

MUNICIPAL YEAR 2014/15 REPORT NO. **156**

MEETING TITLE AND DATE:
Council 28 January 2015

REPORT OF:
Director – Regeneration &
Environment

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Agenda – Part: 1

Item: 11

Subject: Delegated Authority within the
Regeneration and Environment Department

KD No: KD 4039

Wards: All

Cabinet Member consulted:
Cllr Chris Bond

1. EXECUTIVE SUMMARY

This report sets out the delegated authority arrangements within the Regeneration and Environment Department and updates arrangements in respect of delegated powers within the Divisions for Community Safety, Planning, Highways & Transportation, Public Realm, Economic Development and Regeneration as a consequence of changes in structures, posts and legislation.

2. RECOMMENDATIONS

To agree the delegated authorities outlined in this report and set out in detail 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 restructures within the Regeneration and Environment Department.
- 3.2 Delegated arrangements for planning enforcement are made through the Planning Committee.
- 3.3 Legal proceedings are issued in the name of the Assistant Director of Legal Services and Governance where she has conduct of the case. If the conduct of the case is under the designated Assistant Director, Head of Service or Team Leader within Regeneration & Environment, then proceedings are issued in their named designation as detailed in Appendices B and C paragraphs 1.3 and Appendix D paragraphs 1.4 and 1.27 below. Proceedings under the and Safety at Work Act 1974 are brought in the name of the Health and Safety Inspector appointed under Section 19 of the Act.
- 3.4 The new legislation and changes to significant national legislation since the previous report to Council on 29 February 2012 are:-
- Chronically Sick and Disabled Persons Act 1970 amended by Disabled Persons Parking Badge Act 2013
 - Anti-social Behaviour, Crime and Policing Act 2014
 - Scrap Metal Dealers Act 2013
 - Protection of Freedoms Act 2012
 - The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 made under the Enterprise and Regulatory Reform Act 2013
 - In addition, the Spitting Byelaw introduced in December 2013 created an offence of spitting in a public place. Currently this is a summons only offence at present (prosecution only means of enforcement). We are seeking a Fixed Penalty Notice (FPN) option subject to London Councils approval of a FPN fee in December 2014.
- 3.5 The Chronically Sick and Disabled Persons Act 1970 is amended by Disabled Persons Parking Badge Act 2013. It widens the definition of 'enforcement officer' and provides Council officers with the power to require badges to be handed over for inspection and the power of seizure for misuse.
- 3.6 The Anti-social Behaviour, Crime and Policing Act 2014 replaces the existing 19 powers currently used for dealing with anti-social behaviour and condenses these into the following six:

- **Injunctions**

Now, local authorities and housing providers can obtain an injunction against anyone aged between 10 and 18 causing nuisance. They are, in effect, the new form of “ASBO”.

- **Criminal Behaviour Orders (“CBO”)**

CBOs will replace the post-conviction ASBO. Where an offender has been convicted of an offence, the Court may make a CBO if it is satisfied that the offender has caused (or was likely by his behaviour to cause) harassment, alarm or distress to any person, and that the CBO will help to prevent this behaviour.

- **Dispersal Powers**

These powers are only available to the Police to authorise “dispersal powers” in a specified locality for up to 48 hours, if satisfied the powers are necessary to remove or reduce the likelihood of crime, disorder, or members of the public being harassed, alarmed or distressed.

- **Community Protection**

The local authority or Police will be able to issue a Community Protection Notice (“CPN”) against anyone over the age of 16 where their conduct is negatively affecting the quality of life of people in the locality. Failure to comply with a CPN will be a criminal offence leading to imprisonment and/or a fine. As an alternative to prosecution, a fixed penalty notice (“FPN”) may be offered. CPNs will replace a number of Notices currently used for littering (Street Litter Control Notices, Litter Clearing Notices and Litter Abatement Notices).

The Act also allows for local authorities (in consultation with the Police) to issue Public Space Protection Orders (“PSPO”). This is an order to prevent detrimental activities from taking place in certain areas. This will replace Drinking Control Orders, Dog Control Orders made under Byelaws and deal with restrictions of rights of way.

The Local Authority or Police can seek a Closure Notice, followed by a Closure Order in the Magistrates Court for premises causing serious nuisance or disorder.

- **Possession on the grounds of ASB**

New grounds for mandatory possession of premises held on secure or assured tenancies can be sought where the tenant, a member of their household or visitor has been convicted of a serious criminal offence, or found to have breached an Injunction under Section 1 of the Act or a CBO, or the property has been subject to a closure order, or convicted of an offence for breach of a noise abatement notice or court order under the Environmental Protection Act 1990.

- **Local Involvement and accountability**

Under the Act, the Police will need to prepare and publish a Community Remedy Document for their particular area. This will set out a number of informal remedies to deal with anti-social behaviour without the need to go to Court, for example: paying compensation to victims or mediation.

The Act also introduces a Community Trigger, which requires the Police and local authorities to take action against recurring anti-social behaviour when a certain number of complaints are received.

- 3.7 The Scrap Metal Dealers Act 2013 repealed the Scrap Metal Dealers Act 1964 (and linked legislation) and Part 1 of Vehicles (Crime) Act 2001, creating a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries. The Act maintains local authorities as the principal regulator but gives the power to better regulate by allowing us to refuse to grant a licence to 'unsuitable' applicants and a power to revoke licences if the dealer becomes 'unsuitable'. Suitability will be judged on the basis of a number of factors as outlined in section 3 of the Act including any unspent relevant criminal convictions. The Act also provides local authorities and police officers with appropriate powers of entry and inspection.
- 3.8 The Protection of Freedoms Act 2012 amended the procedures for seeking authorisation under the Regulation of Investigatory Powers Act 2000. Local Authorities now need to seek authorisation from the Magistrates Court to undertake surveillance, interception of communications and the use of Covert Human Intelligence Sources.
- 3.9 The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 Order came into force on 1 October 2014. It makes it a legal requirement for all lettings agents and property managers in England to join one of three Government approved schemes. This will mean that tenants and landlords with agents in the private rented sector, and leaseholders and freeholders dealing with residential property managers, will be able to complain to an independent person about the service they have received. A maximum penalty of £5,000 may be imposed by the enforcement authority where it is satisfied, on the balance of probabilities, that someone is engaged in letting or property management work and is required to be a member of a redress scheme, but has not joined.

4. ALTERNATIVE OPTIONS CONSIDERED

None.

5. REASONS FOR RECOMMENDATIONS

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

6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS

6.1 Financial Implications

There are no specific financial implications arising from Recommendation 2.1.

6.2 Legal Implications

6.2.1 Pursuant to Section 101 of the Local Government Act 1972 a local authority may arrange for the discharge of any of their functions by a committee, a sub-committee or an officer of the authority or by any other local authority

6.2.2 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.

6.2.3 The Assistant Director of Legal and Governance Services is authorised under the Constitution to institute, defend or participate in any legal proceedings on behalf of the Council.

6.2.4 The recommendations contained within this report are within the Council's powers and duties and will ensure that officers are authorised to carry out all relevant enforcement action.

6.3 Property Implications

None.

7. KEY RISKS

The Council is at risk of legal challenge to any of its enforcement action where staff operate with powers that have not been properly delegated.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

The Scheme of Delegation ensures that the Council has defined and transparent decision making.

8.2 Growth and Sustainability

The recommendations in the report fully accord with this Council priority

8.3 Strong Communities

The recommendations in the report fully accord with this Council priority.

9. EQUALITIES IMPACT IMPLICATIONS

Retrospective Equality Impact Assessments have been reviewed and revised for all services in Regeneration and Environment Department, so encompass enforcement activity. There is no further impact that arises specifically from this report in relation to equalities.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

There are no specific performance management implications. Services within Environment have performance measures that they report on which includes enforcement activity.

11. HEALTH AND SAFETY IMPLICATIONS

None

12. HR IMPLICATIONS

None

13. PUBLIC HEALTH IMPLICATIONS

The proper delegation of enforcement powers ensures that officers are able to take enforcement action on safety, health and environmental matters and will therefore ensure that the health and wellbeing of Enfield residents is protected and improved.

Background Papers

None

APPENDIX A

Delegated Authority within the Regeneration and Environment Department.

- 1.1 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Director of Regeneration and Environment 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 Head of Community Safety 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 Public Realm in respect of those matters listed in Appendix C.
- 1.4 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director of Planning, Highways & Transportation in respect of those matters listed in Appendix D.

APPENDIX B

Delegated Authority within the Community Safety Division

- 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 1.2-1.14 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 E.
- 1.3 That the Head of Community Safety, be authorised pursuant to Section 222 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 E;
- 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 E.
- 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 E, subject where appropriate to officers holding the appropriate level of competence which may include qualifications, knowledge and or experience.
- 1.7 That there be delegated to Head of Community Safety;
 - 1.7.1 Power to authorise officers to serve and sign in their own name all relevant notices in accordance with the legislation listed under Appendix E.
 - 1.7.2 Power to authorise officers to serve and sign in their own name any fixed penalty notice, penalty charge notices or similar in accordance with the legislation listed at Appendix G.
- 1.8 That named officers as authorised by the Head of Community Safety, 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 and to authorise officers to seek authorisation by Magistrates. (The Assistant Director of Legal Services 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).

- 1.9 That there be delegated to the Head of Community Safety the power to seek an Injunction or Criminal Behaviour Order in either the Magistrates' Court or County Court.
- 1.10 That there be delegated to the Head of Community Safety the power to sign a Public Space Protection Orders under the Anti-social Behaviour, Crime and Policing Act 2014
- 1.11 That there be delegated to the Head of Community Safety the power to seek closure orders for 'crack houses' and brothels under the Anti-social Behaviour, Crime and Policing Act 2014.
- 1.12 That there be delegated to the Head of Community Safety the power to seek 'gang' injunctions under section 37 of the Policing and Crime Act 2009.
- 1.13 That the Head of Community Safety be delegated power to authorise officers (including Metropolitan Police Officers operating within the Council's Parks Police Unit) to enforce The London Borough of Enfield Byelaws for Pleasure Grounds, Public Walks and Open Spaces sealed by the Council on 27th April 2011 and confirmed by the Secretary of State on 25th August 2011.
- 1.14 That there be delegated to the Head of Community Safety power to authorise officers (including Metropolitan Police Officers operating within the Council's Parks Police Unit) to serve and sign in their own name any fixed penalty notice, penalty charge notices and similar in accordance with those offences litter dog fouling and dog control orders listed in Appendix G.

APPENDIX C

Delegated Authority within the Public Realm Division

- 1.1 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Public Realm; Head of Operational Waste and Parks Services and Head of Client Services, in respect of those matters listed in paragraphs 1.2-1.7 below.
- 1.2 That the Assistant Director Public Realm; Head of Operational Waste and Parks Services and Head of Client 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 E.
- 1.3 That the Assistant Director Public Realm; Head of Operational Waste and Parks Services and Head of Client Services, be authorised pursuant to Section 222 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 E;
- 1.4 That the Assistant Director Public Realm; Head of Operational Waste and Parks Services and Head of Client 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 Public Realm; Head of Operational Waste and Parks Services and Head of Client 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 E.
- 1.6 That there be delegated to the Assistant Director Public Realm; Head of Operational Waste and Parks Services and Head of Client Services the power to authorise officers to exercise powers and duties falling within the legislation referred to at Appendix E, subject where appropriate to officers holding the appropriate level of competence which may include qualifications, knowledge and or experience;
- 1.7 That there be delegated to the Assistant Director Public Realm; Head of Operational Waste and Parks Services and Head of Client Services to authorise officers to serve and sign in their own name any fixed penalty notice, penalty charge notice and similar in accordance with the legislation listed in Appendix G.

APPENDIX D

Delegated Authority within the Assistant Director Planning, Highways and Transportation Division

Regulatory Services:

- 1.1 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services in respect of those matters listed in paragraphs 1.2-1.24 below.
- 1.2 That the Assistant Director Planning, Highways and Transportation and Head of Regulatory 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 E.
- 1.3 That the Assistant Director Planning, Highways and Transportation, and Head of Regulatory Services 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, Highways and Transportation and Head of Regulatory Services and Team Leaders under the direction of the Service Head, be authorised pursuant to Section 222 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 E;
- 1.5 That the Assistant Director Planning, Highways and Transportation and Head of Regulatory 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, Highways and Transportation and Head of Regulatory 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 E.
- 1.7 That there be delegated to the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services the power to authorise officers to exercise powers and duties falling within the legislation referred to at Appendix E, subject where appropriate to officers holding the appropriate level of competence which may include qualifications, knowledge and or experience;

- 1.8 That there be delegated to the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services 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, Highways and Transportation, Head of Regulatory Services, Head of Development Management, 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.
 - 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 E.
 - 1.9.3 Power to authorise officers to serve and sign in their own name any fixed penalty notice, penalty charge notice and similar in accordance with the legislation listed at Appendix G.
 - 1.9.4 All authorisation, variation, revocation, enforcement and prohibition notices under; local authority pollution control enforcement.
- 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, Highways and Transportation, Head of Regulatory Services and Team Leaders;
- 1.11 That there be delegated to the Assistant Director Planning, Highways and Transportation, Head of Regulatory Services and Head of Development Management the power to authorise officers to sign licences and registrations (as required by various statutes in Appendix E and listed at Appendix F).
- 1.12 That in cases of serious consumer fraud the Assistant Director Planning, Highways and Transportation, Head of Regulatory Services 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, Common Law Conspiracy to Defraud and Fraud Act 2006.
- 1.13 That the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services 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 Protection Officers, Licensing Officers

or Technical Officers in the Service;

- 1.14 That the Assistant Director Planning, Highways and Transportation, Head of Regulatory Services and Head of Development Management be responsible for arranging for the signature and service of Notices under the provisions of Sections 80 and 80(A) Environmental Protection Act 1990;
- 1.15 That the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services 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;
- 1.16 That the Assistant Director Planning, Highways and Transportation, Head of Regulatory Services and Head of Development Management 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;
- 1.17 That the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services be authorised to:
 - 1.17.1 Appoint Animal Welfare Officers to enter premises and to take action under enactments listed in Appendix E;
 - 1.17.2 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 E.
- 1.18 That the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services be given delegated authority to appoint:
 - 1.18.1 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
 - 1.18.2 Public Analysts in accordance with Section 27 of the Food Safety Act 1990 and Agricultural Analysts for the purposes of the Agricultural Act 1970;
- 1.19 The Assistant Director Planning, Highways and Transportation and Head of Regulatory Services be empowered:
 - 1.19.1 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

- 1.19.2 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
- 1.19.3 be given delegated powers to arrange for other people to accompany Inspectors on inspections of workplaces and/or exercise inspector's powers under the provisions of the Health and Safety at Work etc. Act 1974 and
- 1.19.4 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;
- 1.19.5 be given delegated powers to issue a Sports Ground Safety Certificate under the Safety of Sports Grounds Act 1975;
- 1.20 That named officers as authorised by the Assistant Director Planning, Highways and Transportation and Head of Regulatory 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 and to authorise officers to seek authorisation by Magistrates. (The Assistant Director of Legal Services 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).
- 1.21 That the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services 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;
- 1.22 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, Highways and Transportation and Head of Regulatory Services.
- 1.23 That the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services be authorised to appoint suitably qualified officers to exercise powers under the Proceeds of Crime Act 2002 for the recovery of assets.

- 1.24 That the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services be authorised to agree protocols which delegate functions for the enforcement of part III of the Consumer Credit Act 1974 and delegate the power to prosecute to Birmingham City Council for any matters associated with or discovered during an investigation by the illegal money lending team against illegal money lenders operating within the London Borough of Enfield.

Development Management, Highways and Traffic and Transportation:

- 1.25 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Planning, Highways and Transportation, Head of Development Management, Head of Highway Services, Head of Traffic & Transportation and Head of Parking Services, in respect of those matters listed in paragraphs 1.25-1.38 below.
- 1.26 That the Assistant Director Planning, Highways and Transportation, Head of Development Management, Head of Highway Services, Head of Traffic & Transportation 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 E & F.
- 1.27 That the Assistant Director Planning, Highways and Transportation, Head of Development Management, Head of Highway Services, Head of Traffic & Transportation and Head of Parking Services, be authorised pursuant to Section 222 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 E;
- 1.28 That the Assistant Director Planning, Highways and Transportation, Head of Development Management, Head of Highway Services, Head of Traffic & Transportation 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;
- 1.29 That there be delegated to Assistant Director Planning, Highways and Transportation, Head of Development Management, Head of Highway Services, Head of Traffic & Transportation 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 E.
- 1.30 That there be delegated to the Assistant Director Planning, Highways and Transportation, Head of Development Management, Head of

Highway Services, Head of Traffic & Transportation and Head of Parking Services the power to authorise officers to exercise powers and duties falling within the legislation referred to at Appendix E, subject where appropriate to officers having an appropriate level of competence which may include qualifications, knowledge and or experience.

- 1.31 That there be delegated to the Assistant Director Planning, 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
- 1.32 That there be delegated to the Assistant Director Planning, Highways and Transportation, the power to authorise the Head of Highway Services, the Group Engineer Network Management and Improvements, and the Principal Streetworks Officer, the power to initiate proceedings in connection with offences created under the New Roads and Streetworks Act 1991, Traffic Management Act 2004 and other related legislation.
- 1.33 That the Assistant Director Planning, Highways and Transportation, Head of Highway Services, Head of Development Management, Head of Traffic & Transportation 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 and authorise officers to seek authorisation from Magistrates. (The Assistant Director of Legal Services 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).
- 1.34 That there be delegated to the Assistant Director Planning, Highways and Transportation, Head of Traffic & Transportation and Group Leaders authority to commence the process to make Traffic Orders under the Highways Act 1980 (sections 25, 116 and 118) and the Town & Country Planning Act 1990 (sections 247 and 249). That said officers may proceed to confirm such Orders if unopposed.
- 1.35 That the Assistant Director Planning, Highways and Transportation, Head of Development Management, Head of Highway Services, Head of Traffic & Transportation and Head of Parking Services be delegated power to authorise officers to serve and sign in their own name any fixed penalty notice, penalty charge notices and similar in accordance with those offences under the Highways Act 1980 listed in appendix G.
- 1.36 That the Assistant Director Planning, Highways and Transportation be authorised to exercise powers under section 96 of the Highways Act

1980 for the removal and retention of trees in accordance with the Council's Highway Strategy.

- 1.37 That the Assistant Director of Planning, Highways and Transportation Head of Development Management be authorised to name streets and number properties in accordance with Council policy under the London Buildings Acts (Amendment) Act 1939 and the Local Government Act 2003.
- 1.38 That the Assistant Director Planning, Highways and Transportation, and Head of Development Management and Head of Regulatory Services, be given delegated powers to issue a Sports Ground Safety Certificate under the Safety of Sports Grounds Act 1975

APPENDIX E

Legislation enforced by Regeneration and Environment Department

The legislation in Appendix E 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 and their amendments.

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.	Anti-social Behaviour, Crime and Policing Act 2014
14.	Architects Act 1997
15.	Auctions (Bidding Agreements) Acts 1927 & 1969
16.	Building Act 1984
17.	Business Names Act 1985
18.	Breeding Of Dogs Act 1973
19.	Breeding Of Dogs Act 1991

20.	Breeding & Sale Of Dogs (welfare) act 1999
21.	Cancer Act 1939
22.	Caravan Sites Act 1968
23.	Caravan Sites & Control Of Development Act 1960
24.	Charities Act 2006
25.	Charities Act 1992
26.	Children & Young Persons (Protection From Tobacco) Act 1991
27.	Children & Young Persons Act 1933
28.	Children & Young Persons Act 1963
29.	Children and Young Persons (Protection from Tobacco) Act 1991
30.	Chronically Sick and Disabled Persons Act 1970
31.	Clean Air Act 1993
32.	Clean Neighbourhoods & Environment Act 2005
33.	Computer Misuse Act 1990
34.	Companies Act 2006
35.	Construction Products Regulations 1991
36.	Consumer, Estate Agents and Redress Act 2007
37.	Consumer Credit Act 1974
38.	Consumer Credit Act 2006
39.	Consumer Protection Act 1987
40.	Control Of Pollution Act 1974
41.	Control of Pollution (amendment) Act 1989
42.	Copyright Designs & Patents Act 1988
43.	Copyright, etc and Trademarks (Offences & Enforcement) Act 2002
44.	Cosmetic Product Enforcement Regulations 2013
45.	Crime and Disorder Act 1998
46.	Criminal Attempts Act 1981
47.	Criminal Damage Act 1971
48.	Criminal Justice & Public Order Act 1994
49.	Criminal Justice Act 1988
50.	Criminal Justice and Immigration Act 2008
51.	Criminal Justice and Police Act 2001

52.	Criminal Law Act 1977
53.	Crossbows Act 1987
54.	Dangerous Dogs Act 1991
55.	Dangerous Wild Animals Act 1976
56.	Development Of Tourism Act 1969
57.	Disability Discrimination Act 1995
58.	Edmonton Urban District Council Act 1929
59.	Education Reform Act 1988
60.	Employment Of Women, Young Persons & Children Act 1920
61.	Employment Agencies Act 1973
62.	Energy Conservation Act 1981
63.	Environment Act 1995
64.	Environmental Protection Act 1990
65.	Enterprise Act 2002
66.	Enterprise and Regulatory Reform Act 2013
67.	Estate Agents Act 1979
68.	European Communities Act 1972
69.	Explosive (Age Of Purchase & C.) Act 1976
70.	Explosives Act 1875
71.	Fair Trading Act 1973
72.	Firearms Act 1968
73.	Fireworks Act 2003
74.	Fire Safety & Safety of Places of Sport Act 1987
75.	Flood and Water Management Act 2010
76.	Food & Environment Protection Act 1985
77.	Food Safety Act 1990
78.	Forgery & Counterfeiting Act 1981
79.	Fraud Act 2006
80.	Gambling Act 2005
81.	Greater London Council (General Powers) Act 1972
82.	Greater London Council (General Powers) Act 1973
83.	Greater London Council (General Powers) Act 1974
84.	Greater London Council (General Powers) Act 1978

85.	Greater London Council (General Powers) Act 1981
86.	Greater London Council (General Powers) Act 1982
87.	Greater London Council (General Powers) Act 1984
88.	Guard Dogs Act 1975
89.	Hallmarking Act 1973
90.	Health Act 2006
91.	Health & Safety at Work etc Act 1974
92.	Health and Social Care Act 2008
93.	Highways Act 1835
94.	Highways Act 1980
95.	Housing Act 1985 (as amended)
96.	Housing Act 1996
97.	Housing, Grants, Construction & Regeneration Act 1996
98.	Housing Act 1988
99.	Housing Act 2004
100.	Hypnotism Act 1952
101.	Intellectual Property Act 2014
102.	Intoxicating Substances (Supply) Act 1985
103.	Knives Act 1997
104.	Land Drainage Act 1991
105.	Legal Services Act 2007
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.	Localism Act 2011
112.	London Buildings Acts (Amendment) Act 1939
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 2004
120.	London Local Authorities Act 2007
121.	London Local Authorities & Transport For London Act 2003
122.	London Local Authorities & Transport For London Act 2008
123.	London Olympic Games and Paralympic Games Act 2006
124.	Magistrates Court Act 1980
125.	Malicious Communications Act 1988
126.	Mobile Telephones (Re-Programming) Act 2002
127.	Mock Auctions Act 1961
128.	Motorcycle Noise Act 1987
129.	Motor Vehicle (Safety for children) Act 1991
130.	National Lottery Act 1993
131.	New Roads and Street Works Act 1991
132.	Noise Act 1996
133.	Noise & Statutory Nuisance Act 1993
134.	Offensive Weapons Act 1996
135.	Offices Shops & Railways Premises Act 1963
136.	Olympic Symbol Etc (Protection) Act 1995
137.	Package Travel, Package Holidays & Package Tours Regs 1992
138.	Performing Animals (Regulation) Act 1925
139.	Pet Animals Act 1951 and Pet Animals (Amendment) Act 1983
140.	Poisons Act 1972
141.	Policing and Crime Act 2009
142.	Pollution Prevention & Control Act 1999
143.	Planning (Listed Buildings & Conservation Areas) Act 1990
144.	Prevention Of Damage By Pests Act 1949
145.	Prices Act 1974 and 1975
146.	Proceeds of Crime Act 2002
147.	Protection Of Children (Tobacco) Act 1986
148.	Protection of Freedoms Act 2012
149.	Protection From Eviction Act 1977
150.	Protection From Harassment Act 1997

151.	Public Health (Control Of Diseases) act 1984
152.	Public Health Act 1936
153.	Public Health Act 1961
154.	Public Health Acts Amendment Act 1907
155.	The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014
156.	Refuse Disposal (Amenity) Act 1978
157.	Registered Designs Act 1949
158.	Restriction of Offences Weapons Act 1959
159.	Riding Establishments Act 1964 and 1970
160.	Road Traffic Act 1988
161.	Road Traffic (Foreign Vehicles) Act 1972
162.	Road Traffic Offenders Act 1988
163.	Road Traffic Regulation Act 1984
164.	Safety Of Sports Grounds Act 1975
165.	Scrap Metal Dealers Act 2013
166.	Sunbeds (Regulation) Act 2010
167.	Sunday Trading Act 1994
168.	Theft Act 1968
169.	Theft Act 1978
170.	Tobacco Advertising And Promotion Act 2002
171.	Town & Country Planning Act 1990
172.	Trade Descriptions Act 1968
173.	Trade Marks Act 1994
174.	Trading Schemes Act 1996
175.	Traffic Management Act 1991
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.	Video Recordings Act 2010
184.	Water Act 1989
185.	Water Industry Act 1991
186.	Water Resources Act 1991
187.	Weights & Measures Act 1985
188.	Wildlife & Countryside Act 1981 not sure of relevance/powers
189.	Young Persons Employment Act 1938
190.	Zoo Licensing Act 1981

APPENDIX F

LICENSES AND REGISTRATIONS

NO.	LICENCE/ REGISTRATION and LEGISLATION
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.	Hire of Pleasure craft licences (Public Health Acts Amendment Act 1907 section 94)
12.	Hypnotism Licences (Hypnotism Act 1952)
13.	Licensing Act 2003
14.	Motor vehicle salvage (Vehicles (Crime) Act 2001 and Motor Salvage Operators Regulations 2002)
15.	Movement of Pigs (Animal Health Act 1981)
16.	Occasional Car boot Sales (London Local Authorities Act 1996)
17.	Performing Animals (Performing Animals (Regulation) Act 1925
18.	Permits for Pollution control (Pollution Prevention and Control Act 1999)
19.	Pet Shops (Pet Animals Act 1951 and Pet Animals (Amendment) Act 1983)
20.	Poisons (Poisons Act 1972)
21.	Registration of Cooling Towers (The Notification of Cooling Towers and Evaporative Condensers Regulations 1992)

22.	Riding Schools (Riding Establishments Act 1964 and 1970)
23.	Sports Ground Safety Certificate (Safety of Sports Grounds Act 1975)
24.	Scrap Metal Dealers (Scrap Metal Dealers Act 2013)
25.	Sex Establishments (Local Government (Miscellaneous Provisions) Act 1982)
26.	Skips, scaffolding and other lawful interference with the highway (Highways Act 1980)
27.	Special Treatments (London Local Authorities Act 1991 as amended)
28.	Street Trading (London Local Authorities Act 1990)
29.	Zoo Licences (Zoo Licensing Act 1981)

APPENDIX G

FIXED PENALTY NOTICES, PENALTY CHARGE NOTICES AND OTHER SIMILAR PROVISIONS

Act	Section	Description of Offence
AntiSocial Behaviour Act 2003	43(1)	Graffiti and Flyposting
Anti-Social Behaviour, Crime and Policing Act 2014:	53 68	Section 52 - Failing to comply with a Community Protection Notice (S48) Section 68 - Consumption of Alcohol in breach of Prohibition Order (S63) or failing to comply with a Public Spaces Protection Order (S67).
Clean Neighbourhoods and Environment Act 2005	3,4 and 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	5B(2)	Failure to produce authority to carry controlled waste
Environmental Protection Act 1990	34A(2)	Failure to furnish documentation (waste transfer notes)
Environmental Protection Act 1990	46A 47ZA (2)	Offences in relation to waste receptacles
Clean Neighbourhoods and Environment Act 2005	59(2)	Offences under Dog Control Orders (includes dog fouling)
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.
Highways Act 1980 Schedule 22A and 22B and Section 8, London Local Authorities and	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

Transport for London Act 2003	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 and London Local Authorities Act 2004 (Sections 15 & 16 and Schedule 2) (as amended)	80(4A)	Contravention or failure to comply with requirement or prohibition imposed by abatement notice
Estate Agents Act 1979 as amended by the Consumers, Estate Agents and Redress Act 2007	23B(1) and schedule 4	Engaging in Estate Agency Work without being a member of an approved redress scheme. (Penalty Charge Notice)

Health Act 2006	6(5) and 9	Failure to comply with a duty to display no smoking signs in smoke free places and smoke free vehicles.
	7(2) and 9	Smoking in a Smoke Free Place
Town and Country Planning Act 1990 and London Local Authorities Act 2004 (Sections 15 & 16 and Schedule 2)(as amended)	224(3)	Displaying advertisement in contravention of regulations (in respect of Estate Agents Boards only)
London Local Authorities Act 1990 and 2004 and London Local Authorities Act 2004 (Sections 15 & 16 and Schedule 2)(as amended)	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
London Local Authorities Act 2007	23 24 61	Sections 24 and 61 - Penalty Charge Notices for littering from Motor vehicles Sections 23 and 61 - Penalty Charge Notices for breaching of regulations relating to receptacles for household, commercial or industrial waste
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
	5A(2) to 5A(4)	Energy Performance Certificates on marketing of properties

	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.
London Local Authorities Act 2004 for byelaw made under Section 235 Local Government Act 1972	15	Fixed Penalty Notice for spitting
The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014	8(1)	Penalty notice for failing to comply with requirement to belong to a redress scheme.