

ANNAUL COUNCIL – 23 MAY 2023
PART I – DELEGATED

12. TO RECEIVE ANY ANNOUNCEMENT FROM THE HEAD OF PAID SERVICE - COMMITTEES AND LEAD MEMBERS FROM 2023-24 (CED)

1. Summary

1.1. The purpose of the report is to:

- To agree a new committee structure
- To agree new lead members
- Agree changes to member and officer delegations.

2. Details

2.1. Following the agreement of the new Corporate Framework in February 2023 a review of the committees and Lead Member portfolios was undertaken to bring better alignment with the Council objectives and the new senior officer structure which has recently been implemented.

Committee Structures

2.2. The current Committee structure as set out in Articles 6 and 7 of the Council Constitution was last reviewed in 2017 and consists of committees with remits for

- 2.2.1. Policy and Resources;
- 2.2.2. Leisure, Environment and Community; and
- 2.2.3. Infrastructure, Housing and Economic Development.

2.3. It is proposed that the Leisure, Environment and Community Committee and Infrastructure, Housing and Economic Development Committees are replaced with the following:

- 2.3.1. Climate Change, Leisure, and Community Committee; and
- 2.3.2. General Public Services and Economic Development Committee

Lead Members

2.4. At present Three Rivers District Council has the following Leader Members;

2.5. Leader, Leisure, Environmental Services, Climate Change & Sustainability, Transport and Economic Development, Housing, Infrastructure and Planning Policy, Community Safety and Partnerships.

2.6. The proposed structure would comprise of the following Lead Members, with the portfolios as set out in Appendix 1;

- Leader,
- Economic Development and Planning Policy,
- Leisure,
- Housing, Public Health and Wellbeing,
- Sustainability and Climate,
- Community Partnerships,
- Resources,
- Public Services

Member delegations

2.7. In order to ensure smooth running of the Council it is proposed that any delegations granted to the Leader may be delegated to the Deputy Leader in their absence.

Officer Delegations

2.8. An urgent decision was made recently regarding the delegating of officer functions. This was due to a post which had a number of delegations become vacant and was being held vacant until a new structure could be implemented. This had the potential to mean that the Council could not continue to operate as it currently was without having new delegations put in place. In order to avoid this happening in the future it is proposed that in the event of a post being vacant, the constitutional delegations can be undertaken or reassigned by the Head of Paid Service. This should allow for the authority to continue working should a post become vacant.

Senior Restructure Delegations

2.9. Following the Senior Officer Restructure the post of the Director of Community and Environmental Services has been deleted. The post has been replaced by 3 Associate Director positions. As a result the delegations in the constitution need to be reassigned. The table below proposes the new role which will take on the existing delegation. A full list of the delegations can be seen in Appendix 2.

The following delegations are proposed, which will also include any existing delegations to heads of service.

Delegation	Constitution Reference	Associate Director – Customer and Community	Associate Director - Strategy, Partnerships and Housing	Associate Director – Economy, Infrastructure and Planning
Highways	11.1			✓
Numbering and Naming New Streets	11.2			✓

Alteration of Street Names	11.3			✓
Council Sewers	11.4			✓
Planning	11.5			✓
Tree Preservation Order Applications	11.6	✓		
Building Control, Building Regulations and delegation of functions from other authorities	11.7			✓
Fire Protection and Means of Escape	11.8			✓
Dangerous Structures and Excavations	11.9			
Commercial Properties	11.10			✓
Deeds, Licences and Covenants	11.11			✓
Council-Owned Land and Buildings	11.12			✓
Miscellaneous	11.13			✓
Skips and Scaffolding	11.14			✓
Licences and Permits	11.15			✓
Entertainment and Catering	11.16	✓		
Recreation Grounds and Leisure Facilities	11.17	✓		
Clean Neighbourhoods and Environment	11.18		✓	
Grave Spaces, Headstones and Monuments	11.19	✓		
Open Spaces Byelaws	11.20	✓		
Recycling	11.21	✓		
Contracts for Clinical Waste, Refuse etc	11.22	✓		
Allotments	11.23	✓		

Housing	11.24		✓	
Animal Control	11.25	✓		
Enforcement	11.26			✓
Appointed Inspectors	11.27	✓		
Goods Vehicle Operator Licensing – Objections	11.28		✓	
Licensing	11.29			✓
Community Infrastructure Levy (CIL)	11.30			✓
Right to Build Register	11.31			✓
Brownfield Land Register	11.32			✓
The Health Protection Regulations (Coronavirus)	11.33		✓	

3. Options and Reasons for Recommendations

- 3.1. That the current committees of *Leisure, Environment and Community* and *Infrastructure, Housing and Economic Development* are replaced with *Climate Change, Leisure, and Community Committee* and *General Public Services and Economic Development Committee*.
- 3.2. That Three Rivers District Council adopts instated the following Lead Members; Leader, Economic Development and Planning Policy, Leisure, Housing, Public Health and Wellbeing, Sustainability and Climate, Community Partnerships, Resources, Public Services.
- 3.3. Following the retirement of the Director of Community and Environmental Services the Senior Management Structure existing delegations need to be amended as the post is being deleted.

4. Policy/Budget Reference and Implications

- 4.1. The recommendations in this report are within the Council's agreed policy and budgets.

5. Financial, Legal, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

- 5.1. None specific.

6. Legal Implications

- 6.1. As set out within the body of the report.

7. Risk and Health & Safety Implications

- 7.1. The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.
- 7.2. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>

- 7.3. The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- Remote	Low	High	Very High	Very High
	4	8	12	16
	Low	Medium	High	Very High
	3	6	9	12
	Low	Low	Medium	High
	2	4	6	8
	Low	Low	Low	Low
	1	2	3	4
	Impact			
	Low -----> Unacceptable			

Impact Score

4 (Catastrophic)

3 (Critical)

2 (Significant)

Likelihood Score

4 (Very Likely (≥80%))

3 (Likely (21-79%))

2 (Unlikely (6-20%))

1 (Marginal)

1 (Remote (≤5%))

7.4. In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

8. Recommendation

- 8.1. That the new Committee structure reference in 3.1 is agreed.
- 8.2. That the new Lead Members detailed reference in 3.2 is agreed.
- 8.3. The Leader maybe delegate to the Deputy Leader
- 8.4. That in the event that an established post becomes vacant the constitutional delegations can be untaken or reassigned by the Head of Paid Service.
- 8.5. That the Constitution is updated to reflect the delegations currently to the Director of Community and Environmental Services as shown in paragraph 2.9 and to include any delegations to existing Heads of Service.

Report prepared by: Jamie Russell

Data Quality

Data sources: None

Data checked by:

Data rating:

1	Poor	
2	Sufficient	√
3	High	

Background Papers

Council Constitution – Articles 6 and 7

Corporate Framework

Urgent Action Form April 2023 – Retirement of the DECS.

APPENDICES / ATTACHMENTS

Appendix 1 – Proposed Lead Members and Portfolios

Appendix 2 – Extract from Part 3 of the Constitution, Responsibility for Functions.

Proposed Lead Members and Portfolios

Leader	Economic Development and Planning Policy	Leisure	Housing, Public Health and Wellbeing	Sustainability and Climate	Community Partnerships	Resources	Public Services
<ul style="list-style-type: none"> • Communications • Customer Services • Elections • Committee & member support • Legal • Constitution • Local Strategic Partnership 	<ul style="list-style-type: none"> • Economic Development • Regeneration • Infrastructure • Town & village town centre improvement • Brownfield Register • Building Control • Conservation areas and local listing • Community Infrastructure Levy • Development Management policy • Heritage • Land Charges • Land Drainage • Listed Buildings • Neighbourhood Planning • Right to Build Register • Rickmansworth Town Project Board 	<ul style="list-style-type: none"> • Leisure development and facilities • Open spaces • Play areas and play development • Sports development and facilities • Arts development and facilities • Leisure grants • Leisure based health programmes. 	<ul style="list-style-type: none"> • Housing Policy • Homelessness and Housing Advice • Housing and Disabled Facilities Grants • Management of Traveller sites • Private Housing and Houses in Multiple Occupation • Residential Environmental Health • Temporary accommodation • Public Health Strategy • Wellbeing Strategy 	<ul style="list-style-type: none"> • Sustainability, climate change and energy efficiency • Woodlands • Tree Protection • Air pollution and noise pollution • Animal and pest control • Cemeteries and crematorium • Environmental Forum. 	<ul style="list-style-type: none"> • Equalities • Crime and Disorder • Community Safety Partnership • Domestic Abuse • Community Safety • Disease Control • Food Inspection • Health and Safety • Health and social care • Licensing activities covered by the Licensing Acts • Licensing and Regulatory activities outside the Licensing Acts • Public Spaces Protection Orders • Traveller incursions 	<ul style="list-style-type: none"> • Finance • Audit • Revenues & Benefits • Assets • Policy & Corporate Support • ICT • Procurement & Contracts 	<ul style="list-style-type: none"> • Refuse & Recycling • Highways • Transport • Cycling • Parking



Appendix 2 – Extract from Part 3 – Responsibility for Functions.

Director of Community and Environmental Services

11.1 Highways

11.1.1 To approve temporary road closures.

11.1.2 To institute prosecutions under the Council's Off Street Parking Places Order.

11.1.3 Authority not to proceed with car parking bay schemes (where the majority of residents have objected) in consultation with the Lead Member (Housing and Planning) and Ward Members.

11.2 Numbering and Naming New Streets

11.2.1 To approve numbering schemes for new development where re-numbering of existing property is not involved.

11.2.2 To approve re-numbering of existing properties.

11.2.3 To approve naming of streets for new developments in cases where agreement cannot be reached under the Council policy for consulting Parish Councils and Ward Members.

11.3 Alteration of Street Names

To approve alteration of street names under Section 18 of the Public Health Act 1925.

11.4 Council Sewers

To approve applications where building works to privately owned properties bridge or are connected to the Council's existing private sewers.

11.5 Planning

11.5.1 That the Head of Regulatory Services is approved and authorised after having ensured that all statutory requirements have been complied with and after considering all representations received, to:-

DETERMINE all types of application submitted under the Town and Country Planning Act 1990 and Planning (Listed Building and Conservation Areas) Act 1990 including the extension of time limits, agreement to minor amendments and non-material amendments to previously approved proposals provided that:-

- (1) For approvals; that they accord with the provisions of the appropriate development plan, other policy guidance or supplementary planning guidance.
- (2) The application had not been called in by any three Members of the District Council's Planning Committee or by the Parish Councils within the specified consultation period, and that the decision would not conflict with any objection received from three Members of the District Council's Planning Committee within the specified consultation period.
- (3) The decision would not conflict with an objection received from an adjoining local authority.
- (4) The Head of Regulatory Services considers it prudent to exercise their delegated authority, failing which they shall report the matter to the appropriate Committee.
- (5) Note Tree Preservation Order applications are specifically dealt with at 11.6 below.

11.5.2 Decisions taken by the Head of Regulatory Services in relation to paragraph (1) above shall be incorporated in the Information Bulletin for Members. However, on receipt of a request from not less than three Members of the Planning Committee, or from the appropriate Committee of a Parish Council, any items under paragraph* (2) above shall not be dealt with under delegated powers but referred to the Planning Committee for determination in accordance with the procedure agreed at Minutes ST11/92 and ST32/95, provided such request is received from Members within 28 days of the application appearing on the weekly bulletin or within 21 days of notification of the planning application in the case of the Parish Councils.

*Right of call-in does not apply to Certificates of Lawfulness Applications and Applications for Prior Approval.

11.5.3 To authorise Section 106 obligations and their modification or discharge in cases which would normally be delegated.

- 11.5.4 To take all actions in respect of Environmental Impact Assessments, including but not limited to their approval.
- 11.5.5 To take enforcement action, including the issue of planning contravention notices and notices requiring information as to interests in land, enforcement notices, breach of condition notices, stop notices, temporary stop notices, notices in respect of unauthorised adverts , applications for an injunction (and other related applications) and power to remove/obliterate unauthorised advertisements and associated structures used for unauthorised display, together with any prosecutions arising from a breach of planning control.
- 11.5.6 To authorise the execution of works required by an enforcement notice and recover the costs reasonably incurred in doing so
- 11.5.7 To issue notices pursuant to Section 215 of the Town and Country Planning Act 1990 (as amended) in respect of derelict and untidy land, together with any prosecutions arising from non compliance with an S 215 Notice, under Section 216 of the Town and Country Planning Act 1990.
- 11.5.8 To issue Certificates of Lawful Existing Use or Development and Proposed Use or Development pursuant to Sections 191 and 192 of the Town and Country Planning Act 1990 (as amended)
- 11.5.9 To make determinations, give approvals and agree other matters relating to the exercise of permitted development rights.
- 11.5.10 To serve a completion notice
- 11.5.11 To grant consent for the display of advertisements
- 11.5.12 To authorise entry onto land
- 11.5.13 To require the discontinuance of a use of land
- 11.5.14 To institute prosecutions under Section 210 of the Town and Country Planning Act 1990 (as amended) for contravention of a Tree Preservation Order and for works carried out, which might be a prohibited by a Tree Preservation Order, to a tree in a Conservation Area, without notification having been made under Section 211.
- 11.5.15 To determine the level of public consultation other than statutory consultation appropriate to each development control application.

- 11.5.16 To carry out consultations on behalf of the Local Planning Authority on Pastoral Schemes under Section 30 of the Pastoral Measures Act 1968, where no major planning implications are involved, such consultations to be the subject of a subsequent report to the Planning Committee.

- 11.5.17 In consultation with the Chief Legal Officer to authorise institution of High Court proceedings under the Town and Country Planning Act 1990 to appeal against a decision of the Secretary of State for Communities and Local Government in planning/ enforcement appeals.

- 11.5.18 To make and confirm Footpath Diversion Orders under the Town and Country Planning Acts in the event of no objections being received.

- 11.5.19 To take enforcement action in respect of listed buildings, unlisted buildings within a conservation area including an application for an injunction, temporary listings, Building Preservation Notices and Listed Buildings Enforcement Notices under the Planning (Listed Building and Conservation Areas) Act 1990.

- 11.5.20 To enter into a Heritage Partnership Agreement under the Planning (Listed Buildings and Conservation Areas) Act

- 11.5.21 To grant or refuse requests for planning approval made pursuant to Section 20 and Schedule 17 of the High Speed Rail (London-West Midlands) Act 2017 and to impose conditions on approvals granted.

- 11.5.22 To consent or object to requests for the removal of a Public Call Box (PCB) and/or Call Box Services (CBS) made pursuant to the Communications Act 2003.

- 11.5.23 To determine applications via section 74B of the Town and Country Planning Act 1990 (as amended) for the modification of construction hours tied to a planning permission which specifies the time during which construction activities may be carried out.
 Legislation: <https://www.legislation.gov.uk/ukpga/1990/8/section/74B>

11.6 ***Tree Preservation Order Applications***

That the Head of Community Services is approved and authorised after having ensured that all statutory requirements have been complied with and after considering all representations received, to:-

DETERMINE all types of applications submitted under the Town and Country Planning Act 1990 and Planning (Listed Building and Conservation Areas) Act 1990 relating to trees protected by Tree Preservation Order or by virtue of growing with a designated Conservation Area; specifically,

- 11.6.1 To authorise the making of Tree Preservation Orders in cases of urgency and to authorise and make and confirm Tree Preservation Orders where no objections have been received.
- 11.6.2 To revoke Tree Preservation Orders only in cases where significant trees on the site are also protected by other Tree Preservation Orders.
- 11.6.3 To modify Orders at the confirmation stage to correct drafting inaccuracies.
- 11.6.4
- (1) To grant or refuse, following consultation with Members, via the Tree Bulletin, applications to lop, top or fell trees within a Tree Preservation Order or on land in the Council's ownership; note that specifically in relation to applications to fell protected trees where they are implicated in subsidence claims, Members will be made aware of these applications via the weekly tree bulletin but will no longer be able to call in such applications to Planning Committee (as in 11.5.2 of the Scheme of Delegation).
 - (2) To determine, following consultation with Members, via the Tree Bulletin, applications to lop trees where such work is necessary in the interests of good forestry practice or to ensure the future health and safety of a tree;
 - (3) To determine whether the Council's consent is required in cases where it is claimed the tree is dead, dying or dangerous or to abate a nuisance; and
 - (4) To consider, following consultation with Members via the Tree Bulletin, notices affecting trees in Conservation Areas and to determine whether or not a Tree Preservation Order should be made.
 - (5) To deal with hedgerow removal notices, following consultation with Members via the Tree Bulletin.

11.7 ***Building Control, Building Regulations and delegation of functions from other authorities***

All the actions below, whether carried out for TRDC or any local authority for which Hertfordshire Building Control Limited or its subsidiary companies carry out the Building Regulation, Building Control or other functions, or by an Approved Inspector, can only be enacted by the HRS if the relevant notice or certificate has been submitted to them by a qualified Building Control Surveyor or Approved Inspector.

- 11.7.1 To approve or reject plans under the Building Regulations and other relevant legislation.
- 11.7.2 To determine applications for relaxation and dispensation of Building Regulations.

11.7.3 To process and monitor Notices and Certificates submitted under the Building (Approved Inspectors Etc) Regulations.

11.7.4 To serve Notices under Section 36 of the Building Act 1984.

11.7.5 To carry out inspections and issue certificates in accordance with the terms and conditions of the PRC Homes Scheme Handbook.

11.7.6 To carry out (i) all other Building Control work for the Council and (ii) all Building Control work, functions or activities delegated to the Council which are by law delegable only to another local authority.

11.8 ***Fire Protection and Means of Escape***

To act under Section 72 of the Building Act 1984 (Means of escape from fire in the case of certain high buildings).

11.9 ***Dangerous Structures and Excavations***

11.9.1 To deal with dangerous structures under Section 78 of the Building Act 1984.

11.9.2 To deal with dangerous excavations under Section 25 of the Local Government (Miscellaneous Provisions) Act 1976.

11.10 ***Commercial Properties***

11.10.1 The allocation, lettings and the review and collection of rents in respect of the Council's commercial premises together with the approval for the assignment of leases.

11.10.2 To institute proceedings relating to business tenancies.

11.11 ***Deeds, Licences and Covenants***

11.11.1 To negotiate and agree:–

(1) Deeds of Grant, Deeds of Easement and Wayleaves;

- (2) Licences to include gate, garden and vehicular licences to regulate the use of Council land;

11.11.2 To agree the release and/or valuation of restrictive covenants (subject to statutory approval, if necessary).

11.12 ***Council-Owned Land and Buildings***

11.12.1 To carry out central management and maintenance of Council-owned administrative buildings and depots.

11.12.2 To authorise institution of Court proceedings in respect of Common Law Trespass and Nuisance affecting Council land.

11.12.3 To institute proceedings against itinerants on Council land without permission.

11.12.4 To institute proceedings of any kind against persons responsible for damage to Council owned land; buildings or other property.

11.13 ***Miscellaneous***

11.13.1 To act under Section 79 of the Building Act 1984. (Ruinous and dilapidated buildings and neglected sites.)

11.13.2 To act under Section 73 of the Building Act 1984. (New building overreaching adjacent chimneys).

11.13.3 To act under Section 81 of the Building Act 1984. (Powers of Local Authority in relation to demolitions).

11.13.4 To act under Section 74 of the Building Act 1984. (Cellars and rooms below subsoil water level).

11.13.5 To institute proceedings under Caravan Sites and Control of Developments Acts.

11.13.6 To incur expenditure from the Reserve for Emergencies up to an amount not exceeding £30,000 per annum in carrying out works in response to an emergency, where possible in consultation with the relevant portfolio holder.

11.13.7 To act under Section 37 of the Public Health Acts Amendment Act 1890 (Safety of platforms etc, erected or used on public occasions).

11.13.8 To appoint surveyors under Section 10(8) of the Party Wall Etc Act 1996.

11.14 ***Skips and Scaffolding***

To grant permits/licences for skips and scaffolding.

11.15 ***Licences and Permits***

11.15.1 To institute proceedings in connection with licences and permits.

11.16 ***Entertainment and Catering***

To authorise artistes' contracts up to £4,000 for individual performances or £15,000 for each week of performance contract and be responsible for the provision of entertainment and Council catering services.

11.17 ***Recreation Grounds and Leisure Facilities***

11.17.1 To let recreation grounds and leisure facilities operated by the Council.

11.17.2 To let grounds for fetes etc, in accordance with Council policy.

11.17.3 To vary the charges made for leisure and recreation facilities in accordance with Council policies and commercial realities.

11.18 ***Clean Neighbourhoods and Environment***

11.18.1 To take enforcement action in respect of its powers and duties as a Local Authority and a Waste Regulation Authority under all applicable legislation including the Clean Neighbourhoods and Environment Act 2005 (Minutes CL79/05 and EX178/05 refer), Environmental Protection Act 1990, Refuse Disposal (Amenity) Act 1978, Anti-Social Behaviour Act 2003, Control of Pollution Act 1974 Section 61, Control of Pollution (Amendment) Act 1989, Anti-Social Behaviour Crime and Policing Act 2014, the Waste (England and Wales) Regulations 2011, the Controlled Waste (England and Wales) Regulations 2012, the Unauthorised Deposit of Waste (Fixed Penalty) Regulations 2016, The Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018, Environmental Offences Regulations 2017 and the Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018:-

- 11.18.2 That the Executive Head of Services, Head of Regulatory Services, Strategic Housing Manager, Senior Housing Enforcement Officer and Housing Enforcement Officer be authorised to enforce the powers given to local authorities under the Clean Neighbourhood and Environment Act (CNEA) 2005;
- 11.18.3 That the Executive Head of Services, Head of Regulatory Services, Strategic Housing Manager, Senior Housing Enforcement Officer and Housing Enforcement Officer to approve prior consent for noisy works under Section 61 of the Control of Pollution Act 1974.
- 11.18.4 That the Executive Head of Services, Head of Regulatory Services, Strategic Housing Manager, Senior Housing Enforcement Officer and Housing Enforcement Officer be permitted to issue Fixed Penalty Notices in respect of legislation as detailed below:-
- (1) Offence of abandoning a vehicle (Sections 2A, 2B, 2C of Refuse Disposal (Amenity) Act 1978
 - (2) Offence of dropping litter (to include the practice of placing black bags of refuse out on street after refuse collection day) (Section 88 of Environmental Protection Act 1990) and Littering from Vehicle Outside London (Keepers: Civil Penalties) Regulations 2018
 - (3) Act of graffiti / failure to remove graffiti (Section 43 to 47 Anti-social Behaviour Act 2003)
 - (4) Failure to produce authority to transport waste (Sections 5B and 5C Control of Pollution (Amendment) Act 1989
 - (5) Failure of a business to produce a 'Duty of Care' certificate appertaining to its waste collection (Section 34A Environmental Protection Act 1990)
 - (6) Failure of residents to use the recycling boxes / wheeled bins provided correctly ie placing recyclables within the wheeled bin, or placing excess waste out on street for collection (Sections 47ZA and 47XB Environmental Protection Act 1990).
 - (7) Failure by businesses to contain their waste to the containers provided (Sections 47ZA and 47ZB Environmental Protection Act 1990).
 - (8) The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 – Section 33 FPN
 - (9) Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018 – the Section 34 householder FPNs.

(10) The Unauthorised Deposit of Waste (Fixed Penalty) Regulations 2016

11.18.5 That the Executive Head of Services, Head of Regulatory Services, Strategic Housing Manager, Senior Housing Enforcement Officer and Housing Enforcement Officer be authorised to enforce provisions under the Clean Neighbourhood and Environment Act 2005 (CNEA) relating to the sale of vehicles and repair of vehicles on the road, as detailed below:-

(1) Exposing vehicles for sale on a road

It is an offence if at any time two or more vehicles are parked within 500 metres of each other on a road or roads, where the vehicles are parked in order to be sold. This offence is not intended to target private individual sellers of single vehicles, but rather the nuisance that is caused by the presence of numbers of vehicles being offered for sale by the same person or business. A road is defined as 'any length of highway or of any other road to which the public has access' (CNEA 2005 Part 2, Section 3).

(2) Repairing vehicles on a road

It is an offence to carry out "restricted works" to vehicles on a road. Restricted works are "works for the repair, maintenance, servicing, improvement or dismantling of a motor vehicle or any part of or +accessory to a motor vehicle". It is not intended to target private individuals who are carrying out minor work to their vehicles (unless the repairs cause annoyance to persons in the vicinity), or those who carry out necessary work to vehicles by the side of the road due to a breakdown or accident (CNEA 2005 Part 1, Section 4).

The Act allows for the issuing of Fixed Penalty Notices, set at £100 for the above two offences (CNEA 2005, Part 2, Sections 6-9).

11.18.6 To authorise officers to carry out enforcement detailed within Clean Neighbourhood and Environment Act 2005, Environmental Protection Act 1990; Refusal Disposal (Amenity) Act 1978; Anti-social Behaviour Act 2003; Control of Pollution Act 1974 Section 61, Control of Pollution (Amendment) Act 1989, Anti-social Behaviour Crime and Policing Act 2014, the Waste (England and Wales) Regulations 2011, the Controlled Waste (England and Wales) Regulations 2012, the Unauthorised Deposit of Waste (Fixed Penalty) Regulations 2016, the Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018, Environmental Offences Regulations 2017, and the Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018.

- 11.19 ***Grave Spaces, Headstones and Monuments***
- To approve grants of grave spaces and approve headstones and monuments.
- 11.20 ***Open Spaces Byelaws***
- Proceedings in connection with Breach of Byelaws relating to open spaces.
- 11.21 ***Recycling***
- To implement the Council's policies on recycling issues.
- 11.22 ***Contracts for Clinical Waste, Refuse etc***
- 11.22.1 To implement and monitor contracts for the collection and disposal of clinical waste, refuse collection, recycling, street cleansing (including grass cutting) grounds maintenance, and abandoned vehicles.
- 11.22.2 To vary the charges made for clinical waste collection, commercial waste and recycling collections, special (bulky) waste collection and prescribed waste collection in accordance with Council policies and commercial realities.
- 11.23 ***Allotments***
- To let and manage allotments including service of Notices of Forfeiture on unsatisfactory tenants.
- 11.24 ***Housing***
- 11.24.1 *Allocations* – To allocate and let dwellings and garages including reciprocal nominations with other local authorities.
- 11.24.2 *Homelessness* – To carry out the Council's statutory obligations in respect of homelessness including investigation and decisions on homelessness and priority need.
- 11.24.3 *Nominations* – To make nominations to appropriate housing bodies, including Housing Associations and/or developers building for sale on licence.

11.24.4 *Defective Dwellings* – To issue Notices, approve and authorise repurchases and approve grants under the relevant Housing Legislation.

11.24.5 *House Renovation and Small Works Grants* – To deal with all applications for Disabled Facilities Grants within the current statutory, mandatory limits. To determine applications for Renovation, Common Parts, Houses in Multiple Occupation and Group Repair Scheme. Grants in excess of £31,000 to be referred to the Policy and Resources Committee. To determine applications for Home Repair Assistance Grants within current statutory, mandatory limits **except** that applications for Home Repair Assistance in respect of Mobile Homes and Houseboats to be referred to the Policy and Resources Committee for decision.

11.24.6 *Private Sector Housing - Works in Default Policy* – To authorise the Head of Housing Services, Residential Environmental Health Manager (Environmental Health) and authorised Housing Enforcement Officers to implement works in default valued up to £4,500 in respect of private sector housing enforcement and service reconnections.

11.25 ***Animal Control***

11.25.1 To implement a full Animal Control Service, including enforcement in relation to dog control and fouling.

11.25.2 To issue community protection notices and or a fixed penalty notice under the Anti Social Behaviour Crime and Policing Act 2014.

11.25.3 That the Animal Welfare and Licensing Inspector be authorised to enforce the Microchipping of Dogs (England) Regulations 2015 (Section 12 of the Animal Welfare Act 2006(a)).

And

That the Chief Executive may authorise other persons to enforce the regulations.

11.26 ***Enforcement***

Authority for the Head of Regulatory Services, Environmental Health Managers, Environmental Health Practitioners, Lead Licensing Officers and Licensing Officers, Development Management Officers and authorised Environment Officers (which authority shall, where the context so requires, or admits, include acting as an appointed Authorised Officer or Authorised Inspector where there is a statutory requirement to appoint such officers) to take enforcement action including the issue, signing and service of relevant Notices and, where appropriate, to grant, refuse, renew, transfer or revoke licences in respect of:-

- 11.26.1 Statutory Nuisance
- 11.26.2 Provisions of the Control of Pollution Act 1974 relating to control of noise.
- 11.26.3 Provisions of Part 1 of the Environmental Protection Act 1990 relating to Local Authority Air Pollution Control
- 11.26.4 Obstructed and/or defective drains.
- 11.26.5 Industrial and other air pollution under the provisions of the Clean Air Act 1993.
- 11.26.6 Public and private water supplies
- 11.26.7 The provisions of the Food Safety Act 1990 and any European Union and National Regulations pursuant to the European Communities Act 1972 which fall to the Local Authority, as the Food Authority, to enforce.
- 11.26.8 Regulations relating to the hygiene and safety of imported foods which fall to the Local Authority, as the Food Authority to enforce.
- 11.26.9 Provisions of the Sunday Trading Act 1994
- 11.26.10 Provisions of the Health and Safety at Work etc Act 1974 and any Regulations made thereunder
- 11.26.11(a) In consultation with the Proper Officer in relation to Infectious Disease and Food Poisoning, action under the Public Health (infectious Diseases) Regulations 1988 and provisions of the Health Protection (Local Authority Powers) Regulations 2010 and the Health Protection (Part 2A Orders) Regulations 2010.
- 1.26.11(b) Enforcement

Authority for the Head of Regulatory Services, Environmental Health Managers, Environmental Health Practitioners, Lead Licensing Officers and Licensing Officers, Development Management Officers and authorised Environment Officers (which authority shall, where the context so requires, or admits, include acting as an appointed Authorised Officer or Authorised Inspector where there is a statutory requirement to appoint such officers) to take enforcement action including the issue, signing and service of relevant Notices and, where appropriate, to grant, refuse, renew, transfer or revoke licences in respect of:-

[11.26.1 – 11.26.10]

- 11.26.11(a) In consultation with the Proper Officer in relation to Infectious Disease and Food Poisoning, action under the Public Health (infectious Diseases) Regulations 1988 and provisions of the Health Protection (Local Authority Powers) Regulations 2010 and the Health Protection (Part 2A Orders) Regulations 2010.
- 11.26.11(b) Acting as a designated person for the purpose of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 And any other such Regulations made under the Public Health (Control of Disease) Act 1984
- 11.26.12 Provisions relating to improvement; repair; closure; demolition; overcrowding and over-occupation of individual dwelling houses and houses in multiple occupation
- 11.26.13 Caravan Sites
- 11.26.14 Filthy and verminous premises
- 11.26.15 Animal Boarding, Breeding and Riding Establishments
- 11.26.16 Pet Shops
- 11.26.17 Dangerous Wild Animals
- 11.26.18 Tattooists, Acupuncture and Body-Piercing and semi-permanent skin colouring.
- 11.26.19 Prevention of Damage by Pests
- 11.26.20 To waive payment of the charge for disinfestation or pest control service in the case of special need or medical significance
- 11.26.21 Stray Dogs
- 11.26.22 Dangerous Dogs
- 11.26.23 To authorise concessions in respect of charges for Animal Control but only in exceptional circumstances.
- 11.26.24 Seizure and disposal of animals under the Animal Welfare Act 2006.
- 11.26.25 Control of Pesticides Regulations 1986

- 11.26.26 Dogs (Fouling of Land) Act 1996.
- 11.26.27 Part 2A of the Environmental Protection Act 1990 in respect of Contaminated Land.
- 11.26.28 Part 8 of the Anti-Social Behaviour Act 2003 in respect of high hedges and that the Director of Community and Environmental Services be delegated to waive or reduce charges in exceptional circumstances.
- 11.26.29 The Health Act 2006, Smoke-free Premises and Vehicles.
- 11.26.30 Housing Act 2004, sections 235, 239, 240 and 243.
- 11.26.31 Clean Neighbourhoods and Environment Act 2005,
- 11.26.32 Power to license various animal-related establishments under the Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018.
- 11.26.33 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
Requirements of the Regulations including authorised officers and the setting of penalty charges.
- 11.26.34 That the following be authorised persons to issue a fixed penalty notice under Section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014:

Public Spaces Protection Order (Three Rivers District Council) 2016
PSPO 1 of 2016

Persons authorised to issue FPNs for breach of this PSPO are as follows:

Authorised by Resolution of the Council on 23 February 2016:

Environmental Enforcement Manager – TRDC
All Environmental Enforcement Officers – TRDC
All Park Rangers and any Senior Park Rangers – TRDC
All Play Rangers – TRDC
Animal Welfare and Licensing Inspector –TRDC
Senior Ranger - Croxley Green Parish Council
Ranger – Croxley Green Parish Council

Authorised by the Chief Executive under their delegated powers to add
Authorised Persons

Rangers – Chorleywood Parish Council
Clerk to Chorleywood Parish Council
Clerk to Watford Rural Parish Council
Clerk to Sarratt Parish Council

And that the Chief Executive be delegated to add authorised persons as required.

- 11.26.35 To authorise action under the Anti-Social Behaviour Crime and Policing Act 2014 and all powers and remedies under that Act, consistent with the Council's Community Safety Strategy.

That the following be authorised persons to issue Community Protection Notices (CPNs) and Fixed Penalty Notices (FPNs) for the breach of CPNs:

Environmental Enforcement Officers, Strategic Housing Manager, Housing Operations Manager, Executive Head of Services, Team Leader – Development Manager, Lead Licensing Officer, Licensing Officer, Technical Licensing Officer, Housing Enforcement Officers, Animal Welfare and Licensing Inspector, Head of Community Partnerships, Community Safety Intervention Officer, ASB Officer and Partnerships Manager and that they be delegated to add authorised persons as required.

To designate Housing Providers Thrive Homes and Watford Community Housing to issue Community Protection Notices (CPNs) and Fixed Penalty Notices (FPNs) for the breach of CPNs subject to the Chief Legal Officer being satisfied that their proposed designated officers have been appropriately trained.

- 11.26.36 ***Public Spaces Protection Order (Three Rivers District Council) Shepherd Primary School (PSPO1 of 2018)***

This has expired.

- 11.27 ***Appointed Inspectors***

To authorise the Animal Welfare and Licensing Inspector and Pest Control Officer as appointed Inspectors under S51 of the Animal Welfare Act 2006.

11.28 ***Goods Vehicle Operator Licensing – Objections***

To authorise the Residential Environmental Health Manager (Environmental Health), Chief Legal Officer or Principal Projects Manager to lodge an objection under the provisions of Sections 12 and 19 of the Goods Vehicles (Licensing of Operators) Act 1995.

11.29 **Licensing**

Authority for the Head of Regulatory Services, Development Management Officer, Lead Licensing Officer and Licensing Officer to take enforcement action including the issue, signing and service of relevant Notices and, where appropriate, to grant, refuse, review, renew, suspend, transfer or revoke licences in respect of:-

11.29.1 Licensing Act 2003

- (1) To determine an application for a personal licence if no representation is made (Section 120).
- (2) To determine an application for a premises licence / club premises certificate if no representation is made (Section 18).
- (3) To determine an application for a provisional statement, if no representation is made (Section 31).
- (4) To determine an application to vary a premises licence / club premises certificate, if no representation is made (Sections 35 and 84).
- (5) To determine an application to vary a designated premises supervisor if no Police representation is made (Section 39).
- (6) To determine a request to be removed as a designated premises supervisor (Section 41).
- (7) To determine an application for transfer of a premises licence, if no Police representation is made (Section 44).
- (8) To determine applications for interim authorities, if no Police representation is made (Section 47).
- (9) To apply to review a premises licence under section 51(1) Licensing Act 2003

- (10) Decisions, in all cases, on whether a complaint is irrelevant, frivolous, vexatious etc (Sections 18, 31, 35, 51, 72, 85 and 87).
- (11) Disapplication of mandatory conditions for community premises (Sections 25(A)2 and 41(D)3
- (12) To determine minor variations of club premises certificates or club premises licences if no representations are made (section 41 (A) and (C)).
- (13) To consider the effects of the Policing and Crime Act 2017 and the Immigration Act 2016 on the Licensing Act 2003 and the changes in the application processes and powers available to a Licensing Authority.

11.29.2 Gambling Act 2005

- (1) To determine licence applications for gambling premises where no objections have been received.
- (2) To grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises under the Gambling Act 2005, but not licensed for gambling, where the number of machines is not greater than two.
- (3) To register small lotteries below the threshold of £20,000.
- (4) To acknowledge Temporary Use Notices.
- (5) To receive Occasional Use Notices.
- (6) To provide information to the Gambling Commission regarding details of licences issued.
- (7) To maintain a register of applications for premises licences and of any licences or permits issued for gaming machines.
- (8) To issue club gaming permits and club machine permits.

11.29.3 Scrap Metal Dealers (2013 Act)

11.29.4 Hackney Carriage and Private Hire Vehicles, Operators and Drivers

- 11.29.5 Small Society Lotteries (Sections 16-19 of the Gambling Act 2005)
- 11.29.6.1 Street Trading (other than ice cream vendors). Ward Members to be consulted in all such matters other than the taking of any enforcement action
- 11.29.6.2 Street trading by Ice Cream vendors in specific or multiple streets
 - a) A standard set of conditions be applied to all applications for street trading by ice cream vendors.
 - b) Members of the Regulatory Services Committee to be notified of an application for any/all street consents by ice cream vendors
 - c) the consent be issued unless a Member has a clear, substantial and specific objection to the grant of the consent. Applications will be referred to the Regulatory Services Committee to determine in exceptional circumstances only
- 11.29.7 House-to-House and Street Collections
- 11.29.8 Hypnotism Act 1952.
Power to license performances of hypnotism under the Hypnotism Act 1952 including granting, refusing, revoking, suspending, issuing formal cautions and initiating legal proceedings.
- 11.29.9 To determine applications under the Business and Planning Act 2020 re off sales extensions and pavement licenses being granted as a result of the Covid 19 pandemic.
- 11.30 **Community Infrastructure Levy (CIL)**
- 11.30.1 Responsible for the administration, collection, enforcement and monitoring of CIL in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).
- 11.31 **Right to Build Register**
- 11.31.1 To maintain, administer and take all necessary steps to process the Right to Build Register

11.32 **Brownfield Land Register**

11.32.1 To maintain, administer, review and take all necessary steps to process the Brownfield Land Register are given to the Director of Community and Environmental Services and/or Head of Planning and Policy Projects.

11.33 The Health Protection Regulations (Coronavirus)

11.33.1 In relation to:

- i. The Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020 No. 684
- ii. The Health Protection (Coronavirus, Restrictions) (No.3) (England) Regulations 2020 No. 750
- iii. The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 No. 1005
- iv. The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020 No. 1008
- v. The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 No. 1045
- vi. The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium), (High) and (Very High) (England) Regulations 2020 Nos. 1103, 1104 and 1105
- vii. The Health Protection (Coronavirus, Restrictions) (No.4) (England) Regulations 2020 No. 1200
- viii. The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 No. 1374
- ix. The Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020 No. 1375
- x. The Health Protection (Coronavirus, Restrictions) (All Tiers and Obligations of Undertakings) (England) (Amendment) Regulations 2020 No. 1611
- xi. The Health Protection (Coronavirus, Restrictions) (No.3) and (All Tiers) (England) (Amendment) Regulations 2021 No. 8
- xii. And any other such Regulations made under the Public Health (Control of Disease) Act 1984

The officers named below are designated as authorised persons to enforce the provisions of the regulations and to issue notices to the extent set out in the regulations. This designation includes any amendment or addition to the regulations, any regulations of similar or wider effect and any regulations that replace SI 2020/684, SI 2020/750, SI 2020/1005, SI 2020/1008, SI 2020/1045, SI 2020/1103, SI 2020/1104, SI 2020/1105, SI 2020/1200, SI 2020/1374, SI 2020/1375, SI 2020/1611 or SI 2021/8 (with or without re-enactments). Officers of Watford Borough Council act as officers of Three Rivers District Council pursuant to the Shared Services Lead Authority Agreement and for the purposes of discharging the relevant functions of Three Rivers District Council.

List of appointed officers

Group Head of Community & Environmental Services, Watford Borough Council

Head of Regulatory Services, Three Rivers District Council

Head of Community Partnerships, Three Rivers District Council

Officers appointed by one of the above Heads of Service to act as an Authorised Person for the purposes of the Regulations