Council or vice versa by mutual consent.
- 10.22 To act under Part III of the Food and Environmental Protection Act 1985 and under the Control of Pesticides Regulations 1986.
- 10.23 To implement the statutory responsibilities of the council in respect of noise nuisance and pollution including the provisions of the Noise Act 1996, the Noise and Statutory Nuisance Act 1993, the Clean Air Acts 1956, 1961 and 1993, the Control of Pollution Act 1974, the Control of Pollution (Amendment) Act 1989, the Pollution Prevention and Control Act 1999, the Environmental Protection Act 1990 and the Environment Act 1995 and attendant Regulations and Orders so as to eliminate or minimise instances of environmental pollution.
- 10.24 To enforce the provisions of Sections 2 and 3 of the Local Government Act 2000 for promoting environmental well-being.
- 10.25 To implement and enforce the provisions of the Clean Neighbourhoods and Environment Act 2005 and any subsequent amending legislation.
- 10.26 To implement and enforce the provisions of the Anti Social Behaviour Act 2003.
- 10.27 To implement and enforce the provisions of the Caravan Sites and Control of Development Act 1960.
- 10.28 To issue all Authorisations under the provisions of the Environmental Protection Act 1990 for Schedule B industrial processes and the subsequent amendment and variation of these Authorisations.
- 10.29 To implement the provisions of the Environmental Protection Act 1990 and any subsequent amendments to the legislation or duties if the local authority.
- 10.30 To implement as required the provisions of Section 80 of the Water Industry Act 1991.
- 10.31 To enforce the statutory provisions relating to the health, safety and welfare of persons employed in offices and shops and the granting of exemptions.

- 10.32 To enforce the provisions of the Health and Safety at Work Act 1974 and any Orders or Regulations made thereunder or relating thereto and any modification or re-enactment thereof.
- 10.33 To implement and enforce the provisions of the Health Act 2006 with regard to smoke-free premises and vehicles including the issuing of fixed penalty, authorising prosecutions or other court actions.
- 10.34 To appoint a Clinical Officer to carry out the functions conferred or imposed under Section, 47, National Assistance Act and Section 1, National Assistance (Amendment) Act 1951
- 10.35 To implement and enforce the provisions of the Sunbeds (Regulations) Act 2010

### **Strategic and private sector housing**

- 10.36 To implement the provisions of the Housing Act 2004 including the authorisation of enforcement actions and prosecutions where appropriate.
- 10.37 To determine closing orders made under the terms of earlier Housing standards legislation where the dwellings have been brought up to a suitable standard for human habitation.
- 10.38 To authorise the use of the Council's compulsory purchase powers in respect of empty residential properties.
- 10.39 Authority to serve notices under Section 215 of the Town & Country Planning Act 1990 in relation to any land in the district, the condition of which is prejudicial to the amenity of the district or any part of it, including the power to vary, amend, withdraw and re-issue any such notice and in consultation with the Head of Legal and Democratic Services to take enforcement action in relation to any failure to comply with the requirements of a Section 215 Notice including, where permissible and appropriate, the institution of prosecution proceedings, the taking of direct action, the sale of materials removed from land, the registration of a local land charge, the recovery of expenses in any court of competent jurisdiction and the seeking of an injunction (in the latter case, in consultation with the Portfolio Holder for Community Services).
- 10.40 To administer the provisions of the Housing Act 2004 and Housing Act 1985 (as amended) including the licensing of House in Multiple Occupation.
- 10.41 To administer the provisions of Housing (Grants, Construction and Regeneration) Act 1996 in respect of disabled facilities grants including the determination of grant applications and payments of grants.
- 10.42 To serve all relevant notices under the provisions of the Public Health Acts, Local Government (Miscellaneous Provisions) Acts, Building Act - 1984 and Environmental Protection Act 1990 to eliminate statutory nuisances.
- 10.43 To authorise the making of home – loss, disturbance and other statutory compensation payments in connection with the making of closing and

demolition orders and the acceptance of undertakings relating to unfit/unsuitable premises pursuant to Housing Acts 1985 and 2004.

- 10.44 To serve all relevant notices and orders under the terms of Housing Act 2004 in respect of Empty Property Management orders from date of implementation of the Empty Property Management Order legislation (2006).
- 10.45 To serve all relevant notices under the provisions of the Local Government (Miscellaneous Provisions) Acts in respect of Requisitions for Information on properties.
- 10.46 To authorise the compulsory improvement of dwellings under the Housing Act 2004.
- 10.47 To authorise payments of grants to improve properties in line with the agreed council policy, including Housing Renewal Grants
- 10.48 To agree in conjunction with the council's planners to affordable housing contribution from new housing developments including the payment of commuted monies for off site provision.
- 10.49 To agree the payment of grants from section 106 developer contributions to affordable housing to Registered Social Landlords for the provision of new social housing in the district.

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### **Clinical Director (Health Protection Agency)**

- 13.1 National Assistance Act 1948 - Section 47 and National Assistance (Amendment) Act 1951 - Section 1

To secure the necessary care and attention for persons who -

- (a) are suffering from grave chronic diseases or
- (b) being aged, infirm or physically incapacitated and living in insanitary conditions; and
- (c) are unable to devote to themselves and are not receiving from other persons proper care and attention

(Such authority to vest in the following authorised deputies in the absence of the Consultant in Communicable Disease Control:-

- (i) Consultant in Communicable Disease/Health Protection
- (ii) Such other doctors authorised to act as deputies in the absence of the above)