

## **Scheme of Delegation to Officers**

### **Assistant Director (Planning and Regulatory)**

#### **(1) Planning and Development Matters**

To discharge the Council's functions, powers and duties under the following Acts, Directives and Regulations, together with any relevant current legislation being in force.

#### **Determination of Applications**

1. Subject to the Delegation Panel Scheme, to determine planning applications and allied matters under the Town and Country Planning Act 1990 relating to the proper planning of the District in accordance with the written and approved policies of the Council as Local Planning Authority.

For the purpose of 1. above, 'planning and allied matters' relate to:

- All outline and full applications
- Submission of details
- Conversions and change of use
- Non material amendment and variations to permission and consents previously granted
- Installation of underground petroleum storage tanks, overhead electricity lines, equipment structures required by statutory undertakers and telecommunications,
- Display of advertisement under the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended)
- Applications for the renewal of permission and consents
- Listed Building Consent applications , including referral to the Secretary of State of applications submitted by the Council
- Development under Regulation 3 or 4 of the Town & Country General Regulations 1992 (including applications made by the County Council).
- Validate and determine applications for Planning (Hazardous Substances) Regulations 2015, or any subsequent Regulations made under the Planning (Hazardous Substances) Act 1990.
- Certificates of Lawfulness for general works and to Listed Buildings
- Conservation of Habitats and Species Regulations (2010); Conservation of Habitats and Species (Amendment) Regulations 2012 and Regulation 63 of the Conservation of Habitats and Species Regulations (2017) in relation to Habitat Regulations Assessments.

### **Prior Approval Process**

2. To give notice in respect of all prior approval processes under the Town and Country Planning (General Permitted Development) (England) Order 2015 and any subsequent amendments or re-enactments thereof and to grant or refuse prior approval on behalf of the Local Planning Authority in respect of any prior approval process in cases where the developer has been given notice that such prior approval is required.

### **Certificates of Lawful Use**

3. To issue certificates under Section 191 or 192 of the Town and Country Planning Act 1990 (as amended), after consultation with the Service Manager (Shared Legal).

### **Issuing Notices**

4. To issue all notices including reasons for refusal and imposition of conditions in respect of planning, listed building, tree preservation orders, advertisement applications and trees in conservation area notifications, hedgerow notifications and applications for prior approval under the provisions of the Town and Country Planning (General Permitted Development) Orders.

### **Conditions**

5. To determine:
  - (a) the conditions to be imposed on any grant of planning permission or similar consent; and
  - (b) whether a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 and the Community Infrastructure Levy Regulations 2010 and any subsequent amendments to such legislation is required in respect of any planning application and to authorise the Service Manager (Shared Legal) to secure such Obligation.
6. To formulate conditions and reasons for refusal, the substance of which has been determined by the Development Control Committee.

### **Neighbouring Authorities**

7. To make representations to another Authority concerning planning applications within that Authority's area.

### **County Matters**

8. To comment upon development proposals of the Suffolk County Council and other public bodies unless such an application is a

proposal judged by the Assistant Director (Planning and Regulatory) (after consultation with the Chairman and/or Vice Chairman of the Development Control Committee) to be of such district-wide significance or to be so contentious that it should in the public interest be referred to the Development Control Committee for consideration and determination.

9. To declare any particular planning application to be a County matter.

### **Trees**

10. To make Provisional Tree Preservation Orders, and confirm such orders in the event of no representation being received. Where representations are received, to refer the matter to the next available meeting of Committee for consideration.
11. To determine applications for works relating to trees which are in a Conservation Area or the subject of a Tree Preservation Order, including emergency works and proposals for the lopping, topping, felling or replacement of such trees (including authorising works to such trees on land in the Council's ownership).
12. To deal with applications for the felling of Trees in Conservation Areas under Section 211 of the Town and Country Planning Act 1990 where objections are received and the timetable for reporting the matter to the Development Control Committee prevent them being determined by the Committee within the statutory 6 week period.
13. To determine notices for the removal of hedgerows under the Hedgerows Regulations 1997.
14. As well as the Assistant Director (Planning and Regulatory), the Service Manager (Development Management), all Principal Planning Officers in the Development Management and Planning Policy and Growth Sections, together with the Principal Planning Enforcement Officer, Principal Conservation Officer, Ecology Tree and Landscape Officer, to give and adopt such notices and opinions and to take such other action as may be necessary to ensure compliance with Regulation 63 of the Conservation of Habitats and Species Regulations (2017) in relation to Habitat Regulations Assessments.
15. In addition to the Assistant Director (Planning and Regulatory), the following sub-delegations may be exercised by the Principal Enforcement Officer, the Ecology Tree and Landscape Officer and the Tree Officer, in respect of Part 8 of the Anti-Social Behaviour Act 2003 with reference to High Hedges:-
  - (i) to serve High Hedge enforcement notices where determinations have not been complied with;

- (ii) to enter land in the course of dealing with complaints, appeals and enforcement;
- (iii) to prepare and deliver the Council's case where an appeal against a determination has been lodged; and
- (iv) to determine a complaint and to issue a decision.

## **Appeals**

**The delegations in relation to Appeals are sub-delegated to the Service Manager (Development Management), the Service Manager (Planning Strategy), all Planning Officers, Enforcement Officers, Landscape Officers and Conservation Officers, in addition to the Assistant Director ( Planning and Regulatory).**

- 16. To make representations including the submission of cost claims to the Secretary of State in respect of all planning and enforcement appeals conducted by exchange of written representations and by a hearing, including those under the provisions of the Town and Country Planning (Appeals) (Written Representation Procedure)(England) Regulations 2009, the Town and Country Planning (Hearings Procedure) (England) Rules 2000 and other relevant legislation/regulations (for appeals against the refusal of permission or consent and against an enforcement notice).
- 17. To give evidence including the submission of cost claims at all planning and enforcement inquiries, including those conducted under the provisions of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 and the Town and Country Planning (Determination by Inspectors) (Inquiries Procedure)(England) Rules 2000 (appeals against the refusal of permission or consent or in respect of applications called in by the Secretary of State), the Town and Country Planning(Enforcement) (Inquiries Procedure) Rules 1992 and the Town and Country Planning (Enforcement) Inquiries Procedures (England) Rules 2002 (appeals against enforcement notices).
- 18. To make representations and give evidence as required in relation to appeals for non determination.

## **Enforcement**

- 19. To take direct action or works in default as required in relation to Section 178 (Non Compliance with an Enforcement Notice) and Section 219 (Non Compliance with a Section 215 Notice).

**In addition to the Assistant Director (Planning and Regulatory), the following sub-delegations 20. to 30. may be exercised by the Principal Enforcement Officer, the Service Manager (Development Management), the Service Manager (Planning Strategy) and (in**

**the absence of the Principal Enforcement Officer) any Principal Planning Officer within Planning and Growth.**

20. To issue and serve Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990 (as amended).
21. To authorise entry to land in accordance with the provisions of Section 196A and Section 324 of the Town and Country Planning Act 1990 (as amended) and Section 36 of the Hazardous Substances Act 1990 (in connection with the determination of any application and the service of notices).
22. To serve Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990 (as amended).
23. To serve requisition of Information Notices under Section 330, Town and Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
24. To issue Enforcement Notices under Sections 172 and 215 (Untidy Gardens), Listed Building Enforcement Notices under Section 38 Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Stop Notices under Section 183 of the Town and Country Planning Act 1990 (as amended) after consultation with the Service Manager (Shared Legal).
25. To serve Temporary Stop Notices under Sections 171E to 171H of the Town and Country Planning Act 1990 (as amended), and in consultation with the Service Manager (Shared Legal).
26. To terminate investigative action in cases where it is appropriate not to pursue enforcement action.
27. To take all appropriate legal steps to secure compliance with extant Enforcement Notices and Stop Notices under Section 215 including prosecution, in consultation with the Service Manager (Shared Legal).
28. To authorise enforcement action under Part 8, Section 74 of the Anti-social Behaviour Act 2003 (High Hedges) (following determination of complaints under the same powers), in consultation with the Service Manager (Shared Legal).
29. To take prosecution action under Part II Sections 3 and 4 and of the Clean Neighbourhoods Act 2005 to pursue action against the exposure of vehicles for sale on the highway and the repair of vehicles on the road.
30. To monitor and enforce Planning Obligations pursuant to Section 106 of the Town and Country Planning Act 1990 and the Community Infrastructure Levy Regulations 2010 and subsequent amendments and instruct Head of Legal to take the necessary

action to prosecute any breaches that are unable to be resolved through negotiation.

### **Conservation Areas/Article 4 Directions/Listed Buildings**

31. To determine whether it is appropriate to, and, if so, to serve Directions and Notices under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 and to confirm such Directions if no objections are received within the statutory consultation period.
32. To carry out reviews and to amend Directions under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015, in consultation with the Local Ward Member(s) and the relevant Portfolio Holder in consultation with the Local Ward Member(s) and the relevant Portfolio Holder.
33. Provided that the principle of the creation of the new Conservation Area, has been agreed by the Cabinet, to designate new, Conservation Areas, and to serve Notices to that effect under section 69 of The Planning (Listed Buildings and Conservation Areas) Act 1990 and in consultation with the local Ward Member(s) and the relevant Portfolio Holder.
34. Following a review by the authorised decision taker, to vary or cancel to Conservation Area Designations, and to serve Notices to that effect, under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in consultation with the local Ward Member(s) and the relevant Portfolio Holder.
35. To issue Repair Notices under Section 48 and Urgent Works Notices under Section 54 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990.

**In addition to the Assistant Director (Planning and Regulatory), the following sub-delegations 36. to 40. may be exercised by the Principal Conservation Officer, the Service Manager (Planning Strategy) and the Service Manager (Development Management).**

36. To authorise entry to land in accordance with the provisions of Section 88 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and any subsequent amendments to this legislation.
37. To serve requisition of Information Notices under Section 89 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and any subsequent amendments to this legislation.
38. To issue Listed Building Enforcement Notices under Section 38 Town and Country Planning (Listed Buildings and Conservation

Areas) Act 1990 after consultation with the Service Manager (Shared Legal).

39. To serve Building Preservation Notices under Section 3 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 or any statutory modification or re-enactment thereof subject to reporting such action at the next meeting of the Cabinet or Committee as appropriate.
40. Issuing of decisions relating to applications for Listed Building Consent and Certificates of Lawfulness for Listed Buildings.

### **Environmental Assessment**

**In addition to the Assistant Director (Planning and Regulatory), the following sub-delegations 41. to 42. may be exercised by the Service Manager (Planning Strategy) and the Service Manager (Development Management)**

41. To require the submission of an Environmental Assessment under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 or an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
42. To give and adopt such notices and opinions and to take such other action as may be necessary to ensure compliance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 or the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### **Building Regulations**

43. The determination and relaxation of applications under the Building Regulations.
44. Powers and Duties under the Building Act 1984, which relate to Building Regulations.
45. Power to serve notices under Section 36 of the Building Act 1984, as amended.
46. Action under Sections 77 and 78 of the Building Act 1984, to deal with dangerous buildings and structures in emergency situations.
47. Action under Section 80 of the Building Act 1984, to deal with and control demolition work.
48. To authorise temporary road closures under Section 21 of the Town Police Clauses Act 1847.

49. Authority for entry and the service of statutory notices and cautions and to take enforcement action (including prosecutions where permitted) under the Building Act, 1984.
50. As well as the Assistant Director (Planning and Regulatory), the Building Control Manager and Building Control Surveyors, to issue decision notices under the Building Regulations and Building Acts and to serve notices in respect of contraventions of the Regulations and with respect to dangerous structures and demolitions under the Building Act.
51. The Assistant Director (Planning and Regulatory), Building Control Manager and Building Control Surveyors, to instruct a contractor on the Approved List to carry out all necessary action under Section 78 of the Building Act 1984 concerning emergency measures to deal with dangerous buildings and structures.

### **Local Land Charges**

52. To discharge the duties and services required by the Local Land Charges Act 1975 by maintaining a register of legally registrable local land charges for both Council areas and an index that is easily traced. The setting of fees for this service is delegated to the Assistant Director (Resources and Performance) in consultation with the Assistant Director (Planning and Regulatory) and subject to compliance with section 13A of the Act.

### **Pre-application Charging**

53. To set the fees for pre-application charging in consultation with the Assistant Director (Resources and Performance) in accordance with the Fees and Charges Policy.

### **Planning Applications**

54. As well as the Assistant Director (Planning and Regulatory), the Service Manager (Development Management), all Principal Planning Officers in the Development Management and Planning Policy and Growth Sections, the Principal Enforcement Officer and Principal Conservation Officer to deal with minor amendments and variations to planning permissions and consents and to discharge planning conditions.
55. In accordance with the Scheme of Delegation, Senior Planning Officers have authority to sign off and issue the following:
  - (a) Issuing of decisions relating to planning applications for domestic extensions, and the issuing of decisions for related listed building consent and Demolition applications;



- (b) Issuing of decisions relating to applications under the advertisement regulations and the issuing of decisions for related listed building consent applications;
  - (c) Issuing of decisions relating to applications for development Plan compliant minor applications where no 'contrary view' is expressed and all 'other' category developments where the Parish/Town Council has not expressed a contrary view and the issuing of decisions for related listed building consent applications;
  - (d) Issuing of decisions relating to planning applications for extensions/alterations to commercial premises and the issuing of decisions for related listed building consent and applications;
  - (e) Issuing of decisions relating to planning applications for minor operations and the issuing of decisions for related listed building consent and applications;
  - (f) Issuing of decisions relating to applications for the discharge of conditions;
  - (g) Issuing of decisions relating to minor amendment applications relating to any of the application types mentioned above (a) to (e);
  - (h) Issuing of decisions relating to planning applications for variation of conditions relating to any of the application types mentioned above (a) to (e);
56. All Planning and Conservation Officers to have authority to sign off and issue the following:
- (a) Issuing of decisions relating to applications for the discharge of conditions and non-material amendments relating to applications which they have previously dealt with;
  - (b) Sign their own letter relating to pre-application advice which they may give, subject to the letter containing the latest standard disclaimer.

**It should be noted that no Officer will sign off an application where they have been the Case Officer. Every decision should have been signed off in accordance with the Scheme of Delegation.**

### **Brownfield Land Register**

57. To discharge the duties and services required by the Town and Country Planning (Brownfield Land Register) Regulations 2017 to set up and manage registers of brownfield sites within the area.

58. To have the responsibility for the general management of the Brownfield Land Register, but in the event that a Ward Member or Town/Parish Council raises concerns regarding the proposal to include a site in Part 2 of the Brownfield Land Register, this will be referred to the Members' Delegation Panel Scheme to consider, with the potential for determination by the Development Control Committee.

## **(2) Environmental Health and Licensing**

1. The Assistant Director (Planning and Regulatory) has the responsibility for the overall management, administration and control of the executive and non-executive functions of the Environmental Health and Licensing including the following services:
  - a. Pollution control
  - b. Food safety
  - c. Licensing
  - d. Health and Safety Enforcement
  - e. Animal and other licensing
  - f. Infection control
  - g. Other environmental health related matters not managed elsewhere
2. The Assistant Director ( Planning and Regulatory) and in his/her absence the Managers within that function, are authorised to issue and serve all notices, authorisations, grant powers of entry, appointments, instruments and other documents in relation to all animal, health, safety, food, licensing and environmental legislation for which the Council and service is the responsible administrative or enforcing Authority.
3. To issue, grant and sign licences, registrations, exemptions, grant authorisations, permits and consents and provisional licences and statements and where appropriate, attach conditions, and vary, alter, amend, renew and authorise the transfer (as appropriate) of such licences, registrations, exemptions and approve Notices and consents in any of the legislation or enactments thereof in Part 4 below.
4. The Assistant Director (Planning and Regulatory) is authorised to appoint and authorise officers with relevant qualifications, competence and experience to act either generally or specifically, including provision of powers of entry under the following legislation or any statutory modification or re-enactment thereof (including any Order, Regulation or Amendment made by it or under it):
  1. Animal Welfare Act 2006
  2. Anti-Social Behaviour, Crime and Policing Act 2014

3. Breeding of Dogs Act 1973 as amended by Breeding and Sale of Dogs Welfare Act 1999
4. Building Act 1984
5. Clean Air Act 1993
6. Clean Neighbourhoods and Environment Act 2005
7. Control of Pollution Act 1974
8. Contaminants in Food (England) Regulations 2013
9. Dangerous Wild Animals Act 1976
10. Environment Act 1995
11. Environmental Protection Act 1990
12. European Communities Act 1972 (and Regulations made under it)
13. Factories Act 1961
14. Food and Environment Protection Act 1985
15. Food Safety and Hygiene (England) Regulations 2013
16. Food Safety Act 1990 and subordinate regulations
17. Gambling Act 2005
18. Health Act 2006 Part 1; and
19. Health Protection (Local Authority Powers) Regulations 2010
20. Health Protection (Part 2A Orders) Regulations 2010
21. Health & Safety at Work etc. Act 1974 and subordinate regulations
22. Highways Act 1980
23. House to House Collections Act 1939
24. Licensing Act 2003
25. Local Government Act 1972
26. Local Government Act 2000
27. Local Government Miscellaneous Provision Act 1976
28. Local Government Miscellaneous Provision Act 1982
29. National Assistance Act 1948
30. Noise Act 1996
31. Noise and Statutory Nuisance Act 1993
32. Official Feed and Food Controls (England) Regulations 2007 and 2009
33. Offices, Shops and Railway Premises Act 1963
34. Pollution Prevention and Control Act 1999
35. Prevention of Damage by Pests Act 1949
36. Private Water Supplies Regulations 2009
37. Products of Animal Origin (Third Country Imports) Regulations 2006 (as amended)
38. Products of Animal Origin (Import and Export) Regulations 1996 (as amended)
39. Public Health Act 1875
40. Public Health Act 1936
41. Public Health Act 1961
42. Public Health (Control of Diseases Act) 1984
43. Radioactive Substances Act 1993 (including the Public Register)
44. Refuse Disposal Amenity Act 1978
45. Pesticides Act 1998
46. Police, Factories & c. (Miscellaneous Provisions) Act 1916;
47. Scrap Metal Dealers Act 2013

48. Sunday Trading Act 1994 as amended
49. Town Police Clauses Act 1847 and 89
50. Transmissible Encephalopathies (No 2) Regulations 2006
51. Vehicles (Crime) Act 2001
52. Water Act 1989
53. Water Resources Act 1991
54. Town and Country Planning Act 1990
55. Water Industry Act 1991
56. Zoo Licensing Act 1981 (as amended)

All reference to any Statute, Enactment, Order, Regulation or other similar instrument shall be construed as a reference to them as amended (or re-enacted) by any subsequent Enactment, Modification, Order, Regulation or Instrument.

5. To sub-delegate any matters for which the Assistant Director (Planning and Regulatory) is authorised to act, in any capacity, in respect of Environmental Health and Licensing to the Service Manager (Environmental Health).
6. Take all necessary legal action required to enforce the provisions of relevant legislation relating to all environmental health and licensing functions.
7. To facilitate reciprocal working arrangements between licensing enforcement officers from Borough/District Councils within Suffolk.
8. Pursuant to Sections 115 A-K of the Highways Act 1980 and in accordance with the Council's policy for trading and displays on the highways to determine applications and take other action under these provisions.
9. To approve any fees and charges for the service.
10. To operate the Council's policy for street vending (including street cafés) in Bury St Edmunds and Haverhill, including responsibility for the grant of.
11. To consider and make relevant representations (and or objection notices) in respect of any applications and notices made under the Licensing Act 2003 and any subsequent amendments and regulations in accordance with any provisions for the Licensing Authority to act as a Responsible Authority.
12. The Assistant Director (Planning and Regulatory) and the Service Manager (Environmental Health) is authorised to act on behalf of the Council in relation to any matters including enforcement arising in relation to licences granted under the Licensing Act 2003.
13. The Assistant Director (Planning and Regulatory) and the Service Manager (Environmental Health) shall also have the following powers:

- a) Power to determine applications under the Licensing Act 2003 as defined and detailed in the Council's Statement of Licensing Policy in accordance with guidance issued under Section 182 of the 2003 Act by the Secretary of State.
  - b) Power to determine applications under the Gambling Act 2005 as defined and detailed in the Council's Statement of Principles in accordance with the guidance issued under Section 25 of the 2005 Act by the Gambling Commission.
  - c) Power to deal with any appeal arising out of the licensing process and to compromise any appeal, subject to reporting the outcome of the appeal to the Licensing and Regulatory Committee.
  - d) Power to determine if representations made from an interested party in respect to an application for a premises licence are frivolous or vexatious or in respect to an application to review a licence are frivolous, vexatious or repetitious.
  - e) Power to appoint such Officers to deal with applications and Hearings under the Licensing Act 2003 as are necessary for the proper operation of the Council's powers under the 2003 Act.
14. Appoint suitably qualified Officers as Inspectors under the Health and Safety at Work etc. Act 1974 and any regulations made under the Act and to specify which of the powers under the Act to be exercisable by officer appointed.
  15. All reference to any statute, enactment, order, regulation or other similar instrument shall be construed as a reference to them as amended (or re-enacted) by any subsequent enactment, modification, order, regulation or instrument.
  16. To accept tenders and quotations and to authorise works, initiate action or to act pursuant to the functions of the Council pursuant to legislation enforced by the Assistant Director (Planning and Regulatory) in relation to Environment Health and Licensing.
  17. To approve or reject plans and specifications under the provisions of the Clean Air Acts 1993 and to grant exemptions.
  18. To make representations to the relevant Secretary of State, if he is satisfied that water being supplied for public consumption does not meet the appropriate criteria and the water undertaker has failed to carry out works to remedy the situation; the facts of the representations to be reported to the next meeting of the Licensing and Regulatory Committee.

19. To serve notice in respect of private drinking water supplies and to make arrangement for work in default to be carried out in accordance with the Water Act 1989 and its subordinate legislation where informal approaches have failed to secure the necessary improvements.
20. Subject to the approval of the Licensing and Regulatory Committee, and after such consultation as considered necessary, to make objections and representations in respect of proposals relating to the discharge of effluent; the facts of the objection or representation to be reported to the next meeting of the Committee.
21. To maintain a public register of information as required by the Environmental Protection Act 1990 and the Pollution Prevention and Control Act 1999.
22. Administer, issue and serve Simple Cautions.
23. To authorise any person to accompany an Inspector on a visit to premises pursuant to S.20 (2)(c)(i) of the Health and Safety at Work Act 1974.
24. To authorise in writing any person who appears suitable to act for the purposes set out under Section 108 of the Environment Act 1995
25. To authorise suitably qualified, competent and experience Health staff from another local authority to act on behalf of this Council in the event of a major emergency.
26. To revoke authorisations for Industrial Processes subject to Local Air Pollution Prevention Control in cases where it is appropriate.
27. To exercise the Council's powers under Sections 77 and 78 of the Criminal Justice and Public Order Act 1994 as to the issue and the serving of a Notice of a Direction under Section 77 of that Act.
28. In consultation with the relevant Portfolio Holder, to adopt any Service Plans required by the Food Standards Agency and Health and Safety Commission, provided they are consistent with the Service Plans and budgets approved by the Council.
29. To make changes to the licence conditions for Hackney Carriages and Private Hire Vehicles in the light of changes to legislation and national guidance.
30. In respect of Hackney Carriage/Private Hire driver licences and operator licences applied for or granted under the provisions of the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976, to suspend such drivers and operators in appropriate circumstances, either subject to the usual

provisions for appeal, or, to suspend licensed drivers with immediate effect on the grounds of Public Safety under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended by the Road Safety Act 2006).

31. To make amendments to the standard conditions for all licences relating to consents for street trading and for licences for house-to-house and street collections to ensure compliance with relevant local and national guidance, in consultation with the relevant Portfolio Holder(s).
32. Where appropriate, suspend consents for street trading in accordance with the terms of the consent.
33. In consultation with the Leader, to issue an Order in accordance with Sections 14A(1) and 14A(2) of the Public Order Act 1986 (as amended by Section 70 of the Criminal Justice and Public Order Act 1994).
34. Be authorised to, where appropriate, suspend, revoke or refuse to renew a Hackney Carriage or Private Hire Vehicle Licence in accordance with s.68 and s.60(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.
35. Power to agree payments for compensation arising under section 20 of the Public Health (Control of Disease) Act 1984.
36. To authorise works being carried out in default in cases where a breach of legislation can be remedied by the Council carrying out works in default.
37. Power to serve notices under Section 19, commence legal proceedings under Section 20 and provide certificates under Section 22 of the Criminal Justice and Police Act 2001 in relation to closure orders where there are suspected unauthorised sales of alcohol or breach of licence conditions or unauthorised licensable activities taking place at premises.
38. To administer relevant anti-social behaviour provisions, and taken all necessary legal action, including to give directions, serve notices, enforce, carry out works in default, issue formal cautions and to lay information and complaints to Court in relation to offences in appropriate cases under the following Acts and any Act or Acts extending or amending the same and under any order of regulations made under the said Act or Acts:
  - Anti-Social Behaviour, Crime and Policing Act 2014
  - Crime & Disorder Act 1998
  - Criminal Justice & Police Act 2001
  - Criminal Justice & Public Order Act 1994
  - Housing Act 1996
  - Local Government Act 1972

- Local Government Act 2000
  - Police & Justice Act 2006
  - Policing and Crime Act 2009
  - Protection from Harassment Act 1997
  - Serious Organised Crime & Police Act 2005
39. To authorise the appropriate Officers to undertake any actions set out in Section 143 of the Highways Act 1980.
  40. To authorise any Officer appointed as an Inspector under the Health and Safety at Work etc. Act 1974 to institute proceedings for offences (Section 38) and to prosecute before magistrates court proceedings for an offence under any of the relevant statutory provisions (Section 39).
  41. Issue and serve Requisitions for Information as to the ownership of property pursuant to Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
  42. Deal with food complaints.
  43. Apply to the Court for an Emergency Prohibition Order under the Food Safety legislation and take all necessary preliminary action for that purpose, including the laying of information or information in relation to an offence or offences.
  44. Exercise the powers contained in Food Safety legislation to institute proceedings under any provisions of that Act/Regulations or any Regulations or Orders made under them.
  45. Agree local transfers and assignments under Regulations 5 and 6 of the Health and Safety (Enforcing Authority) Regulations 1989.
  46. Sign instruments of appointment under Section 19 of the Health & Safety Work etc. Act 1974.
  47. Issue and serve notices, authorisations, instruments and other documents under the Breeding of Dogs Acts 1973 and 1991 as amended by the Breeding and Sale of Dogs (Welfare) Act 1999 and also under the 1999 Act itself where there is a duty placed on the Council to do so.
  48. Serve notices under Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 in consultation with the appropriate Portfolio Holder whenever the Assistant Director (Planning and Regulatory)/one of his/her Service Managers deems it appropriate subject.
  49. To approve (but not refuse) charitable house-to-house and street collections.



50. To refuse applications for consents, permits and licences and registrations where the application or the grant of the application would be or would result in a contravention of the law.
51. To refuse applications for extensions to the permitted hours for street trading as set out in the Council's Standard Conditions.
52. To revoke a Street Trading Consent where payment of two consecutive monthly instalments of application fee remain outstanding.
53. To appoint Consultant in Communicable Disease Control (CCDC) as Proper Officer.
54. To authorise Officers, the CCDC and other nurses qualified to 'Agendas For Change band 7 and above' within the Norfolk, Suffolk and Cambridgeshire Health Protection Unit (NSCHPU) or any successor agency for Regulation 8 (1) and 8 (2) or the Health Protection (Local Authority Powers) Regulations 2010.
55. To authorise Officers granted powers under any Health Protection Legislation to apply for a Part 2A order in accordance with the Health Protection (Part 2A Orders) Regulations 2010
56. Suitably qualified staff be appointed Proper Officers for the purpose only of exercising rights of entry under Sections 61 and 62 of the Public Health (Control of Diseases) Act 1984.
57. To authorise all Officers within the service, where appropriate to apply for search warrants and to execute them.
58. To authorise any relevant actions under Section 222 of the Local Government Act 1972.

### **(3) Housing**

**The Assistant Director (Planning and Regulatory) makes the following sub-delegations to Officers:**

**(I) Sub-delegations to be exercised by officers in addition to the Assistant Director (Planning and Regulatory):**

**1. Service Manager (Housing Standards)**

1. Investigate cases of harassment or unlawful eviction of any occupier of private residential accommodation under the Protection from Eviction Act 1977.
2. Determine and approve mandatory Disabled Facilities Grants (DFG) and discretionary DFG in line with Council Policy. Approve professional and technical support to assist residents make their applications.

3. Approve discretionary home assistance grants in line with Council Policy.
4. All delegations under Public Health and Housing.
5. To take enforcement action under the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014.
6. To take enforcement action under the Housing and Planning Act 2016, in accordance with the West Suffolk Councils' Housing Standards Civil Sanctions Policy.

#### **(4) Public Health and Housing**

1. To issue licences, registrations, exemptions, grant authorisations, permits and consents and provisional licences and statements and where appropriate, attach conditions, and vary, alter, amend, renew and authorise the transfer (as appropriate) of such licences, registrations, exemptions and approve Notices and consents pursuant to the following statutes:-
  - Public Health Act 1936;
  - Caravan Sites and Control of Development Act 1960;
  - Dangerous Wild Animals Act 1976;
  - Local Government (Miscellaneous Provisions) Act 1982;
  - Environmental Protection Act 1990;
  - Noise and Statutory Nuisance Act 1993;
  - Housing Grants, Construction and Regeneration Act 1996;
  - Housing Act 1996;
  - Housing Act 2004;

All reference to any Statute, Enactment, Order, Regulation or other similar instrument shall be construed as a reference to them as amended (or re-enacted) by any subsequent enactment, modification, order, regulation or instrument.

2. To authorise all suitably qualified staff to act on behalf of the Council and take appropriate action in respect of the following statutes and regulations made under those statutes, including inspection of premises, serving of Notices, Counter Notices and Orders:-
  - Public Health Act 1936;
  - National Assistance Act 1948;
  - National Assistance (Amendment) Act 1951;
  - Caravan Sites and Control of Development Act 1960;
  - Public Health Act 1961;
  - Control of Pollution Act 1974;
  - Dangerous Wild Animals Act 1976;
  - Local Government (Miscellaneous Provisions) Act 1976;

- Local Government (Miscellaneous Provisions) Act 1982;
- Building Act 1984;
- Public Health (Control of Disease) Act 1984;
- Housing Act 1985;
- Housing Grants, Development and Regeneration Act 1989;
- Local Government and Housing Act 1989;
- Environmental Protection Act 1990;
- Dangerous Dogs Act 1991
- Water Industry Act 1991;
- Clean Air Act 1993;
- Noise and Statutory Nuisance Act 1993;
- Dogs (Fouling of Land) Act 1996;
- Housing Act 1996;
- Noise Act 1996;
- Pollution Prevention and Control Act 1999;
- Homelessness Act 2002;
- Regulatory Reform (Housing Assistance) (England and Wales) Order 2002;
- Anti-social Behaviour Act 2003;
- Housing Act 2004;
- Clean Neighbourhoods and Environmental Act 2005;
- Animal Welfare Act 2006;
- Anti-social Behaviour, Crime and Policing Act 2014
- Smoke and Carbon Monoxide Alarm (England) Regulations 2015

All reference to any Statute, Enactment, Order, Regulation or other similar instrument shall be construed as a reference to them as amended (or re-enacted) by any subsequent enactment, modification, order, regulation or instrument.

3. To accept tenders and quotations and to authorise works, initiate action or to act pursuant to the functions of the Council pursuant to the following Statutes:-
  - Public Health Act 1936;
  - Prevention of Damage by Pests Act 1949;
  - Public Health Act 1961;
  - Dangerous Wild Animals Act 1976;
  - Local Government (Miscellaneous Provisions) Acts 1976 and 1982;
  - Building Act 1984;
  - Housing Grants, Construction and Regeneration Act 1996;
  - Housing Act 1996;
  - Protection from Eviction Act 1977;
  - Dangerous Dogs Act 1991;
  - Homelessness Act 2002;
  - Housing Act 2004;
  - Clean Neighbourhoods and Environmental Act 2005;
  - Anti-social Behaviour, Crime & Policing Act 2014
  
4. To authorise the burial or cremation of bodies, to publish information and in conjunction with the Head of Resources and

Performance to authorise compensation payments under the provisions of the Public Health (Control of Disease) Act 1984.

5. To serve notice in respect of private drinking water supplies and to make arrangement for work in default to be carried out in accordance with the Water Act 1989 and its subordinate legislation where informal approaches have failed to secure the necessary improvements.
6. To recover grants in the event of breach of condition and reduction in liabilities for repayment of grants in cases of financial hardship after consultation with the Assistant Director (Resources and Performance).
7. To make variations to the adopted amenity standards for houses in multiple occupation.
8. To accept quotations and authorise the execution of works in cases of work in default (WID) where there has been non-compliance with a statutory notice and approve and serve notices to recover reasonable costs for WID.
9. To maintain the Public Register of Houses in Multiple Occupation.
10. To carry out the Council's functions and duties with respect to overcrowding.
11. To approve statutory compensation to owners and occupiers of premises affected by unfit dwellings proposals and to authorise ex-gratia payments towards proved reasonable removal expenses not exceeding £750 per household.
12. To approve the making of Closing and Demolition Orders.
13. To determine Closing Orders or revoke Demolition Orders upon being satisfied that the works necessary have been carried out.
14. In relation to dwellings that are unfit and in need of repair to accept quotations and authorise the execution of works in cases of default.
15. To determine applications to use dwellings which are the subject of Closing Orders for uses other than human habitation.
16. To discharge the functions of the local authority under the Environmental Protection Act 1990 in relation to the control of dogs.
17. To issue cautions in appropriate circumstances after consultation with the Service Manager (Shared Legal).
18. To lead and co-ordinate in respect of all issues connected with unauthorised Gypsy and Traveller encampments in accordance with the Suffolk Protocol for Unauthorised Encampments, in consultation

with the Service Manager (Shared Legal), and other Assistant Directors as appropriate.

19. To exercise the Council's powers under Sections 77 and 78 of the Criminal Justice and Public Order Act 1994 as to the issue and the serving of a Notice of a Direction under Section 77 of that Act.
20. To appoint the Proper Officer for the purposes of Section 47 of the National Assistance Act 1948.
21. To exercise all powers and commence action in relation to Anti Social behaviour.

### **Housing Health and Safety Rating System: Enforcement Policy**

1. In consultation with the Head of Resources and Performance, to set the charges for the enforcement actions detailed below, except in the case of owner-occupiers in receipt of means tested benefits, based on the hourly rates for the work involved.
2. Reasonable charges for the cost of enforcement will be made in accordance with Section 49 of the Housing Act 2004 in respect of the following actions:-
  - (i) serving an improvement notice under Section 11 or 12 of the Act – (determining whether to serve the notice, identifying any action to be specified in the notice, and serving the notice);
  - (ii) making a prohibition order under Section 20 or 21 of the Act – (determining whether to make the order, and serving copies of the order on persons as owners of premises);
  - (iii) serving a hazard awareness notice under Section 28 or 29 – (determining whether to serve to notice, identifying any action to be specified in the notice, and serving the notice);
  - (iv) taking emergency remedial action under Section 40 – (determining whether to take such action, and serving the notice required by Section (7) of that Section);
  - (v) making an emergency prohibition order under Section 43 – (determining whether to make the order, and serving copies of the order on persons as owners of premises); and
  - (vi) making a demolition order under Section 265 of the Housing Act 1985 – (determining whether to make the order, and serving copies of the order on persons as owners of premises).