

# APPENDIX A

## CHIEF OFFICER'S DELEGATED DECISION – Neighbourhood Teams

Chief Officer Name: Joseph Carter

Chief Officer : Director of Regeneration

Officer Contact: Ian Blake

E-mail: [REDACTED]

Telephone no. [REDACTED]

Department: Resilience and Enforcement Neighbourhood Services,

Date: 1st May 2018 2018

### OFFICERS AUTHORISATION

#### Summary

This report is requesting authorisation under the Council's Scheme of delegation for Officers in the Resilience and Enforcement Team to exercise statutory powers to carry out their day to day duties such as :

- Inspecting properties,
- Serving Statutory Notices
- Issuing Licences, and Orders
- Official Communication
- Preparing witness statements and attending court as required

#### 1. DECISION

- 1.1 To authorise the officers listed in paragraph 4 to take the necessary and appropriate action in accordance with legislation detailed in Appendix A in order to carry out their daily duties.

#### 2. AUTHORISATION

- 2.1 I authorise the Officers listed in Paragraph 4 to exercise functions under the legislation listed in Appendix A.
- 2.2 Part 3.6 of the Scheme of Delegation to Officers allows the Chief Officer to authorise officers to carry out those functions, listed in sub section 2e of the scheme, at an operational level on behalf of the Chief Officer, in accordance with departmental procedures. These procedures may, without limitation, authorise the carrying out of activity under statutory powers, including entry and inspection of premises and the issuing of notices, orders, licences, tenancies and other official communications. The authentication of any such documentation, signing Statements of Truth, providing witness statements and statutory declarations in respect of matters within their own knowledge and giving evidence in person on behalf of the Authority.

### **3. BACKGROUND**

- 3.1 The officers are required to be given delegated authority by the Chief Officer under the scheme of delegation as described above in 2.1 and 2.2.
- 3.2 Officers' existing authorisation is inadequate as it lacks sufficient detail and does not include all the existing and new Legislations / Regulations. The list in **Appendix 1** is a comprehensive and detailed list of Legislations which officers of the Neighbourhood Teams, in particular the North, South & East Neighbourhood Teams require to discharge the Council's statutory functions.

### **4. OFFICERS TO BE AUTHORISED**

**Neighbourhood Services Lead - John Griffiths**

**Neighbourhood Manager Resilience and Enforcement - Ian Blake**

**Housing Regulation Manager- Rhian Richards**

**Business Development Manager - Amir Salarkia**

**Team Leader Resilience and Enforcement – Linda Corcoran**

**ASB Co-ordinator – Michelle Isabelle**

**Housing Regulation Officers - David Gilbert, Kinta Mendy, Rashida Raizak, Innocent Magaya, Michael Needs**

**Housing Enforcement Officers - Dave Stride, Dora Lega, Robert Graham, Kurt Henney, Gregory Edmund, Stephen Crundwell, Stephen Isabelle**

### **5. EQUALITIES IMPACT**

- 5.1 The Council in the exercise of its functions must have due regard to its equalities duties and in particular with respect to those in section 149 of the Equality Act 2010. These duties are to eliminate discrimination, harassment, victimisation and eliminate any other conduct that is prohibited by or under the Equality Act 2010, to advance equality of opportunity between persons who share a protected characteristic and persons who do not share it and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation. A relevance test has been carried out and having considered the nature of the decisions contained within the recommendations it is considered that there will be no adverse impacts in respect of anyone with one or more protected characteristics. As such, the Council considers that there is no need for an Equalities Impact Assessment to be carried out and that in making the decisions set out in the recommendations the Council will be acting in compliance with its duties.

**6. SIGNATURES AND AGREEMENT**

I authorise this decision being taken.

Joseph Carter Director of Regeneration

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Date: .....

**APPENDIX 1**

<b>Sections</b>	<b>Legislations</b>	<b>Postholders</b>
<b>Anti-Social Behaviour Act 2003 – Entire Act</b>		
Entire Act	Allows action re the broad sphere of ASB and related activities.	Service Lead and all officers of the Resilience and Enforcement Team as listed in paragraph 4 above.
<b>Anti-Social Behaviour and Crime and Policing Act 2014 – Entire Act</b>		
Entire Act	Power to issue CPN Warnings, CPN Notices, Enforce PSPOs. Apply for Injunctions, Closure Orders etc.	As Above
<b>Animal Welfare Act 2006 – Entire Act</b>		
Entire Act	Powers to tackle animal welfare issues that often lead to wider issues of nuisance , ASB and crime	As Above
<b>Building Act 1984</b>		
Section 59-63	Relating to the service of notices to repair defective drainage prejudicial to health or a nuisance.	As above
Section 76	Relating to the service of notices to repair defective premises prejudicial to health or a nuisance.	As above
Section 84-85	Works to maintain yards and passages	As above
Sec 95-96	Powers of entry to premises	As above
Sec 97-101	Power of execution of works in defaults	As above
Sec113 -114	Power to prosecute	As above
<b>Business Names Act 1985</b>		
Section 4	Notice for information about a business with less than 20 partners	As above
<b>Cleaner Neighbourhood and Environment Act 2005– Entire Act</b>		

Sections	Legislations	Postholders
Entire Act	Linked to amendments in other acts and to the provision of serving FPNs and other notices	As above
<b>Clean Air Act 1993 – Entire Act</b>		
Entire Act	Powers relating to dark smoke emissions and related smoke nuisance	As above
<b>Criminal Justice and Public Order Act 1994</b>		
<b>Part V Public Order: Collective Trespass or Nuisance on Land</b>	Powers to remove unauthorised campers	As above
<b>Section 77</b>	Power of local authority to direct unauthorised campers to leave land.	As above
<b>Section 78</b>	Orders for removal of persons and their vehicles unlawfully on land.	As above
<b>Section 79</b>	Provisions as to directions under s. 77 and orders under s. 78.	As above
<b>Control of Pollution Act 1974</b>		
Part 3	Noise	As above
Part 5	Supplementary Provision to require information	As above
<b>Control of Pollution (Amendment )Act 1989 – Entire Act</b>		
Entire Act	Provision of regulations for transport of waste by licensed carriers	As above
<b>Dangerous Dogs Act 1991 – Entire Act</b>		
Entire Act	Power to deal with possession of banned breeds (sec 1 & 2), keeping dogs under proper control in a public place (sec 3)and power to seize and enter premises(section 5)	As above
<b>Dogs Act 1871 – Entire Act</b>		
Entire Act	Power to have owners of dogs out of control on any land issued with a court order to control their dogs	As above
<b>Environmental Protection Act 1990 - Entire Act</b>		
Entire Act	Part 2 Waste on land	As above
	Part 3 Relating to the service of notices to abate	As above

Sections	Legislations	Postholders
	statutory nuisances e.g. Gas access	
	Part 4 Litter	As above
	Part 8 Stray Dogs	As above
<b>Guard Dogs Act 1975</b>		
Section 1	Control of guard dogs used to tackle noise and illegal use of guard dogs on premises	As above
<b>Health Act 2006</b>		
Part 1	Smoking on premises	As above
<b>Highways Act 1980</b>		
Section 132	Marks on the highway	As above
Section 137	Wilful obstruction	As above
Section 137ZA	Power to order removal of an obstruction	As above
Section 139	Control of builders skips	As above
Section 140	Removal of builders skips	As above
Section 143	Power to remove structures	As above
Section 147A	Road side sales	As above
Section 148	Depositing things on the highway	As above
Section 149	Removal of a nuisance so deposited	As above
Section 154	Removal overhanging foliage	As above
Section 155	Animals straying on a highway	As above
<b>Housing Act 1985</b>		
PART II	PROVISION OF HOUSING ACCOMMODATION	
Section 11A	Provision of welfare services.	As above
Section 17	Relating to power to make Compulsory Purchase Order	As above
Sections 20 - 26	Housing Management	As above
Sections 27 - 57	Management Agreements, Disposal of land for housing purposes and Various Provisions	As above
PART IV	SECURE TENANCIES AND RIGHTS OF SECURE TENANTS	
Sections 70 - 117	Security of tenure; successions; assignments; repairs and improvements; variations, communication and consultation; flexible tenancies; various others.	As Above
PART VII		

Sections	Legislations	Postholders
Section 209 - 238	Brings up to date Housing Act 1985 provisions.	As Above
Part IX	SLUM CLEARANCE	
Section 265	Relating to the power to make a demolition order	As above
Section 289	Relating to the power to declare a clearance area	As above
Section 319 (as amended by the Local Government and Housing Act 1989)	Relating to powers of entry for the purposes of survey and examination	As above
PART X	OVER CROWDING	
Section 337	Relating to powers of entry for the purposes of determining overcrowding	As above
Section 338	Relating to the service of notices to abate overcrowding	As above
<b>Housing Act 1988</b>		
Part I	Rented Accommodation	
Sections 1 - 45	Assured Tenancies; Assured Shorthold Tenancies; Protection from Eviction; Phasing out of Rent Acts; General provisions.	As Above
Schedule 1	Tenancies which cannot be Assured Tenancies	As Above
Schedule 2	Grounds for Possession of Dwelling-houses let on Assured Tenancies	As Above
Schedule 2A	Assured Tenancies: Non-Shortholds	As Above
Schedule 4	Statutory Tenants: Succession	As Above
<b>Housing Act 1996</b>		
Part III	Landlord and Tenant	
Section 96 - 102	Assured shorthold tenancies; Grounds for possession.	As Above
Part V	Conduct of Tenant	
Sections 124 - 143	Introductory tenancies; proceedings for possessions; successions; Assignment; Repairs; Information and consultation; General provisions; Repossessions; Injunctions against ASB;	As Above
Part VIII		
Sections 218 - 233	Miscellaneous and general provisions	As Above

Sections	Legislations	Postholders
Schedule 14	Introductory tenancies: consequential amendments	As Above
Schedule 18	Miscellaneous provisions	As Above
<b>Housing Act 2004</b>		
Sections 11, 12, 14, 16, 17 & 18	Relating to the service of improvement notices and follow up action	As above
Sections 20, 21, 23, 25, 26 & 27	Relating to the service of prohibition orders and follow up action	As above
Sections 28 & 29	Relating to the service of hazard awareness notices	As above
Sections 30 & 31	Relating to the enforcement of improvement notices	As above
Sections 32	Relating to the enforcement of prohibition orders	As above
Sections 40, 41, 42 & 43	Relating to emergency remedial action and emergency prohibition orders	As above
Sections 49 & 50	Relating to powers to charge for certain enforcement action and recovery of charges	As above
Section 62	Relating to temporary exemption from licensing	As above
Sections 72, 73 & 74	Relating to the granting and refusal of HMO licences and the revocation and variation of licences.	As above
Sections 102, 103, 106, & 110	Relating to the making and operation of interim management orders	As above
Sections 111 & 112	Relating to the variation and revocation of interim management orders	As above
Sections 113, 115, 119 & 120	Relating to the making and operation of final management orders	As above
Sections 121 & 122	Relating to the variation and revocation of final management orders, procedural requirements and appeals relating to interim and final management orders	As above
Sections 127, 129 & 130	Relating to the management and termination of final management orders	As above
Section 131	Relating to management orders: power of entry to carry out work	As above
Section 132 - 138	Relating to interim and Final EDMO	As above

Sections	Legislations	Postholders
Section 139 & 144	Relating to overcrowding notices in certain houses in multiple occupation not required to be licensed	As above
Section 235	Relating to the power to require documents to be produced	As above
Section 239	Relating to the powers of entry for the purposes of survey and examination	As above
Section 240	Relating to warrant to authorise entry	As above
Section 241	Relating to proceedings for obstruction	As above
Section 242	Relating to notice requirements for the protection of owners	As above
Section 245	Relating to powers to dispense with notices	As above
Section 255 & 256	Relating to HMO declarations & revocation of HMO declarations	As above
Section 179	Extension of Introductory tenancies.	As above
Section 191	Secure tenancies: withholding of consent to mutual exchange	As above
<b>2008 Housing &amp; Regeneration Act</b>		
Entire Act		As above
<b>Localism Act 2011</b>		
Part 7	Housing	As above
Chapter 2	Social housing: tenure reform	As above
Sections 150 - 153	Tenancy Strategies	As above
Sections 154 - 155	Flexible Tenancies	As above
Sections 156 - 166	Other provisions relating to tenancies of social housing	As above
Chapter 4	Housing Mobility	As above
Section 176	Standards facilitating exchange of tenancies	As above
Chapter 6	Other housing matters	As above
Sections 180 - 182	Housing Ombudsman and complaints	As above
Schedule 14	Grounds on which landlord may refuse to surrender & grant tenancies under section 158.	As above

Sections	Legislations	Postholders
<b>Housing &amp; Planning Act 2016</b>		
Chapter 6		
Section 118	Secure tenancies etc: phasing out of tenancies for life	As above
Section 119	Termination of fixed-term secure tenancies without need to forfeit	As above
Section 120	Succession to secure tenancies and related tenancies	As above
Section 121	Secure and assured tenancies: transfer of tenancy	As above
Schedule 7	Secure tenancies etc: phasing out of tenancies for life	As above
Schedule 8	Succession to secure tenancies and related tenancies	As above
<b>Housing Grants Construction and Regeneration Act 1996</b>		
Part 1	Relating to grants for housing.	As above
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
Section 16	Relating to the service of notices to obtain particulars of persons interested in land.	As above
Section 33	Relating to the service of notices to restore, water, gas or electricity to dwellings	As above
<b>Local Government (Miscellaneous Provisions) Act 1982</b>		
Section 29	To secure premises against unauthorised entry	As above
<b>The Noise Act 1996 – Entire Act</b>		
Entire Act	Power to enter premises and seize equipment	As above
<b>Prevention of Damage by Pests Act 1949</b>		
Entire Act		
Section 4	Relating to the service of notices to take steps to keep land free from rats and mice	As above
Section 6	Block treatments of building containing flats	As above
<b>Public Health Act 1936</b>		
Entire Act incl:		
Sections 45	Relating to the service of notices to repair defective water closets.	As above
Section 78	Scavenging of common courts and passages	As above
Sections 79 & 287	Powers of Entry.	As above
Section	Relating to the cleansing of filthy and verminous	As above

Sections	Legislations	Postholders
83&84	premises. As amended by the Public Health Act 1961, Section 35	
<b>Public Health Act 1961</b>		
Entire Act		
Section 17	as amended by the Local Government (Miscellaneous Provisions) Act 1982  Relating to the service of notices to repair defective drains	As above
<b>Public Health Control Diseases Act 1984</b>		
Section 46	Part 3 Public burial of deceased	As above
<b>Refuse Disposal(amenity) Act 1978 - Entire Act</b>		
Entire Act	Removal, disposal and cost recovery of abandoned waste and vehicles on land	As above
<b>Town and Country Act 1990</b>		
Section 215	Sites detrimental to the amenity	As above
Section 224	Enforcement of control as to advertisements.	As above
Section 330	Notice to provide information re interest in a property	As above
<b>Water Industry Act 1991</b>		
Chapter 3 Section 71 – 76	Relates to discharge of waste into water drainage system	As above