

Part 3: Responsibility for Functions

EXTRACT 1

<p>The promotion and maintenance of high standards of conduct within the Council in accordance with Article 9</p> <p>To make recommendations on any policy or other matters affecting the terms and conditions on which staff hold office including disciplinary and grievance procedures</p>	<p>Ethics and Engagement Committee</p> <p>Employee JCC</p>	
<p>To monitor and review the effectiveness of the Council's health and safety at work policies and to make recommendations on any matters relating to health and safety at work in respect of employees of the City Council</p> <p>To consider appeals against dismissal grading and grievances by employees of the Council</p> <p>To determine appeals from any decision of the Director of Housing and Regeneration taken under powers delegated to him/her under Table IIC below (other than any decision to issue a notice of seeking possession or to take any subsequent steps in the County Court.</p> <p>Power to grant Premises Licences/Club Premises Certificate</p> <p>Power to grant Personal Licences</p>	<p>Employee JCC</p> <p>Personnel Appeals Panel</p> <p>Housing Appeals Panel</p> <p>Licensing Committee</p> <p>Licensing Committee</p>	<p>Strategic Director – Communities and Environment</p> <p>Strategic Director – Communities and Environment</p>

STRATEGIC DIRECTOR – COMMUNITIES AND ENVIRONMENT

	<u>Other Authorised Officer</u>
<p>1 To authorise persons, whether employed by the Council or not, to act in a statutory role as appropriate to undertake duties and responsibilities, including Proper Officer, Alternative Proper Officers and Powers of Entry, under the following statutes and regulations and orders made thereunder, except where otherwise provided in this Constitution.</p> <p>Public Health Act 1936 Public Health Act 1961 Prevention of Damage by Pests Act 1949 Clean Air Act 1993 Local Government (Miscellaneous Provisions) Act 1976 Local Government (Miscellaneous Provisions) Act 1982 Rag, Flock and other Filling Materials Act 1951 Control of Pollution Act 1974 Building Act 1984 Food & Environment Protection Act 1985 Environment Act 1995 Water Act 1989 Water Industry Act 1991 Food Safety Act 1990 Public Health (Control of Diseases) Act 1984 Public Health (Infectious Diseases) Regulations 1988 Slaughter of Poultry Act 1967 National Assistance Act 1948 (as amended) The Agriculture (Miscellaneous Provisions) Act 1968 Natural Mineral Waters Regulations 1985 Health & Safety (Enforcing Authority) Regulations 1989 Sunday Trading Act 1994 Zoo Licensing Act 1981 Performing Animals Act 1925 The Control of Pesticides Regulations 1986 Criminal Justice and Public Order Act 1994 Health and Safety at Work Act 1974 Control of Asbestos Regulations 2012 Food Safety & Hygiene (England) Regulations 2013</p> <p>2 To appoint named Officers as Inspectors to exercise the powers of an inspector in:</p> <p>(i) Section 20 (2)(a) to (m) inclusive, Sections 21, 22 and 25 of the Health and Safety at Work Act 1974.</p>	<p>Assistant Director (Health and Environmental Services)</p> <p>Assistant Director (Health and Environmental Services)</p>

		<u>Other Authorised Officer</u>
	<p>(ii) Any Health and Safety Regulations.</p> <p>(iii) Any of the appropriate provisions of the Acts mentioned in Schedule 1 of the 1974 Act which are specified in the third column of the Schedule and of the Regulations, Order or other instruments of a legislative character made or having effect under any provisions so specified which may be in force from time to time.</p>	
3	To maintain a register of buildings with cooling towers and evaporative condensers	Assistant Director (Health and Environmental Services)
4	<p>To appoint named Officers to exercise the powers of an inspector under the Food Safety Act 1990 ('the Act') and the Food Safety & Hygiene (England) Regulations 2013:</p> <ul style="list-style-type: none"> • Section 9 of the Act (Inspection and Seizure of Suspected Food) • Regulation 6 hygiene improvement notices • Regulation 7 hygiene prohibition orders • Regulation 8 hygiene emergency prohibition notices and orders • Regulation 9 remedial action notices • Regulation 10 detention notices • Regulation 14 procurement of samples • Regulation 15 analysis etc. of samples • Regulation 16 powers of entry • Regulation 29 food which has not been produced, processed or distributed in accordance with the Hygiene Regulations 	Assistant Director (Health and Environmental Services)
4	To appoint such persons as necessary to act as inspectors within the provisions of Part 1 of the Environmental Protection Act 1990.	Assistant Director (Health and Environmental Services)

	<u>Other Authorised Officer</u>
<p>5 To appoint named Officers to act under the provisions of Part III of the Food and Environmental Protection Act 1985 and Control of Pesticides Regulations 1986 in respect of the advertisement, supply, sale, storage and use of pesticides except where the Health and Safety Executive (Enforcing Authority) Regulations 1989, and the use of pesticides in domestic premises by the occupier of those premises, provided such use does not form part of a work activity.</p>	Assistant Director (Health and Environmental Services)
<p>6 Subject to the availability of budgetary provisions to appoint in writing:</p> <p>(i) Under Section 19 of the Health and Safety at Work Etc Act 1974, any Specialist or Consultant as may be required as an inspector and to authorise such appointee to exercise such powers under Section 20 as may be required.</p> <p>(ii) any Specialist or Consultant as may be required to accompany an inspector pursuant to Section 20 (2) (c) (i) and to authorise such appointee to exercise such powers as may be required.</p>	Assistant Director (Health and Environmental Services)
<p>7 To act under the Water Act 1989 and Water Industry Act 1991.</p>	Assistant Director (Health and Environmental Services)
<p>8 To act under the Public Health (Control of Disease) Act 1984 and to carry out in appropriate circumstances the functions detailed in paragraph 3 of Schedule 3 and paragraph 3 of Schedule 4 of the Public Health (Infectious Disease) Regulations 1988.</p>	Assistant Director (Health and Environmental Services)
<p>9 To exercise the discretionary powers of the Council contained in the Control of Asbestos Regulations 2012</p>	Assistant Director (Health Environmental Services)
<p>10 To agree that any notice required to be given by the Sunday Trading Act 1994 should take effect within a shorter period than that provided by the Act.</p>	Assistant Director (Health and Environmental Services)

	<u>Other Authorised Officer</u>
11 To act and be responsible for the implementation of the procedures prescribed in Section 47 of the National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951 in consultation with the Director of Housing and Regeneration.	Assistant Director (Health and Environmental Services)
12 To give a direction under Section 77 of the Criminal Justice and Public Order Act 1994 and to give notice of such a direction to those persons to whom the direction applies.	Assistant Director (Health and Environmental Services)
13 To make arrangements for the disposal of the remains of the deceased under Section 46 of the Public Health (Control of Diseases) Act 1984.	Assistant Director (Health and Environmental Services)
14 To obtain particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and information under Section 19 of the Environmental Protection Act 1990.	Assistant Director (Health and Environmental Services)
15 In accordance with Section 140 of the Public Health Act 1936, to apply to the Magistrates Court for an Order to close or restrict the use of water from a polluted source of supply.	Assistant Director (Health and Environmental Services)
16 To determine, in accordance with Section 61 of the Control of Pollution Act 1974, applications for prior approval of noise control measures from persons intending to carry out construction work etc.	Assistant Director (Health and Environmental Services)
17 To determine the requirement for providing sanitary appliances at places of public entertainment (either permanently or on occasions) in accordance with the provisions of Section 20 of the Local Government (Miscellaneous Provisions) Act 1976.	Assistant Director (Health and Environmental Services)
19 To determine the standards of hygiene in accordance with (a) Food Safety & Hygiene (England) (General) Regulations 2013 and (b) EU Hygiene Regulations	Assistant Director (Health and Environmental Services)

	<u>Other Authorised Officer</u>
<p>20 To determine standards and requirements regarding the sale of food etc in accordance with the Food Safety Act 1990.</p> <p>21 To determine applications to install boilers in accordance with the provisions of the Clean Air Act 1993.</p> <p>22 To record notifications of aerial crop spraying in accordance with the provisions of the Control of Pesticides Regulations 1986.</p> <p>23 If no objections are raised from the keepers of takeaway food shop premises, to make Closing Orders under Sections 4 and 5 of the Local Government (Miscellaneous) Provisions Act 1982.</p>	<p>Assistant Director (Health and Environmental Services)</p> <p>Assistant Director (Health and Environmental Services)</p> <p>Assistant Director (Health and Environmental Services)</p> <p>Assistant Director (Health and Environmental Services)</p>
<p>24</p> <p>25 To revoke or modify any relaxation of the provision of Part II of the Private Water Supplies Regulations 1991 regarding the wholesomeness of private water supplied.</p> <p>26 To consider applications for authorisations, transfers, variations and renewals of authorisations in connection with air pollution control and to issue authorisations with appropriate conditions as considered necessary in accordance with the provisions of Sections 6,7,9,10 and 11 of the Environmental Protection Act 1990.</p> <p>27 To determine confidential matters for exclusion from public registers in accordance with Section 22 of the Environmental Protection Act 1990.</p> <p>28 To determine which samples of water or any land or articles shall be considered appropriate in any circumstances under Section 59(2) of the Water Act 1989.</p>	<p>Assistant Director (Health and Environmental Services)</p> <p>Assistant Director (Health and Environmental Services)</p> <p>Assistant Director (Health and Environmental Services)</p> <p>Assistant Director (Health and Environmental Services)</p>

	<u>Other Authorised Officer</u>
29 To require the provision of an alternative supply of water by a water undertaker under Section 79 of the Water Industry Act 1991 and to recover the costs from the owner or occupier of the premises so served or from any other relevant person.	Assistant Director (Health and Environmental Services)
30 To exercise the powers contained in Sections 1, 2, 4, 5, 8, 9, 12, 14, 20, 23, 33, 36, 51 and 57 of the Clean Air Act 1993.	Assistant Director (Health and Environmental Services)
31 To appoint casual/temporary manual workers.	Assistant Director (Health and Environmental Services)
32 To serve notices to remedy the condition of watercourses under Section 18 of the Land Drainage Act 1976	Assistant Director (Health and Environmental Services)
33 To exercise the powers concerned in Section 25 of the Land Drainage Act 1991 relating to powers to require works for maintaining flow of watercourses	Assistant Director (Health and Environmental Services)
34 To appoint staff as authorised persons in accordance with Section 64 of the Land Drainage Act 1991	Assistant Director (Health and Environmental Services)
35 To deal with all matters relating to the grant of exclusive rights of burial and to agreements for the maintenance of graves	Assistant Director (Health and Environmental Services)
36 To administer the provisions of the Refuse Disposal (Amenity) Act 1978 in respect of the Regulations (as amended) relating to the removal and disposal of abandoned vehicles and the recovery of costs.	Assistant Director (Communities and Street Scene)
37 To release CCTV footage in accordance with the Council's current protocol for the release/use of CCTV footage.	Assistant Director (Communities and Street Scene)

	<u>Other Authorised Officer</u>
38. To waive fees and charges for an allotment plot or plots, at a level and for a duration of his choosing, where he is satisfied that an individual or group is prepared to undertake work so as to bring a plot or plots into allotment cultivation.	Assistant Director (Communities and Street Scene)
39. To make decisions on lettings for the following purposes: (a) use of sports pitches (b) use of parks, recreation grounds and other land or premises for special events provided that if no fee has been fixed for such the fee shall be determined by the relevant portfolio holder	Assistant Director (Communities and Street Scene)
40. To undertake the following actions and to authorise persons, whether employed by the Council or not, to act in a statutory role as appropriate to undertake duties and responsibilities, including but not limited to:- Public Health Act 1936 Caravan Sites and Control of Development Act 1960 Local Government (Miscellaneous Provisions) Act 1982 Building Act 1984 Housing Act 1985 Local Government and Housing Act 1989 Environmental Protection Act 1990 Housing Act 2004 Housing Grants, Construction and Regeneration Act 1996 Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 Enterprise and Regulatory Reform Act 2013: The Redress Scheme for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc)(England) Order 2014 Energy Act 2013: Smoke and Carbon Monoxide Alarm (England) Regulations 2015 Housing and Planning Act 2016 <u>Protection From Eviction Act 1977</u>	Assistant Director (Health and Environment)
41. To approve financial grants to property owners and tenants to assist in the improvement, adaptation, conversion and renovation of dwellings and houses in multiple occupation.	Assistant Director (Health and Environmental Services)

		<u>Other Authorised Officer</u>
42	To take action in respect of the repair, closing or demolition of dwellings unfit for human habitation or otherwise in a state of disrepair, the designation and treatment of clearance and renewal areas, the abatement of overcrowding and the control of houses in multiple occupation	Assistant Director (Health and Environmental Services)
43	To decide on applications for home improvement grants and for home repairs assistance.	Assistant Director (Health and Environmental Services)
44	To serve notices for execution of repairs to privately owned dwellings, including houses in multiple occupation and, if necessary, to exercise the Council's powers to institute or secure the institution of works in default of compliance with such notices	Assistant Director (Health and Environmental Services)
45	To serve notices requiring abatement of overcrowding of dwellings and houses in multiple occupation.	Assistant Director (Health and Environmental Services)
46	Apply for Rent Repayment Order	Assistant Director (Health and Environmental Services)
47	Set Civil Penalties	Assistant Director (Health and Environmental Services)
48	To waive any unpaid Fixed Penalty Notices and Penalty Charge Notices issued under the Road Traffic Act, Clean Neighbourhood and Environment Act and the Dogs Fouling of Land Act	Assistant Director (Health and Environmental Services)
49	To authorise persons, whether employed by the Council or not, to act in a statutory role as appropriate to undertake duties and responsibilities, including Proper Officer, Alternative Proper Officers and Powers of Entry, under the following statutes and regulations and orders made thereunder, except where otherwise provided in this Constitution:	Assistant Director (Health and Environmental Services)

		<u>Other Authorised Officer</u>
	<p> Refuse Disposal (Amenity) Act 1978 Pet Animals Act 1951 Riding Establishments Act 1964 and 1970 Animal Boarding Establishments Act 1963 Breeding of Dogs Act 1973 Dangerous Wild Animals Act 1976 Environmental Protection Act 1990 Dangerous Dogs Act 1991 Dogs Fouling of Land Act 1996 Animal Health Act 1981 Noise and Statutory Nuisance Act 1993 Noise Act 1996 Controlled Waste Regulations 1992 Parts 1, 2, 3 and 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 </p>	
50	To review applications following the request for a review of the way in which an application for a Community Trigger has been dealt with	Assistant Director (Health and Environmental Services)
51	To appoint inspectors in relation to the Animal Welfare Act 2006.	Assistant Director (Health and Environmental Services)

STRATEGIC DIRECTOR – HOUSING AND REGENERATION

		Other Authorised Officer
1	To approve applications to be placed on the Council's Housing Register which fall within the criteria for acceptance.	Assistant Director (Housing)
2	To determine housing applications, including registration and priority rehousing.	Assistant Director (Housing)
3	To grant and determine Introductory, Secure, Demoted and Intervention Tenancies	Assistant Director (Housing)
4	To make nominations to RSLs and other agencies in accordance with the Council's approved housing allocation policies.	Assistant Director (Housing)
5	To authorise transfers and exchanges.	Assistant Director (Housing)
6	To authorise applications to the County Court for the possession of dwellings and for enforcing judgements obtained	Assistant Director (Housing) or the Tenancy Services Manager
7	To grant or refuse applications for aids and adaptations	Assistant Director (Housing)
8	To approve or refuse tenants' proposals for improvements	Assistant Director (Housing)
9	To promote energy efficiency measures within the District's housing stock.	Assistant Director (Housing)
10	To negotiate and approve the disposal of landlocked areas of land on Council Estates provided that: a) there is no potential for development for Affordable Housing; b) the land is incorporated into existing, and used for garden purposes; and c) the disposal is done subject to legal and planning guidance.	Assistant Director (Housing)

		Other Authorised Officer
11	To administer the provisions of the Refuse Disposal (Amenity) Act 1978 in respect of the Regulations relating to anything (other than motor vehicles) abandoned without lawful authority and the recovery of costs.	Assistant Director (Housing)
12	To undertake the following actions and to authorise persons, whether employed by the Council or not, to act in a statutory role as appropriate to undertake duties and responsibilities in accordance with the housing law framework, including but not limited to:- Parts 1, 2, 3 and 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 Environmental Protection Act 1990 Public Health Act 1936	Assistant Director (Housing)
13	To appoint Consultants where necessary within the budget to ensure compliance with the Council's Capital Works Programme, or to provide technical advice on work of a specialist nature.	Assistant Director (Housing) and Assistant Director (Growth and Regeneration)

PROVIDED THAT a tenant dissatisfied with any decision taken under items 1, 2, 3, 4, 5, 7 and 8 will be entitled to appeal against it to the Housing Appeals Panel.