



SCHEME OF DELEGATIONS TO OFFICERS



DARTFORD BOROUGH COUNCIL

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DARTFORD BOROUGH COUNCIL

ARRANGEMENTS FOR DELEGATED POWERS

1. In these Arrangements for Delegated Powers, Members of the Management Team, Officers reporting to Council and Senior Officers shall be appointed Proper Officers and Authorised Officers generally for the purposes of present and future enactments directly controlling or authorising the discharge of the functions of their respective services and Directorates including the discharge of arrangements contained within these delegated powers and each such Proper Officer or Authorised Officer shall be empowered to designate such other Officer(s) for the purposes of these Arrangements for Delegated Powers and to authorise suitably qualified staff to take any action in accordance with the statutory functions associated with the duties and work of their respective services and Directorates . Authorisations under this Scheme of Delegations shall be taken to include the power to do anything incidental or conducive of the discharge of such functions.
2. In the event of any such Proper Officer and Authorised Officer not being available to deal with matters for which he/she has been designated Proper Officer or Authorised Officer, the appropriate Officer reporting to Council (or such other Officers as may be nominated from time to time) be authorised to act as Proper Officer or Authorised Officer as appropriate or in the case of the Managing Director, the Executive Director or as otherwise nominated by the Managing Director.
3. **Members of the Management Team** shall mean:
Managing Director who for the purposes of these Arrangements may at his discretion, discharge any of the functions contained within these delegated powers;
Executive Director, Regeneration Director and Strategic Director who for the purposes of these Arrangements, shall be the Officers who from time to time have responsibility for the functions contained within these delegated powers *(NB: there may from time to time be a transfer of functions between Directors)*.

Officers reporting to Council shall mean the Project Director, Head of Finance and Resources, Head of Legal Services and Head of Housing Services.

Senior Officers for the purposes of these Arrangements shall refer individually to those Officers referred to in this Scheme of Delegations and to other Officers as determined by the Managing Director in consultation with the relevant Director.
4. Pursuant to its powers in that behalf contained in Section 101(1) of the Local Government Act 1972, the Council hereby arranges for certain of its functions to be discharged by Members of the Management Team, Officers reporting to Council and Senior Officers of the Council in the manner, to the extent and subject to the conditions herein set out.
5. Any Act, Rule Order or Regulation shall betaken as including reference to that Act, Rule, Order or Regulation as re-enacted, replaced or modified from time to time.
6. References to any Act, Rule, Order or Regulation shall include a reference to any subordinate legislation made under or taking effect under it from time to time.

7. The Council reserves to itself the right at any time (but without prejudice to any action already taken under delegated powers at that time) to amend or revoke these Arrangements.
8. The Council delegates to the Cabinet, Committees and Boards the power to delegate to Members of the Management Team, Officers reporting to Council and Senior Officers, authority to deal with any matter which falls within the delegated powers of the Cabinet, Committees and Boards.
9. The Council delegates to Members of the Management Team, Officers reporting to Council and Senior Officers the following: -
 - (i) To do all such things as are necessary in relation to all matters of day-to-day administration, management and control within their respective Directorates and Departments, or which are necessary for the proper performance of their duties, including the expenditure of money.
 - (ii) The functions set out in the **Schedule** of these Arrangements, subject in each case to the conditions indicated and also subject to the following general conditions and reservations: -
 - (a) Delegated powers hereunder shall be exercised in accordance with the policies and directions of the Council and in accordance with the Council's Standing Orders and Financial Regulations.
 - (b) No Member of the Management Team, Officer reporting to Council or Senior Officer shall, in pursuance of any delegated power, incur any expenditure for which financial provision has not been made (subject to the virement provisions agreed from time to time).
 - (c) Before exercising any delegated powers a Member of the Management Team, an Officer reporting to Council or a Senior Officer shall carry out such consultation with other Members of the Management Team as may be appropriate.
 - (d) All delegated powers shall be exercised in the name of the Member of the Management Team, Officer reporting to Council or Senior Officer concerned but this shall be without prejudice to the right of any such Member of the Management Team, Officer reporting to Council or Senior Officer to authorise other Officers within his/her Directorate and Department to exercise such powers in his/her name.
 - (e) All powers delegated to Members of the Management Team, Officers reporting to Council and Senior Officers shall, so far as the power itself is exercisable by the Council only under an Agreement under Section 101 of the Local Government Act 1972 (an "Agency Agreement"), be exercised in accordance with the terms of such Agency Agreement.
 - (f) Before exercising any delegated powers, consideration shall be given to human rights implications pursuant to the Human Rights Act 1998 and if appropriate, advice shall be obtained from Legal Services to ensure that any decisions taken are consistent with Convention grounds. Individual rights and freedoms must be consciously balanced with the Council's obligations and duties. Human rights reasonings behind any decisions must be recorded at all times.
10. The Cabinet may from time to time, monitor and review the discharge of any Cabinet function under this Scheme of Delegations.

11. Functions which cannot be Cabinet Functions

- development control (quasi-judicial) (e.g. enforcement, granting/refusing/amendment/revoking planning permission, setting application fees) but excluding Article 4 directions which are discharged by the Cabinet;
- licensing and registration (quasi-judicial);
- health and safety at work (excluding health and safety functions which are discharged by the Cabinet on behalf of the Council in its capacity as an employer);
- protection of the environment e.g. regulatory, consent or enforcement (excluding contaminated land, control of pollution, management of air quality and matters connected with statutory nuisances and other environmental matters which are discharged by the Cabinet);
- elections (e.g. parishes, European parliamentary, polling districts etc);
- name and status of areas and authorities (change name of borough/parish, alderman etc);
- imposing quasi judicial conditions, determining terms of approval, etc.,
- Local Government Pension Scheme;
- Human Resources (appointment of staff, determination of terms and conditions and other personnel related matters);
- payments and other benefits (Maladministration).

12. Officer Key Decisions

Where key decisions (refer to Standing Order 54) are delegated by the Cabinet to Officers pursuant to Section 15(2) of the Local Government Act 2000, these decisions must also be included in the Cabinet's forward plan and the rules relating to the publication and access to background papers as set out in the Access to Information Procedure Rules detailed in Standing Orders will apply.

13. Recording the discharge of a Cabinet Function

Officers are required on a regular basis to bring to Members' attention (either on a report to Cabinet or in the Members' Information Bulletin) such information as is necessary to evidence the discharge of a delegated function under this Scheme of Delegations. A number of monitoring and recording tools/mechanisms may be used for this purpose example the use of performance indicators and other statistical information.

14. Cabinet functions delegated to Officers under this Scheme of Delegations may be scrutinised by the Scrutiny Committee in accordance with the Committee's "draw-down" mechanism detailed in the Committee's Protocol.

15. The Cabinet remains accountable for both its decision to delegate a function and the way that the function is being carried out under this Scheme of Delegations.

MANAGEMENT TEAM

CIVIL PROCEDURE RULES

Disclosure Statements - The appropriate Member of the Management Team authorised to make signed certifications in accordance with the procedures for disclosure of documents.

FREEDOM OF INFORMATION ACT 2000

- (a) Authorised as a FOI decision-maker.
- (b) Authorised to waive the Council's standard fees for FOI requests.
- (c) **Section 36** – The Managing Director (in the absence of the Monitoring Officer) the 'qualified person' for the purposes of the Act.

LOCAL AUTHORITIES (GOODS AND SERVICES) ACT 1970 GOVERNMENT ACT 1972

Authorised to exercise the powers and functions of the Council.

LOCAL GOVERNMENT ACT 1972

Section 111 – Authorised to exercise the powers and functions of the Council, where to do so is calculated to facilitate, or is conducive or incidental to the achievement of the objectives of a partnership project.

Section 222 – Where considered expedient for the promotion or protection of the interests of the inhabitants of the area, members of the Management Team authorised in consultation with the Head of Legal Services, to agree injunction proceedings.

LOCAL GOVERNMENT ACT 2000

The Managing Director

- (a) **Section 2** – Authorised to exercise the powers and functions of the Council, where to do so is calculated to facilitate, or is conducive or incidental to the achievement of the objectives of a partnership project.

LOCAL GOVERNMENT ACT 2000 (Cont'd)

- (b) **Section 19** - Subject to reporting in the Members' Information Bulletin the action taken, the Managing Director in consultation with the Leader of the Council, authorised to take decisions on whether or not to accept delegations to and from other authorities and to enter into arrangements for the discharge of the functions.

REGULATION OF INVESTIGATORY POWERS ACT 2000

Sections 28 and 29 - To authorise covert surveillance operations and the use of covert human intelligence sources on notice to the Managing Director.

REGULATION OF INVESTIGATORY POWERS (COMMUNICATIONS DATA) ORDER 2003

Authorised to obtain postal and telecommunications data for the purpose of preventing or detecting crime or preventing disorder in accordance with the authorisation procedures.

MISCELLANEOUS

Petitions - To receive petitions and to report accordingly in accordance with Standing Order 9.

Settlement of Contractual Claims - The relevant Director authorised in consultation with the Managing Director or in his absence, the Head of Finance and Resources to agree financial terms in relation to contractual disputes.

Signing of Contracts, Partnership Agreements and other Documents - Subject to compliance with Standing Orders and Financial Regulations, Directors in consultation with the Head of Legal Services, authorised to sign contracts, partnership agreements and other documents.

HMRC Personal Data Requests –Authorised to request personal data from HMRC.

Tenders -

- (a) Authorised to accept tenders, provided that the estimated project costs are no higher than the approved budget for the project and provided there are no proposed changes to the works originally approved. The normal virement rules will apply where the tender exceeds budget provision.
- (b) Authorised, in consultation with the Chairman of the Cabinet, to accept tenders for capital projects provided:
- (i) the estimated costs of the project are no more than 10% or £75,000 (whichever is the higher) above the approved cost for the project and;
 - (ii) a corresponding saving is identified elsewhere in the capital programme and;
 - (iii) there is no change to the works originally approved.

MISCELLANEOUS (Cont'd)

Ex Gratia payments and benefits in kind- To make ex gratia payments and benefits in kind (e.g. Theatre tickets) in cases of actual or perceived/potential maladministration, but subject to a financial limit of £1000 in any one case and where the estimated payment or benefit in kind exceeds this threshold, to consult with the Managing Director.

Professional Services - Authorised to engage the professional services of consultants or practitioners, provided the estimated cost does not exceed £75,000 and subject to provision being made within approved financial resources.

Lottery Applications - Authorised to deal with the assessment of lottery applications.

External Funding/Bids – Authorised to sign applications for external funding/bids.

Civil Contingencies – Authorised to approve expenditure incurred in connection with civil protection.

NB: Directors will discharge this delegation in consultation with the Managing Director

Debt write-off under Financial Regulations – Authorised as follows to effect write offs of debts **providing** they are irrecoverable and that no such amounts are written-off within twelve months of the debt having arisen **except** in the event of the death of the debtor or the dissolution of a limited company:

Directors	Up to £1,500
Managing Director	Up to £5,000
Cabinet	In excess of £5,000

Constitution and supporting documentation – The Managing Director authorised to make amendments to the Constitution and supporting documentation.

Anti-Fraud Strategy – The Managing Director authorised to make minor in-year amendments to the Anti-Fraud Strategy.

Contracts Procedure Rules, Contract Standing Orders and Standing Orders – The Managing Director authorised to amend Contracts Procedure Rules, Contract Standing Orders and Standing Orders.

Outside Bodies – Authorised to appoint Officers to outside bodies.

Complaints

(a) On the report of the relevant service Manager, the Managing Director authorised in consultation with the relevant Director, to exercise discretion not to investigate complaints further.

(b) The Managing Director authorised to make in – year amendments to the Corporate Complaints Procedure.

BUILDING CONTROL

BUILDING ACT 1984

Section 8 - Authorised to approve or refuse applications for dispensation of Building Regulation requirements.

Section 16 - (a) Authorised to **pass** plans submitted for approval under the Building Regulations with or without conditions.
(b) Authorised to **reject** plans where plans are defective or show a contravention of any Building Regulations, such authority to include the following Sections of the said Act:

Section 18 - Building over sewer.
Section 19 - Use of short-lived materials.
Section 20 - Use of materials unsuitable for permanent building.
Section 24 - Provision of exits, etc.
Section 25 - Provision of water supply.

Section 18(1) - Authorised to exercise the functions in relation to any case or description of cases affecting a sewerage undertaker's drains, sewers or disposal mains.

Section 21 - Authorised to reject plans in relation to provision of drainage.

Section 32 - Authorised in relation to lapse of deposit of plans to declare that deposit of plan(s) is of no effect.

Section 33 - Authorised to require tests for conformity with Building Regulations.

Section 36 - Authorised to give notice for removal or alteration of offending works and to undertake works in default.

Section 47 - Authorised to accept or reject Initial Notices, Plans Certificates and Final Certificates submitted by Approved Inspectors and public bodies.

Section 50(8) - Authorised by notice to rescind acceptance of plans certificates.

Section 52(5) - Authorised to cancel Initial Notice by the giving of notice in the prescribed form.

BUILDING ACT 1984 (Cont'd)

Section 56 - Authorised to deal with all matters appertaining to recording and furnishing of information.

Section 71(1) - Subject to consultation with the Fire Brigade, authorised to issue notice requiring execution of works to entrances, exits, etc., as may be required in certain cases.

Section 71(3) - The following named persons, or otherwise the persons holding the posts of:

Andrew Nichols -	Building Control Manager
Nicholas Tremain-	Senior Building Control Surveyor
Stuart Wilmot	Senior Building Control Surveyor

be authorised in consultation with Legal Services to make application to the Magistrates' Court for Closure Orders.

Section 72 - Authorised after consultation with the Fire Authority to serve notice to execute works with regard to means of escape from fire.

Sections 74 & 75 - Authorised to give consent with or without conditions and to refuse consent for the construction of cellars and rooms below subsoil water level.

Section 77 - That the following named persons, or otherwise the persons holding the posts of:

Andrew Nichols -	Building Control Manager
Nicholas Tremain-	Senior Building Control Surveyor
Stuart Wilmot	Senior Building Control Surveyor

be authorised in consultation with Legal Services to make application to the Magistrates' Court to secure works on potentially dangerous structures.

Section 78 - That the following named persons, or otherwise the persons holding the posts of:

Andrew Nichols -	Building Control Manager
Nicholas Tremain-	Senior Building Control Surveyor
Stuart Wilmot	Senior Building Control Surveyor

BUILDING ACT 1984 (Cont'd)

be authorised to take immediate action (emergency measures) in relation to dangerous structures and to instruct contractors up to a maximum cost of £20,000. Where costs exceed £20,000, this delegation must be exercised in consultation with the Managing Director or in his absence the Head of Finance and Resources.

Section 81 - Authorised to serve Notices on persons intending to, or who have commenced work demolishing buildings and structures, including consequential requirements to safeguard public safety.

Sections 95 and 96 - The persons from time to time holding the posts of:-

Building Control Manager
Senior Building Control Surveyors
Area Building Control Officers

be authorised to **enter** premises at all reasonable hours for purposes connected with **Building Control** and other matters.

BUILDING (APPROVED INSPECTORS ETC.) REGULATIONS 2000

Regulation 8 - Authorised to reject initial notice, in line with prescribed grounds.

Regulation 15 - Authorised to reject plans certificate or combined initial notice plans certificate, in line with prescribed grounds.

Regulation 17 - Authorised to reject final certificate, in line with prescribed grounds.

Regulation 20 - Authorised to issue the appropriate notice and to deal accordingly with all matters appertaining to partly completed works.

Regulation 25 - Authorised to reject a public body's plans certificate or a public body's plans certificate combined with a public body's notice, in line with prescribed grounds.

BUILDING REGULATIONS 2000

Regulation 13 - Authorised to accept or reject Building Notices submitted in lieu of full plans.

Regulation 14 - Authorised to accept or reject Full Plans Applications.

BUILDING REGULATIONS 2000 (Cont'd)

Regulation 14 - Authorised to deal with all matters appertaining to Regularisation Applications.

Regulation 15 - Authorised to serve notices requiring a person to cut into, lay open, or pull down work for which prior notice should have been given to the Council.

Regulation 16 - Authorised to accept Notice of Energy Rating of new dwellings.

Regulation 17 - Authorised to issue Completion Certificates.

Regulation 18 - Authorised to undertake testing of drains and private sewers to ensure compliance.

Regulation 19 - Authorised to take samples of materials to ascertain compliance.

THE BUILDING (LOCAL AUTHORITY CHARGES) REGULATIONS 1998

Regulation 3 - Authorised to charge Building Regulations fees in accordance with the Council's Standard Fee Scheme.

Regulations 4, 6, 7 & 8 - Authorised to determine the amount of fees to be paid in line with the Standard Fee Scheme including reductions for repetitive building work or applications or notices for substantially the same work.

Regulation 9 - Authorised to determine exemption from payment of fees in relation to work for disabled people.

Regulation 10 - Authorised to agree payment methods and refunding of Building Regulations fees in line with the Standard Fee Scheme.

Regulation 11 - Authorised to accept and agree cost estimates for building work described in Regulation 7(1) in line with the Standard Fee Scheme.

Regulation 12 - Authorised to publish the adoption of the Standard Fee Scheme including any amendments to the Scheme.

CIVIL PROCEDURE RULES

Disclosure Statements - Authorised to make the appropriate signed certifications in accordance with the procedures for disclosure of documents.

COUNTY OF KENT ACT 1981

Section 51 - Subject to consultation with the Fire Authority and Petroleum Licensing Authority, authorised to approve, reject or conditionally approve the safety requirements in connection with basement car parks.

Section 53 - Subject to consultation with the Fire Authority, authorised to approve/reject development proposals in connection with access for the Fire Brigade.

LICENSING ACT 2003

Local Authority Consultee - Authorised to object when the Council is a consultee and not the lead authority.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Section 29 - Authorised to take all steps necessary for the protection of buildings.

PARTY WALL ETC ACT 1996

Section 10(8) - The Building Control Manager authorised to act as Appointing Officer for the selection of third surveyor as required under the Act.

MISCELLANEOUS

The Council's Adopted Standard Fee Scheme - Authorised to charge application fees in line with the Standard Fee Scheme.

GENERAL

Byelaws

Officers of Building Control authorised to enforce the Byelaws of the Council.

BUILDING MANAGEMENT

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Section 41 - Authorised to issue a notice(s) in relation to lost and uncollected property found on premises owned or managed by the Council or deposited with the Council and not collected, and to dispose of such property if not claimed by the owner(s).

MISCELLANEOUS

Civic Centre - Authorised to deal with all requests for the use of rooms for meetings in the Civic Centre and to decide what charges, if any, should apply.

CEMETERIES

LOCAL AUTHORITIES' CEMETERIES ORDER 1977

The persons from time to time holding the posts of:

Regeneration Director
Leisure Services Manager
Bereavement Services Manager

appointed for the purposes of all the functions to be carried out under the 1977 Order.

PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984

Section 46 - Burial or Cremation of the Dead

The persons from time to time holding the posts of:

Regeneration Director
Leisure Services Manager
Bereavement Services Manager

authorised in consultation with the Managing Director to deal with the obtaining of quotations and tenders and the acceptance thereof.

MISCELLANEOUS

Bereavement Services - The persons from time to time holding the posts of:

Regeneration Director
Leisure Services Manager
Bereavement Services Manager

- (1) authorised to deal with burials at East Hill, Watling Street, Stone and Swanscombe Cemeteries.
- (2) authorised to determine memorial applications where designs of an unusual nature are proposed, with those of a potentially controversial nature being subject of consultation with the Chairman or the Vice-Chairman of the Cabinet.

GENERAL

Byelaws

Officers of the Cemeteries Section authorised to enforce the Byelaws of the Council.

Executive Director

CIVIL PROTECTION AND DRAINAGE

BUILDING ACT 1984

Section 59 - Authorised to serve Statutory Notices for drainage of building.

CIVIL PROCEDURE RULES

Disclosure Statements - Authorised to make the appropriate signed certifications in accordance with the procedures for disclosure of documents.

COUNTY OF KENT ACT 1981

Section 30(3) and(5) - Authorised to serve notice on occupiers of land or premises on which floodgates are situated, giving, altering or revoking directions to close floodgates.

Section 30(4) - Authorised to close floodgates on land owned by the Council or by arrangement with other owners and to serve Notices on owners of private land to close floodgates and if necessary, to enter private land to take the appropriate action.

LAND DRAINAGE ACT 1991

Section 25 - Authorised to require works for maintaining flow of watercourse.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Section 16 - Authorised to serve Requisition for Information Notices with Drainage/Land Drainage/Flood Gate/Cesspool Notices.

Section 35 - Authorised to remove obstructions from private sewers.

PUBLIC HEALTH ACT 1936 (as amended)

Section 50 - Authorised to serve Statutory Notices in respect of overflowing and leaking cesspools.

PUBLIC HEALTH ACT 1961 (as amended)

Section 17 - Authorised to serve Statutory Notices (repair of drains, private sewers etc and to remedy stopped up drains etc).

MISCELLANEOUS

Hazardous Substances - Authorised in consultation with the Managing Director and the Chairman or the Vice-Chairman of the Cabinet to approve expenditure for the removal, and/or treatment and disposal of chemicals and/or general cargo and oil spilt and/or washed onto the River Thames foreshore.

GENERAL

Byelaws

Officers of the Civil Protection and Drainage Section authorised to enforce the Byelaws of the Council.

DEVELOPMENT CONTROL

ANTI SOCIAL BEHAVIOUR ACT 2003

Part 8 – In consultation with Legal Services to issue, vary or withdraw a Remedial Notice, provided that the issue of a notice is reported to the Development Control Board.

Part 8 – Rights of Entry

The persons from time to time holding the posts of:-

Regeneration Director
Development Control Manager
Assistant Development Control Manager
Enforcement Officer
Assistant Enforcement Officer
Landscape Manager
Principal Planner
Senior Planner
Planner
Policy Monitoring Officer
Project Manager
Transport Engineer

be authorised to enter upon land for purposes of administration of the functions of the Council in relation to Part 8 of the Act:

Part 8 - In consultation with Ward Councillors, to decline to issue a Remedial Notice, where the hedge does warrant action under the Act.

Part 8 - To contest appeals against remedial notices.

CIVIL PROCEDURE RULES

Disclosure Statements - Authorised to make the appropriate signed certifications in accordance with the procedures for disclosure of documents.

CHANNEL TUNNEL RAIL LINK ACT 1996

To determine in consultation with the Chairman of the Cabinet and the Chairman of the Development Control Board, submissions for major infrastructure or works pursuant to the 1996 Act, whether or not any representations have been lodged/received.

To determine submissions for minor infrastructure or works or revisions to works already approved pursuant to the 1996 Act, whether or not any representations have been lodged/received.

ENVIRONMENTAL PROTECTION ACT 1990

Section 80 - The persons from time to time holding the following posts authorised to serve abatement notices in respect of statutory nuisances:

Enforcement Planner
Assistant Enforcement Planner

HEDGEROW REGULATIONS 1997

- (1) Authorised to serve **Notices** in response to Hedgerow Removal Notices.
- (2) **Rights of Entry** – The persons from time to time holding the posts of:

Regeneration Director
Development Control Manager
Assistant Development Control Manager
Planning Policy Manager
Senior Planner
Planner
Enforcement Officer
Assistant Enforcement Officer
Landscape Manager
Project Manager

be authorised to enter land for surveying hedgerow(s) in connection with a Removal Notice(s) received by the Council in accordance with Regulations 12, 13 and 14.

LAND COMPENSATION ACT 1961

Section 17 - Authorised to determine applications for certificates of appropriate alternative development.

LICENSING ACT 2003

Local Authority Consultee - Authorised to object when the Council is a consultee and not the lead authority.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Dangerous Trees

Section 23 - Power to deal with dangerous trees.

Rights of Entry - The persons from time to time holding the posts of:

Regeneration Director

Development Control Manager

Assistant Development Control Manager

Landscape Manager

Enforcement Officer

Assistant Enforcement Officer

be authorised to enter upon land for purposes of administration of the planning functions of the Council in relation to dangerous trees.

PLANNING (HAZARDOUS SUBSTANCES) ACT 1990

THE PLANNING (HAZARDOUS SUBSTANCES) REGULATIONS 1992

To determine applications for Hazardous Substances Consent, whether or not representations have been received.

Rights of Entry -

The persons from time to time holding the posts of:-

Regeneration Director

Development Control Manager

Assistant Development Control Manager

PLANNING (HAZARDOUS SUBSTANCES) ACT 1990
THE PLANNING (HAZARDOUS SUBSTANCES) REGULATIONS 1992 (Cont'd)

Senior Planner
Planner
Enforcement Officer
Assistant Enforcement Officer

be authorised pursuant to:-

Section 36 - enter any land in connection with an application for consent, or a proposal to issue a Hazardous Substances Contravention Notice.

Section 36A - enter land under Warrant when entry to land has been refused, or refusal is likely, or the case is one of urgency.

Section 36B - enter land and take such other persons as may be necessary.

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

Section 3 - Authorised to serve a Building Preservation Notice.

Section 9 – Authorised to initiate legal proceedings for offence of unauthorised execution of works.

Sections 38/39 – Authorised to issue Listed Building Enforcement Notices and deal with related appeals.

Section 43 – Authorised to prosecute for a failure to comply with a Listed Building Enforcement Notice.

Section 48 - Authorised to issue a Repairs Notice.

Section 54 - Authorised to issue an urgent Repairs Notice.

Section 74 - Authorised to approve applications for Conservation Area Consent.

Section 88 - Authorised to issue 24 hours' notice of intended entry and to enter land for the purposes of administration of the functions of the Council in relation to the provisions of the Act.

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 (Cont'd)

Rights of Entry - The persons from time to time holding the posts of:

Regeneration Director
Development Control Manager
Assistant Development Control Manager
Planning Policy Manager
Senior Planner
Planner
Enforcement Officer
Assistant Enforcement Officer
Landscape Manager
Project Manager

authorised to **enter** upon land for purposes of administration of the functions the Council in relation to listed buildings and conservation areas related issues.

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 1999

To establish the need or otherwise for an Environmental Impact Assessment under the Regulations and to issue opinions as to the content of Environmental Statements.

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Authorised to institute legal proceedings for offences under the 1990 Act.

Section 70A - To decline to determine an application for planning permission.

Section 106 - To accept, in consultation with Legal Services Unilateral Undertakings and/or to enter into or vary existing agreements under Section 106 of the Town and Country Planning Act 1990, in connection with an application which may be determined under delegated powers.

To negotiate on and accept and determine the acceptability or otherwise of submissions under the terms of an existing Section 106 Agreement.

In consultation with the Chairman of the Development Control Board, to conclude Section 106 Agreements outside any time limit that may be specified by the Board in the original resolution.

Section 171C - To serve Planning Contravention Notices on owners/occupiers for information relating to land.

TOWN AND COUNTRY PLANNING ACT 1990 (as amended) (Cont'd)

Section 171E - Authorised to issue, vary or withdraw a Temporary Stop Notice, provided that the issue of the Notice is reported to the Development Control Board.

Section 172 - Authorised to issue, vary or withdraw an Enforcement Notice, provided that the issue of a notice is reported to the Development Control Board.

Section 173A – Authorised to vary or withdraw a Notice issued under Section 172.

Section 174 – Authorised to deal with an appeal against a Notice issued under Section 172.

Section 178 - Authorised to undertake Direct Action with respect of a failure to comply with a Notice under Section 172.

Section 183 - Authorised to issue, vary or withdraw a Stop Notice, provided that the issue of the Notice is reported to the Development Control Board.

Section 187A - Authorised to issue, vary or withdraw a Breach of Condition Notice.

Section 187B – In consultation with Legal Services to seek injunctive relief in the courts, and to pursue Contempt proceedings for non-compliance with same

Section 191(4) - Authorised to issue Certificate of Lawfulness of Existing Use or Development (where there is an element of judgement as to the weight to be given to evidence relating to uses, the application will be determined by the Development Control Board should any Member so request).

Section 192(2) - Authorised to issue Certificate of Lawfulness of Proposed Use or Development.

Section 193(7) - In consultation with Legal Services, authorised to revoke Certificates.

Section 198 - Tree Preservation Orders - Authorised to make and publicise Tree Preservation Orders made and to confirm unopposed Orders.

Section 201 - Provisional Tree Preservation Orders - Authorised to give immediate effect, on a provisional basis, to a Tree Preservation Order made under Section 198.

Section 215A - Authorised to issue a Notice under Section 215.

Section 219 – Authorised to undertake Direct Action with respect of a failure to comply with a Notice under Section 215.

Section 225 - Power to remove or obliterate any placard or poster displayed illegally in the Borough provided that written notice has been given to anyone who can be identified as the person responsible for the display.

Section 330 - Authorised to serve Requisitions for Information in connection with enforcement action and general planning matters.

TOWN AND COUNTRY PLANNING ACT 1990 (Cont'd)

In consultation with Ward Councillors, to decline to take enforcement action against identified breaches of planning control, where the breach does not contravene Local Plan policy.

To contest appeals

To respond to consultations undertaken by Kent County Council in respect of their proposals to carry out development or on applications which fall to them to be determined. Such applications will be determined by the Development Control Board should any Member so request.

To respond to consultations from neighbouring authorities inviting comment on proposed development in their area. Such applications will be determined by the Development Control Board should any Member so request.)

To respond to consultation papers from the government and outside agencies where the subject matter relates to the terms of reference of the Development Control Board.

Rights of Entry

The persons from time to time holding the posts of:-

Regeneration Director
Development Control Manager
Assistant Development Control Manager
Planning Policy Manager
Senior Planner
Planner
Enforcement Officer
Assistant Enforcement Officer
Landscape Manager
Policy Monitoring Officer
Project Manager
Transport Engineer

be authorised to **enter** upon land for purposes of administration of the planning functions of the Council in relation to the following Sections of the Act:

Section 196A - Right to enter without warrant.

Section 196B - Right to enter under warrant.

Section 214B - Rights of entry without a warrant onto land in connection with tree preservation functions.

TOWN AND COUNTRY PLANNING ACT 1990 (Cont'd)

Section 214C - Rights of entry under warrant onto land in connection with tree preservation functions.

Section 214D - Taking of samples from any tree and samples of soil in connection with tree preservation functions.

Section 324 - For certain specified purposes of the Act.

Notice of Intended Entry -

Section 325 - To issue 24 hours notice of intended entry.

Determination of Applications for Planning Permission and Other Applications

Authorised to approve, with or without conditions, applications falling within the categories mentioned below except and provided that where more than two objections on planning grounds are received to an application which is recommended for approval, the application be referred to the Development Control Board and provided also that such delegated decision is in accordance with the Development Plan and other relevant planning policies:

Authorised to refuse applications falling within the categories mentioned below except and provided that where more than two clear letters of support on planning grounds is received to an application which is recommended for refusal, the application be referred to the Development Control Board and provided also that such delegated decision is in accordance with the Development Plan and other relevant planning policies.

(In addition to the Regeneration Director, such powers may be exercised by the Development Control Manager or the Assistant Development Control Manager).

- (1) Full or outline planning applications.
- (2) Applications for reserved matters or discharge of planning conditions.
- (3) Applications for the felling, lopping, topping, etc., of trees covered by a Tree Preservation Order or in a Conservation Area.
- (4) Applications for Listed Building Consent.
- (5) Applications for Conservation Area Consent.
- (6) Applications to vary or remove conditions attached to any previous permission or consent, including applications to extend the time limits for an existing permission or consent.
- (7) Applications for non material amendments to existing planning permissions.

Authorised to determine detailed submissions in respect of large scale major developments (as defined for the purposes of Government statistical returns) following the grant of an outline planning permission in consultation with the Chairman, Vice Chairman and Shadow Chairman of the Development Control Board, whether or not representations have been received.

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 2007

Authorised to approve or refuse applications for illuminated signs and non-illuminated signs. Such applications will be determined by the Development Control Board should any Member so request.

Authorised to take discontinuance action and to revoke or modify express consent.

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995

(1) Authorised to serve notices under Article 3.

(2) Authorised to deal with "prior notification cases" submitted in accordance with:

Part 6 - Agricultural buildings and operations;

Part 7 - Forestry buildings and operations;

Part 24 - Development by telecommunications code system operators.

NB: Where applications under Part 24 attract objections, and Officers are minded to recommend that prior approval is not required, this delegation shall be exercised in consultation with the Chairman, Vice-Chairman and Shadow Chairman of the Development Control Board and subject to the Chairman and at least one Member consultee agreeing to the proposed Officer recommendation;

Part 31 - Demolition of buildings

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT PROCEDURE ORDER 1995

Authorised to establish appropriate procedures required in order to ensure the efficient processing of planning applications.

MISCELLANEOUS

Weekly Planning List - Authorised in consultation with the Managing Director to waive the fee for the Weekly Planning List in appropriate cases.

Planning Performance Agreements - Authorised to enter into agreements with applicants setting out the timescale for determining major applications

MISCELLANEOUS (Cont'd)

Local Plan/Local Development Framework Documents – The Planning Policy Manager authorised to waive fees for documents for external organisations including: consultants commissioned by or on behalf of the Council; partner organisations; the media; government departments and agencies; local authorities; parish councils; community, resident and interest groups; key commercial and property interests; service providers; educational establishments.

GENERAL

Byelaws

Officers of the Development Control Section authorised to enforce the Byelaws of the Council.

ELECTORAL REGISTRATION

EUROPEAN PARLIAMENTARY ELECTIONS ACT 2002

Section 6(5) – The Managing Director appointed the Local Returning Officer for the proper conduct and organisation of the European Parliamentary Election in the local counting area.

REPRESENTATION OF THE PEOPLE ACT 1983

The Managing Director:

Section 8 - Appointed the Electoral Registration Officer of any constituency or any part of a constituency co-terminus with or contained in the Borough.

Section 10 - The Officer who shall appoint canvassers.

Section 28(1)(b) – The Officer who shall be the Acting Returning Officer for Parliamentary Elections.

Section 35(1) - Appointed as the Returning Officer for elections of Borough and Parish Councillors.

Section 52(2) - The Executive Director appointed Deputy Electoral Registration Officer of any constituency or any part of a constituency co-terminus with or contained in the Borough.

THE LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) (ENGLAND) REGULATIONS 2000

The Managing Director appointed as Proper Officer in relation to **Regulations 4 and 5** - the publication of the verification number.

Strategic Director

ENFORCEMENT AND REGULATORY SERVICES

ANIMALS ACT 1971

Unauthorised Horses on Council Owned Land

The persons from time to time holding the posts of:

Strategic Director
Enforcement and Regulatory Services Manager
Senior Enforcement Officer

authorised to remove horses from Council owned land, subject to due regard having been given to the relevant legal considerations, to the impact on the visual amenity of the area, the individual circumstances of the case and the likelihood of risk to the public and to other animals legitimately using the land.

ANIMAL HEALTH ACT 1981 (as amended)

All officers within the Directorate be authorised to execute and enforce the requirements of the **Control of Dogs Order 1992** in respect of collars and tags for dogs.

HEALTH ACT 2006

Authorised to carry out the enforcement functions pursuant to Part 1 Chapter 1, including the issue of fixed penalty notices.

ANTI-SOCIAL BEHAVIOUR ACT 2003 (graffiti and fly-posting)

Authorised to serve defacement removal notices under section 48-52, enter any land, carry out works in default and recover costs.

All Officers within the Directorate and authorised officers of "secondary authorities" (Parish and Town Councils) authorised to issue fixed penalty notices under section 43 for relevant offences (graffiti and fly-posting).

BUILDING ACT 1984

Authorised to serve **Statutory Notices** under the following provisions:-

Section 76 - defective premises

CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

Section 6(1) - All Officers within the Section (including Parks Ranger Service) authorised to issue fixed penalty notices for the offences relating to nuisance parking

Section 59(2) - All Officers within the Section (including Parks Ranger Service and Town Centre Warden) and authorised officers of "secondary authorities" (Parish and Town Councils) authorised to issue fixed penalty notices for offences under Dog Control Orders.

CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

Section 59(2) - All Officers within the Section (including Parks Ranger Service and Town Centre Warden) and authorised officers of "secondary authorities" (Parish and Town Councils) authorised to issue fixed penalty notices for offences under Dog Control Orders.

CONTROL OF POLLUTION ACT 1974 (as amended)

Authorised to carry out the functions pursuant to:-

Section 23 - Prohibition of parking to facilitate street cleaning.

CONTROL OF POLLUTION (AMENDMENT) ACT 1989

Section 5B(2) - All Officers within the Section (including Parks Ranger Service and Town Centre Warden) authorised to issue fixed penalty notices for the offence of failing to produce waste transfer notes

CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994 (Unauthorised Campers)

Authorised to:

- (1) **Section 77** - Issue a Direction(s)
- (2) **Section 78** - Obtain Removal Orders

DOGS (FOULING OF LAND) ACT 1996

Section 4 - All Officers within the Directorate and persons working within the Borough and holding the position of Police Community Support Officer authorised to issue Fixed Penalty Notices.

ENVIRONMENTAL PROTECTION ACT 1990

- (1) **Section 34A(2)** - All officers within the Section (including Parks Ranger Service and Town Centre Warden) authorised to issue fixed penalty notices for the offence of failing to furnish waste carriers licence
- (2) **Section 47(2)** - Authorised to serve Notice in respect of receptacles for commercial or industrial waste.
- (3) **Section 47ZA(2)** - All Officers within the Section (including Parks Ranger Service and Town Centre Warden) authorised to issue fixed penalty notices for offences in relation to waste receptacles
- (4) **Section 59** - Authorised to serve Notice requiring removal of waste unlawfully deposited.
- (5) **Section 71** - Authorised to issue and respond to notices seeking information.
- (6) **Section 88** - All Officers within the Section (including Parks Ranger Service and Town Centre Warden), authorised officers of "secondary authorities" (Parish and Town Councils) and persons working within the Borough and holding the position of Police Community Support Officer authorised to issue **fixed penalty notices** for the offence of **leaving litter**.
- (7) **Section 92** - Authorised to serve Litter Abatement Notices and Litter Clearing Notices.
- (8) **Sections 93 & 94** - Authorised to serve Street Litter Control Notices.

ENVIRONMENTAL PROTECTION ACT 1990 (Cont'd)

- (9) **Section 94A(2)** - All Officers within the Section (including Parks Ranger Service and Town Centre Warden) authorised to issue fixed penalty notices for offences relating to street litter control notices and litter clearing notices
- (10) **Schedule 3(A)** - All Officers within the Section (including Parks Ranger Service and Town Centre Warden) and all other persons with whom the Authority has entered into arrangements with, and have authorised in writing, be authorised to issue fixed penalty notices for offences in relation to unauthorised distribution of literature on designated land

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (as amended)

Authorised to serve **Statutory Notices** pursuant to:-

Section 16 - Requisition for Information

Part II (Hackney Carriages and Private Hire Vehicles) - that the following powers be delegated to persons from time to time holding the posts of officers within the enforcement section

- (1) Suspension of licences
- (2) Requiring information under Section 57
- (3) Inspection of vehicles, issue of notice and suspension of licence under Section 68

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Section 29 - Authorised to take all steps necessary for the protection of buildings.

Schedule 4, paras.3 and 7 - Authorised to issue, renew or refuse Street Trading Licences and Street Trading Consents.

PUBLIC HEALTH ACTS (AMENDMENT) ACT 1907

Section 31 - Authorised to serve notices in respect of fencing lands adjoining streets.

REFUSE DISPOSAL (Amenity) ACT 1978

Authorised to issue Notices and arrange for removal of vehicles.

Section 2(A)1 - All Officers within the Section (including Parks Ranger Service including Town Centre Warden) authorised to issue fixed penalty notices for offences in relation to abandoning a vehicle

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Section 225 - Authorised to remove or obliterate any placard or poster displayed illegally in the Borough provided that written notice has been given to anyone who can be identified as the person responsible for the display.

STATUTORY POWERS OF ENTRY

The persons from time to time holding the post of an officer of the Enforcement Section authorised to enter land and premises pursuant to the statutory provisions in that behalf contained in the following Acts and any other Acts and Regulations incorporating the said provisions;

- (1) Building Act 1984
- (2) Clean Air Act 1993
- (3) Criminal Justice and Public Order Act 1994
- (4) Environmental Protection Act 1990
- (5) Local Government (Miscellaneous Provisions) Act 1982
- (6) Refuse Disposal (Amenity) Act 1978

MISCELLANEOUS

Trespassers - Authorised in consultation with Legal Services and the Chairman of the Cabinet to use common law powers of eviction in relation to trespass on Council owned land.

Strategic Director

ENVIRONMENTAL HEALTH

PROPER OFFICER

Sheri Green Strategic Director appointed **Proper Officer** in relation to any reference to the **Public Health Inspector** in any Enactment passed before or during the 1971/72 session of parliament, other than the Local Government Act 1972 or in any instrument made before 26 October 1972.

Sheri Green Strategic Director appointed **Proper Officer** in relation to the Sections of the Enactments and Statutory Instruments specified hereunder and authorised to appoint Officers to carry out the functions under the said statutes; (Acts, Regulations and Orders).

ANIMAL BOARDING ESTABLISHMENTS ACT 1963

Authorised to act under all sections.

ANIMAL WELFARE ACT 2006

Authorised to act under all Sections.

ANTI-SOCIAL BEHAVIOUR ACT 2003

Authorised to act under Part 6.

CONTROL OF DOGS ORDER 1992

Authorised to execute and enforce the requirements in respect of collars and tags for dogs.

BREEDING OF DOGS ACT 1973

Authorised to act under all sections.

BREEDING OF DOGS ACT 1991

Authorised to act under all sections.

BUILDING ACT 1984

Authorised to act under:

Part III ' other provisions about buildings'

Part IV 'General'

CLEAN AIR ACT 1993

Authorised to act under all parts

CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

Authorised to act in respect of:

Part 3 – Litter and Refuse

Part 6 – Dogs

Part 7 – Noise

CONTROL OF POLLUTION ACT 1974 (as amended)

Authorised to carry out the functions pursuant to Part III.

DANGEROUS DOGS ACT 1991

Authorised to act in relation to:

Section 3 - Keeping dogs under proper control

Section 4 - Destruction and disqualification orders

Section 5 - Seizure, entry of premises and evidence

Authorised to execute the powers of seizure of any dog bred for fighting.

DOGS (FOULING OF LAND) ACT 1996

Section 4 - All Officers within the Directorate authorised to issue Fixed Penalty Notices.

DANGEROUS WILD ANIMALS ACT 1976

Authorised to act under all Sections.

ENVIRONMENTAL PROTECTION ACT 1990

Authorised to carry out the functions pursuant to:-

Part I - Pollution Control

Part IIA - Contaminated Land

Part III - Statutory Nuisances and Clean Air

Part VI - Litter

Section 149(1) - Sheri Green Strategic Director appointed Proper Officer for the purposes of discharging the functions imposed or conferred by Section 149 of the Act for dealing with stray dogs found in the area of the Authority including dealing with the negotiation aspects relating to the value of the dogs.

Schedule 3

ENVIRONMENT ACT 1995

Authorised to carry out the functions pursuant to

Part IV - Air Quality

Part V – Misc and General

EUROPEAN COMMUNITIES ACT 1972

Appointed for the purposes of the powers set out in the Act and:

(a) all Regulations, Orders and subordinate legislation made under or having effect by virtue of the Act from time to time and relating to Public Health

(b) any modification or re-enactment of the foregoing:-

(c) General Food Regulations 2004

(d) Food Hygiene (England) Regulations 2006

(e) The Environmental Damage (Prevention and Remediation) Regulations 2009

FOOD AND ENVIRONMENTAL PROTECTION ACT 1985

Authorised to exercise the powers under the Act.

FOOD AND ENVIRONMENTAL PROTECTION ACT 1985 (Cont'd)

Secretary of State Nominations for action on behalf of the Government at local level

Ann Littleton Environmental Health Manager
Christopher Amey Health and Safety Officer
Heather Lawson Environmental Health Officer
Shona McQuade Principal Environmental Health Officer
Julie Short Team Leader Environmental Protection

FOOD SAFETY ACT 1990 (as amended by Food Safety Act (Amendment) Regulations 2004

Authorised to act under all sections.

GUARD DOGS ACT 1975

Authorised to act under all sections.

HEALTH ACT 2006

Authorised to act under Part 1 Chapter 1

HEALTH AND SAFETY AT WORK ETC ACT 1974

- (1) **Section 19** - Appointed as **Inspectors** for carrying into effect the relevant statutory provisions.
- (2) Authorised to exercise the powers pursuant to:-
 - (a) **Section 20(2)(a) to (m) inclusive** - Powers of Inspectors
 - (b) **Section 21** - Service of Improvement Notices
 - (c) **Section 22** - Service of Prohibition Notices
 - (d) **Section 25** - Power to deal with cause of imminent danger

LICENSING ACT 2003

Local Authority Consultee - Authorised to object when the Council is a consultee and not the lead authority.

LOCAL GOVERNMENT ACT 1972

Schedule 14, Part 1, para. 13 - The Officer for the purposes of the amendments to Sections 24, 29 and 30 of the Public Health (Control of Disease) Act 1984.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (as amended)

Authorised to act under all sections

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Part IV – Control of refreshment premises

Part VIII – Acupuncture, tattooing, ear piercing and electrolysis

Part XI – Public Health

NATIONAL ASSISTANCE ACT 1948

NATIONAL ASSISTANCE (AMENDMENT) ACT 1951

Section 47 - Sheri Green Strategic Director appointed Proper Officer for the purposes of discharging the functions conferred or imposed under the respective Acts and authorised to appoint Officers and medical practitioners to carry out those functions.

NOISE AND STATUTORY NUISANCE ACT 1993

Authorised to act under all parts.

NOISE ACT 1996 (as amended by the ANTI-SOCIAL BEHAVIOUR ACT 2003)

Authorised to act under all parts.

OFFICES SHOPS AND RAILWAY PREMISES ACT 1963

Authorised to act under all parts.

PERFORMING ANIMALS (REGULATION) ACT 1925

Authorised to deal with all parts.

PESTICIDES ACT 1998

Authorised to take enforcement action.

RIDING ESTABLISHMENTS ACT 1964**RIDING ESTABLISHMENTS ACT 1970**

Authorised to act under all parts.

POLLUTION PREVENTION AND CONTROL ACT 1990

Authorised to issue permits for Part A2 and Part B installations within the Borough.

PREVENTION OF DAMAGE BY PESTS ACT 1949

(1) **Sections 4 and 9** - Authorised to serve **Statutory Notices**

(2) **Section 5** - Authorised to carry out works in default and to recover costs

PUBLIC HEALTH ACTS (AMENDMENT) ACT 1907

Section 31 - Authorised to serve notices in respect of fencing lands adjoining streets.

PUBLIC HEALTH ACT 1936 (as amended)

Authorised to act under all sections.

PUBLIC HEALTH ACT 1961

Authorised to act under all sections.

PUBLIC HEALTH ENACTMENTS

Sheri Green Strategic Director appointed Proper Officer for the purposes of discharging the functions conferred or imposed under the Public Health (Control of Disease) Act 1984 and authorised to appoint Officers to carry out those functions.

PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984

Authorised to act under:

- Part II Control of Diseases
- Part III Disposal of dead bodies
- Part IV Canal boats
- Part V Miscellaneous
- Part VI General

REFUSE DISPOSAL (AMENITY) ACT 1978

All parts relating to abandoned vehicles and refuse.

SCRAP METAL DEALERS ACT 1964

Authorised to deal with all applications for the granting and renewal of registrations.

STATUTORY POWERS OF ENTRY

Authorised to enter land and premises pursuant to the statutory provisions in that behalf contained in the following Acts and any other Acts and Regulations incorporating the said provisions;

- Animal Boarding Establishments Act 1963
- Animal Welfare Act 2006
- Breeding of Dogs Act 1973
- Breeding of Dogs Act 1991
- Building Act 1984
- Clean Air Act 1993
- Control of Pollution Act 1974
- Dangerous Wild Animals Act 1976
- Dangerous Dogs Act 1991
- Environment Act 1995
- Environmental Protection Act 1990
- Food Safety Act 1990
- Health and Safety at Work etc Act 1974
- Noise and Statutory Nuisance Act 1993
- Noise Act 1996
- Pet Animals Act 1951

STATUTORY POWERS OF ENTRY (Cont'd)

Pollution Prevention and Control Act 1990
Performing Animals (Regulation) Act 1925
Prevention of Damage by Pests Act 1949
Public Health Act 1936
Public Health (Control of Disease) Act 1984
Refuse Disposal (Amenity) Act 1978
Riding Establishments Acts 1964 – 1970
Scrap Metal Dealers Act 1964
Sunday Trading Act 1994
Water Industry Act 1991
Zoo Licensing Act 1981

SUNDAY TRADING ACT 1994

- (1) **Schedules 1 and 3 and Part II of Schedule 2** - Authorised to enforce the provisions of the Act.
- (2) **Schedule 2** - That the persons from time to time holding the posts of:
- (3) Appointed Inspectors for the purposes of the Act and authorised to enter premises.

WATER INDUSTRY ACT 1991

- (1) **Sections 77, 78 and 79** - Authorised to carry out such enquiries, including the sampling of water supplies as to ascertain and ensure wholesomeness and sufficiency of domestic water supplies.
- (2) **Section 80** - Authorised to serve a Notice in relation to private supplies.
- (3) **Section 82** - Authorised to enforce and vary Private Supply Notice.
- (4) **Section 85** - Authorised to serve Requisition for Information.

MISCELLANEOUS

Hazardous Substances - Authorised in consultation with the Managing Director, the Strategic Director (Emergency Planning) and the Chairman or the Vice-Chairman of the Cabinet to approve expenditure for the removal of substances washed ashore.

MISCELLANEOUS (Cont'd)

Veterinary Surgeon - Authorised to appoint a registered Veterinary Surgeon or Practitioner and/or such other person as may be deemed competent to enter premises to inspect and carry out the duties and powers pursuant to:-

- (1) Animal Boarding Establishments Act 1963
- (2) Breeding of Dogs Act 1973
- (3) Dangerous Wild Animals Act 1976 - Section 3
- (4) Pet Animals Act 1951
- (5) Riding Establishments Act 1964 - Section 2

GENERAL

Byelaws

Officers of the Environmental Health Section authorised to enforce the Byelaws of the Council.

FINANCE

ACCOUNTS AND AUDIT REGULATIONS 2003

Authorised to sign the statement of accounts.

**COMMUNITY CHARGES (ADMINISTRATION AND ENFORCEMENT) REGULATIONS 1989 (as amended)
THE LOCAL GOVERNMENT FINANCE ACT 1988 (as amended)
Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (as amended)
Non-Domestic Rating (Payment of Interest) Regulations 1990 (as amended)**

Authorised to write-off under Financial Regulations debts up to a limit of £5,000 per debt.

**COUNCIL TAX (ADMINISTRATION AND ENFORCEMENT) REGULATIONS 1992 (AS AMENDED)
LOCAL GOVERNMENT FINANCE ACT 1992**

Authorised to:-

- (1) Write off penalties where the circumstances warrant such action.
- (2) Write off under Financial Regulations debts up to a limit of £5,000 per debt.
- (3) **Council Tax Enforcement - Part VI**
Regulation 49 - Institute winding up/bankruptcy proceedings.

FINANCIAL REGULATIONS (made pursuant to Section 151 of the Local Government Act 1972)

- (1) **Exercise of Borrowing Powers** - Authorised to borrow monies in accordance with all relevant legislation and good practice.
- (2) **Exercise of Investment Powers** - Authorised to invest monies in the most efficient manner and in accordance with the statutory powers, regulations and codes in effect from time to time.
- (3) **Regulation 16** - Authorised to effect all insurance cover to the requirements of the Council and to negotiate all claims, subject to the directions of the Cabinet and to maintain the necessary records.

FREEDOM OF INFORMATION ACT 2000

The Managing Director authorised to make in-year amendments to the Publication Scheme subject to seeking the Information Commissioner's approval to the removal of any commitment(s) in the Scheme.

HOUSING ACT 1985

Schedule 16 (as amended by the Local Government and Housing Act 1989)

Mortgage Interest Rates - Authorised to adjust the mortgage interest rates.

LOCAL GOVERNMENT ACT 1972 (as amended)

The Managing Director authorised as follows;

Section 115(2) - The Officer who shall receive all monies due to the Council.

Section 146(1) - The Officer who (upon transfer of securities on the alteration of the name or the district) shall make a Statutory Declaration specifying the securities and verifying the change of name and identity of the Council or shall give such a certificate as is prescribed.

Section 151 - The Officer having responsibility for the administration of the financial affairs of the Council and as such shall administer a system of financial administration in accordance with good accountancy practice and as specified in the Financial Regulations adopted by the Council.

Appointed **Proper Officer** in relation to any reference to the **Treasurer of a Local Authority** in any enactment passed before or during the 1971/72 session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972.

LOCAL GOVERNMENT FINANCE ACT 1988 (as amended by the Local Government and Housing Act 1989, Schedule 5)

Section 89 - Authorised to administer the Collection Fund.

Section 114 – The Managing Director, the Chief Finance Officer of the Authority responsible for the financial affairs of the Authority.

Section 120 - Authorised to refund overpayments.

LOCAL GOVERNMENT AND HOUSING ACT 1989 (as amended)

Section 119(8) - Repayment of Grant - Authorised to waive repayment of renovation or disabled facility grants in whole or in part and to report such action to the Cabinet.

MONEY LAUNDERING REGULATIONS 2003 (Reg.7)

Steve Brooks Head of Finance and Resources appointed the Money Laundering Reporting Officer.
Helen Griffith Accountant appointed Deputy Money Laundering Reporting Officer.

MISCELLANEOUS

Write-offs

- (1) **Sundry Debtor and Mortgage Accounts** - Authorised to write-off individual amounts up to £5,000.
- (2) **Rent Write-Offs** - Authorised to write-off individual housing rent arrears up to £5,000.
- (3) **Fees and Charges - Refunds and Write-offs** - Authorised to deal with write-offs and refunds in connection with fees and charges up to £5,000.

Banking Arrangements/Cheque Signatories - The facsimile of the Managing Director's signature be used for General Account crossed cheques.

Petitions - Authorised to present petitions to the Official Receiver for the winding-up of companies in appropriate cases involving unpaid General Rate.

External Audit Negotiated Fee - Authorised to negotiate the External Auditor's fee subject to the Audit Board being advised accordingly.

Parking Area Charges - Authorised to adjust the charge for garage/caravan parking areas in line with any change in the standard rate of VAT.

Charging to Revenue - The Managing Director authorised to charge such sums as may be possible and prudent, which are currently anticipated to be met from revenue, balances or reserves, or capital accounts, to such other accounts if deemed to be in the interests of the Council.

GRANTS

1. Award of Grants

- (a) Authorised to approve Salute to Youth applications in consultation with the Leader or designated Cabinet member.
- (b) Authorised in consultation with the Cabinet member with portfolio for grants, to make future changes to the application criteria.
- (c) Authorised to approve voluntary sector grants and recurring voluntary sector grants for rent payments in consultation with the Grants Approval Panel.
- (d) Authorised to refuse applications for financial assistance from voluntary and community organisations which do not fall within the agreed criteria.

2. Small Grants Scheme – Authorised to distribute small Grants in consultation with the Grants Approval Panel.

3. Service Level Agreements

Subject to agreed contractual and financial arrangements, authorised to pay SLA grants to CAB, GKMM, DSO, etc.

HOUSING (LANDLORD FUNCTION)

ANTI SOCIAL BEHAVIOUR ACT 2003

Authorised to implement and administer the Council's Antisocial Behaviour Policy.
Authorised to apply for demotion of secure tenancy.

CIVIL PROCEDURE RULES

Disclosure Statements - Authorised to make the appropriate signed certifications in accordance with the procedures for disclosure of documents.

COMMONHOLD AND LEASEHOLD REFORM ACT 2002

Authorised to deal with all matters in relation to the Act.

DATA PROTECTION ACT 1998

Authorised to carry out the functions pursuant to the provisions of the Act as it relates to the disclosure of information, erasure and correction of housing records.

HOUSING ACT 1985

Part V - Right-to-Buys

- (a) **Housing Leasehold Service Charges** - Authorised to set the level of Service Charges in respect of leaseholds under Right-to-Buys.
- (b) Authorised to deal with all other matters arising under Right-to-Buys.
- (d) **Repayment of Right to Buy Discount** - Authorised to refuse applications to waive the repayment of the Right to Buy discount.
- (c) Authorised in exceptional circumstances (e.g. repossession cases) to waive repayment of discount.

HOUSING ACT 1985 (Cont'd)

Authorised in consultation with the Project Director as valuer, to buy back Right to Buy properties if they are sold within the 10 year period. [

HOUSING ACT 1996

PART VI - Authorised to allocate Council properties and garages.

PART VII

- (a) Authorised to house homeless families in temporary housing, including bed and breakfast accommodation where essential, to fulfil the Council's statutory duties under the Act.
- (b) Authorised to investigate and determine homeless applications and to issue the appropriate Statutory Response Notice.
- (c) Authorised to implement the Councils Introductory Tenancy Policy and to determine reviews in accordance with section 124 of the Act.

Introductory Tenancies – Authorised to grant, review and terminate introductory tenancies.

LAND COMPENSATION ACT 1973

Discretionary Payments - Authorised to make discretionary payments to tenants in circumstances where the tenant has had to vacate Council owned property for a temporary period to enable improvement works to be undertaken.

LEASEHOLD REFORM, HOUSING AND URBAN DEVELOPMENT ACT 1993

Section 1 – Authorised in consultation with the Project Director as valuer to grant freeholds of Council property under collective and enfranchisement provisions to qualifying tenants of flats.

Section 56 - Authorised in consultation with the Project Director as valuer, to grant new long lease to qualifying tenants and to agree terms outside the provisions of the 1993 Act.

Section 69 - Authorised to enter into Agreements with tenants for Estate Management Schemes.

Section 76 - Authorised to deal with requests from qualifying leaseholders to exercise their "Tenants' Right to Management Audit".

Section 108 - Authorised to establish a tenant's right to acquire on rent to mortgage terms in accordance with the Rent to Mortgage Scheme.

LOCAL GOVERNMENT ACT 1972

Section 101 - That the following named persons or otherwise the persons holding the posts of:-

Sheri Green- Strategic Director
Peter Dosad - Head of Housing Services

be authorised to approve the taking of all necessary steps to obtain possession of accommodation let by the Council under the Housing Act 1985 and any subsequent legislation thereafter.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Section 41 - The persons from time to time holding the posts of:

Strategic Director
Head of Housing Services

authorised to issue a notice(s) in relation to lost and uncollected property found on premises owned or managed by the Council or deposited with the Council and not collected, and to dispose of such property if not claimed by the owner(s).

LOCAL GOVERNMENT AND HOUSING ACT 1989

Section 164 – Authorised to determine Right to Buy applications on ‘exempt’ properties where properties are suitable for letting to the elderly.

REFUSE DISPOSAL (AMENITY) ACT 1978 – Authorised to issue Notices and arrange for removal of vehicles.

SECURE TENANTS OF LOCAL HOUSING AUTHORITIES (RIGHT TO REPAIR) REGULATIONS 1994

Authorised to determine applications from tenants in accordance with the Regulations.

STATUTORY POWERS OF ENTRY

The persons from time to time holding the posts of:

Strategic Director
Head of Housing Services
Housing Manager
Housing Maintenance Manager
Finance and Leasehold Manager
Senior Housing Officer
Housing Policy Manager
Technical Officer (Repairs)
Housing Officers
Planned Maintenance Surveyors
Building services Surveyor
Supported Housing Officer
Senior Supported Housing Officer
Housing Options and Advice Manager

be authorised to enter land and premises pursuant to the statutory provisions in that behalf contained in the following Acts and any other Acts and Regulations incorporating the said provisions:

- (1) Housing Act 1985
- (2) Housing Act 2004

MISCELLANEOUS

Transfer and Exchange Applications

Authorised to process and register transfer applications.

Authorised to process and register exchange applications.

Authorised to implement a system of formal application for the **transfer of a tenancy** following the death of a tenant including transfer of tenancies to widows/widowers/divorcees, etc., which fall outside adopted Council policy/procedures.

MISCELLANEOUS (Cont'd)

Repairs and Charges

- (a) To authorise repairs and recharges (housing related only) in accordance with Council policy.
- (b) To authorise works to the value of £500 for works to be undertaken for vulnerable tenants which fall outside of the Council's repairs policy.
- (c) To authorise adaptation works which fall outside of the Council's policy where special circumstances arise.

Authorised to approve or refuse applications from tenants wishing to make improvements and alterations to Council properties, such approval not to be unreasonably withheld.

Households without Dependant Children – Authorised to extend Housing Policy to enable the offering of flats and maisonettes to households without dependent children.

Storage of Furniture - Authorised to arrange for the storage of furniture temporarily and to report in due course on the implications of longer-term provision of such storage.

Joint Tenancies - Authorised to deal with requests for joint tenancies not falling into stated category.

Key Workers- Authorised to maintain a Key Worker waiting list and nominate key worker applicants to developments.

Rent Deposit Scheme - Authorised to implement the Council's rent deposit scheme and make payments to landlords in accordance with the scheme.

Dartford Private Sector Leasing Scheme - Authorised to implement the Council's Rent DPL scheme and make payments to landlords in accordance with the Scheme.

Choice Based Lettings – Authorised to implement the Council's choice based lettings policy and authorised to determine appeals.

Death of Tenant - Authorised to allocate tenancies following the **death of a tenant** or following a **matrimonial dispute** in accordance with Council policy.

Lounges - Authorised to approve requests for the **use of lounges** in sheltered housing schemes.

Removal Expenses and Disturbance Payments - Authorised to pay removal expenses and disturbance payments on the agreed scale where considered appropriate to do so.

Compensation – Authorised to negotiate the compensation to an outgoing tenant in accordance with the tenant's right to compensation for repairs and Council policy.

MISCELLANEOUS (Cont'd)

Central Heating Systems - Authorised to take over responsibility for central heating systems and their future maintenance where tenants are in receipt of Income Support and unable to keep the system in good working order.

Adaptations for Elderly and Disabled Tenants - Authorised to carry out adaptations to Council properties in which elderly and/or disabled people live and who qualify etc. **subject** to resources being available within approved estimates and in accordance with Council policy.

Estate Parking Areas - Authorised in consultation with the Head of Finance and Resources to let to tenants land on estate parking areas for the erection of garages.

Consent of Council - Authorised to deal with applications from owners of former freehold Council houses, for the carrying out of improvements, etc.

Succession and Under-Occupation - Authorised in cases where a property is of a type urgently required by the Council to meet its statutory responsibilities, to require a tenant to move to a smaller property **SUBJECT** to the provisions set out in the Housing Act 1985 and to the decision of the Cabinet on the instigation of Court proceedings.

Cleaning Services - Authorised to deal with all matters relating to and to keep under review, by regular monitoring, the operational and financial performance of the cleaning activities of Council owned accommodation and vacant properties and any other matters ancillary thereto.

Notices of Increase of Rent - Authorised to sign Notices of Increase of Rent in respect of housing accommodation.

Central Emergency Control Call-Out Service - Authorised to withdraw the Central Emergency Control Service to tenants who repeatedly misuse the service.

Quotas - Authorised to allocate properties in accordance with any quota agreements.

Mutual Exchange Applications - Authorised to determine Mutual Exchange Applications.

Caravan Sites – Authorised to maintain waiting lists, other licences for plots, provide a Housing Management Service including serving Notices where licence conditions are breached.

Notices To Quit and Notices to Seek Possession - Authorised to serve NTQs and NSPs and Notice of Proceeding to Seek Possession.

Tenant Participation - Authorised to consult with tenants and leaseholders and develop tenant participation including the implementation of the Tenant Participation Compact.

Community Centres -

(1) **Hours of Letting** - Authorised to permit organisations to use the Community Centres after midnight.

MISCELLANEOUS (Cont'd)

- (2) In consultation with the Chairman or Vice-Chairman of the Cabinet authorised to **determine the charges** to be set for the **hire of furniture** from the Community Centres.

Succession - To determine applications in accordance with the Council's policy.

Nomination of Housing Applicants – Authorised to nominate applicants to Registered Social Landlords or Private Landlords or local authorities.

Downs Estate –Authorised to agree terms for the sale of freeholds on Downs Estate.

GENERAL

Byelaws - Officers of the Housing Section (Landlord Function) authorised to enforce the Byelaws of the Council.

CIVIL PROCEDURE RULES

Disclosure Statements - Authorised to make the appropriate signed certifications in accordance with the procedures for disclosure of documents.

LOCAL AUTHORITIES (STANDING ORDERS) REGULATIONS 2001

The Managing Director appointed Proper Officer for the purposes of the Regulations

LOCAL GOVERNMENT ACT 1972

Section 113 - Authorised to exercise the powers and functions of the Council, to enter into agreement with another local authority:

- (a) for the placing at the disposal of that authority for the purposes of its functions, the services of Officers employed by the Council;
- (b) for the placing at the disposal of the Council for the purposes of its functions, the services of Officers employed by that authority.
- (c) authorised to agree changes to contracts of employment so as to enable services to be placed at the disposal of another local authority.

LOCAL GOVERNMENT (COMPENSATION FOR REDUNDANCY) REGULATIONS 1994 PART II

Authorised to determine discretionary compensation payments for Officers up to and including the level of Grade M, in consultation with the relevant Director.

LOCAL GOVERNMENT PENSION SCHEME

- A. Authorised, to exercise any discretion permitted by the LGPS.

MISCELLANEOUS

1. Authorised to deal with;
 - (a) terms and conditions of employment of staff (excluding Statutory Officers and Officers reporting to the Council as defined in Standing Order 60);
 - (b) the appointment, dismissal and disciplinary action of staff below Officer reporting to the Council level in accordance with Standing Order 64 and within agreed policies, practices and procedures in place from time to time;
 - (c) miscellaneous personnel related issues in accordance with agreed policies, practices and procedures in place from time to time;
 - (d) the amendment of personnel policies, practices and procedures.
2. Authorised to determine and publicise a description of the overall organisational structure of the Council showing the management structure and deployment of Officers.
3. Authorised to enter into contracts with service providers on personnel related matters.
4. Authorised to deal with appeals (on all employment matters) from staff who do not report to Council (*Standing Order 60 defines staff who report to Council*).

LAND AND PROPERTY ASSETS

CIVIL PROCEDURE RULES

Disclosure Statements - Authorised to make the appropriate signed certifications in accordance with the procedures for disclosure of documents.

LAND COMPENSATION ACT 1973

Authorised as follows:

Section 29 - Authorised in consultation with Legal Services to deal with claims for compensation, **provided** the claims conform to all the conditions laid down by the said Act and subject to the statutory limits.

Section 37 (as amended by the Local Government and Housing Act 1989 - Schedule 11) - Authorised in consultation with Legal Services to approve the payment of disturbance allowances.

LANDLORD AND TENANT ACTS AND AGRICULTURAL HOLDINGS OR RELATED ACTS

Authorised to settle claims for dilapidations, tenants' rights and compensation, arising under the said Acts.

LICENSING ACT 2003

Local Authority Consultee - Authorised to make representations when the Council is a consultee and not the lead authority.

LOCAL AUTHORITIES (GOODS AND SERVICES) ACT 1970

Authorised to carry out, on request, suitable work for public bodies within the scope of the said Act or Orders made thereunder, **subject to:-**

- (a) the agreement between the Council and the body concerned, including provision for payment on the basis of actual costs incurred by the Council in the carrying out of the work, and including the salaries of the staff engaged, incidental expenses and normal office overheads; **and**
- (b) any legal liability falling upon the Council through the use of staff of the Directorate by an outside body being covered by the Council's normal insurance provision through arrangements made with the Managing Director.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (as amended)

Authorised as follows:

Section 15 - To approve appropriate professional staff employed in the Valuation Section, to survey any land and property in connection with a proposal by the Council to acquire compulsorily an interest or right over such land and property and for the purposes of such surveys, to enter onto the land and property.

Proceedings - Authorised in consultation with Legal Services to approve the institution of Arbitration, Forfeiture, Lands Tribunal, Valuation Court and Agricultural Lands Tribunal proceedings.

MISCELLANEOUS

Consent of Landlord or Licensor, etc. - Authorised in consultation with Legal Services to grant consents in cases where tenants or licensees require the consent of the Landlord or Licensor, including the release or waiver of any provision or grant of deed of variation in such tenancy agreement or licence, where such action would be appropriate in the interests of good estate management.

Boreholes, Soil or Site Investigations - Authorised to approve expenditure of up to £2,000 in any one case in respect of compensation or other payments arising out of the making of boreholes or the carrying out of any soil or site investigations for any approved scheme or project, **subject** to provision being made within approved revenue or capital budgets for the relevant year.

Rent Arrears (other than Housing) - Authorised in consultation with Legal Services to approve the institution of legal proceedings for the recovery of arrears in respect of rent due to the Council and/or to regain possession of the land or property.

MISCELLANEOUS (Cont'd)

Qualified Valuer - The Project Director (and his/her absence, the Principal Valuer) appointed the qualified valuer for the purpose of certifying land and property transactions.

Compensation/Acquisition - In respect of any approved scheme or project, authorised in consultation with the Head of Finance and Resources, to settle any compensation sum in respect thereof and authorise the acquisition of any land or property or any interest in land or property previously approved in principle by the Cabinet, **provided** the compensation or acquisition sum (including the cost of any accommodation works) does not exceed £100,000 in any one transaction.

Fees and Expenses - Authorised to agree the payment of relevant surveyors' fees, costs and expenses in connection with any approved scheme or project or any disposal of land and property within budget approvals.

Payment of Professional Fees - The persons from time to time holding the posts of:

Managing Director
Project Director
Principal Valuer
Valuer

authorised to agree with prospective vendors/grantors the payment of professional fees incurred by such vendors/grantors when, after negotiations have been instituted on behalf of the Council, including action for compulsory acquisitions, the Council for its own reasons withdraws from the negotiations, and to approve the payment of such fees.

Compulsory Purchase – Authorised in consultation with the Head of Finance and Resources to settle the amount of compensation payable in consequence of compulsory purchase orders, purchase notices and the like, provided the compensation agreed is within the amount of an estimate previously approved by the Cabinet.

Easements, etc. – Authorised in consultation with Legal Services to take, grant or terminate/surrender any leases, tenancies, wayleaves, licences, easements, or other arrangements whereby the Council grants occupation, or itself occupies land or buildings, up to an annual net rent, fee or consideration of £30,000 in any one case.

User Rights – Authorised to agree with Kent County Council the precise terms of user rights enjoyed by the Council over property owned by the County Council, and vice versa.

MISCELLANEOUS (Cont'd)

Disposal –

(1) Authorised in consultation with the Cabinet Portfolio member for Property to sell land and property, provided the financial consideration does not exceed £10,000 in any one transaction

(2) - Authorised in consultation with the Chairman of the Cabinet to sell land and property, the disposal of which has previously been approved in principle by the Cabinet, **provided** the financial consideration does not exceed £100,000 in any one transaction.

(3) - Authorised between meetings of the Cabinet, in consultation with the Chairman of the Cabinet to agree terms for the disposal of land and property, and to authorise the sale of land and premises, the disposal of which has previously been approved in principle by the Cabinet, **provided** the financial consideration in any one transaction is between £100,000 and £250,000 and where delay would result in the Council suffering financial or other loss, subject to provision being within existing approved budgets and with a full financial appraisal.

Lease Renewals and Assignments - Authorised in consultation with Legal Services to deal with the renewal of leases and assignments.

Variation and Release of Restrictive Covenants - Authorised to determine terms for the variation and release of restrictive covenants following consideration by the Strategic Director (Housing (Landlord Function)), if necessary, on policy grounds.

Mortgage Repayment Arrears - Authorised, following possession proceedings, to determine terms for the sale of premises.

Trespassers - Authorised in consultation with Legal Services and the Chairman of the Cabinet to use common law powers of eviction in relation to trespass on Council owned land.

Acquisition by Agreement -Authorised in consultation with the Managing Director to approve in cases of urgency;

- (a) the acquisition of any interest in land required for the purposes of the Council;
- (b) the purchase price or other consideration for any interest in land but with power to refer any transaction to the Cabinet for decision.

Signing of Contracts and other Documents - Subject to compliance with Standing Orders and Financial Regulations, authorised to sign contracts and other documents not under seal, including the signing of letters when the Council agrees with the adjoining land owner respective responsibilities for boundary structures.

MISCELLANEOUS (Cont'd)

Tenders -

(a) Authorised to accept tenders, provided that the estimated project costs are no higher than the approved budget for the project and provided there are no proposed changes to the works originally approved. The normal virement rules will apply where the tender exceeds budget provision.

(b) Authorised, in consultation with the Chairman of the Cabinet, to accept tenders for capital projects provided:

- (i) the estimated costs of the project are no more than 10% or £50,000 (whichever is the higher) above the approved cost for the project and;
- (ii) a corresponding saving is identified elsewhere in the capital programme and;
- (iii) there is no change to the works originally approved.

Professional Services - Authorised to engage the professional services of consultants or practitioners provided the estimated costs do not exceed £50,000 and subject to provision being made within approved Revenue or Capital Budgets for the relevant year.

GENERAL

Byelaws - Officers of the Valuation Section authorised to enforce the Byelaws of the Council.

LAND CHARGES

LOCAL LAND CHARGES ACT 1975, THE LOCAL LAND CHARGES RULES 1977 AND THE LOCAL AUTHORITIES (ENGLAND) (CHARGES FOR PROPERTY SEARCHES) REGULATIONS 2008

The Officer who shall act as Registrar of Local Land Charges in connection with the Council's functions and who shall register any matters specified by the said Act and Rules affecting land situate within the Borough.

LEGAL SERVICES

ANIMAL WELFARE ACT 2006

Section 30 – Authorised to prosecute for offences under the Act.

ANTI SOCIAL BEHAVIOUR ACT 2006

Authorised to institute legal proceedings, including injunctions in respect of offences under the Act.

BREEDING OF DOGS ACT 1973

Authorised to institute legal proceedings in respect of offences under the Act.

BREEDING OF DOGS ACT 1991

Section 1 - Authorised to institute legal proceedings in respect of offences under the Act.

BUILDING ACT 1984

Section 35 - Authorised in consultation with the relevant Director to institute legal proceedings in respect of Building Regulation offences.

Section 81 - Demolition Orders - Authorised in consultation with the relevant Director to serve notices on persons intending or who have commenced to carry out work of demolishing buildings and structures.

Section 113 - Authorised to institute legal proceedings in respect of offences under the Act.

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960 (as amended)

Section 1 - Authorised to institute legal proceedings against occupiers of land for permitting land to be used as a caravan site without having obtained a site licence.

CIVIL PROCEDURE RULES

Statements of Truth - Authorised to sign the appropriate Statements of Truth subject however to being satisfied of the truth of the matters in the relevant Statements before doing so.

Offers to Settle – The Head of Legal Services authorised in consultation with the Managing Director to negotiate a settlement and to make an offer to settle for a sum not exceeding £2000 and, if necessary, to pay the money into Court before or after the proceedings have started.

CLEAN AIR ACT 1993

Authorised to institute proceedings for offences under the Act.

CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

Authorised to institute proceedings for offences under the Act.

CONTROL OF DOGS ORDER 1992

Authorised to lay information in support of an application to the Magistrates' Court for the issue of a summons against the owner or keeper of a dog(s) not wearing collar and tag in a public place.

CONTROL OF POLLUTION ACT 1974

Section 62 - Authorised to institute proceedings for offences relating to noise in streets.

COUNTY OF KENT ACT 1981

Section 10 - Authorised in consultation with the relevant Director to service Notices of renaming or renumbering of streets and properties.

CRIME AND DISORDER ACT 1998

(Refer to Home Office Anti-Social Behaviour Guidance and the Council's Anti-Social Behaviour Policy)

Section 1(1): Anti-Social Behaviour Orders - Subject to consultation with the Police, authorised in consultation with the relevant Director to apply for an Anti-Social Behaviour Order in relation to any person aged 10 or over if it appears:

- (a) that the person has acted in a manner that caused or is likely to cause harassment, alarm or distress to one or more persons not of the same household as himself/herself; and
- (b) that the Order is necessary to protect persons in the Dartford area in which the harassment, alarm or distress was caused or was likely to be caused from further anti-social acts by him/her.

NB: If any adjoining local authority is to be specified in the application, that local authority and the Police for the area must be consulted before the making of the application.

Section 1(10)

Contravention of Anti-Social Behaviour Order - Authorised to institute proceedings for breaches of Anti-Social Behaviour Orders.

DANGEROUS DOGS ACT 1991

Authorised to institute proceedings for offences under the Act.

DATA PROTECTION

The Head of Legal Services authorised as the Council's Data Protection Officer.

DOGS ACT 1871

Authorised where necessary in the public interest to lay complaints in the Magistrates' Court where a dog is considered dangerous and not kept under control.

DOGS (FOULING OF LAND) ACT 1996

Authorised to institute proceedings for offences under the Act.

ENVIRONMENTAL PROTECTION ACT 1990

- (1) **Section 23** - Authorised to institute proceedings for offences laid down by the said Section.
- (2) **Section 24** - Authorised to take proceedings in the High Court for the purpose of securing compliance with an Enforcement Notice, or a Prohibition Notice.
- (3) Authorised to institute legal proceedings in relation to;
(a) **Section 33**: - the unauthorised or harmful depositing, treatment or disposal etc of waste;
(b) **Section 34**: - failure to exercise a duty of care etc as respects waste.
- (4) **Section 78M** - Authorised to institute legal proceedings for failure to comply with a Remediation Notice.
- (5) **Section 78M(5)** - Authorised to apply to the High Court to secure compliance with a Remediation Notice.
- (6) **Section 80** - Authorised to institute legal proceedings for breach of **Abatement Notices** served in respect of **statutory nuisances** as defined in Section 79.
- (7) **Section 81(5)** - Authorised to take proceedings in the High Court for the purpose of securing the abatement, prohibition or restriction of nuisances.
- (8) **Sections 87 and 92** - Authorised to institute proceedings for offence of leaving litter and failure to comply with **Litter Abatement Notice**.
- (9) Section 92C – Authorised to institute proceedings for offence of failure to comply with a **Litter Clearing Notice**.
- (10) **Section 93** - Authorised to institute proceedings for failure to comply with **Street Litter Control Notice**.

FOOD AND ENVIRONMENT PROTECTION ACT 1985

Section 16(12) - Authorised to institute proceedings for offences under the Control of Pesticides Regulations 1986.

FOOD SAFETY ACT 1990

- (1) Authorised to institute proceedings pursuant to **Part II** of the said Act (rendering food injurious to health, selling food not complying with food safety requirements, failure to comply with improvement notices, selling food not of nature, substance or quality demanded, falsely describing or presenting food, etc).
- (2) Authorised to institute proceedings pursuant to **Part III** of the said Act (obstruction of Officers acting in execution of the Act, failing to give information, giving false or misleading information etc).

FOOD PREMISES (REGISTRATION) REGULATIONS 1991

Authorised to institute proceedings for offences under the Regulations.

FREEDOM OF INFORMATION

The Head of Legal Services authorised as the Council's Freedom of Information Officer.

GAMBLING ACT 2005

Authorised to institute proceedings for offences under the Act.

HEALTH AND SAFETY AT WORK ETC ACT 1974

Section 33 - Authorised to institute legal proceedings for contravention of the Health and Safety Regulations and offences created under the Act.

HOUSING ACT 1985 (as amended)

- (1) Authorised to institute proceedings for possession of Council owned property.
- (2) **Section 82A** – Authorised to apply for demotion orders in accordance with the Council's Demoted Tenancy Policy.
- (3) **Sections 140 and 141** – Authorised to serve First and Second Notices to Complete for Council house sales.

HOUSING ACT 1985 (as amended) (Cont'd)

(4) **Section 154(2)** – Authorised to sign Certificates of Title for Council house sales.

HOUSING ACT 1996 (as amended) and the Council's Anti - Social Behaviour Policy

(1) **Sections 127 and 128** – Authorised to institute proceedings to bring an Introductory Tenancy to an end.

(2) **Sections 143D and 143E** – Authorised to institute proceedings to bring a demoted tenancy to an end in accordance with the Council's Demoted Tenancy Policy.

(2) **Sections 153A – 153E** – Authorised in consultation with the relevant Director to apply for injunctions.

HYPNOTISM ACT 1952

Authorised to institute legal proceedings in respect of offences under the Act.

LAND COMPENSATION ACT 1973

Section 29 - Authorised in consultation with the Project Director and the Head of Finance and Resources to deal with claims for compensation, **provided** the claims conform to all the conditions laid down by the said Act and subject to the statutory limits.

Section 37 (as amended by the Local Government and Housing Act 1989, Schedule 11) - Authorised in consultation with the Project Director and the Head of Finance and Resources, to deal with claims for **disturbance payments**.

LAW OF PROPERTY ACT 1925

Section 146 - Right of re-entry or forfeiture - Authorised in consultation with the Project Director and/or Principal Valuer, to serve notice in respect of leasehold properties (non-Housing related).

Section 146 – Right of re-entry or forfeiture – Authorised in consultation with the Head of Housing Services to serve notice and institute proceedings in respect of leasehold properties (Housing related) where there is a serious and persistent breach of the lease

LICENSING ACT 2003

Authorised to institute proceedings for offences under the Act.

LOCAL GOVERNMENT ACT 1972

Appointed **Proper Officer** in relation to the following provisions:-

(1) Section 191(2) - The Officer who shall receive an application under Section 1 of the Ordnance Survey Act 1841.

(2) Section 210(6) and (7) - The Officer who shall exercise the powers relating to charities conferred by these subsections.

(3) Section 225(1) - The Officer who shall receive and retain documents deposited with the Council pursuant to the Standing Orders of the Houses of Parliament or to any enactment or instrument, and shall take such action relating to these documents as may be directed.

(4) Section 229(5) - The Officer who shall certify a photographic copy of a document in the custody of the Council, or of a document which has been destroyed while in the custody of the Council, or of any part of any such document.

(5) Section 234(1) and (2) - The Officer whose signature shall authenticate any notice, order, or other document which the Council are required or authorised to issue by or under any enactment.

(6) Section 236(9) - The Officer who shall send a copy of every byelaw made by the Council and confirmed to the Proper Officer of every Parish Council to which they apply.

(7) Section 236(10) - The Officer who shall send a copy of every byelaw made by the Council and confirmed to the County Council.

(8) Section 238 - The Officer who shall certify a printed copy of a byelaw of the Council.

(9) Schedule 14 Part II Para. 25(7) - The Officer who shall certify a resolution of the Council.

(10) Schedule 16, Para. 28 - The Officer who shall receive on deposit lists of protected buildings.

Authorised:-

Section 101 - to prosecute or defend, and to appear on the Council's behalf in proceedings before a Magistrates' Court, County Court, and Tribunals.

LOCAL GOVERNMENT ACT 1972 (Cont'd)

Section 123 - to give notice by public advertisement of the intention to dispose of any **Open Space Land** subject however to a resolution in principle from the Cabinet or the Council for disposal or the issue of a declaration that the land is surplus to requirements.

Section 214 - in consultation with the Head of Finance and Resources to sign **Deeds of Grant of Exclusive Right of Burial** pursuant to the said Section and the **Local Authorities' Cemeteries Order 1977**.

Section 222 - The Officer who shall under **Standing Order 38 Procedure** authorise legal action (injunctive proceedings) under the said Section where the relevant Member of the Management Team and the Chairman or Vice-Chairman of the Cabinet consider it expedient for the promotion or protection of the interests of the inhabitants of the area.

Section 237 - to institute proceedings for any contravention of the Council's byelaws.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

- (1) **Part II Hackney Carriages and Private Hire Vehicles** - Authorised to institute legal proceedings for contraventions of any of the provisions of this Part of the Act.
- (2) **Section 16** - Authorised to serve notice requiring information of persons interested in land.
- (3) **Section 20** - Authorised to serve notice for provision of **sanitary appliances** at places of entertainment.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

- (1) **Schedule 4, para.10 - Street Trading Licences and Street Trading Consents** - Authorised to institute legal proceedings for contravention of relevant provisions.
- (2) **Part VIII** - Authorised to institute legal proceedings for contravention of relevant provisions (acupuncture, tattooing, ear- piercing and electrolysis.)

NEW ROADS AND STREET WORKS ACT 1991

Section 51 - Authorised to institute legal proceedings for unauthorised street works.

NOISE AND STATUTORY NUISANCE ACT 1993

Authorised to institute legal proceedings for offences under the Act.

NOISE ACT 1996

Authorised to institute legal proceedings for offences under Section 4 (noise exceeds permitted level after service of notice).

OFFICES, SHOPS AND RAILWAY PREMISES ACT 1963

Section 63 - Authorised to institute proceedings for contravention of provisions enforceable by the local authority.

PLANNING (HAZARDOUS SUBSTANCES) ACT 1990

PLANNING (HAZARDOUS SUBSTANCES) REGULATIONS 1992

Authorised in consultation with the relevant Director:

- (1) **Section 23** - to institute legal proceedings for a contravention of hazardous substances control.
- (2) **Section 24** - to issue a **Hazardous Substances Contravention Notice** specifying the steps to be taken to rectify a contravention of control.
- (3) **Section 24A** - to **waive** or **relax** any requirement of a **Hazardous Substances Contravention Notice**, either before or after the Notice takes effect.
- (4) **Section 24(8)** - to **withdraw** a **Hazardous Substances Contravention Notice** at any time before or after it takes effect.
- (5) **Section 26AA** - to apply to the Court for an **injunction** in respect of any actual or apprehended contravention of control, irrespective of the use of any of the Council's other powers under the Act.
- (6) **Section 36B** - to institute legal proceedings against any person who wilfully obstructs an authorised Officer of the Council acting in the exercise of a **right of entry**.

PREVENTION OF DAMAGE BY PESTS ACT 1949

Section 26 - Authorised to institute legal proceedings for an offence under the Act.

PUBLIC HEALTH ACT 1936 (as amended)

Authorised to institute legal proceedings against persons for failure to comply with notices pursuant to:-

Section 45 - Buildings having defective closets capable of repair.

Section 50 - Overflowing and leaking cesspools.

Section 51 - Care of closets.

Section 52 - Care of sanitary conveniences used in common.

Section 83 - Cleansing of filthy or verminous premises.

PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984

Authorised to prosecute for breaches of:

Section 17 - exposure of persons and articles liable to convey notifiable disease;

Section 19 - trading, etc., by person with notifiable disease.

Section 37 - Notifiable Disease - Authorised in consultation with the Chairman or the Vice-Chairman of the Cabinet to apply for a Court Order when the Consultant in Communicable Disease Control has given a certificate in support for the removal of a person with notifiable disease to hospital.

REPRESENTATION OF THE PEOPLE REGULATIONS 1986 (as amended)

Reg 29 - Authorised to initiate legal proceedings for failure to comply with a requisition from the Registration Officer as to information from householders.

ROAD TRAFFIC REGULATION ACT 1984 (as amended by the Road Traffic (Temporary Restrictions) Act 1991)

Sections 35 and 47 - Authorised to institute proceedings for contraventions of the provisions of the Car Parking Orders made by the Council for the regulation of on-street and off-street parking places under **Part IV** of the Act.

SUNDAY TRADING ACT 1994

Authorised to institute legal proceedings for contravention of the provisions of the Act.

TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the Planning and Compensation Act 1991)

1. Authorised to institute legal proceedings for contravention of the following provisions:

Section 171D(1) - Non-compliance with **Planning Contravention Notices**.

Section 171D(5) - The giving of false or misleading information with regard to **Planning Contravention Notices**.

Section 171E – **Service of Temporary Stop Notice**

Section 171G **Contravention of Temporary Stop Notice**

Section 179 - Offence where **Enforcement Notice** not complied with.

Section 187 - Contravention of **Stop Notice**.

Section 187A(9) - Breach of requirements of a **Breach of Condition Notice**.

Section 187B - Subject to the Regeneration Director having considered the compensation and cost risks, the Head of Legal Services authorised to seek injunctive relief where the grounds of the case merit such action.

Section 194(1) - Offences relating to the issue of **Certificates of Lawful Use or Development**.

Section 196C(2) - Obstruction of a person acting in the exercise of a **right of entry**.

Section 210 - Breach of Tree Preservation Order.

Section 216 – Contravention of a section 215 notice.

Section 217 – Defending an appeal against the service of section 215 notice

Section 224 – Displaying advertisements in contravention of regulations .

2. Variation and Withdrawal of Enforcement Notices

(a) **Section 173A** - Authorised in consultation with the relevant Director to withdraw, waive or relax any requirement and extend any period specified in an Enforcement Notice.

TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the Planning and Compensation Act 1991) (Cont'd)

- (b) **Section 193(7)** - Authorised in consultation with the relevant Director to **revoke** Certificates issued under the above provisions of the Act.
- 3. **Section 201** - Authorised to give immediate effect, on a provisional basis, to **Provisional Tree Preservation Orders**.
- 4. **Section 207** - Authorised to serve **Tree Replacement Notices**.
- 5. **Section 257** - Authorised to confirm unopposed **Public Path Orders**.
- 6. **Section 330** - Authorised to serve Requisitions for Information in connection with enforcement action, general planning matters or the institution of legal proceedings.
- 7. Authorised to issue:-
 - (a) **Section 172** - Enforcement Notices
 - (b) **Section 183** - Stop Notices
 - (c) **Section 187A** - Breach of Condition Notices
 - (d) **Section 215** - 'Tidy up land' Notices

WATER INDUSTRY ACT 1991

- 1. **Section 109** - Authorised to institute proceedings in respect of offences under:-
 - (a) **Sections 106 and 108** - the making of communications with public sewers.
 - (b) **Section 111** - restrictions on use of public sewers.
- 2. **Section 211** - Authorised to institute legal proceedings in respect of sewerage offences.

MISCELLANEOUS

Sealing of Documents - Authorised to attest the Common Seal of the Council.

Standard Scale of Charges (Legal Costs, etc.) – The Head of Legal Services authorised in consultation with the Managing Director to vary the Standard Scale of Charges agreed annually by the Council.

Trespassers - Authorised in consultation with either the relevant Director(s) or the Head of Finance and Resources to take all necessary action to secure the removal of trespassers from the Council's land, including making applications to the Courts for injunctions.

Access over Heathland - Authorised to grant licences in respect of vehicular or pedestrian access over heathland and such other areas as may be identified from time to time.

Vehicular and Pedestrian Rear Access Licences - Authorised to issue licences in respect of pedestrian and vehicular accessways.

Mortgage Transfers - Authorised to deal with mortgage transfer applications, including transfer into joint names.

Sub-letting - Authorised in consultation with the Head of Finance and Resources to deal with applications from mortgagors desiring to sub-let their properties and to grant consent on terms considered appropriate.

Lease Renewals - Authorised in consultation with the Project Director and Head of Finance and Resources to deal with renewal of leases.

Variation of Restrictive Covenants - Authorised to deal with applications for variation of restrictive covenants on terms to be determined by the Head of Finance and Resources and in accordance with the Council's policy which may be set from time to time.

Institution of Arbitration, Lands Tribunal, etc., Proceedings - Authorised in consultation with the Project Director or Head of Finance and Resources to approve the institution of arbitration, lands tribunal, valuation court and agricultural land tribunal proceedings.

Consent of Landlord or Licensor, etc. - Authorised in consultation with the Project Director and Head of Finance and Resources to grant consents in cases where tenants or licensees require the consent of the Landlord or Licensor, including the release or waiver of any provision in such tenancy agreement or licence where such action would be appropriate in the interests of good estate management.

Rent Arrears - (excluding housing) Authorised in consultation with the Property Director and Head of Finance and Resources to approve the institution of legal proceedings for the recovery of arrears in respect of rent and/or to regain possession of the land or premises.

MISCELLANEOUS (Cont'd)

Mortgage Repayment Arrears –

- (a) Authorised in consultation with the Head of Finance and Resources to institute legal proceedings to obtain possession of premises where mortgagors are in arrears with their **mortgage repayments** for three months or more, **AND**
- (b) Authorised to enter into arrangements for the subsequent sale of premises on terms to be agreed by the Project Director and the Head of Finance and Resources.

Easements, etc. - Authorised in consultation with the Project Director, Head of Finance and Resources and the relevant Director, to take, grant or terminate any tenancies, wayleaves, licences, easements, or other arrangements whereby the Council grants occupation or itself occupies land or buildings, up to an annual net rent of £20,000 in any one case, **subject** in the cases of the granting of tenancies or leases for more than 7 years to the prior approval in principle of the Cabinet.

Referrals of Applications for Financial Assistance – The Head of Legal Services authorised in consultation with the Managing Director to refer applications for financial assistance to the Kent County Council or to any other appropriate body where considered appropriate.

Cautions - Subject to the recommendation of the relevant Member of the Management Team authorised to formally administer cautions in lieu of instituting legal proceedings.

Counsel and External Solicitors - Authorised to instruct Counsel and External Solicitors to advise and/or appear in connection with any legal proceedings instituted by or against the Council.

Redemption of Council Mortgages - Authorised on redemption of a Council mortgage, to seal and submit to Land Registry the Form of Discharge of Registered Charge to confirm the receipt of the funds and acknowledge that the property is no longer charged as security for the payment of the sums due under the mortgage.

Authentication of Documents - Authorised on behalf of the Council to sign any document necessary to any legal procedure or proceedings unless any enactment otherwise authorises or requires or the Council has given requisite authority to some other Officer.

GAMBLING ACT 2005

- (1) Authorise to deal with all applications and granting of licences/permits where no representations have been received or where representations have been withdrawn.
- (2) Authorised to enter premises pursuant to powers contained in the Act.
- (3) Power to exchange information.

HEALTH ACT 2006

Authorised to carry out the enforcement functions pursuant to Part 1 Chapter 1, including the issue of fixed penalty notices.

HYPNOTISM ACT 1952

Section 1 - Authorised to attach conditions regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at the place to which a licence for public dancing, singing, music or other public entertainment of the like kind relates.

Section 2 - Authorised to permit with or without conditions the demonstration(s) of hypnotism at other places.

LICENSING ACT 2003

1. Authorised to deal with the following:

- (1) **Personal Licence**
Application for Personal Licence - where no representation made
- (2) **Designated Premises Supervisor**
Application to vary Designated Premises Supervisor – where no police representation;
Request to be removed as Designated Premises Supervisor.
- (3) **Premises Licence**
Application for Premises Licence – where no representation made;
Application for Provisional Statement – where no representation made;
Application to vary Premises Licence – where no representation made;
Application for transfer of Premises Licence – where no police representation.

LICENSING ACT 2003 (Cont'd)

(4) Club Premises Certificate

Application for Club Premises Certificate – where no representation made;
Application to vary Club Premises Certificate – where no representation made.

2. Interim Authorities

Authorised to give immediate effect to an application – where no police representation.

3. Irrelevant, Frivolous, Vexatious etc Complaints

Authorised to decide on whether a complaint is irrelevant, frivolous, vexatious etc.

4. Dispense with a Hearing

Authorised to dispense with a hearing provided the applicant and where applicable, interested parties and relevant authorities have agreed.

5. Local Authority Consultee

The Environmental Health Services Manager (and in his absence, the Principal Environmental Health Officer)) be authorised to object when the Council is a consultee and not the lead authority.

6. Statutory Powers of Entry

The persons from time to time holding the posts of:-

Strategic Director
Enforcement and Regulatory Services Manager
Senior Licensing Officer
Licensing Officer

authorised to enter land and premises pursuant to the statutory provisions in that behalf contained in Sections 59, 96, 108 and 179 of the Act.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (as amended)

Part II (Hackney Carriages and Private Hire Vehicles) - that the following powers be delegated to persons from time to time holding the posts of:-

Strategic Director
Enforcement and Regulatory Services Manager
Senior Licensing Officer
Licensing Officer

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (as amended) (Cont'd)

- (1) Issue of licences
- (2) Imposition and/or variation of conditions on licences
- (3) Suspension of licences
- (4) Revocation of licences
- (5) Refusal to grant or renew licences
- (6) Requiring information under Section 57
- (7) Inspection of vehicles, issue of notice and suspension of licence under Section 68
- (8) Issue of notice requiring return of plate or disc, or driver's badge.

NOISE ACT 1996 (as amended by the Clean Neighbourhoods and Environment Act 2005)

Section 8 - All Officers within the Section authorised to issue fixed penalty notices for offences in relation to noise from licensed premises.

TOWN POLICE CLAUSES ACTS 1847 AND 1889

Authorised to administer the functions relating to hackney carriages.

MISCELLANEOUS

The Council's Adopted Standard Fee Scheme - Authorised to charge application fees in line with the Standard Fee Scheme.

Issue of Notice of Determination - The Strategic Director authorised to issue Notice of Determination.

GENERAL

Byelaws - Officers of the Licensing and Gambling Section authorised to enforce the Byelaws of the Council.

Regeneration Director

M A R K E T S

Market Permit Conditions – Authorised to make changes to the Market Permit Conditions when appropriate.

Appeals – Authorised to hear appeals from market traders.

GENERAL

Byelaws

Officers of the Markets Section authorised to enforce the Byelaws of the Council.

MEMBER SERVICES

EXECUTIVE ARRANGEMENTS (DECISIONS, DOCUMENTS AND MEETINGS) REGULATIONS 2000

The Executive Director authorised as Proper Officer for the purposes of;

- (1) **Regulation 5(2)** - Access to agenda and connected reports for public meetings.
- (2) **Regulation 6** - Recording decisions taken at meetings of the Cabinet.
- (3) **Regulation 9 (3)** - Cabinet papers not open to Members for inspection.
- (4) **Regulation 12(1)** - the maintenance of a register detailing Cabinet arrangements.
- (5) **Regulation 12(2)** - the maintenance of a list (namely this Scheme of Delegations to Officers) specifying Cabinet functions delegated to Officers (for a period exceeding 6 months).
- (6) **Regulation 16 (2) (v)** - Inspection by the public of the notice to the Chairman of the Scrutiny Committee (urgent Cabinet key decisions).
- (7) **Regulation 19** - Publication of Cabinet key decisions.

LOCAL GOVERNMENT ACT 1972 (as amended)

The Managing Director appointed **Proper Officer** in relation to the following provisions:-

- (1) **Section 83(1)** - The Officer to whom a person elected to the office of Chairman, Vice-Chairman, or Councillor of the Council of the Borough, shall deliver a declaration of acceptance of office.

LOCAL GOVERNMENT ACT 1972 (as amended) (Cont'd)

- (2) **Section 83(2) and (4)** - Witness and receipt of declarations of acceptance of office.
- (3) **Section 84** - The Officer to whom a person elected to any office may give written notice of resignation.
- (4) **Section 88(2)** - The Officer who may convene a meeting for the election of Mayor of the Council following a casual vacancy in that office.
- (5) **Section 89(1)** - The Officer to whom notice shall be given of any casual vacancy occurring in the office of Councillor.
- (6) **Schedule 12 Part I:**
 - (a) **Para. 4(2)(b)** - The Officer who shall sign a summons to attend a Council meeting;
 - (b) **Para. 4(3)** - The Officer who shall receive a notice in writing desiring summonses to attend meetings of the Council to be sent to an address specified in the notice, other than his place of residence.
- (7) **Section 112** - Authorised to exercise all powers and duties in relation to the proper discharge by the Authority of its functions or another Authority's functions pursuant to **Section 113**.
- (8) **Section 234(1) and (2)** - The Officer whose signature shall authenticate any notice, order, or other document which the Council are required or authorised to issue by or under any enactment
- (9) **Section 248** - The Officer who shall keep the Roll of Freemen.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Managing Director appointed **Proper Officer** for the purposes of the following provisions;

Section 100(B)(2) - Circulation of reports and agendas.

Section 100(B)(7)(c) - Supply of papers to the Press.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 (Cont'd)

Section 100(C)(2) - Summaries of Minutes.

Section 100(D)(1)(a) - Compilation of lists of background papers.

Section 100(D)(5)(a) - Identification of background papers.

Section 100(F)(2) - Papers not open to Members for inspection.

LOCAL GOVERNMENT ACT 2000

Scrutiny Committee Reports – The Executive Director appointed Proper Officer for the purposes of receiving requests from the Chairman or any five Members of the Scrutiny Committee to require a report from the Cabinet on behalf of the Committee in accordance with Standing Order 54(9)(a)(iii).

MISCELLANEOUS

Civic Concerts - Authorised to designate the Dartford Choral Society Concert, Dartford Symphony Orchestra Concert and Dartford Amateur Operatic and Dramatic Society Concert as Civic Concerts **ON THE BASIS** of **ONE** performance per year by each, and provided the cost does not exceed the Mayoral Allowance budget for any one-year.

Change of dates and times of Meetings and Cancellations – Authorised in consultation with the appropriate Chairman, to change the dates and times of meetings of Council, Cabinet, Committees, Boards and Panels, when considered appropriate and to cancel scheduled meetings through lack of business or in emergency situations e.g. extreme weather conditions etc.

Borough Forums - Authorised in consultation with the Leader of the Council, to change dates, times and venues of Borough Forums agreed by the Cabinet.

Neighbourhood Forums - Authorised in consultation with the relevant Ward Member(s), to change dates, times and venues of Neighbourhood Forums agreed by the Cabinet.

MISCELLANEOUS (Cont'd)

Conference Attendances by Members, Co-opted Members and Officers - Authorised:

- (1) to agree conferences not on the approved list of conferences;
- (2) to approve substitutes and additional Members and Officers not named on the approved list.

Consultation/Discussion Papers - Authorised in consultation with the Leaders of the Political Groups on the Council to respond to consultation/discussion papers in accordance with internal procedures.

Politically Restricted Posts – The Managing Director authorised as Head of Paid Service, to issue Certificates of Opinion.

MONITORING OFFICER

FREEDOM OF INFORMATION ACT 2000

Section 36 – The ‘qualified person’ for the purposes of the Act.

LOCAL GOVERNMENT ACT 1972

Section 96(1) - The Officer to whom a Member of the Council shall give general notices of personal interests and gifts and hospitality.

Section 96(2) - The Officer who shall record particulars of any disclosure made under Section 94 (personal interests) and of any notice given under Section 96(1) of the said Act.

Regeneration Director

M U S E U M

MUSEUM

- (1) Authorised to grant requests for exhibitions in the Museum.
- (2) Authorised to obtain new artefacts from the Donations Fund.

Strategic Director

P A R K I N G S E R V I C E S

AGENCY AGREEMENT RELATING TO THE ENFORCEMENT OF PARKING CONTROL IN THE CIVIL ENFORCEMENT AREA FOR THE BOROUGH OF DARTFORD

Authorised to carry out the functions (other than the functions related to Traffic Regulation Orders) set out in the Agency Agreement.

**TRAFFIC MANAGEMENT ACT 2004 Civil Enforcement of Parking Contraventions (England) General Regulations 2007
ROAD TRAFFIC (PERMITTED PARKING AREA AND SPECIAL PARKING AREA) (COUNTY OF KENT) (BOROUGH OF DARTFORD) ORDER 2001
KENT COUNTY COUNCIL (VARIOUS ROADS, DARTFORD) (ON STREET AND OFF STREET PARKING PLACES) CONSOLIDATION ORDER 2001**

The persons from time to time holding the posts of:

Strategic Director
Enforcement and Regulatory Services Manager
CCTV/Parking Services Manager

1. Authorised to delegate the authority to issue Penalty Charge Notices and NTOs to duly appointed Civil Enforcement Officers.
 2. Authorised to administer all controlled parking schemes within the designated areas of Dartford.
 3. Authorised to effect technical write-offs.
-
2. The person from time to time holding the post of CCTV/Parking Services Manager:
 - (a) Authorised to enforce parking regulations within the designated areas of Dartford.
 - (b) Authorised to consider representations to and cancel Penalty Charges Notices and NtOs.

3. The persons from time to time holding the posts of:
Strategic Director (or nominee)
Enforcement and Regulatory Services Manager (or nominee)
Head of Legal Services (or nominee)

authorised to consider Adjudicator referrals.

GENERAL

Byelaws

Officers of the Parking Services Section authorised to enforce the Byelaws of the Council.

ALLOTMENTS ACTS 1922-1950

The persons from time to time holding the posts of:

Regeneration Director
Leisure Services Manager
Landscape Manager

authorised to enter into Agreements pursuant to the provisions of the said Acts.

CIVIL PROCEDURE RULES

Disclosure Statements - Authorised to make the appropriate signed certifications in accordance with the procedures for disclosure of documents.

MISCELLANEOUS

Applications - The persons from time to time holding the posts of:

Regeneration Director
Leisure Services Manager
Landscape Manager

(1) Authorised to approve the use of Parks and Open Spaces (with the exception of the Dartford Festival) by **Charitable Organisations** as may be deemed suitable for their purposes.

MISCELLANEOUS (Cont'd)

(2) Authorised to approve applications to hold **fun fairs** and non-animal circuses in Parks and Open Spaces in accordance with the fees and charges agreed by the Council.

(3) Authorised to approve applications for the **use** of Parks and Open Spaces (excluding matters related to the Dartford Festival) in accordance with the fees and charges agreed by the Council.

(4) Standard Scale of Fees and Charges - The persons from time to time holding the posts of:

Regeneration Director
Leisure Services Manager
Landscape Manager

authorised in consultation with the Managing Director to vary the Standard Scale of Fees and Charges agreed annually by the Council.

(5) Sale of Goods in the Parks - The persons from time to time holding posts:

Regeneration Director
Leisure Services Manager
Landscape Manager

authorised to approve the sale of goods pursuant to the byelaws relating to the parks in the Borough.

(6) Permits - The persons from time to time holding the posts of:

Regeneration Director
Leisure Services Manager
Landscape Manager

authorised to issue permits to allow disabled persons to bring invalid carriages into Central and Hesketh Parks.

MISCELLANEOUS (Cont'd)

(7) Exhibition of Animals – The persons from time to time holding the posts of:

Regeneration Director
Leisure Services Manager
Landscape Manager

authorised in consultation with the Chairman or Vice-Chairman of the Cabinet to deal with applications for animals to be exhibited at shows.

Trespassers - Authorised in consultation with Legal Services and the Leader of the Council to use common law powers of eviction in relation to trespass on Council owned land.

Kidd Legacy and Hesketh Charities - The Managing Director authorised (by the Deed, Trust and Obligations Committee) to undertake the day to day administration of the Charities' land.

GENERAL

Byelaws

Officers in Leisure Services authorised to enforce the Byelaws of the Council.

BOROUGH PARKING SCHEMES

BOROUGH PARKING TRAFFIC REGULATION ORDERS

- (a) Subject to Cabinet approval, authorised to prepare and consult on Borough related Traffic Regulation Orders (TROs).
- (b) Authorised to resolve objections to proposed TROs and to report unresolved objections to the Joint Transportation Board.
- (c) Authorised to request the making and sealing of minor TROs by Kent County Council.

NB: Cabinet agrees to request the making and sealing of major Borough TROs by Kent County Council

MISCELLANEOUS

Pedestrianised Areas - In consultation with the Chairman or the Vice-Chairman of the Cabinet authorised to approve the use of the pedestrianised area in Lowfield Street.

Disabled Drivers Parking Bays

- (1) Authorised in consultation with the Chairman of the Cabinet and the Local Ward Member(s) to remove disabled drivers parking bays.
- (2) Where there are no objections, authorised to implement disabled drivers parking bays.

PRIVATE SECTOR RENEWAL

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960

- (1) Authorised to issue licences and impose conditions in accordance with the provisions of the said Act.
- (2) Authorised to carry out other functions pursuant to the Act.

HOUSING ACT 1985

Authorised to enforce the provisions of the Act.

HOUSING ACT 2004

Authorised to enforce the provisions of the Act.

**HOUSING GRANTS, CONSTRUCTION AND REGENERATION ACT 1996 PART I
REGULATORY REFORM (HOUSING ASSISTANCE) ORDER 2002**

Authorised to deal with all applications for Grants towards costs of improvements and repairs, etc.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (as amended)

Authorised to serve **Statutory Notices** pursuant to:-

Section 16 - Requisition for Information

STATUTORY POWERS OF ENTRY

Authorised to enter land and premises pursuant to the statutory provisions in that behalf contained in the following Acts and any other Acts and Regulations incorporating the said provisions;

- (1) Caravan Sites and Control of Development Act 1960
- (2) Housing Act 1985
- (3) Housing Act 2004

GENERAL

Byelaws

Officers of the Private Sector Renewal Section authorised to enforce the Byelaws of the Council.

PROPERTY INFORMATION

COUNTY OF KENT ACT 1981

Section 10 – Authorised to allocate and re-allocate numbers to buildings in streets.

PUBLIC HEALTH ACT 1925

Section 17 – Authorised to object to proposed names for new roads within one month of receipt of the names from Developers.

Naming of roads shall be referred to the Cabinet

MISCELLANEOUS

Authority Liaison Officers – The Property Information Manager and the Local Land and Property Gazetteer Custodian appointed as the Council's Authority Liaison Officers.

Responsible Officer - The Executive Director appointed as the Council's Responsible Officer.

Strategic Director

REVENUES AND BENEFITS

REVENUES AND BENEFITS FRAUD

(a) The following named persons or otherwise the persons from time to time holding the posts of:

Sheri Green	Strategic Director
P M Kelly - Stone	Head of Legal Services
S Evans	Senior Investigator
L Allum	Investigator
Frances Mills	Investigator
Vacant	Investigator

authorised pursuant to the Local Government Act 1972 Sections 222 and 223, the Social Security Administration Act 1992 Sections 112 and 116, the Criminal Attempts Act 1981 Section 1 and the Theft Act 1968 Sections 15 and 17 and Sections 15A and 24A (as inserted by the Theft (Amendment) Act 1996 to undertake criminal proceedings in the Magistrates' Court for Housing & Council Tax Benefit fraud related issues and Revenues fraud related issues and where there is sufficient evidence to prosecute,

(b) The following named persons or otherwise the persons from time to time holding the posts of:

Sheri Green	Strategic Director
S Cressall	Revenues and Benefits Manager

authorised to administer under Section 115A of the Social Security Administration Act 1992 financial penalties (as an alternative to prosecution) amounting to 30% of any gross adjudicated overpayment.

(c) The following named persons or otherwise the persons from time to time holding the posts of;

S Cressall	Revenues and Benefits Manager
S Evans	Senior Investigator
L Allum	Investigator
Frances Mills	Investigator
Vacant	Investigator

REVENUES AND **BENEFITS FRAUD (Cont'd)**

appointed Authorised Officers under Section 110A of the Social Security Administration Act 1992 and be authorised pursuant to Section 109C to enter premises liable to inspection and to make enquiries about and examine documents.

THE LOCAL GOVERNMENT FINANCE ACT 1988 (as amended)

NON-DOMESTIC RATING (COLLECTION AND ENFORCEMENT) (LOCAL LISTS) REGULATIONS 1989 (as amended)

NON-DOMESTIC RATING (PAYMENT OF INTEREST) REGULATIONS 1990 (as amended)

The persons holding the posts of:

Revenues and Benefits Manager
Strategic Team Leader
Operational Team Leader
Court Manager
Specialist Recovery Officer

authorised to deal with the following matters:

A. National Non-Domestic Rate (NNDR)

Regulation 12 - Application to the Magistrates' Court for Liability Orders.

Regulation 14 - Levying of appropriate amount by Distress and sale of goods of a debtor against whom a Liability order has been made.

Regulation 16 - Application to the Magistrates' Court for the issue of a warrant for commitment to prison.

Regulation 18 - The issue of winding up or bankruptcy proceedings.

B.

(1) Payment of refunds plus interest - The Revenues and Benefits Manager authorised to pay refunds plus interest, as appropriate.

THE LOCAL GOVERNMENT FINANCE ACT 1988 (as amended)
NON-DOMESTIC RATING (COLLECTION AND ENFORCEMENT) (LOCAL LISTS) REGULATIONS 1989 (as amended)
NON-DOMESTIC RATING (PAYMENT OF INTEREST) REGULATIONS 1990 (as amended) (Cont'd)

(2) Application to the County Court for Charge on Property

The persons holding the posts of:-

Strategic Director
Revenues and Benefits Manager
Operational Team Leader
Court Manager

authorised to apply to the County Court for Charge on Property as security for unpaid rates.

COUNCIL TAX (ADMINISTRATION AND ENFORCEMENT) REGULATIONS 1992 (AS AMENDED)
LOCAL GOVERNMENT FINANCE ACT 1992

The persons holding the posts of:-

Strategic Director
Revenues and Benefits Manager
Strategic Team Leader
Operational Team Leader
Court Manager
Specialist Recovery Officer

authorised to deal with the following matters:-

1. **Part II** - Issue Requests for Information (General)
2. **Part III** - Issue Requests for Information from residents, owners or managing agents in respect of exempt dwellings
3. **Part IV** - Issue Requests for Information in respect of ascertainment of eligibility for discounts
4. **Part V** - Issue of Demand and Reminder Notices and Collection of Penalties
5. **Regulations 3 and 12** - Requisition of Information
6. **Regulations 18 and 19** - Service of Demand Notice
7. **Regulation 23** - Service of Reminder Notice
8. **Regulation 29 and para 1 of Schedule 3 Local Government Finance Act 1992** - The collection and imposition of penalties

**COUNCIL TAX (ADMINISTRATION AND ENFORCEMENT) REGULATIONS 1992 (AS AMENDED)
LOCAL GOVERNMENT FINANCE ACT 1992 (Cont'd)**

Council Tax Enforcement

9. Part VI

Regulations 33, 34 and 35 - Application to the Magistrates' Court for a Liability Order.

Regulation 36 - Issue Request for Information (Duty of Debtor subject to a Liability Order).

Regulations 37 and 41 - Making and discharging Attachment of Earnings Order.

* **Regulation 44** - Making and discharging of an Attachment of Allowances Order.

Regulation 45 - Levying of appropriate amount by distress and sale of goods of the debtor against whom a Liability Order has been made.

Regulations 47 and 48 - Application to the Magistrates' Court for the issue of a warrant for commitment to prison.

Regulation 50 - Application to the County Court for a Charging Order.

* The Strategic Director appointed the Proper Officer for the purposes of serving on the Council attachment of Allowances Orders.

LOCAL GOVERNMENT ACT 1972 (as amended)

Sections 101 and 223(1) - The following named persons, or otherwise the persons from time to time holding the posts of:-

Sheri Green	-	Strategic Director
Suzanne Cressall	-	Revenues and Benefits Manager
Richard Danston		Court Manager
Shashi Kumar	-	Senior Revenues Officer Specialist Support
Barbara Staggs		Senior Revenues Officer Specialist Support
Eric Jeffrey		Specialist Recovery Officer
Sarah Page		Strategic Team Leader
Yvonne Bonas		Operational Team Leader
Surinder Bindra)		
Suki Biring)		Revenues Officers
Tina Clarke)		
Karen Howard)		
Alison Crook)		
Alison Pointer)		

authorised to undertake summary proceedings for recovery of monies, including penalties, in respect of the Community Charge, Council Tax and NNDR, and be authorised to appear in the Kent Valuation Tribunals.

LOCAL GOVERNMENT FINANCE ACT 1988 (as amended by the Local Government and Housing Act 1989, Schedule 5) (Cont'd)

Section 49 – Hardship Relief - The persons holding the posts of:

Strategic Director
Revenues and Benefits Manager

- (1) authorised to reduce any amount or remit payment of the whole of any amount payable under Sections 43 or 45 (occupied and unoccupied hereditaments);
- (2) authorised to reject applications for hardship relief grants in relation to businesses which are about to close or have recently closed and which do not meet the following criteria;

"the grant must secure the continuation of a business which provides a local amenity or service to the community, such as a village general store and/or a sub-post office".

MISCELLANEOUS

Cautions - Subject to the recommendation of the relevant member of the Management Team the following named persons or otherwise the persons from time to time holding the posts of:

S Cressall Revenues and Benefits Manager

authorised to formally administer cautions in lieu of instituting legal proceedings.

Housing Benefits Regulations - The persons holding the posts of:

Strategic Director
Revenues and Benefits Manager
Senior Investigator
Investigators
Senior Development and Performance Officer
Assessment Team Leader
Assessment Officers
Assessment Assistant
Data Confirmation Team Leader

MISCELLANEOUS (Cont'd)

authorised to deal with the restriction of benefit in the following circumstances:-

- (1) Any housing benefit case warranting a payment beyond the maximum allowed where there are exceptional circumstances.
- (2) Any case where a claimant is occupying unsuitable accommodation or where a rent increase is unreasonable.
- (3) Any case where it is necessary to make payments direct to the landlord without tenants' consent.
- (4) Any case where it is necessary to make backdated payments.
- (5) Any case where there are grounds to suspect that the claim is fraudulent.

Overpayment Refunds - The Revenues and Benefits Manager authorised to refund overpayments.

Appointment of Bailiffs - The Revenues and Benefits Manager in consultation with the Strategic Director authorised to select and appoint outside Bailiffs.

S P O R T S D E V E L O P M E N T A N D S P E C I A L E V E N T S

TOWN POLICE CLAUSES ACT 1847

Section 21 – Authorised in consultation with the Chairman or Vice Chairman of Cabinet to deal with applications for street parties, processions etc and to make the Orders connected therewith.

MISCELLANEOUS

1. Authorised to deal with applications for financial assistance in relation to:
 - (a) Young People Sports Award Scheme;
 - (b) Sports Club of the Year
2. Authorised to refuse applications for financial assistance from voluntary and community organisations which do not fall within the agreed criteria.
3. **Complimentary Tickets** - Authorised to send complimentary tickets when considered necessary for publicity and promotion purposes, for any Council function, for which the Directorate is responsible.
4. **Concessionary Access to the Orchard Theatre (Orchard Access Grant)** – Authorised to approve each grant in consultation with the Cabinet Member with the portfolio for Arts and Culture.
5. **Special Events** – Authorised to make operational decisions in consultation with the relevant Portfolio Member and/or the Managing Director.
6. **Dartford Festival**
 - (a) Authorised in consultation with the criteria agreed by the Cabinet Member with the Portfolio for Arts and Culture and/or the Managing Director to;
 - (i) place bookings for certain acts in connection with the Dartford Festival;
 - (ii) invite tenders for security services at the Dartford Festival;
 - (iii) set charges for commercial and charity stalls for the Dartford Festival;
 - (iv) agree discounts for on the day bookings and bulk bookings for commercial and charity stalls;
 - (v) advertise for expressions of interest in specialist magazines for commercial participation in the Dartford Festival;
 - (vi) permit volunteers, local voluntary organisations and businesses to assist in the organisation and provision of services for the Dartford Festival, subject to budgetary provision.

MISCELLANEOUS (Cont'd)

Dartford Festival

- (b) Authorised in consultation with the Cabinet Member with the portfolio for Arts and Culture, to apply for appropriate licenses for the provision of entertainment at the Dartford Festival.
- (c) Authorised in Consultation with the Cabinet Member with the portfolio for Arts and Culture and the Managing Director, to make appropriate arrangements for the provision of a procession through the Dartford Town Centre on the Saturday of the Dartford Festival.

7. **Summer Sizzlers Holiday Activity Programme** – Authorised to;

- (a) Develop and administer the Holiday Activities Programme in consultation as necessary, with Kent County Council Social Services Children's Services (NW Kent).
- (b) To assess and agree grant allocations for the Holiday Activities Programme in consultation with Kent County Social Services Children's Services (NW Kent);
- (c) To organise and book appropriate entertainment and activities for the Holiday Activities Programme.
- (d) To seek appropriate sponsorship for additional income to support the Holiday Activities Programme.

8. **Acacia Hall/Princes Park** – Authorised to make operational decisions within the criteria agreed by Cabinet and/or the Managing Director.

WASTE AND RECYCLING

CIVIL PROCEDURE RULES

Disclosure Statements - Authorised to make the appropriate signed certifications in accordance with the procedures for disclosure of documents.

CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

Section 59(2) - All Officers within the Section and authorised officers of "secondary authorities" (Parish and Town Councils) authorised to issue fixed penalty notices for offences under the Dog Control Order.

ENVIRONMENTAL PROTECTION ACT 1990

The persons from time to time holding the posts of:

Executive Director
Waste and Recycling Manager

be authorised to

- (1) Section 46(3) - charge for the initial provision and replacement of wheeled bins in accordance with the Council's approved fees and charges
- (2) Section 47(2) - serve Notice in respect of receptacles for commercial or industrial waste.
- (3) Section 59 - serve Notice requiring removal of waste unlawfully deposited.
- (4) Section 92 - serve Litter Abatement Notices and Litter Clearing Notices.
- (5) Sections 93 & 94 - serve Street Litter Control Notices.
- (6) Section 88 - All Officers within the Section authorised to issue fixed penalty notices for the offence of leaving litter.
- (7) Section 94A(2) - All Officers within the Section authorised to issue fixed penalty notices for offences relating to street litter control notices and litter clearing notices.

REFUSE DISPOSAL (AMENITY) ACT 1978

The persons from time to time holding the posts of;

Executive Director
Waste and Recycling Manager

be authorised to issue Notices and arrange for removal of vehicles.

Section 2(A) 1 - All Officers within the Section authorised to issue fixed penalty notices for offences in relation to abandoning a vehicle.

GENERAL

Byelaws

Officers of the Waste and Recycling Section authorised to enforce the Byelaws of the Council.