

Report to: **Executive**
Date: **6 February 2007**
Report of: **Executive Member for Liveability**
Subject: **Authorising the use of Clean Neighbourhood and Environment Act 2005 Powers**
Ward: **All**

1. Purpose of Report

- 1.1 To advise members of the range of new enforcement powers and provisions introduced by the Clean Neighbourhoods and Environment Act 2005 (CNEA).
- 1.2.1 To select and agree from these new powers those which should be given priority for enforcement to commence.
- 1.2.2 To agree the level of fine for Fixed Penalty Notices (FPN's) together with the discount for early payment for these selected new powers.

2. Consultation

- 2.1 The Director of Community Services, Director of Finance and Corporate Services, Monitoring Officer, Head of Personnel and Payroll, Health and Safety Manager, Police and the Environment Agency have been consulted in drafting this report. Management Team, Working Executive and Scrutiny Management Board have provisionally agreed the report.
- 2.2 The Monitoring Officer advised that changes to the constitution are necessary to take account of new legislation that has been introduced in recent years and the changes to the Constitution are detailed in Appendix 5. It is proposed to report to full Council to seek approval for those changes.

3. Background

- 3.1 The Environmental Health and Licensing Unit has developed teams of enforcement officers and wardens to deal with a wide range of local environmental problems and has a great deal of experience in using enforcement powers under existing legislation. This involves issuing spot fines and prosecuting people for offences.
- 3.2 The Director of Community Services has delegated power to authorise officers of the council to discharge functions of the Council with respect to Environmental Health and Community Safety.
- 3.3 The CNEA includes powers and provisions covering the following areas:
 - Abandoned Vehicles
 - Litter and Refuse
 - Graffiti and fly posting
 - Control of Dogs
 - Waste Receptacles
 - Transport of Waste
 - Deposit and disposal of waste
 - Shopping/ Luggage Trolleys
 - Nuisance vehicles
 - Free distribution of printed material
 - Audible intruder alarms
 - Noise from dwellings
 - Noise from licensed premises

- 3.4 There are a range of Fixed Penalty Notices (FPN's) provided by the CNEA and a few give local authorities the option to set the level of penalty. For most of these FPN's local authorities also have the option to offer a discount for early payment of a FPN.

The standard period for payment of FPN's is set in legislation at 14 days and once a FPN has been issued, an authority cannot prosecute for the alleged offence if the FPN is paid in the period. Therefore, to avoid confusion DEFRA recommend that the discounted period should not be more than 10 days.

- 3.5 The principal of discounted levels for quick payment has already been adopted with FPN's for litter in a report to Executive 16th May 2006
- 3.6 The range of fines and the minimum discounted values for FPN's are summarised in Appendix 4.
- 3.7 Defra Guidance emphasises that the powers and provisions in the CNEA should only be adopted where needed and when effective enforcement will follow. This approach is reflected in the report taking into account the environmental need and the recorded complaints made in each area.

4.0 Position Statement and Option Appraisal

4.1 Abandoned Vehicles

- 4.1.1 The council currently removes abandoned vehicles and has a legal responsibility to do so under the Refuse Disposal (Amenity) Act 1978.
- 4.1.2 The CNEA provides local authorities the power to remove abandoned cars from the streets immediately and also the power to dispose of the vehicle without waiting for its license to expire.
- 4.1.3 Research by the Home Office shows that abandoned vehicles have a higher risk of being arson targets and also being used for other criminal reasons and so removing them from the streets is important and has been a success under the ERA scheme (Easington's Response to Arson) which was launched in 2002.
- 4.1.4 This new power also provides authorised officers the ability to issue fixed penalty notices for abandoning a vehicle. There is also the power for officers to require people suspected of abandoning a vehicle to give their name and address so that a notice may be issued and not to do so or give false/ inaccurate details is an offence and so prosecutable.
- 4.1.5 It is intended that for issuing a FPN for 'abandoning a vehicle' the following staff will be authorised; The Environmental Health and Licensing Manager, The Environmental Services Managers, Technical Officers, Neighbourhood Enforcement Officers and Environmental Coordinators.
- 4.1.6 The level of fixed penalty for abandoning a vehicle is set at £200 and it is suggested that a discounted level of payment of £120 be allowed if the penalty is settled within 10 days.

4.2 Litter clearing and street litter control notices

- 4.2.1 Litter and refuse can often build up on land and becomes a blight to the area and involves significant cost to the Council in street cleansing operations.

- 4.2.2 **Litter clearing notices** can be issued to the occupier/owner of private land where litter/refuse is detrimental to the amenity of the area. These as with other notices served under the Environmental Protection Act 1990 are open to appeal and also prosecutable if the owner/ occupier fail to comply. The CNEA introduces the power to issue FPNs for failure to comply with a notice.
- 4.2.3 **Street litter control notices** are issued to businesses that generate litter/refuse from their activities. This is normally retailing outlet and in particular hot food takeaways but would also to apply to bank cash machines which generate receipts for the users. The notices require the business to take steps to minimise and clear up litter/refuse on any adjacent/ open land. The CNEA extends these controls to cover mobile vendors. It is an offence not to comply with a notice and is prosecutable. The CNEA introduces the power to issue FPNs for failure to comply with a notice.
- 4.2.4 It is intended that for the serving of ‘Street Litter Control Notices’ and ‘Litter Control Notices’ the following staff will be authorised; The Environmental Health and Licensing Manager, The Environmental Services Managers, Technical Officers Neighbourhood Enforcement Officers and Environmental Coordinators.
- 4.2.5 The level of penalty for FPNs issued for contraventions of both litter clearing notices and street litter control notices can be set locally between £75 and £110.
- 4.2.6 It is proposed that the level of FPN is set at £110 and that a discounted amount of £60 be paid if the penalty is settled within 10 days. It is intended to phase in the use of these powers in the coming months involving training and development of staff and appropriate publicity.
- 4.2.7 It is intended that for issuing FPN’s where there is breach of a ‘Street Litter Control Notice’ and ‘Litter Control Notices’ the following staff will be authorised; The Environmental Health and Licensing Manager, The Environmental Services Manager (Enforcement), Technical Officers, Neighbourhood Enforcement Officers, Environmental Coordinators, Senior Street Warden, Senior Environmental Warden, Environmental Wardens and Street Wardens.
- 4.3 Graffiti and fly posting
- 4.3.1 Graffiti and fly posting does blight communities and contribute to peoples fear of crime and so it is imperative that every effort is made to make partnerships work and to tackle these incidents. Progress has been made with the ‘graffiti removal van’ which was funded through the ‘pathfinder’ and the number of ‘tags’ has reduced. Work in collaboration with the Police and schools have also identified persistent graffiti perpetrators.
- 4.3.2 Town and Parish councils are now classified as litter authorities and have the powers to ‘authorise’ their officers to serve fixed penalty notices for the graffiti offence. At this stage informal discussion with Parish and Town Councils have shown some reluctance to use these provisions through their own staff however we will continue negotiations as there are distinct benefits in joined up working to improve enforcement activities.
- 4.3.3 The CNEA introduces a new power to serve ‘defacement removal notices’ on owners of structures and equipment on the street requiring the removal of graffiti and flyposters. Before using these powers, Local authorities are required to make reasonable attempts to enter into partnerships with property owners to remove and deter graffiti and fly posting on buildings. Meetings with the main utility companies have occurred through the summer and progress is being made with some towards this partnership approach.

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- 4.3.4 It is intended that to serve a 'defacement notice' the following staff will be authorised; The Environmental Health and Licensing Manager, The Environmental Services Managers, Technical Officers, Neighbourhood Enforcement Officers and Environmental Coordinators.

- 4.3.5 The Anti Social Behavioural Act 2003 provided this Council with the power to issue FPN's to anyone caught doing graffiti or flyposting. The CNEA allows us to specify the amount a penalty within the range between £50 and £80.

There is also the power for officers to require name and address to issue notice and not to do so or give false/ inaccurate details is an offence and so prosecutable.

- 4.3.6 It is proposed that the level of Fixed penalty is set at £80 in line with littering and that a discounted amount of £50 be paid if the penalty is settled within 10 days.

- 4.3.7 It is intended that for issuing a FPN for 'graffiti or flyposting' the following staff will be authorised; The Environmental Health and Licensing Manager, The Environmental Services Managers, Technical Officers, Neighbourhood Enforcement Officers, Environmental Coordinators, Senior Street Warden, Senior Environmental Warden, Environmental Wardens and Street Wardens.

4.4 Transport of Waste and Waste deposit and disposal

- 4.4.1 The CNEA improves the enforcement powers in relation to the **transportation of waste** and so tackle fly tipping by enabling a constable or authorised officer of a regulation authority (Environment Agency and Waste Collection Authority such as the District of Easington) to stop and search vehicles (other than on the highway) in order to check that all documentation regarding waste transfer is in place.

- 4.4.2 The CNEA updates the Control of Pollution (Amendment) Act 1989 and provides the Environment Agency and District of Easington with the power to issue a fixed penalty notice which is fixed at £300 for not being an authorised carrier of waste.

There is also the power for officers to require information and it is an offence where information is knowingly or recklessly false or misleading in a material way and this is prosecutable.

- 4.4.3 For **waste deposit and disposal** there are existing provisions in the Environmental Protection Act 1990 impose that there is a duty of care on businesses to take all measures reasonable to dispose of any waste they generate properly.

- 4.4.4 The CNEA updates the Environmental Protection Act 1990 and provides the Environment Agency and Waste Collection Authority (District of Easington) the power to issue a fixed penalty notice which is fixed at £300 for failure to furnish documentation that would show the responsible disposal of waste. There is also the power for officers to require information which becomes an offence where information is knowingly or recklessly false or misleading in a material way and so prosecutable.

- 4.4.5 The law requires that businesses use registered waste carriers and that documentation of waste transfer receipts are kept for between 2 and 5 years dependant on the type of waste as proof of correct disposal.

- 4.4.6 Many businesses will have adequate disposal arrangements in place; however, these provisions are important to help combat flytipping from those businesses that dispose of their waste illegally. It is proposed to take a proactive approach in contacting businesses to provide advice on the legal requirements and also through investigations of those transporting waste illegally.

- 4.4.7 FPN's issued for 'not providing a waste carriers license' and 'failure to provide waste transfer notes' are fixed at £300 and it is proposed that a discounted amount of £200 be paid if the penalty is settled within 10 days.

- 4.4.8 It is intended for the issuing of a FPN for 'failure to produce waste transfer notes' and 'failure to produce a waste carriers license' the following staff will be authorised; the Environmental Health and Licensing Manager, the Environmental Services Managers, Commercial Enforcement Manager, Technical Officers, Environmental Health Officers, Neighbourhood Enforcement Officers, Environmental Coordinators, Senior Street Warden, Senior Environmental Warden, Environmental Wardens and Street Wardens .
- 4.4.9 Further powers are provided for by the CNEA to stop, search and seize vehicles and contents. A constable or 'authorised' officer of the Council have the power to seize vehicles where they reasonably believe that a contravention of sections 33 or 34 of the Environmental Protection Act 1990 such as fly tipping has occurred. There is also provision to apply to the court for the forfeiture of vehicles as part of a fly tipping prosecution.
- 4.4.10 Defra are currently working on the proposals to specify how local authorities must deal with any vehicles or their contents seized under these provisions which are yet to be consulted on and anticipated to be completed in 2007 after consultation.
- 4.4.11 It is proposed to develop procedures, train and develop staff to phase in the use of these powers in partnership with the Environment Agency and Police. Some joint working operations have already taken place in the district for stopping and searching using the Environment Agency and Police existing powers.
- 4.4.12 It is intended that for seizing vehicles and contents that the following staff will be authorised; The Environmental Health and Licensing Manager, The Environmental Services Manager (Enforcement), Technical Officers, Neighbourhood Enforcement Officers and Environmental Coordinators.

4.5 Abandoned shopping and luggage trolleys

- 4.5.1 In the district there are a number of shops that have trolleys that are being dumped by their customers and that become detrimental to the amenity of the area.
- 4.5.2 The CNEA enabled the council to charge the person it believes to be the owner of an abandoned trolley for its removal, storage and disposal. To do this a local authority must consult with those likely to be affected and advertise prior to implementing any charging regime. The authority does already have a partnership arrangement with one store in the district where, on notification, they will collect their trolleys, however this does not prevent problems arising.
- 4.5.3 It is proposed to develop a scheme for the collection of abandoned shopping trolleys and to charge for the recovery, storage and disposal where shops are not willing to enter into a partnership approach and this should commence with immediate effect.

5.0 Powers available not proposed to be taken on immediately:

5.1 Exposing vehicles for sale and repairing on a road

- 5.1.1 Some garages and other businesses which sell cars at times park them for long periods on the road. This can be a nuisance to local residents and under CNEA it has become an offence for a person to park motor vehicles on a road or roads, where the vehicles are parked merely in order to be sold. There must be two or more vehicles within 500 metres of each other for the offence to be committed.

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5.1.2 The CNEA has also created an offence for a person to carry out 'restricted works' to vehicles on the road. This includes repair, maintenance, servicing or dismantling a motor vehicle or any part of it including accessories where it for gain or reward.

5.1.3 For these two new powers the CNEA provides authorised officers the ability to issue fixed penalty notices for 'nuisance parking' offences and is fixed at £100.

5.1.4 There is also the power for officers to require name and address to issue notice and not to do so or give false/ inaccurate details is an offence and so prosecutable.

5.1.5 Although nuisance parking may occur the number of reports received is very low and there is not perceived to be a problem in this area and consequently it is proposed not to proceed with these powers currently. Any developments in the future will be detailed in a further report.

5.2 Free Distribution of printed material

5.2.1 Litter authorities have the power to restrict the distribution of free literature in 'designated' areas and a scheme is set up for the control and consent within these areas which can be charged for.

5.2.2 There is not perceived to be a problem in this area and consequently it is proposed not to proceed with developing a scheme currently. Any developments in the future will be detailed in a further report.

5.3 Alarm notification areas

5.3.1 The new adoptive powers requires an alarm scheme area to be designated, agreed and advertised requiring property occupiers/owners to nominate a key holder and notify the council of the same and to respond quickly where burglar alarms cause problems.

5.3.2 FPN's can be issued for any breach of these regulations and the local authority has the opportunity to set the level between £50 and £75. There are also powers of entry to silence an alarm.

5.3.3 Although alarms do go off in the district the number of reports received is very low there is not perceived to be a problem in this area and consequently it is proposed not to proceed with developing a scheme. Any developments in the future will be detailed in a further report.

5.4 Noise

5.4.1 The Environmental Protection Act 1990 places a duty on local authorities to take reasonably practicable steps to investigate noise emitted from premises to assess if it is prejudicial to health or a nuisance. Abatement notices can be served by an authorised officer and these powers are currently being used.

5.4.2 The CNEA provides authorised officers with the power under the Noise Act 1996 to issue FPN's for not complying with an abatement notice served for Noise.

5.4.3 Noise from licensed premises has the FPN fixed at £500 with no discretion to discount for early payment . With Noise from dwellings the FPN can be set between £75 and £110 with the discretion to discount the amount for swift payment.

5.4.4 Although noise abatement notices are issued under the current legislation there are in practice very few and consequently it is proposed not to proceed taking these powers. Any developments in the future will be detailed in a further report.

5.5 Summary

5.5.1 Appendix 1 identifies powers that are proposed to implement

5.5.2 Appendix 2 identifies powers that are not proposed to be adopted

6 Implications

6.1 *Financial*

6.1.1 Issuing of FPN's would generate additional revenue however the legal costs of going to court will erode this. Additional training will be required to ensure staff are suitably competent to gather evidence, serve notice and issue FPN's.

6.1.2 The publicity of the new powers, procedural development and training for staff will be met from existing budgets.

6.2 *Legal*

6.2.1 The CNEA offers local authorities the powers to introduce more comprehensive controls to keep their areas clean and improve BVPI 199 performance. DEFRA are carrying out surveys to see how local authorities are responding to the new Act.

6.3 *Policy*

6.3.1 The existing policy of issuing spot fines where offences are witnessed and prosecuting for non-payment of spot fines would continue.

6.4 *Risk*

6.4.1 There is a potential for adverse publicity with any increase in enforcement which can be managed by effective communication and publicity. There is equally the chance of criticism if we do not take advantage of the new powers and surveys in the district of stakeholders conclude that increased enforcement action is required.

6.4.2 The development work of procedures and training of staff may impact on the delivery of front line services and affect performance against local indicators such as the number of littering and dog fouling spot fines issued. Everything will be done in these areas to manage effectively to mitigate any compromise to the indicators; this includes not adopting all the available powers and provisions as suggested in this report.

6.4.3 The extension to the range of powers available under the act will strengthen the council's abilities to resolve problems through enforcement align to this is also a risk of there being such a range of powers that effectiveness in all areas is compromised as it is planned to utilise the new provisions within the current staff resources.

6.4.4 Areas of enforcement such as the stop, search and seizure of vehicles have potential risks for staff and the updating of risk assessments and working procedures will be required.

6.5 *Communications*

6.5.1 The CNEA brings quite a few new powers and provisions and the importance of good communication is imperative. The communication plan will include the following:

- A Press release once the agreed powers have been given final approval by council
- Work with the Pride in Easington (PIE) staff to work up campaigns around each area to ensure;
 - Education is provide
 - Information is available
 - Enforcement will follow
- Where areas of enforcement have elements of confusion additional steps would be taken. One such area is the 'duty of care' for businesses and we would proposed to send a letter and leaflet to all businesses in the district providing details of what they are required to do prior to conducting any enforcement activity.
- Work with other local authorities and agencies on common themes to ensure a larger impact. One such area is waste transfer which has greater cross boundary implications.
- On going press releases on the progress of campaigns to help ensure the messages are reaching the target audience.
- A timetable of implementation appears in Appendix

7. Corporate Implications

7.1 Corporate Plans and Priorities

- 7.1.1 The introduction of new CNEA powers will help deliver the corporate priority for cleaner streets and community safety
- 7.1.2 The development of new powers will assist in meeting cleaner streets and community safety.
- 7.1.3 Consultation with Personnel has confirmed that the adoption of these new powers into current job roles will not impact on salary costs although this is yet to be formalised through the job evaluation process.

7.2 Equality and Diversity

There are no implications

7.3 E-government

There are no implications as regards this issue

7.4 Procurement

No implications

8. Recommendations

- 8.1 That the use of the new Clean Neighbourhood and Environment Act 2005 be introduced as detailed in section 4 of this report.
- 8.2 That the levels for Fixed Penalty Notices and discounts for early payment be set as detailed in section 4 of this report and appendix 4.

Documents and publications used in drafting this report;

- (i) Clean Neighbourhoods and Environment Act 2005 and guidance.

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Appendix 1

Summary table of Provisions of areas planned for implementation

Legislation	Summary of provisions	Discretionary Range for FPN	Suggested Amount	Suggested minimum amount for early payment	Summary
Refuse Disposal (Amenity) Act 1978	Abandoned Vehicles <ul style="list-style-type: none"> Issue a FPN for abandoning a Vehicle by authorised officers 	Fixed level	£200	£120	High priority to ensure abandoned vehicles are removed from the streets and do not reappear. FPN levels to be set for a planned immediate use.
Environmental Protection Act 1990	Litter and refuse <ul style="list-style-type: none"> Serve Street Litter Control Notice Serve Litter Clearing Notice Issue FPN for a breach of a Notice by authorised officers. 	£75-£110	£110	£60	Litter /refuse generated by food business and general waste collecting on land are blight on the amenity of the area. FPN levels to be set and to issue where failure to comply with these notices. Planned for immediate use.
Anti-social Behaviour Act 2003	Graffiti and Flyposting <ul style="list-style-type: none"> Serve 'defacement removal notice' on the owner Issue FPN for Graffiti and Fly posting by authorised officers. 	£50 - £80	£80	£50	Graffiti has been a problem in the area and FPN's are an additional tool to combating it. FPN's to issue to perpetrators and the ability to serve 'defacement removal notices' on premises/ owners. FPN levels to be set for immediate use.
Clean Neighbourhoods and Environment Act 2005	Control of Dogs <ul style="list-style-type: none"> Power to designate land for control Issue FPN for a dog contravention by authorised officers Power to authorise individuals other an employees to issue FPN's Power for Town and Parish Councils to designate land and issue FPN's 	£50-£80	£80	£50	A separate report (Management Team 20 th Nov 06) sets out further detail. FPN levels to set. These provisions will be implemented

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Legislation	Summary of provisions	Discretionary Range for FPN	Suggested Amount	Suggested minimum amount for early payment	Summary
Environmental Protection Act 1990	<p>Waste Receptacles</p> <ul style="list-style-type: none"> Issue a FPN where an authorised officer believes a person has failed to comply with the specified collection arrangements for household, commercial and industrial waste 	£75-£110	To be decided	To be decided	There are specific policy decisions that the district has to make regarding the specific arrangements for collection of waste and it is proposed that these be detailed in a subsequent report.
Control of Pollution (Amendment) Act 1989	<p>Transport of Waste</p> <ul style="list-style-type: none"> Power to stop, search and seize vehicle and contents Power of entry to premises for searching and seizing a vehicle Require occupants to give specified information Issue FPN for failure to produce waste carriers license by authorised officers 	Fixed level	£300	£200	A need to challenge carriers through the district who may end up flytipping and are not carrying waste in the correct manner. FPN levels to set and a planned immediate use.
Environmental Protection Act 1990	<p>Deposit and disposal of waste</p> <ul style="list-style-type: none"> Power to stop and search vehicle Power to seize vehicle and contents Power of entry to premises for searching and seizing a vehicle Require occupants to give specified information Issue FPN for failure to furnish waste transfer notes by authorised officers 	Fixed level	£300	£200	Business have a 'duty of care' to dispose of their waste in the correct manner and some waste will be flytipped. FPN levels to set with a planned immediate use.

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Legislation	Summary of provisions	Discretionary Range for FPN	Suggested Amount	Suggested minimum amount for early payment	Summary
Environmental Protection Act 1990	Shopping/ Luggage Trolleys <ul style="list-style-type: none">Charge the owner of a trolley for removal, storage and disposal after consultation and advertising a scheme.	N/A	N/A	N/A	Shopping trolleys cause environmental problems and are collected throughout the district. After consultation and advertising a scheme will be implemented.

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Appendix 2

Summary table of Provisions of areas not planned to implement.

Legislation	Summary of provisions	Summary
Clean Neighbourhoods and Environment Act 2005	Nuisance Parking <ul style="list-style-type: none">• Issue FPN's for exposing vehicles for sale on a road• Issue FPN's for repairing vehicles on a road	A low level of reported complaints.
Environmental Protection Act 1990	Free Distribution of printed material <ul style="list-style-type: none">• Designate permitted areas• Issue FPN for unauthorised distribution of literature	Not perceived to be a problem and not available for use without a scheme for designated areas and consent for distribution.
Clean Neighbourhoods and Environment Act 2005	Audible intruder alarms <ul style="list-style-type: none">• Designate an alarm notification area.• Enter the property to silence the alarm• Issue a FPN for failure to nominate key holders in alarm notification areas.	A low level of reported complaints and requires an alarm scheme area to be designated prior to FPN's.
Noise Act 1996	Noise from dwellings <ul style="list-style-type: none">• Issue FPN for breach of an abatement notice.	Very low number of abatement notices served so the use of the FPN is very limited
Noise Act 1996	Noise from licensed premises <ul style="list-style-type: none">• Issue FPN for breach of an abatement notice	Very low number of abatement notices served so the use of the FPN is very limited.

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Appendix 3

Summary table of the planned implementation programme for powers to be used.

Powers Available	Education and Awareness Campaign	Deadline to start from
Abandoned Vehicles	February	March
Litter and refuse	February to June Links with Pride in Easington (PIE) campaigns on: <ul style="list-style-type: none">• Tidy business awards• The big clean• Awareness road shows• Tidy Ted	July
Graffiti and Flyposting	March Links with PIE: <ul style="list-style-type: none">• Tidy business awards• School education• Awareness road shows• Tidy Ted	April
Transport of Waste	February to June Links with PIE: <ul style="list-style-type: none">• Tidy business awards• School education• Awareness road shows• Tidy Ted	July
Deposit and disposal of waste	February to June Links with PIE: <ul style="list-style-type: none">• Tidy business awards• School education• Awareness road shows• Tidy Ted	July

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Appendix 4

Summary table of the FPN values and discounts available

Initial FPN value	Minimum discounted value	Area of Enforcement
£50 to £80	£50	Litter, dog contraventions, Graffiti, Fly posting, distribution of free printed material & alarm key holder nomination
£75 to £110	£60	Nuisance Parking, Street Litter Control Notices, Litter Clearing Notices, Waste receptacles.
£200	£120	Abandoning a vehicle
£300	£180	Moving waste without a permit or being unable to furnish waste transfer notes.

Appendix 5

Proposed Amendments to the Constitution

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The following local choice functions have been delegated to Officers:-

Delete on the grounds that it duplicates delegation to Environmental Health and Licensing Manager

Director of Community Services

1. The service of an abatement notice in respect of a statutory nuisance
2. The discharge of any function relating to the control of pollution or the management of air quality
3. The inspection of the authority's areas to detect any statutory nuisance
1. The investigation of any complaint as to the existence of a statutory nuisance

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The Highlighted text is the proposed update.

		institution of Prosecutions The power to take enforcement action and/or institute legal proceedings pursuant to the discharge of the Council's functions under legislation relating to Clean Neighbourhoods and the Environment , Anti-social behaviour, public health, control of retail trading, control of pollution, repair and maintenance of land and property control of noise and nuisance and enforcement of food safety.	Delegated to the Environmental Health and Licensing Manager in his absence the Environmental Services Manager(Enforcement) or the Environmental Services Manager (Strategy)
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