

AUTHORISATIONS TO OFFICERS

3.3.5 ENVIRONMENTAL HEALTH MANAGER

<u>FUNCTION</u>	<u>CONSULTATION</u>	<u>CONDITIONS</u>
Authority to engage a veterinary surgeon or practitioner for any purpose under the Dangerous Wild Animals Act 1976.		
Power to authorise in writing a veterinary surgeon or practitioner or any other person deemed competent to enter and inspect premises for the purposes of the Dangerous Wild Animals Act 1976.		
Power to fix fees and inspection charges under the Dangerous Wild Animals Act 1976.		
Power to exercise Section 4 of the Dangerous Wild Animals Act 1976 (Seizure and Disposal of Animals).		
All powers in the Zoo Licensing Act 1981, including the power to fix fees and charges under Section 15.	In conjunction with the Section 151 Officer in respect of charges.	
All the powers of the Council under Sections 2 and 3 of the Deer Act 1980 including the power to authorise named Officers in writing to make inspections.	Environmental Health Manager	
All powers in connection with the approval of chimney heights, furnaces and combustion plant, emission of dark smoke, arrestment plant, emission of grit and dust, exemptions and related matters under the Clean Air Act 1993.	Environmental Health Manager	

FUNCTION

CONSULTATION

CONDITIONS

Authorisation of service of abatement notices under Section 80 of the Environmental Protection Act 1990, when satisfied that a statutory nuisance, as defined in Section 79 of the said Act, exists.

Discretion under Regulation 10(2) of the Control of Noise (Appeal) Regulations 1975 (Non-Suspension of Notices).

Power to serve notice and to authorise prosecutions under Section 47 of the Environmental Protection Act 1990 (receptacles for commercial or industrial waste).

Service of notices under Section 62 of the Control of Pollution Act 1974 (Noise on Construction Sites) and the enforcement of Section 62 of the Act (Noise in Streets) including the power to authorise prosecutions.

Service of notices and determination of applications for consent under Section 61 of the Control of Pollution Act 1974 (Prior Consent for work on Construction Sites).

All powers contained in Section 66 of the Control of Pollution Act 1974 (Reduction of Noise Levels).

To serve such notices and to institute such proceedings as may be necessary pursuant to Sections 79-81 (inc.) of the Control of Pollution Act 1974 (Information about Atmospheric Pollution) as amended.

Power to enter etc. and to apply for a warrant authorising entry etc. for any purpose referred to in Section 91 of the Control of Pollution Act 1974.

With any person whom the Environmental Health Manager specifically authorises in writing to exercise such powers whether in whole or part.

FUNCTION

CONSULTATION

CONDITIONS

Power to serve notices requiring the provision of information under Section 93 of the Control of Pollution Act 1974. With regard to Section 16 (Power of Local Authorities to obtain particulars of persons interested in land) of the Local Government (Miscellaneous Provisions) Act 1976.

Legal Services Manager to authorise any necessary proceedings in connection therewith.

Power to authorise prosecutions under Part IV of the Environmental Protection Act 1990 (Provisions relating to litter) Section 87 and Section 88.

Power to authorise proceedings in respect of any contraventions of the Shops Act 1950, as amended, and any Orders made thereunder.

Legal Services Manager

Environmental Protection Act
1990

(Min. No. E&H 98/90/91)

(a) Power to approve authorisations and to take other action as may be necessary to implement the provisions of Part I of the Environmental Protection Act 1990.

(b) Authorisation to levy such fees and charges as may be prescribed by the Secretary of State for such authorisation under Section 8 of the Environmental Protection Act 1990.

The Section 151 Officer.

(c) Authority where appropriate, to institute proceedings for offences under Section 23 of the Environmental Protection Act 1990.

Legal Services Manager

FUNCTION

CONSULTATION

CONDITIONS

- (d) Power to discharge the function imposed or conferred by the Section for dealing with stray dogs found in the District of North Wiltshire (Section 149(1) of the Environmental Protection Act 1990).
- (e) Power to seek to recover from the owner of any stray dogs, any fees that the authority may be required to pay in respect of the detention of that dog, together with any additional charge that the authority is required to make in accordance with Section 149(5) of the Environmental Protection Act 1990.

Sunday Trading Act 1994

To act as Inspector under Schedule 2 Part 1 of the Sunday Trading Act 1994:

Authorisation to appoint as Inspectors such persons having suitable qualifications for carrying out the Authorities' duties under Schedule 2 Part 1 of the Sunday Trading Act 1994:

Authorisation to carry out any investigations which are necessary to designate the North Wiltshire District Council areas as a loading control area under Section 1 of the Sunday Trading Act 1994; and

Legal Services Manager

Authorisation in conjunction with the Solicitor to the Council and where appropriate to institute proceedings for offences under Schedules 1, 2 and 3 of the Sunday Trading Act 1994; and

FUNCTION

CONSULTATION

CONDITIONS

Authorisation to accept notices in respect of designated opening hours and to maintain a register as required by Paragraph 5 of Schedule 1.

(Min. No. 57 - Community and Environmental Services Committee - 6.9.94).

Issue, renewal, refusal, cancellation or suspension of the following licences, including registration of persons or premises where appropriate:-

- (a) Animal Boarding Establishments.
- (b) Riding Schools.
- (c) Pet Shops.
- (d) Food Premises including those for which local authority approval is required under Product specific Regulations made under the Food Safety Act 1990.
- (e) Dog Breeding Establishments.
- (f) Guard Dogs.
- (g) Dangerous Wild Animals.
- (h) Game Dealers.

Authorisation of prosecutions and other proceedings in respect of offences under the Food Safety Act 1990 and related Regulations, Rules and Orders.

Action under Section 72 of the Building Act 1984 (Means of escape in case of fire).

FUNCTION

CONSULTATION

CONDITIONS

All the powers of the local authority to authorise action in connection with defective and/or blocked drains, pipes, sewers, cess-pools, septic tanks, their maintenance and repair including the service of appropriate notices under the Public Health Acts 1936 and 1961 the Building Act 1984 and Section 35 of the Local Government (Miscellaneous Provisions) Act 1976.

Legal Services Manager

Without prejudice to the generality of the above, all the powers of the Council under the following Acts:-

- (a) Sections 45, 48, 49, 50, 51 and 52 of the Public Health Act 1936 (Provisions as to drainage and sanitation) Sections 59, 60, 61, 64, 65 and 66 of the Building Act 1984.
- (b) Section 84 of the Building Act 1984 (Yards and passages to be paved and drained).
- (c) Sections 79 and 80 of the Public Health Act 1936 (Removal of noxious matters). Prospectively repealed by the Control of Pollution Act 1974, day still to be appointed.
- (d) Sections 83, 84 and 85 of the Public Health Act 1936 (and Sections 35, 36 and 37 of the Public Health Act 1961) (Cleansing of verminous premises, articles and persons).
- (e) Section 79 (Local Authority functions where piped supplies insufficient or unwholesome), Section 80 (Remedial powers of Local Authorities in relation to private supplies) of the Water Industry Act 1991.

FUNCTION**CONSULTATION****CONDITIONS**

- (f) Section 141 of the Public Health Act 1936 (Insanitary cisterns).
- (g) Sections 18, 24, 25, 26, 27, 33 and 55 of the Public Health (Control of Disease) Act 1984 (Prevention Notification and Treatment of Diseases and related matters).
- (h) Sections 403, 404 and 407 of the Housing Act 1985 and Sections 41 and 42 of the Public Health (Control of Disease) Act 1984 Register of common lodging houses; removal to hospital of persons removal to hospital of notifiable diseases; applications for closures).
- (i) Sections 259, 260 and 261 of the Public Health Act 1936 (Power to deal with watercourses, ditches, ponds etc. which are prejudicial to health).
- (j) Section 269 of the Public Health Act 1936 (Licensing of moveable dwellings).
- (k) Section 17 of the Public Health Act 1961 and Sections 62 and 63 of the Buildings Act 1984 (Drainage and construction of water closets).
- (l) Section 74 of the Public Health Act 1961 (Pigeons).

FUNCTION

CONSULTATION

CONDITIONS

Power to enter and to authorise an Officer to enter premises and to authenticate documents showing an Officer's authority under Section 287 of the Public Health Act 1936 (including power to authorise an application to a Justice of the Peace).

Power under Sections 19 and 20 of the Health and Safety at Work etc. Act 1974 to appoint suitably qualified inspectors having such powers as may be specified and to issue appropriate "instruments in writing" on behalf of the Council, including the authority to engage and/or authorise persons to accompany an Officer.

Power to enter and to apply to a Justice of the Peace for a warrant of entry under Section 17 of the Local Government (Miscellaneous Provisions) Act 1982 (Power to enter premises in relation to acupuncture etc).

And any other named officer of the Council authorised in writing by the Environmental Health Manager

Implementation of Section 20 of the Local Government (Miscellaneous Provision) Act 1976 (Provision of sanitary appliances at places of entertainment) including the power to enter premises and to authorise other persons to enter premises as well as power to authorise prosecutions.

Legal Services Manager in respect of prosecutions.

Power to implement Section 33 of the Local Government (Miscellaneous Provisions) Act 1976 (Supply of gas, water or electricity) including authorisation of proceedings.

Fixing of charges for export health certificates.

FUNCTION

CONSULTATION

CONDITIONS

Power to take action under Section 48 of the National Assistance Act 1948 (Temporary protection of property of persons admitted to hospital etc.) including the power to recover costs.

After consultation with the Section 151 Officer in connection with the recovery of costs.

All powers under Section 46 of the Public Health (Control of Diseases) Act 1984 (Burial of the Dead).

All the powers of the Proper Officer (formerly described as the Medical Officer of Health) and the local authority under Sections 13 and 15 of the Public Health (Control of Diseases) Act 1984 and the Public Health Act 1936 (Infections Diseases) Regulations (Prevention of spread of certain diseases).

Power to certify in writing that it is necessary to remove a person from premises to a suitable place and to make application to a Court of summary jurisdiction for the purposes of Section 47 of the National Assistance Act 1948 and Section 1 of the National Assistance (Amendment) Act 1951.

Power to enter property and to authorise Officers of the Council in writing to enter property pursuant to Section 32 of the Food Safety Act 1990 for purposes under the Act.

Protection of Animals Act 1911

General Authority to institute future proceedings under the Protection of Animals Act 1911.

FUNCTION

CONSULTATION

CONDITIONS

Food Safety Act 1990 (Min. No. E&H 104/90/91)
To act generally in matters under the Food Safety Act 1990.

And such Officers as may be authorised by the Environmental Health Manager

Food Premises (Registration) Regulations, 1991 (Min. No. E&H 86/91/92)
Determination of the level of charges to the public for the supply of copies of the Register or entries contained therein.

Section 151 Officer.

The Health and Safety (Enforcing Authority) Regulations 1989 (Min. No. E&H 105/90/91)
Power to accept or effect the transfer of enforcement responsibility under Regulation 5 of the Health and Safety (Enforcing Authority) Regulations 1989, in respect of any premises as may be appropriate.

Authority to authorise appropriate Officers to enforce the provisions of fixed penalty notices under Dogs (Fouling of Land) Act 1996 (EHH 60/96/97)

Authority to give directions pursuant to Section 77 of the Criminal Justice and Public Order Act 1994 in respect of land other than highway land or land owned by the Wiltshire County Council - authorised gypsy and trailer encampments (EHH 62/96/97).

Miscellaneous Licensing

Authorisation to grant Street Trading Consents for the purposes of Street Trading in respect of Streets namely Chippenham, Lyneham, Calne, Corsham and Wootton Bassett designated by the Council as consent street pursuant to Section 3 of the Local Government Act 1982.

FUNCTION

CONSULTATION

CONDITIONS

Authorisation to take such other action as is necessary to implement the said acts generally including the power to authorise proceedings in respect of the above Acts or licensing requirements attaching to licences issued thereunder.

Legal Services Manager in respect of the authorisation of proceedings and licensing requirements.

Authorisation to convene, as necessary, the Licensing Committee to hear objections to the granting of Licenses under the said Acts,

To act as authorised Officers for the purposes of Sections 13 and 14 of the Cinemas Act 1985.

And any other person authorised by him.

Power to issue, renew and cancel:-

- (a) Registration of Societies on behalf of which small lotteries may be promoted
- (b) Permits for amusements with prizes

Registration of applications and issue of permits for street collections and house to house collections.

Hackney Carriage and Private Hire

Issue of Hackney Carriage and Private Hire Vehicle and Drivers' Licences, registration and transfers of vehicles together with Private Hire Vehicles and Private Hire Operators Licences upon being satisfied that the necessary requirements have been satisfied.

FUNCTION

CONSULTATION

CONDITIONS

Authorisation of prosecution and other proceedings in respect of the offences under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 relating to Licensing requirements affecting Hackney Carriages and Private Hire vehicles and their drivers and proprietors.

Authorisation to take any necessary action including suspension of both Hackney Carriage and Private Hire Vehicles Licences, (and any necessary enforcement action) in future cases, where he considers that a Hackney Carriage or Private Hire Vehicle is unfit for use;

Authority to suspend the Licences of drivers of Hackney Carriage and Private Hire Vehicles for up to 7 days under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, and to demand the return of the drivers badge; (Lic 11.3.93 Min. No. 32 and 13.5.93 Min. No. 7).

Penalty Points System

Authority to suspend a Hackney Carriage and Private Hire Vehicle or Driver's Licence that in the event of a driver or operator accumulating 12 or more points within any 12 months' period.

Authority to determine an application to display advertisement on Private Hire and Hackney Carriage Vehicles.

Authority to refuse a Hackney Carriage/Private Hire Drivers' Licence where the Consultant Occupational Physician has recommended against granting such a Licence on medical grounds.

The Chairman and Vice-Chairman of the Licensing Committee to be immediately notified of the action taken.

With right of appeal to the Personnel Licensing and Administration Committee (without prejudice to other rights of appeal which may be available).

FUNCTION

CONSULTATION

CONDITIONS

Authority to suspend the Hackney Carriage and Private Hire Vehicle Licences for any vehicles where the Operator has failed, without reasonable cause, to produce to the Environmental Health Team Leader within 24 hours, upon written demand a current valid Certificate of Insurance, until such time as he is satisfied that adequate insurance cover exists.

Report on any action taken under this delegation immediately to the Chairman and Vice-Chairman of the Personnel Licensing and Administration Committee, and subsequently to the next ordinary Meeting of the Committee itself

Implementation of Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 (Acupuncture, Tattooing, Ear Piercing and Electrolysis) and any decisions considered necessary in respect thereof.

Authorisation to take proceedings in the High Court for the grant of injunctive relief to secure the prohibition, abatement or restriction of noise or other statutory nuisance. Legal Services Manager

Authorisation of prosecution and other proceedings in respect of the offences under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 relating to Licensing requirements affecting Hackney Carriages and Private Hire vehicles and their drivers and proprietors. Legal Services Manager

Repairs Notices Housing Act 1985 Part VI

Section 189 – service of a repairs notice in respect of an unfit house.
Section 190 – service of a repairs notice in respect of a house in a state of disrepair which is not unfit.

FUNCTION

CONSULTATION

CONDITIONS

Section 191A – to carry out works in default with the agreement of the person having control of the premises.

Section 193 – to carry out works in default if a repairs notice is not complied with and to recover related expenses

Section 194 – service of a notice of intention to carry out works in default.

Section 195 – to apply to the court for an order requiring the owner or occupier of premises to permit things to be done in pursuance of the Council's Part VI powers or duties.

Section 197 – to enter premises for the purpose of survey and examination and to authorise other officers of the Council to enter premises for the same purpose.

Section 198 – to authorise proceedings for obstruction

Section 198A – to authorise proceedings for failure to comply with a repairs notice

Slum Clearance Housing Act 1985 Part IX

Section 264 – to make a closing order in respect of a dwelling house or house in multiple occupation.

Section 265 – to make a demolition order in respect of a dwelling house or house in multiple occupation.

Section 270 – when a demolition order has become operative take all steps necessary to recover possession of the building and to recover the costs of such proceedings.

FUNCTION

CONSULTATION

CONDITIONS

Section 270 – to authorise proceedings against any person who occupies premises the subject of an operative demolition order.

Section 271 – to execute a demolition order.

Section 272 – to take all steps necessary to recover the expenses incurred in executing a demolition notice.

Section 273 – to serve notice of intention to cleanse premises prior to demolition.

Section 277 – to authorise proceedings for breach of a closing order

Section 278 – to determine a closing order where the premises have been rendered fit for human habitation.

Section 279 – to revoke a closing order and substitute a demolition order.

Section 315 – to apply to the court for an order requiring the owner or occupier of premises to permit things to be done in pursuance of the Council's Part IX powers and duties.

Section 319 – to enter premises for the purpose of survey and examination and to authorise other officers of the Council to enter premises for the same purpose.

Section 320 – to authorise proceedings for obstruction.

FUNCTION

CONSULTATION

CONDITIONS

Licensing of Caravan Sites Caravan Sites and Control of Development Act 1960 Part I

Section 1 – to authorise proceedings for causing or permitting land to be used as a caravan site without a licence.

Section 3 – to issue caravan site licenses.

Section 5 – to attach conditions to site licences

Section 8 – to alter conditions attached to site licences.

Section 9 – to authorise proceedings for breach of conditions attached to a site licence.

Section 10 – to consent to the transfer of a site licence.

Section 11 – to require the licence holder to deliver the licence up for any purpose connected with Part I of the Act.

Section 11 – to authorise proceedings for failure to deliver a licence up.

Section 26 – to enter upon land used as a caravan site or in respect of which an application for a site licence has been made in connection with any of the statutory purposes and to authorise other officers of the Council for the same purposes.

Section 26 – to apply to the magistrates for a warrant where access has been denied.

Section 26 – to authorise proceedings for obstruction.

FUNCTION

CONSULTATION

CONDITIONS

Houses in Multiple Occupation Housing Act 1985 Part XI

Section 352 – to serve a notice requiring the execution of works to render premises for the number of occupants.

Section 352A – to take all steps necessary to determine and recover the expenses incurred in serving a notice under Section 352.

Section 354 – to give a direction limiting the number of occupants of a house.

Section 355 – to authorise proceedings for failure to comply with a direction.

Section 356 – to serve a notice requiring information about the occupation of a house.

Section 356 – to authorise proceedings for failure to comply with a notice served under Section 356 or knowingly providing false information.

Section 357 – to revoke or vary a direction under Section 354.

Section 358 – to serve an overcrowding notice and to authorise proceedings for a contravention of an overcrowding notice.

Section 363 – to revoke or vary an overcrowding notice.

Section 364 – to serve a notice requiring information about the occupation of a house to which an overcrowding notice relates.

Section 364 – to authorise proceedings for failure to comply with a notice served under section 364 or knowingly providing false information.

FUNCTION

CONSULTATION

CONDITIONS

Section 365 – to exercise the powers contained in Section 365 of the Act relating to means of escape from fire.

Section 366 – to accept undertakings to secure that part of a house is not used for human habitation if otherwise there is adequate means of escape from fire and to authorise proceedings for breach of an undertaking.

Protection of Unoccupied Buildings
Local Government (Miscellaneous Provisions) Act 1982 Part XI

Section 29 – to serve notice of intention to undertake works to unoccupied buildings.

Section 29 – to carry out emergency works to unoccupied buildings.

Section 29 – to recover expenses in respect of any works.

Section 29 – to enter land and buildings for the statutory purposes and to authorise other officers of the Council to enter land and buildings for the same purposes.

Section 30 – to serve notice of intention to undertake works to buildings on operational land of (the British Railways Board) and certain statutory undertakers.

Section 30 – to carry out emergency works to buildings on operational land.

Food Safety
The Products of Animal Origin (Third Country Imports) (England) Regulations 2003

Regulation 4 – to exercise the Council's powers of enforcement

FUNCTION

CONSULTATION

CONDITIONS

Regulation 8 – to enter premises for any purpose specified in the Regulations and to authorise other officers of the Council to enter premises for the same purposes.

Regulation 11 – to apply to the magistrates for a warrant where entry has been denied.

Food Safety & Consumer Protection The Food Safety Act 1990

Section 16 – to take any action including the authorisation of proceedings which the Council is empowered to take in pursuance of any Regulations made or to be made by the Secretary of State under Section 16 and any amendments thereof.

- to enter premises for any purpose specified in the Regulations and to authorise other officers of the Council to enter premises for the same purpose.

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Pests The Prevention of Damage by Pests Act 1949

Section 4 – service of a notice requiring steps to be taken for the destruction of mice or rats.

Section 5 – to authorise the carrying out of works of default for failure to comply with a notice served under Section 4.

Section 5 – to authorise proceedings for failure to comply with a notice served under Section 4.

Section 6 – exercise of the additional powers of Council in relation to groups of premises.

Section 7 – to authorise proceedings for the recovery of expenses incurred under Section 5 and 6.

FUNCTION

CONSULTATION

CONDITIONS

Section 22 – to enter premises for any of the statutory purposes and to authorise other officers of the Council to enter premises for the same purposes.

Section 26 – to consent to the institution of proceedings.

Dogs

The Dangerous Dogs Act 1991

Section 5 – exercise of the powers conferred on a local authority under the section.

Contaminated Land

Environmental Protection Act 1990 Part IIA

Section 78E – service of notices requiring the remediation of contaminated land.

Section 78M – to authorise proceedings for failure to comply with a remediation notice.

Powers or Entry

Environmental Act 1995

Section 108 – to exercise any of the powers specified in Section 108(4) for the purposes set out in Section 108(1) and to authorise other officers of the Council to exercise the same powers for the same purposes.

Section 109 – to deal with causes of imminent danger of serious pollution of the environment or harm to human health.

Section 110 – to authorise proceedings for obstruction or false Representation.

To update the Violence at Work Procedure/Guidelines to reflect changes in health and safety legislation with appropriate consultation as and when required. (PLA 13.03.06)

In consultation with the Environmental Health Technician (Health & Safety) and the Head of Human Resources

FUNCTION

CONSULTATION

CONDITIONS

Pollution, Prevention and Control Act 1999

Authority to carry out monitoring and inspection of permitted processes. (Added from Mike's email of 26.04.06)

Housing Act 2004

To exercise the powers conferred on District Councils under the Housing Act 2004 – Part 1 and in particular:-

To keep under review the housing conditions in the District (s.3)

To carry out inspections of any residential premises to see if a category 1 or category 2 hazard exists. (s.4)

To be the proper officer for dealing with official complaints under (s.4(2))

To take appropriate enforcement action where a category 1 or category 2 hazard exists, including:-

- a. Serving, suspending, revoking and reviewing an Improvement Notice (s11 – 12; s.14;s,16; s17)
- b. Making, revoking, varying and reviewing a Prohibition Order (s20 - s21;s.25;s.26)
- c. Serving a Hazard Awareness Notice (s28 - 29)
- d. Taking Emergency Remedial Action and recovering the costs of so doing (s40: s.42)
- e. Making, revoking, or varying an Emergency Prohibition Order (s43)

FUNCTION

CONSULTATION

CONDITIONS

- f. Making a demolition order under s.265 Housing Act 1985
- g. Declaring a clearance area under s.289 Housing Act 1985

To take appropriate enforcement action in respect of Improvement Notices, Prohibition Orders and Emergency Remedial Action (s. 31; s. 35; s.40; Schedule 3)

To exercise the powers conferred on District Councils under the Housing Act 2004 – Part 2, (except the designation of areas subject to additional HMO licensing (s.56-60)) and in particular:-

To operate and manage any HMO licensing scheme or arrangements, including:-

- a. the granting and refusal of licences and the imposition of conditions (s.64; s.67)
- b. To serve or decide not to serve a temporary exemption notice (s62)
- c. *setting fees for HMO licences*
- d. varying and revoking HMO licences (s.69-70)

To apply to a residential property tribunal for a rent repayment order and to serve a notice of intended proceedings (s73)

FUNCTION

CONSULTATION

CONDITIONS

To exercise the powers conferred on District Councils under the Housing Act 2004 – Part 4 and in particular:-

To make Interim and Final Management Orders, including applications to a residential property tribunal and the carrying out of all actions consequent upon the making of such orders, including variation and revocation (s.102 - s131)

To serve, revoke or vary an Overcrowding Notice (s.139 – 144)

General Housing Act 2004 delegations

To compile and maintain a public register of licensed HMOs (s232)

To authorise officers to enter premises to carry out work under sec 131, Schedule 3 para. 3(4) and Schedule 7 para.25

To authorise officers to require the production of documents (s. 235)

To authorise officers to enter premises for the purposes of survey and examination under section (s.239)

To apply to a justice of the peace for a warrant to authorise entry (s.240)

To authorise officers for enforcement purposes (s243)

To authorise prosecution of any offence under Parts 1 – 4, and 7 of the Housing Act 2004

Authorisation to take legal proceedings In consultation with the Legal Services Manager

FUNCTION

CONSULTATION

CONDITIONS

That authority to authorise prosecutions for harassment and unlawful eviction/cutting off of services etc. under the Protection from Eviction Act 1977. under the provisions contained with Section 7 of the Landlord and Tenant Act 1985 be transferred from the Housing Team Leader to the Environmental Health Team Leader (Exec 20.04.06)

Authorisation to take legal proceedings In consultation with the Legal Services Manager

Licensing Act 2003

Determination of an application for a personal licence

If no Police objection received

Determination of an application for a premises licence/club premises certificate

If no relevant representation made

Determination of an application for provisional statement

If no relevant representation made

Determination of an application to vary a premises licence/club premises certificate

If no relevant representation made

Determination of an application to vary a designated premises supervisor

In all cases except if there is a Police objection

Determination of a request to be removed as designated premises supervisor

Determination of an application for transfer of a premises licence

In all cases except if there is a Police objection

Determination of an application for interim authorities

In all cases except if there is a Police objection

Decision on whether a complaint is irrelevant, frivolous or vexatious, etc

FUNCTION

CONSULTATION

CONDITIONS

Authorisation to take proceedings in the High Court for the grant of injunctive relief for failure to obtain an appropriate licence under the Licensing Act 2003

Legal Services Manager

Where the Officer is satisfied that large gatherings of people are likely to give rise to a nuisance and it is expedient for the promotion or protection of the interests of the inhabitants of the district that such proceedings be taken.

Gambling Act 2005

Determination of an application for a premises licence

If no relevant representation received or if they have been withdrawn.

Determination of an application for a variation to a licence

If no relevant representation received or if they have been withdrawn.

Determination of an application for a transfer of a licence

If no representations have been received from the Commission.

Determination of an application for a provisional statement

If no relevant representation received or if they have been withdrawn.

Determination of an application for club gaming/club machine permits

If no objections have been received or if they have been withdrawn

Determination of applications for other permits

The cancellation of licensed premises gaming machine permits

The consideration of a temporary use notice

Authority to designate other Officers as authorised persons under the Gambling Act 2005

Environmental Protection Act 1990

S80: - Authority to serve an abatement notice relating to statutory nuisances arising from lighting or insects.

FUNCTION

CONSULTATION

CONDITIONS

S80: - Authority to prosecute for failure to comply with abatement notice relating to a statutory nuisance arising from lighting or insects.

Legal Services Manager

Clean Neighbourhoods and Environment Act 2005

S77: - Authority to authorise officers to enter premises in order to silence intruder alarms.

S78: - Authority to apply for a warrant for an officer authorized under S77 of the 2005 Act to enter premises using reasonable force if necessary to silence and intruder alarm.

Animal Welfare Act 2006

Authority to exercise all local authority powers and duties arising under the Animal Welfare Act 2006 and associated Regulations including:

- i) Appointment of inspectors under Section 51 of the Act;
- ii) Issuing licenses and registrations under Section 13 of the Act .

In consultation with the Legal Services Manager for authorisation to prosecute for offences or to commence any other proceedings under the Act