

MUNICIPAL YEAR 2009/2010 REPORT NO. **254**

MEETING TITLE AND DATE:

Council 31st March 2010

REPORT OF:

Director of Environment and Street Scene

Agenda – Part: 1

Item: 11

Subject:

Delegated Authority within the Environment & Street Scene Department

Wards: All

Cabinet Member consulted:

Cllr Terence Neville

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1. EXECUTIVE SUMMARY

This report sets out the delegated authority arrangements within Environment and Street Scene Department and updates arrangements in respect of delegated powers within the Planning & Environmental Protection, Highways & Transportation Services and Waste Management Divisions; and the Community Safety Unit; as a consequence of changes in structures, posts and legislation.

2. RECOMMENDATIONS

To agree the delegated authorities identified at Appendices A - H.

3. BACKGROUND

- 3.1 This report updates previously agreed delegations to incorporate changes arising from new legislation and changes to the designations of posts following the restructure of the Environmental Protection & Regulation Division to form a new Planning & Environmental Protection Division.
- 3.2 The most significant legislative changes include amendments to the Housing Act 2004, which places a duty on the local weights and measures authority to enforce the provision of the legislation in relation to Home Information Packs (HIPs). Amendments to the Building Act 1984 place a duty on the local weights and measures authority to enforce the provision contained in The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 as amended. Also, the Consumers, Estate Agents redress Act 2007 amends the Estate Agents Act requiring estate agents to be part of redress schemes for disputes with consumers. All of these Acts allow the local weights and measures authority to serve a fixed penalty notice.
- 3.3 The report adds the delegated arrangements to the Building Control function, which was transferred to the Planning & Environmental Protection Division following restructure.
- 3.4 Delegated arrangements for planning enforcement are made through the Planning Committee.
- 3.5 The report also adds and consolidates into one report delegated arrangements for enforcement, licensing and permitting within the Highways & Transportation Services and Waste Management Divisions; and the Community Safety Unit.
- 3.6 Proceedings are issued in the name of the Borough Solicitor where he has conduct of the case.

4. ALTERNATIVE OPTIONS CONSIDERED

None.

5. REASONS FOR RECOMMENDATIONS

This is an ongoing process to ensure that the Council has effectively and legally delegated its statutory powers to officers.

6. COMMENTS OF THE DIRECTOR OF RESOURCES AND OTHER SERVICE GROUPS

6.1 Financial Implications

There are no specific financial implications arising from these recommendations.

6.2 Key Risks

No significant risks have been identified.

Delegated authority within ESS is necessary to reflect changes in structures, posts, and legislation.

It will also obviate any possibility of legal challenge to the Council were staff to operate with powers that had not been properly delegated.

6.3 Legal Comments

6.3.1 Under Section 101 of the Local Government Act 1972, Local Authorities have a general power to discharge their functions through officers.

6.3.2 The power to appoint Proper Officers to discharge these functions comes from sections 112, 234 and 270 (3) of the of the Local Government Act 1972 and sections 69 and 72 of the Weights and Measures Act 1985, and section 18 and 19 of the Health and Safety at Work etc Act 1974.

6.3.3 Paragraph 11.3 of the Constitution of the Council authorises the Borough Solicitor to institute, defend or participate in any legal proceedings. The delegation of authority sought in this respect will continue the existing arrangement to provide parallel authority to that vested in the Borough Solicitor.

6.3.4 The current arrangements within the legal department are adequate to ensure that there is compliance with the Constitution arrangements of the Council and the legal requirements needed to discharge their functions through officers for prosecutions work in the Council.

6.4 Property Implications

None.

7. PERFORMANCE MANAGEMENT IMPLICATIONS

None.

8. COMMUNITY IMPLICATIONS

There are no direct implications for members of the public in respect of this report as no changes to frontline services are proposed.

9. EQUALITY IMPACT ASSESSMENT

Corporate advice has been sought in regard to equalities and an agreement has been reached that, on this occasion, an equalities impact assessment is not necessary.

10. HEALTH & SAFETY RISK

None.

11. PUTTING ENFIELD FIRST

The statutory powers within this report are essential for the Services to contribute towards the Council's vision by promoting the Corporate Aims of:

Aim 1: Build prosperous, sustainable, communities

Aim 2: A cleaner, greener, sustainable, Enfield

Aim 3: Ensure every child matters and provide high quality education for all

Aim 4: A safer Enfield

Aim 5: A healthier Enfield where people are able to live independent lives

Aim 6: Provide high quality and efficient services

Background Papers

None

Appendix A- Delegated Authority within the Environment and Street Scene Department.

- 1.1 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Director of Environment and Street Scene in respect of those matters listed in Appendices A – H.
- 1.2 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Planning & Environmental Protection in respect of those matters listed in Appendix B.
- 1.3 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Waste Management in respect of those matters listed in Appendix F.
- 1.4 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Highways and Transportation Services in respect of those matters listed in Appendix G.
- 1.5 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Head of Community Safety in respect of those matters listed in Appendix H

Appendix B - Delegated Authority within the Planning & Environmental Protection Division

- 1.1 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Planning and Environmental Protection, Head of Business Regulation, Head of Environmental Protection and Head of Development Services, in respect of those matters listed in paragraphs 1.2-1.24 below.
- 1.2 That the Assistant Director Planning and Environmental Protection, Head of Business Regulation, Head of Environmental Protection and Head of Development Services be appointed as Proper Officers and have delegated power to appoint Proper Officers pursuant to sections 112, 234, 270 (3) of the Local Government Act 1972 for the purposes of signing all Notices, Orders, Licences and other documents, given, made or issued by them on behalf of the Council under the legislation in Appendix C.
- 1.3 That the Assistant Director Planning and Environmental Protection and Head of Business Regulation have delegated power to appoint Proper Officers pursuant to sections 69 and 72 of the Weights and Measures Act 1985.
- 1.4 That the Assistant Director Planning and Environmental Protection, Head of Business Regulation, Head of Environmental Protection, Head of Development Services and Team Leaders under the direction of the Service Head, be authorised pursuant to Section 223 of the Local Government Act 1972 to institute proceedings in any Magistrates Court in respect of offences or other matters falling within the legislation in Appendix C;
- 1.5 That the Assistant Director Planning and Environmental Protection, Head of Business Regulation, Head of Environmental Protection and Head of Development Services be authorised under Section 223 of the Local Government Act 1972 to appear on behalf of the Council before any Magistrates Court in relation to proceedings instituted by them;
- 1.6 That there be delegated to Assistant Director Planning and Environmental Protection, Head of Business Regulation, Head of Environmental Protection and Head of Development Services the power to authorise officers of the Service to appear on behalf of the Council in any Magistrates Court under Section 223 of the Local Government Act 1972 in relation to proceedings instituted for legislation shown at Appendix C.
- 1.7 That there be delegated to the Assistant Director Planning and Environmental Protection, Head of Business Regulation, Head of Environmental Protection and Head of Development Services the power to authorise officers to exercise powers and duties falling within the legislation referred to at Appendix C, subject where appropriate to officers holding the appropriate qualification;
- 1.8 That there be delegated to the Assistant Director Planning and Environmental Protection and Head of Business Regulation the power to institute proceedings and bring contempt of court action in relation to the Enterprise Act 2002 and for

Trading Standards Team Leader to be delegated the power to seek and receive voluntary undertakings under the aforesaid legislation.

- 1.9 That there be delegated to the Assistant Director, Planning and Environmental Protection, Head of Business Regulation and Head of Environmental Protection and Team Leaders;
 - 1.9.1 Power to authorise officers to serve and sign in their own name all improvement and prohibition notices in food safety and health & safety enforcement and
 - 1.9.2 Power to authorise officers to serve and sign in their own name all relevant notices in accordance with the legislation listed under Appendix C and
 - 1.9.3 Power to authorise officers to serve and sign in their own name any fixed penalty notice in accordance with the legislation listed at Appendix E and
 - 1.9.4 All authorisation, variation, revocation, enforcement and prohibition notices under; local authority pollution control enforcement and
 - 1.9.5 The power to institute civil proceedings under section 2 of the Local Government Act 2000 to protect the economic, social or environmental well-being of the community.
- 1.10 That the powers of suspension and forfeiture provided by the Consumer Protection Act 1987 and the European Communities Act 1972 be delegated to the Assistant Director Planning and Environmental Protection, Head of Business Regulation and Team Leaders;
- 1.11 That there be delegated to the Assistant Director Planning and Environmental Protection, Head of Business Regulation and Head of Environmental Protection, the power to authorise officers to sign licences (as required by various statutes in Appendix C and listed at Appendix D) on behalf of the Head of Business Regulation and the powers of the Council as registration authority under the various statutes in Appendix D.
- 1.12 That in cases of serious consumer fraud the Assistant Director Planning and Environmental Protection, Head of Business Regulation and Head of Environmental Protection, and Team Leaders under the direction of a Head of Service be delegated authority to institute proceedings under the Criminal Law Act 1977, Criminal Attempts Act 1981 and Common Law Conspiracy to Defraud.
- 1.13 That the Assistant Director Planning and Environmental Protection, Head of Business Regulation, and Head of Environmental Protection, be responsible for the discharge of the functions of the Local Authority relating to the appointment and duties of Trading Standards Officers, Fair Trading Officers, Environmental Health Officers, Environmental Crime Officers or Technical Officers in the

Service;

- 1.14 The Assistant Director Planning and Environmental Protection, Head of Business Regulation and Head of Environmental Protection, be empowered pursuant to Schedule 1 Section 14 of the Pollution Prevention and Control Act 1999, to appoint as inspectors such persons having suitable qualifications as he or she thinks necessary for carrying into effect the provisions of the Act and to terminate any appointment made;
- 1.15 That the Assistant Director Planning and Environmental Protection, Head of Business Regulation, and Head of Environmental Protection, be responsible for arranging for the signature and service of Notices under the provisions of Sections 80 and 80(A) Environmental Protection Act 1990;
- 1.16 That the Assistant Director Planning and Environmental Protection, Head of Business Regulation and Head of Environmental Protection, be empowered pursuant to section 108 of the Environment Act 1995 to authorise persons as necessary for carrying into effect the provisions of the Act;
- 1.17 That the Assistant Director Planning and Environmental Protection, Head of Business Regulation and Head of Environmental Protection, be empowered pursuant to Schedule 1, Part 1 paragraph 14 of the Pollution Prevention Control Act 1999 to authorise persons as necessary for carrying into effect the provisions of the Act;
- 1.18 That the Assistant Director Planning and Environmental Protection, Head of Business Regulation and Head of Environmental Protection, be authorised to:
 - 1.18.1 Appoint Animal Welfare Officers to enter premises and to take action under enactments listed in Appendix C;
 - 1.18.2 Instruct, on behalf of the Council, such veterinary surgeon(s) to enter any premises to advise as necessary on action to be taken under the animal welfare legislation listed in Appendix C.
- 1.19 That the Assistant Director Planning and Environmental Protection, Head of Business Regulation be given delegated authority to appoint;
 - 1.19.1 A Consultant in Communicable Disease Control and their deputies to perform duties on behalf of the Council in respect of Notifiable Disease, Infections and food poisoning and for action under Section 47 of the National Assistance Act 1948 and
 - 1.19.2 Council Public Analysts in accordance with Section 27 of the Food Safety Act 1990 and Agricultural Analysts for the purposes of the Agricultural Act 1970;
- 1.20 The Assistant Director Planning and Environmental Protection, Head of Business Regulation be empowered:

- 1.20.1 pursuant to Section 19 of the Health and Safety at Work etc Act 1974, to appoint as Inspectors such persons having suitable qualifications as he or she thinks necessary for carrying into effect the provisions of the Act and to terminate any appointment made; and
- 1.20.2 pursuant to Section 39 of the Health and Safety at Work etc Act 1974, to authorise any such Inspectors to prosecute before a Magistrates' Court for any offence under the said Act or Regulations made there under and
- 1.20.3 be given delegated powers to arrange for other people to accompany Inspectors on Inspections of Work Places under the provisions of the Health and Safety at Work etc. Act 1974 and
- 1.20.4 on behalf of the Local Authority be given delegated powers to endorse any agreed transfers of enforcement responsibility for any particular premises, or parts of premises, or any particular activities carried on in them, from the Health and Safety Executive to the Local Authority, or vice versa and;
- 1.20.5 be given delegated powers to issue a Sports Ground Safety Certificate under the Safety of Sports Grounds Act 1975;
- 1.21 That named officers as authorised by the Assistant Director Planning and Environmental Protection, Head of Business Regulation and Head of Environmental Protection, be delegated power to authorise directed surveillance, interception of communications and the use of covert human intelligence sources in accordance with the requirements of the Regulation of Investigatory Powers Act 2000. (The Assistant Director of Planning and Environmental Protection to maintain a record of duly authorised named officers holding the above posts and such other posts which satisfy the requirements of the Council's policy relating to the Regulation of Investigatory Powers Act 2000).
- 1.22 That the Assistant Director Planning and Environmental Protection and Head of Business Regulation be authorised to take appropriate enforcement action against (including prosecution) contraventions of non-mandatory trading legislation in cases where they determine it is expedient to do so in the interests of consumer protection, fair trading or wider public protection considerations;
- 1.23 That the powers of the Council to provide advice to consumers of goods and services under Section 69(5) of the Weights and Measures Act 1985 be delegated to staff duly authorised for that purpose by the Assistant Director Planning and Environmental Protection and Head of Business Regulation.
- 1.24 That the Assistant Director Planning and Environmental Protection and Head of Business Regulation be delegated the authority to authorise suitably qualified officers to exercise powers under the Proceeds of Crime Act 2002 for the recovery of assets.

Appendix C- Legislation Enforced by the Environment & Street Scene Department

The legislation in Appendix C comprises all the statutes set out in the following table, as amended from time to time, plus all secondary legislation made under or in connection with any of those statutes, including any relevant secondary legislation made under the European Communities Act 1972 and any relevant by-laws or orders made by the London Borough of Enfield.

NO.	LEGISLATION
1.	Abandonment of Animals Act 1960
2.	Accommodation Agencies Act 1953
3.	Administration Of Justice Act 1970
4.	Agriculture Act 1970
5.	Agriculture (Misc. Provisions) Act 1968
6.	Animal Boarding Establishments Act 1963
7.	Animal Health Act 1981
8.	Animal Health & Welfare Act 1984
9.	Animals Act 1971
10.	Animal Health Act 2002
11.	Animal Welfare Act 2006
12.	Anti Social Behaviour Act 2003
13.	Architects Act 1997
14.	Auctions (Bidding Agreements) Acts 1927 & 1969
15.	Building Act 1984
16.	Betting Gaming & Lotteries Act 1963
17.	Business Names 1985
18.	Breeding Of Dogs 1973
19.	Breeding Of Dogs 1991
20.	Breeding & Sale Of Dogs (welfare) act 1999
21.	Caravan Sites Act 1968
22.	Caravan Sites & Control Of Development Act 1960
23.	Charities Act 2006
24.	Children & Young Persons (Protection From Tobacco) Act 1991

25.	Children & Young Persons Act 1933
26.	Children & Young Persons Act 1963
27.	Clean Air Act 1993
28.	Clean Neighbourhoods & Environment Act 2005
29.	Computer Misuse Act 1990
30.	Communications Act 2003
31.	Companies Act 1985
32.	Companies Act 2006
33.	Construction Products Regulations 1991
34.	Consumer Credit Act 1974
35.	Consumer Protection Act 1987
36.	Control Of Pollution Act 1974
37.	Control of Pollution (amendment) Act 1989
38.	Copyright Designs & Patents Act 1988
39.	Copyright Etc Trademark (Offences & Enforcement) Act 2002
40.	Courts & Legal Services Act 1990
41.	Crime and Disorder Act 1998
42.	Criminal Attempts Act 1981
43.	Criminal Damage Act 1971
44.	Criminal Justice & Public Order Act 1994
45.	Criminal Justice Act 1988
46.	Criminal Justice and Police Act 2001
47.	Criminal Law Act 1977
48.	Crossbows Act 1987
49.	Dangerous Dogs Act 1991
50.	Dangerous Wild Animals Act 1976
51.	Development Of Tourism Act 1969
52.	Dogs Act 1906
53.	Dog Fouling of Land Act 1996
54.	Edmonton Urban District Council Act 1929
55.	Education Reform Act 1988
56.	Electromagnetic Compatibility Regulations 1992
57.	Employment Of Women, Young Persons & Children Act 1920

58.	Employment Agencies Act 1973
59.	Energy Act 1976
60.	Energy Conservation Act 1981
61.	Environment Act 1995
62.	Environmental Protection Act 1990
63.	Enterprise Act 2002
64.	Estate Agents Act 1979
65.	European Communities Act 1972
66.	Explosive (Age Of Purchase) Act 1976
67.	Explosives Act 1875
68.	Fair Trading Act 1973
69.	Financial Services and Markets Act 2000
70.	Fireworks Act 2003
71.	Fire Safety & Safety of Places of Sport Act 1987
72.	Food & Environment Protection Act 1985
73.	Food Safety Act 1990
74.	Forgery & Counterfeiting Act 1981
75.	Fraud Act 2006
76.	Gambling Act 2005
77.	Game Act 1831
78.	Game Licenses Act 1860
79.	Gaming Act 1968
80.	Greater London Council (General Powers) Act 1966
81.	Greater London Council (General Powers) Act 1967
82.	Greater London Council (General Powers) Act 1968
83.	Greater London Council (General Powers) Act 1969
84.	Greater London Council (General Powers) Act 1971
85.	Greater London Council (General Powers) Act 1972
86.	Greater London Council (General Powers) Act 1973
87.	Greater London Council (General Powers) Act 1978
88.	Greater London Council (General Powers) Act 1981
89.	Greater London Council (General Powers) Act 1982
90.	Greater London Council (General Powers) Act 1984

91.	Guard Dogs Act 1975
92.	Hallmarking Act 1973
93.	Health Act 2006
94.	Health & Safety at Work etc Act 1974
95.	Highways Act 1980
96.	Housing Act 1985 (as amended)
97.	Housing Act 1996
98.	Housing, Grants, Construction & Regeneration Act 1996
99.	Housing Act 1988
100.	Housing Act 2004
101.	Hypnotism Act 1952
102.	Insurance Brokers Registration Act 1977
103.	Insurance Companies Act 1981
104.	Intoxicating Substances (Supply) Act 1985
105.	Knives Act 1997
106.	Licensing Act 2003
107.	Local Government (Misc. Provisions) Act 1976
108.	Local Government (Misc. Provisions) Act 1982
109.	Local Government Act 1972
110.	Local Government Act 2000
111.	Local Government & Housing Act 1989
112.	Local Government Act 1963
113.	London Local Authorities Act 1990
114.	London Local Authorities Act 1991
115.	London Local Authorities Act 1994
116.	London Local Authorities Act 1995
117.	London Local Authorities Act 1996
118.	London Local Authorities Act 2000
119.	London Local Authorities Act 1995 Part III
120.	London Local Authorities Act 2004
121.	London Local Authorities Act 2007
122.	London Local Authorities & Transport For London Act 2003
123.	London Local Authorities & Transport For London Act 2008

124.	Lotteries & Amusements Act 1976
125.	Malicious Communications Act 1988
126.	Medicines Act 1968
127.	Mobile Telephones (Re-Programming) Act 2002
128.	Motorcycle Noise Act 1987
129.	National Lottery Act 1993
130.	New Roads and Street Works Act 1991
131.	Noise Act 1996
132.	Noise & Statutory Nuisance Act 1993
133.	Offensive Weapons Act 1996
134.	Offices Shops & Railways Premises Act 1963
135.	Olympic Symbol Etc (Protection) Act 1995
136.	Opticians Act 1989
137.	Package Travel, Package Holidays & Package Tours Regs 1992
138.	Performing Animals (Regulation) Act 1925
139.	Pet Animals Act 1951 & 1983
140.	Poisons Act 1972
141.	Pollution Prevention & Control Act 1999
142.	Planning (Listed Buildings & Conservation Areas) Act 1990
143.	Prevention Of Damage By Pests Act 1949
144.	Prices Act 1974
145.	Proceeds of Crime Act 2002
146.	Property Misdescriptions Act 1991
147.	Protection Of Animals Act 1911
148.	Protection Of Children (Tobacco) Act 1986
149.	Protection Of Children (Tobacco) Act 1991
150.	Protection From Eviction Act 1977
151.	Protection From Harassment Act 1997
152.	Public Health (Control Of Diseases) act 1984
153.	Public Health Act 1936
154.	Public Health Act 1961
155.	Public Health Acts Amendment Act 1907
156.	Refuse Disposal (Amenity) Act 1978

157.	Riding Establishments Act 1964
158.	Road Traffic Act 1988
159.	Road Traffic (Foreign Vehicles) Act 1972
160.	Road Traffic Offenders Act 1988
161.	Road Traffic Regulation Act 1984
162.	Safety Of Sports Grounds Act 1975
163.	Scotch Whiskey Act 1988
164.	Scrap Metal Dealers Act 1964
165.	Solicitors Act 1974
166.	Statute law (Repeals) Act 2004
167.	Sunday Trading Act 1994
168.	Tobacco Advertising And Promotion Act 2002
169.	Telecommunications Act 1984
170.	Theatres Act 1968
171.	Timeshare Act 1992
172.	Town & Country Planning Act 1990 S 224 & 225
173.	Trade Descriptions Act 1968
174.	Trade Marks Act 1994
175.	Trading Schemes Act 1996
176.	Traffic Management Act 2004
177.	Unsolicited Goods & Services Act 1971
178.	Unsolicited Goods & Services (Amendment) Act 1975
179.	Vehicles (Crime) Act 2001
180.	Violent Crime Reduction Act 2006
181.	Video Recordings Act 1984
182.	Video Recordings Act 1993
183.	Water Act 1989
184.	Water Industry Act 1991
185.	Water Resources Act 1991
186.	Weights & Measures Act 1985
187.	Young Persons Employment Act 1938
188.	Zoo Licensing Act 1981

Appendix D - Licenses and Registrations

1.	Animal Boarding (Animal Boarding Establishments Act 1963)
2.	Animal Welfare Act 2006
3.	Auctions and Sales by Competitive Bidding (Greater London Council (General Powers) Act 1984)
4.	Civil Marriage/partnership venues (Marriage Act 1949 and Civil Partnership Act 2004)
5.	Dangerous Wild Animals (Dangerous Wild Animals Act 1976)
6.	Dog Breeders (Breeding and Sale of Dogs (Welfare) Act 1999)
7.	Explosives Storage (Manufacture and Storage of Explosives Regulations 2005)
8.	Food Premises Registration (Food Safety Act 1990, Food Premises (Registration) Regulations 1990, as amended).
9.	Gambling Act 2005
10.	Hairdressers/Barbers Registration (Greater London Council (General Powers) Act 1967)
11.	Licensing Act 2003
12.	Movement of Pigs (Animal Health Act 1981)
13.	Occasional Car boot Sales (London Local Authorities Act 1996)
14.	Performing Animals (Performing Animals (Regulation) Act 1925)
15.	Permits for Pollution control (Pollution Prevention and Control Act 1999)
16.	Pet Shops (Pet Animals Act 1951 and 1983)
17.	Poisons (Poisons Act 1972)
18.	Riding Schools (Riding Establishments Act 1964 and 1970)
19.	Scrap Metal Dealers (Scrap Metal Dealers Act 1964)
20.	Sex Establishments (Local Government (Miscellaneous Provisions) Act 1982)
21.	Skips, scaffolding and other lawful interference with the highway (Highways Act 1980)
22.	Special Treatments (London Local Authorities Act 1991 as amended)
23.	Street Trading (London Local Authorities Act 1990)
24.	Motor vehicle salvage (Vehicles (Crime) Act 2001 and Motor Salvage Operators Regulations 2002)
25.	Hire of Pleasure craft licences (Public Health Acts Amendment Act 1907 section 94)
26.	Zoo Licences (Zoo Licensing Act 1981)

27.	Hypnotism Licences (Hypnotism Act 1952)
28.	Registration of Cooling Towers (The Notification of Cooling Towers and Evaporative Condensers Regulations 1992)

Appendix E - Fixed Penalty Notices

Act	Section	Description of Offence
Clean Neighbourhoods and Environment Act 2005	6(1)	Exposing vehicles for sale on a road. Repairing vehicles in the course of a business on a road.
Refuse Disposal (Amenity) Act 1978	2A(1)	Abandoning a vehicle
Environmental Protection Act 1990	88(1)	Litter
Environmental Protection Act 1990	94A(2)	Street Litter Control Notices and Litter Clearing Notices
Environmental Protection Act 1990	Schedule 3A, para 7(2)	Unauthorised distribution of literature on designated land
Control of Pollution (Amendment) Act 1989	58(2)	Failure to produce authority (waste transfer notes)
Environmental Protection Act 1990	34A(2)	Failure to furnish documentation (waste carrier's licence)
Environmental Protection Act 1990	47ZA (2)	Offences in relation to waste receptacles
Clean Neighbourhoods and Environment Act 2005	59(2)	Offences under Dog Control Orders
Clean Neighbourhoods and Environment Act 2005	73(2)	Failure to nominate key-holder (within an alarm notification area) or to notify local authority in writing of nominated key-holder's details.
Noise Act 1996	8	Noise from private dwellings
Noise Act 1996	8	Noise from Licensed Premises
Highways Act 1980	132(1)	Painting or otherwise inscribing or affixing picture etc. upon the surface of a highway or upon a tree, structure or works on or in a highway
	137(1)	Wilful obstruction of highway
	138	Erecting a building, fence or hedge on highway
	139(3)	Depositing builder's skip on highway without permission
	139(4)(a)	Failure to secure lighting or other marking of builder's skip
	139(4)(b)	Failure to secure marking of builder's skip with name and address
	139(4)(c)	Failure to secure removal of builder's skip
	139(4)(d)	Failure to comply with conditions of permission
	140(3)	Failure to remove or reposition builder's skip
	141(3)	Failure to comply with notice requiring removal of tree or shrub
	147A(2)	Using of stall etc. for road side sales in certain circumstances

	148(a)	Depositing material etc. on a made-up carriageway
	148(b)	Depositing material etc. within 15 feet from centre of made-up carriageway
	148(c)	Depositing anything on highway to the interruption of user
	148(d)	Pitching of booths, stalls or stands or encamping on highway
	151(3)	Failure to comply with notice requiring works to prevent soil or refuse escaping onto street or into sewer
	152(4)	Failure to comply with notice requiring removal of projection from buildings
	153(5)	Failure to comply with notice requiring alteration of door, gate or bar opening outwards onto street
	155(2)	Keeping of animals straying or lying on side of highway
	161(1)	Depositing things on highway which cause injury or danger
	169(5)	Erecting scaffolding or other structure without licence or failing to comply with terms of licence or perform duty under subsection (4)
Environmental Protection Act 1990	80(4)	Contravention or failure to comply with requirement or prohibition imposed by abatement notice
Housing Act 2004 Section 168 and Schedule 8	155	Failure of responsible person to meet duty to have a Home Information Pack
	156	Failure to provide a copy of the Home Information Pack on request
	157	Failure to comply with conditions imposed in relation to the provision of a Home Information Pack
	158	Failure to ensure that the Home Information Pack provided is authentic
	159	Failure to comply with other duties of persons acting as Estate Agents
	167(4)	Failure to produce Home Improvement Pack documentation upon request of enforcing authority
	172(1)	Failure of an estate agent to be a member of an approved redress scheme
Town and Country Planning Act 1990	224(3)	Displaying advertisement in contravention of regulations (in respect of Estate Agents Boards only)

London Local Authorities Act 1990	34(1)	Contravention of condition of street trading licence or temporary licence
	34(2)	Making false statement in connection with application for street trading licence or temporary licence
	34(3)	Resisting or obstructing authorised officer
	34(4)	Failure to produce street trading licence on demand
	38(1)	Unlicensed street trading
The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 Regulation 40	5(2)	Failure of relevant person to make available free of charge a valid energy performance certificate to a prospective buyer or tenant
	5(5)	Failure of relevant person to make available free of charge a valid energy performance certificate to the person who ultimately becomes the buyer or tenant
	6(2)	Failure to provide energy information with the particulars when selling/renting property
	9(2)	Failure to give to the owner an energy performance certificate on completion of construction of the building
	10	Failure to give a recommendation report with an energy performance certificate
	16(2)	Failure to comply with duties relating to display energy certificates and advisory reports
	21(1)	Failure to comply with the duty in relation to a relevant air-conditioning system to ensure that the system is inspected by an energy assessor at regular intervals not exceeding five years.
	23	Failure to keep the most recent inspection report made by an energy assessor
	24	Failure to comply with duty on new relevant person who has not been given the inspection report to have the system inspected
39(4)	Failure to provide upon request of the enforcing authority a valid energy performance certificate and recommendation report, an advisory report; or an inspection report.	

Appendix F - Delegated Authority within the Waste Management Division

- 1.1 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Waste Management and Head of Operations, in respect of those matters listed in paragraphs 1.2-1.7 below.
- 1.2 That the Assistant Director Waste Management and Head of Operations be appointed as Proper Officers and have delegated power to appoint Proper Officers pursuant to sections 112, 234, 270 (3) of the Local Government Act 1972 for the purposes of signing all Notices, Orders, Licences and other documents, given, made or issued by them on behalf of the Council under the legislation in Appendix C.
- 1.3 That the Assistant Director Waste Management and Head of Operations, be authorised pursuant to Section 223 of the Local Government Act 1972 to institute proceedings in any Magistrates Court in respect of offences or other matters falling within the legislation in Appendix C;
- 1.4 That the Assistant Director Waste Management and Head of Operations be authorised under Section 223 of the Local Government Act 1972 to appear on behalf of the Council before any Magistrates Court in relation to proceedings instituted by them;
- 1.5 That there be delegated to Assistant Director Waste Management and Head of Operations the power to authorise officers of the Service to appear on behalf of the Council in any Magistrates Court under Section 223 of the Local Government Act 1972 in relation to proceedings instituted for legislation shown at Appendix C.
- 1.6 That there be delegated to the Assistant Director Waste Management and Head of Operations the power to authorise officers to exercise powers and duties falling within the legislation referred to at Appendix C, subject where appropriate to officers holding the appropriate qualification;
- 1.7 That there be delegated to the Assistant Director Waste Management and Head of Operations Power to authorise officers to serve and sign in their own name any fixed penalty notice in accordance with those offences associated with litter and dog fouling listed in appendix E.

APPENDIX G - Delegated Authority within the Highways and Transportation Services Division

- 1.1 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Highways and Transportation, Head of Highways Services and Head of Parking Services, in respect of those matters listed in paragraphs 1.2-1.8 below.
- 1.2 That the Assistant Director Highways and Transportation, Head of Highways Services and Head of Parking Services be appointed as Proper Officers and have delegated power to appoint Proper Officers pursuant to sections 112, 234, 270 (3) of the Local Government Act 1972 for the purposes of signing all Notices, Orders, Licences and other documents, given, made or issued by them on behalf of the Council under the legislation in Appendices C & D.
- 1.3 That the Assistant Director Highways and Transportation, Head of Highways Services and Head of Parking Services, be authorised pursuant to Section 223 of the Local Government Act 1972 to institute proceedings in any Magistrates Court in respect of offences or other matters falling within the legislation in Appendix C;
- 1.4 That the Assistant Director Highways and Transportation, Head of Highways Services and Head of Parking Services be authorised under Section 223 of the Local Government Act 1972 to appear on behalf of the Council before any Magistrates Court in relation to proceedings instituted by them;
- 1.5 That there be delegated to Assistant Director Highways and Transportation, Head of Highways Services and Head of Parking Services the power to authorise officers of the Service to appear on behalf of the Council in any Magistrates Court under Section 223 of the Local Government Act 1972 in relation to proceedings instituted for legislation shown at Appendix C.
- 1.6 That there be delegated to the Assistant Director Highways and Transportation, Head of Highways Services and Head of Parking Services the power to authorise officers to exercise powers and duties falling within the legislation referred to at Appendix C, subject where appropriate to officers holding the appropriate qualification;
- 1.7 That there be delegated to the Assistant Director Highways and Transportation, Head of Traffic & Transportation and Head of Highway Services, the power to authorise officers of Highway Services to issue Fixed Penalty Notices pursuant to regulations 19 (1) and 20 (1) of The Traffic Management Permit Scheme (England) Regulations 2007 and s70 and s74 of the New Roads and Street Works Act 1991* and to appear on behalf of the Council in any Magistrates Court in relation to proceedings instituted by them in furtherance of prosecution for these offences and for any other offences under the New Roads and Street Works Act 1991* for which an offence is committed.

* As amended by the Traffic Management Act 2004.

- 1.8 That named officers as authorised by the Assistant Director Highways and Transportation, Head of Highways Services and Head of Parking Services be delegated power to authorise directed surveillance, interception of communications and the use of covert human intelligence sources in accordance with the requirements of the Regulation of Investigatory Powers Act 2000. (The Assistant Director of Planning and Environmental Protection to maintain a record of duly authorised named officers holding the above posts and such other posts which satisfy the requirements of the Council's policy relating to the Regulation of Investigatory Powers Act 2000).

Appendix H - Delegated Authority within the Community Safety Unit

- 1.1 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Head of Community Safety, in respect of those matters listed in paragraphs 1.2-1.23 below.
- 1.2 That the Head of Community Safety be appointed as a Proper Officer and have delegated power to appoint Proper Officers pursuant to sections 112, 234, 270 (3) of the Local Government Act 1972 for the purposes of signing all Notices, Orders, Licences and other documents, given, made or issued by them on behalf of the Council under the legislation in Appendix C.
- 1.3 That the Head of Community Safety, be authorised pursuant to Section 223 of the Local Government Act 1972 to institute proceedings in any Magistrates Court in respect of offences or other matters falling within the legislation in Appendix C;
- 1.4 That the Head of Community Safety be authorised under Section 223 of the Local Government Act 1972 to appear on behalf of the Council before any Magistrates Court in relation to proceedings instituted by them;
- 1.5 That there be delegated to Head of Community Safety the power to authorise officers of the Service to appear on behalf of the Council in any Magistrates Court under Section 223 of the Local Government Act 1972 in relation to proceedings instituted for legislation shown at Appendix C.
- 1.6 That there be delegated to the Head of Community Safety the power to authorise officers to exercise powers and duties falling within the legislation referred to at Appendix C, subject where appropriate to officers holding the appropriate qualification;
- 1.7 That there be delegated to the Head of Community Safety the power to seek an Antisocial Behaviour Order in either the Magistrates' Court or County Court.
- 1.8 That there be delegated to the Head of Community Safety the power to sign a Dispersal Order made under section 30 of the Antisocial Behaviour Act 2003.