




RECORD OF POWERS DELEGATED BY THE STRATEGIC DIRECTOR FOR ENVIRONMENT & CLIMATE CHANGE

Scheme of Delegation for Environment

Date last reviewed:	August 2023
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DELEGATED POWERS

Purpose

To set out the delegations from the Strategic Director for Environment & Climate Change in accordance with the requirements of Part 3.7, paragraph 6 of Section F of the Council's Constitution.

Related Policies & Documents

- **Council Constitution - Part 2 - Decision making by officers (Article 13.6)**
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-2.pdf>
- **Council constitution - Part 3 – Responsibility for functions (Section F)**
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-37.pdf>
- **Council Constitution - Part 4 - Financial Procedure Rules (Part 4.6)**
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-46.pdf>

Key Statutes/Legislation

The following pieces of legislation are applied in the delegated decisions specified in this document:

<p>Allotments Act 1950 Animal By-Products (Enforcement) (England) Regulations 2013 (as amended) Animal Health Act 1981(as amended) Animal Welfare Act 2006 Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 Animals Act 1971 (as amended by the Control of Horses Act 2015) Anti-Social Behaviour Act 2003 Anti-Social Behaviour, Crime and Policing Act 2014 Building Act 1984 Caravan Sites and Control of Development Act 1960 as amended Cattle Identification Regulations 2007 Clean Air Act 1993 Clean Neighbourhoods and Environment Act 2005 Contaminants in Food (England) Regulations 2013 Control of Pollution Act 1974 (as amended) Control of Pollution (Amendments) Act 1989 (CoP(A)A) Control of Pollution (Oil Storage) (England) Regs 2001 (CoP(OS)Regs) Controlled Waste Regs 1992 (CW Regs) Countryside Act 1968 (CA) Countryside and Rights of Way Act 2002 (CroW) Criminal Procedure & Investigations Act 1996 Cycletrack Act (CTA) Dangerous Dogs Act 1991 (as amended) Dangerous Wild Animals Act 1976 Disability Discrimination Act 1995 (DDA)</p>	<p>Eggs & Chicks (England) Regulations 2009 Environment Act 1995 Environment Act 2021 Environmental Damage (Prevention and Remediation) (England) Regulations 2015 Environmental permitting (England and Wales) Regulations 2016 (as amended) Environmental Protection Act 1990 Equine Identification (England) Regulations 2018 Fire Precautions Act (Workplace) 1997 FPA (W) Food Safety Act 1990 (as amended) and any Orders or Regulations made thereunder or having effect by virtue of the European Communities Act 1972 and/or the European Union (Withdrawal) Act 2018 and any modification or re-enactment to the foregoing. Food and Environment Protection Act 1985 (FEPA) Food Safety & Hygiene (England) Regulations 2013 Gambling Act 2005 Hazardous Waste Regulations 2004 (HWR) Health Act 2006 Health and Safety at Work Etc. Act 1974 Health and Safety (Enforcing Authority) Regulations 1998 Health Protection (Local Authority Powers) Regulations 2010 Health Protection (Part 2A Orders) Regulations 2010 Highways Act (Traffic Calming) & (Road Humps) Regs 1993 & 1999 (HA(TC)&(RH)) Highways Act 1980 (HA) Housing Act (HoA)</p>
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The following pieces of legislation are applied in the delegated decisions specified in this document:

<p>Land Compensation Act 1973 LCA Land Drainage Act 1991 (LDA) Land Drainage Act 1994 Licensing Act 2003 Local Authorities (Transport Charges) Regulations 1998 (LA(TC)R) Local Government (Miscellaneous provisions) Act 1976 Local Government (Miscellaneous provisions) Act 1982 Local Government Act 1972 – Section 215 Closed Church Yards Local Government Act 1999 (LGA 1999) Local Government Act 2000 (LGA 2000) Local Government Act 2003 (LGA 2003) Microchipping of Dogs (England) Regulations 2015 National Park and Access to the Countryside Act NPACA Natural Mineral Water, Spring Water and Bottled Water Regulations 2007 (As amended) New Roads and Street Works act 1991 Noise Act 1996 as amended by the Anti-Social behaviour Act 2003 Noise and Statutory Nuisance Act 1993 (N&SNA) NRA Land Drainage Act 1992 ((NRALDA) Occupiers Liability Act 1995 (OLA) Official Feed & Food Controls (England) Regulations 2009 (as amended) Pesticides Act 1998 Pesticides Directive 2009/128/EC Police & Criminal Evidence Act 1984 Pollution Prevention & Control Act 1999 Prevention of Damage by Pests Act 1949 Private Water Supplies Regulations 2016 Products of Animal Origin (Disease Control) (England) Regulations 2008 Products Containing Meat etc. (England) Regulations 2014 Public Health (Control of Disease) Act 1984 (as amended)</p>	<p>Railways and Transport Safety Act 2003 (RaTA) Refuse Disposal (Amenity) Act 1978 (as amended) Registration of Establishments (Laying Hens) (England) Regulations 2003 Regulation of Investigatory Powers Act 2000 (as amended) Regulatory Enforcement & Sanctions Act 2008 Road Traffic Act 1988 Road Traffic Act 1991 (RTA) Road Traffic (Temporary Restrictions) Act 1991 (RT(TR)A) Road Traffic Reduction Act 1997 (RTRedA) Road Traffic Regulation (Special Events) (RTRA(SE) Road Traffic Regulation Act 1984 (RTRA) REPEALED IN 2012 Sunday Trading Act 1994 Surface Water (Dangerous Substances) Regulations 1997/98 (SW(DS)Regs) The Water Supply (Water Quality) Regulations 1989 Town and Country Planning Act (TaCPA) Town and Country Planning Act 1984 Town and Country Planning Act 1990 Town Police Clauses Act 1847 TPCA Trade in Animals & Related Products Regulations 2011 Traffic Management Act 2004 (TMA) Transmissible Spongiform Encephalopathies (England) Regulations 2018 Transport Act 2000 (TA) Waste Electrical and Electronic Equipment Directive (WE&EED) Water Industry Act 1991 Welfare of Animals at Time of Killing (England) Regulations 2015 Welfare of Farmed Animals (England) Regulations 2007 (as amended) West Yorkshire Act 1980 Wildlife and Countryside Act</p>
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The following pieces of legislation are applied in the delegated decisions specified in this document:

<p>Public health (Infectious Diseases) Regulations 1988 Public Health Act 1936 (PHA) Public Health Act 1961 Wildlife and Countryside Act 1981; Countryside Rights of Way Act 2000; Countryside Act 1968 Working Time Regulations 1998</p>	<p>Zoo Licensing Act 1981 and the Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002 Zoonoses (Monitoring) (England) Regulations 2007</p>
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Who is governed by this policy?

The scheme of delegations will apply to all permanent, contract and temporary officers working for the Council.

Summary

The Council's Constitution requires that each Strategic Director will prepare service schemes of delegation which set out how decisions will be made in each of the Services for which they are responsible. Such schemes should clearly identify which officers have been authorised to make decisions under the delegated powers of the Strategic Director. All schemes of delegation will be lodged with the Council's Monitoring Officer and made available to the public on request.

Each Service Director or Monitoring Officer has the authority to make amendments to the Scheme of Delegation necessitated by legislative changes as and when appropriate.

Officers may only exercise the powers delegated to them in accordance with all relevant statutory requirements, the provisions of the Council's Constitution, the revenue and capital budgets of the Council, its Procurement Code, Financial Regulations and other relevant policies and procedures.

Delegation is simply a way of allocating matters to the levels appropriate to ensure that the Services business is dealt with in the most efficient way possible. Delegated power will normally be exercised at the lowest level to which it has been given. However, all such powers will also be held by the Strategic Director.

Where an officer post to which any function has been delegated is renamed or is affected by a staffing reorganisation, then the relevant delegation shall be treated as applying to the renamed post or, as appropriate, to the post which has been allocated the same or substantially the same relevant duties as the original post following that reorganisation.

In exercising the powers delegated to them officers must observe any additional procedural requirements that apply within their services e.g. any requirement to consult local ward councillors, cabinet members and/or the leader. It is also good practice to keep local ward councillors informed of decisions made and implemented under delegated powers that significantly affect members of the community in their ward.

In addition to the above:

a) Officersⁱ have the authority to:

- Present the Council's case (whether written representations, at informal hearing or public inquiry) on appeals and references to the Secretary of State
- To give evidence in the Council's case on appeals to the Magistrates Court against relevant legislation referred to in pages 5 to 60 (inclusive) of this document
- To give evidence in the Council's case in legal proceedings in the Magistrates Court, Crown Court and County Court
- To attend the Magistrates' Court to apply for warrants under the relevant legislation referred to in pages 5 to 60 (inclusive) of this document
- Attend Court to prosecute, defend and appear in any proceedings brought before the Magistrates' Court. (In accordance with section 223(1) of the Local Government Act 1972, the Legal Services Act 2007 and the delegated powers of the Service Director – Legal, Governance and Commissioning set out in Part 3 Section F of Council's Constitution.

b) Officersⁱⁱ have the authority to:

- Instigate prosecutions for any other offences contained within the Key Statutes/ Legislation listed above and not already specifically referred to in pages 88 (inclusive) of this document

c) Officersⁱⁱⁱ have the authority to:

- Issue simple cautions for any offences referred to in pages 5 to 88 does this need to be the total number of pages once it's all finalised?? (inclusive) of this document together with reference to the Enforcement Strategy

This information with regard to powers to authorise prosecutions/ legal proceedings will be included within each instruction sent to Legal services to place before the Courts. Each instruction will be signed off by a duly authorised person.

ⁱ All or as specified

ⁱⁱ Senior Manager Head of Service (all prosecutions), Operational Manager (for non-complex prosecutions that relate to an individual(s)), Service Director (all prosecutions), Director (all prosecutions)

ⁱⁱⁱ Team Manager, Group Leader, Senior Manager, Service Director, Strategic Director

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
ALLOTMENTS ACT 1950																				
Whole act	Provision and management of allotments											✓	✓	✓					✓	
Animals Act 1971 (as amended by The Control of Horses Act 2015)																				
S.7A Power for a LA to detain horses				✓				✓ ¹	✓ ¹	✓	✓	✓								
S.7C Power to dispose of a horse Power to recover costs				✓ ✓				✓ ¹	✓ ¹	✓	✓	✓								
ANIMAL BY-PRODUCTS (ENFORCEMENT) (ENGLAND) REGULATIONS 2013 (as amended)																				
To appoint officers to enforce the provisions of Animal By-Products Regulations which are made under the European Communities Act 1972 and retained by the European Union (Withdrawal) Act 2018												✓							✓	✓
Reg. 21 Power for LA to enforce the regulations relevant to Animal Health officers and Food Safety in terms of ensuring animal waste does not go for animal feed				✓ ¹		✓ ¹		✓	✓			✓							✓	
Reg. 22 Power for LA to appoint an Authorised Person to enforce the regulations												✓							✓	✓
Reg. 23 Power of entry Other powers including: Take such other persons and any equipment or materials as necessary; make examinations or investigation as necessary. Take such measurements and photographs and make such recordings as are considered necessary; in relation to any article or substance - take samples, test or take possession of something and retain it to ensure that it is available for use as evidence etc.; require the production of information and to inspect and take copies of, or of any entry in, the				✓ ¹	✓	✓		✓	✓			✓							✓	

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
records; require any persons to assist them; to mark any animal or animal by-product etc.																			
Reg. 25 Power to serve a Notice requiring disposal of animal by-products: disinfection and cleansing etc.			✓ ¹				✓	✓			✓							✓	
Reg. 26 Power to disclose information for enforcement purposes.											✓							✓	
ANIMAL HEALTH ACT 1981 AS AMENDED BY THE ANIMAL HEALTH ACT 2002																			
S.3 An authorised person, for the purposes of inspection may enter land or premises and apply such tests and take such samples as necessary.			✓	✓	✓		✓	✓			✓					✓	✓	✓	
S.16(2) Power to enter land to prevent disease and to take such persons as necessary to assist			✓	✓	✓		✓	✓			✓				✓	✓	✓		
S.49(1) Power to enter a vessel or aircraft			✓				✓	✓			✓				✓		✓		
S.49(2) Power to enforce the relevant sections if directed by the Minister			✓	✓	✓		✓	✓			✓				✓	✓	✓		
S.50 (5) Powers to execute and enforce the Act and any Order of the Minister that is to be executed and enforced by the LA.			✓	✓	✓		✓	✓			✓				✓	✓	✓		
S.52 Relating to appointment of inspectors and other officers for execution and enforcement of Act, Regulations and Orders made thereunder											✓						✓	✓	
S.53 Power to borrow for the purposes of this Act											✓						✓	✓	
S.55 Power for LA to acquire land											✓						✓	✓	

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S62A Power of entry to slaughter			✓ ¹				✓	✓			✓						✓		
S.63 General Powers of Inspectors and Power of entry onto land or shed or other building/place to which this Act applies.		✓	✓	✓	✓		✓	✓	✓	✓	✓					✓	✓	✓	
S.64 Powers of Inspectors as to poultry (if Minister authorises LA inspector)			✓ ¹					✓			✓						✓		
S.64A Powers of Inspectors to enter land, vessels & aircraft for the purposes of ascertaining whether any retained EU law within an order made under this Act has been or is being complied with. And to carry out such inspections.		✓	✓	✓	✓		✓	✓	✓	✓	✓					✓	✓	✓	
S.65 Power to detain vehicles and aircraft		✓	✓	✓	✓		✓	✓	✓	✓	✓					✓	✓	✓	
S65A Power to Inspect Vehicles		✓	✓	✓	✓		✓	✓	✓	✓	✓					✓	✓	✓	
S.83 Service of notices										✓	✓							✓	
S. 91 (2) LAs to publish every order of the Minister and every licence or other instrument sent to them by the Minister																			
ANIMAL WELFARE ACT 2006																			
S.10 Power for inspector to issue a Welfare Improvement Notice		✓	✓ ¹	✓ ¹				✓ ¹	✓ ¹	✓	✓					✓	✓	✓	
S.12 Microchipping of Dogs (England) Regulations 2015		✓							✓	✓						✓			
S.18 Powers regarding animals in distress (applies to all powers):		✓	✓ ¹					✓ ¹	✓ ¹	✓ ¹	✓	✓					✓		
S.18(1) Power to take such steps as immediately necessary to alleviate distress (does not authorise destruction)																✓		✓	
S 18(3) Power to destroy animal or alleviate its suffering, with a veterinary certificate																			

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.18(4) Power to destroy animal or alleviate its suffering, without a veterinary certificate S.18 (5) Powers to take an animal into possession.																			
S.19 Powers of entry for inspector.		✓	✓ ¹				✓ ¹	✓ ¹	✓	✓	✓				✓	✓	✓		
S.25 Power to inspect records required to be kept by the holder of a licence		✓	✓ ¹				✓ ¹	✓ ¹	✓	✓	✓				✓	✓	✓		
S.26 Power of entry to carry out inspection in connection with licences		✓	✓ ¹				✓ ¹	✓ ¹	✓	✓	✓				✓	✓	✓		
S.27 Power of entry to inspect in connection with registration		✓	✓ ¹				✓ ¹	✓ ¹	✓	✓	✓				✓	✓	✓		
S.28 Inspection of farm premises.			✓ ¹				✓ ¹	✓ ¹			✓						✓		
S.29 Power to inspect in relation to Community obligations		✓	✓ ¹				✓ ¹	✓ ¹	✓	✓	✓				✓	✓	✓		
S.30 Power for LA to prosecute under this Act. And instruct Legal Dept. * Operational Manager											✓*						✓		
S.51 Appointment of Inspectors – details LA appointed inspectors.											✓						✓	✓	
S.53 Supplementary powers of entry which includes power to take persons onto premises and to require assistance (detailed under Sch. 2)		✓	✓				✓	✓	✓	✓	✓				✓	✓	✓		
S.54 Power to stop and detain a vehicle (if accompanied by a constable in uniform)		✓	✓				✓	✓	✓	✓	✓				✓	✓	✓		
S.55 Power to stop and detain vessels, aircraft and hovercraft		✓	✓				✓	✓	✓	✓	✓				✓	✓	✓		
ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018																			

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
R. 4(2)(a) Appointment of inspectors to inspect											✓						✓		
R.4(2)(b) Power to grant or renew licence to operator											✓						✓		
R.4(3) Power to attach conditions to licences											✓						✓		
R.4(4) Power to appoint a listed veterinarian to inspect premises hiring out horses on application											✓						✓		
R.4(5) Power to appoint a veterinarian to inspect premises breeding dogs											✓						✓		
R.6 Power to take samples from any animals on premises occupied by an operator			✓ ¹				✓	✓			✓						✓		
R.8 Power to appoint a veterinarian to inspect premises licenced in relation to the hiring out of horses annually											✓						✓		
R.9 Power to vary a licence on application or with consent of the licence holder											✓						✓		
R.13 Power of LA to charge fees for the consideration, grant, renewal or variation of a licence and anticipated costs of compliance and enforcement											✓						✓		
R.15 Power to suspend, vary or revoke a licence without consent of the licence holder											✓						✓		
R.21 Powers of entry and search under warrant as per S.23 of Animal Welfare Act 2006 where conditions have been breached			✓				✓	✓									✓		
R.23 Power to serve notice			✓				✓	✓											

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility	Officer																H O S	S D	Procedure Reference	
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P				
ANTI-SOCIAL BEHAVIOUR ACT 2003																				
Part1A (as amended by Section 118 Criminal Justice and Immigration Act 2008 & Clean Neighbourhoods & Environment Act 2005)																				Note i
S.43 Power of Authorised Officer to issue Penalty Notice(s) for graffiti and fly-posting				✓	✓		✓	✓	✓	✓	✓		✓		✓	✓	✓			
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014																				
S.5(a) Power for LA to apply to the Court for an injunction against a person over the age of 10																				Note ii
S. 43 Power to issue Community Protection Notices				✓ ²	✓ ²		✓	✓	✓	✓	✓		✓ ²		✓		✓			
S. 47 Remedial action by the Local Authority to have work carried out where a person fails to comply with a Community Protection Notice.					✓		✓	✓	✓	✓	✓		✓		✓	✓	✓			
S.49 (6) Remedial Orders – power for LA to issue a Notice to defaulter giving details of the work and the amount owed to the LA. The defaulter is liable for that amount.									✓	✓	✓				✓	✓	✓			Note ii
S.51(1) and S.51(1)(3) Power to enter premises to seize an item following the issue of a warrant by a justice of the peace.				✓	✓		✓	✓	✓	✓	✓		✓		✓	✓	✓			
S. 51(4) Power to retain the item seized subject to the requirements of the Act.				✓	✓		✓	✓	✓	✓	✓		✓		✓	✓	✓			

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S. 52 Fixed Penalty Notices – power to issue a fixed penalty notice for offence of failing to comply with Community Protection Notice.					✓ ⁴		✓ ⁴	✓ ⁴	✓	✓	✓		✓ ⁴		✓	✓	✓		
S. 53 Definition of Authorised Persons											✓						✓		
S.59 Power to make Public Space Protection (PSP) Order										✓	✓						✓		Note ii
S.61 Power to vary or discharge PSP Order										✓	✓						✓		Note ii
S.68 Power to issue Fixed Penalty Notice for person failing to comply with a PSP Order.					✓ ⁴		✓ ⁴	✓ ⁴	✓	✓	✓		✓ ⁴		✓	✓			Note ii
S.76 Power to issue a closure notice and the power to apply to the court for a Closure Order.																	✓	✓	
BUILDING ACT 1984																			
S.59 Power to serve Notice regarding defective drainage					✓		✓	✓			✓		✓				✓		
S.60 Power to serve Notice regarding use and ventilation of soil pipes					✓		✓	✓			✓		✓				✓		
S.62 Power to require sealing of disused drains					✓		✓	✓			✓		✓				✓		
S.64 Power to serve Notice requiring provision of closets					✓		✓	✓			✓		✓				✓		
S.65 Power to serve Notice requiring provision of closets at workplaces					✓		✓	✓			✓		✓				✓		
S.66 Power to serve Notice requiring replacement of earth closets					✓		✓	✓			✓		✓				✓		
S.73 Power to serve Notice requiring raising of chimney height							✓	✓			✓						✓		

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.76 Power to serve Notice re defective premises							✓	✓			✓						✓		
S.79 Power to serve Notice re: ruinous and dilapidated buildings and neglected sites							✓	✓			✓						✓		
S.81 Power to serve Notice re: demolition works							✓	✓			✓						✓		
S.84 Power to serve Notice requiring drainage of yards and passages					✓		✓	✓		✓	✓		✓				✓		
S.95 Power to enter premises				✓	✓		✓	✓			✓		✓			✓	✓		
S.96 Supplementary provisions to entry – power for authorised officer to take such persons as necessary				✓	✓		✓	✓			✓		✓				✓		
S.97 Power to execute work by agreement with the owner or occupier of premises (at their expense)											✓						✓		
S.107 Power to recover expenses											✓						✓		
CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960 as amended by the Mobile Homes Act 2013 and the Local Government (Miscellaneous Provisions) Act 1982																			
S.3 Power to issue site licences																	✓		
S.5 Power to attach conditions to licences																	✓		
S.5A Power for the LA to charge an annual fee for a site licence in respect of a relevant protected site.																	✓		

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.8 Power to alter conditions attached to a site licence																	✓		
S.9 Power of LA to carry out works to comply with a condition of a site licence and recover the costs.											✓						✓		
S.9A Power to serve compliance notice in respect of a breach of condition at a relevant protected site. Power also to revoke and vary such a notice.					✓		✓	✓			✓						✓		
S.9C Power to impose a charge on the occupier, in respect to the issue of a compliance notice under S.9A											✓						✓		
S.9D Power for the LA to take action following conviction of occupier and to take any steps required in relation to the compliance notice, but which have not been so taken								✓			✓						✓		
S.9E Power for the LA to take emergency action in respect of a relevant protected site and issue a notice.					✓		✓	✓			✓						✓		
S.9F Power for the LA to recover expenses where action has been taken under Sections 9D or 9E.											✓						✓		
S.10 Power to transfer licences																	✓		
S.10A Powers for the LA to charge fees with respect to Sections 3, 5A, 8 or 10																	✓		
S.11 Power to require a site licence to be delivered up											✓						✓		
S.25 Requirement to maintain a public register of site licences											✓						✓		
S.26 Power of authorised officer to enter land in relation to this Act				✓	✓		✓	✓			✓						✓		
CATTLE IDENTIFICATION REGULATIONS 2007																			

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.10 Power for authorised inspector to enter any land or premises for the purposes of ascertaining any breach of the legal requirements as detailed in S. 10(1). Power to carry out checks, take measurements, samples etc.			✓		✓		✓	✓			✓						✓		
S. 16 Enforcement for the Regulations conferred to the LA.											✓						✓		
CLEAN AIR ACT 1993 (As amended)																			
S.4 Power to approve new furnace installations											✓						✓	✓	
S.6 Power to approve arrestment plant for furnaces											✓						✓	✓	
S.7 Power to exempt furnace from the requirements of S.6 of the Act											✓						✓	✓	
S.8 Power to approve plant for arresting grit and dust											✓						✓	✓	
S.10 Power to serve Notice requiring measurement of grit and dust							✓	✓			✓						✓	✓	
S.12 Power to serve Notice requiring details of fuel used							✓	✓			✓						✓	✓	
S.15 Power to approve, either conditionally or otherwise, or reject, chimney heights											✓ →						✓ →	✓ →	Report to Ward Member. Subject to subsequent report to Cabinet.
S.18 Power to issue an order declaring a smoke control area (although currently whole of KMC already declared).											✓						✓	✓	

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.19A Implements the provisions under Schedule 1A that relates to penalty for emission of smoke in smoke control area in England.																			
Sch.1A, 2(2) Power to give a liable person a “notice of intent”											✓						✓	✓	
Sch. 1A, 5(1) power to impose a financial penalty on the liable person											✓						✓	✓	
Sch.1A, 6(1) power to impose a financial penalty by a “final notice”											✓						✓	✓	
Sch.1A, 7(1) power to withdraw a notice of intent or a final notice											✓						✓	✓	
Sch.1A, 10(1) power for the LA to delegate to a person the exercise of any of the authority’s functions under the schedule.																	✓	✓	
Sch.1A, 10(2) A delegation must be made by giving notice to the person.																	✓	✓	
Sch. 1A, 11(2) power to give a notice to a person											✓						✓	✓	
Power to issue a written warning ‘improvement notice’ to the person responsible								✓			✓						✓	✓	
Note regarding financial penalty issued under S.19A, Schedule 1																			
Power to set policy and amount for financial penalties issued under this section of the Act																		✓	Penalty amount based on policy approved by Service Director in conjunction with Portfolio Holder

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.24 Power to serve Notice requiring adaptations of fireplaces to be carried out.																	✓	✓	
S.26 Power to approve and pay grants in respect of charities, churches etc. following the issue of a smoke control order											✓						✓	✓	
S.35 Power of the LA to obtain information about the emissions of pollutants and other substances into the air including by measuring and recording the emissions or by entering into arrangements with the occupiers of premises under which they measure and record emissions on behalf of the LA				✓	✓		✓	✓			✓		✓				✓	✓	
S.36 Power to issue a notice requiring information regarding emission of pollutants and other substances into the air from premises								✓			✓						✓	✓	
S.45 Power to grant exemptions for research in smoke control areas								✓			✓						✓	✓	
S.46 Power to report emissions from Crown premises to responsible Minister								✓			✓						✓	✓	
S.55 Duty for LA to enforce Parts I to III, section 33 and Part VI. Power to institute legal proceedings for an offence under Sections 1 or 2											✓						✓		
S.56 Power of authorised officer to enter any land or vessel and to carry out such inspections, measurements and tests on land or vessel or any articles on it and take away any such samples of the land or articles as appropriate.				✓	✓		✓	✓			✓		✓				✓		
S. 57 Provisions Supplementary to S. 56 – a person authorised to enter upon any land or vessel may take with them such other persons and equipment as may be necessary.				✓	✓		✓	✓			✓		✓				✓		

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Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.58 Power of LA to serve Notice requiring information in relation to Part IV or V of the Act.								✓			✓						✓		
THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005																			
Various powers under the Act applicable to Environmental Health/Streetscene Housing. In particular, provisions relating to Nuisance Vehicles, Litter, Refuse, Waste, and Alarms				✓	✓		✓		✓	✓	✓		✓		✓	✓	✓	✓	
S.6 Power to serve Fixed penalty notice (FPN) under for offences under S. 3 & 4 regarding sale of multiple vehicles on the highway and regarding repair of motor vehicles on the highway respectively							✓	✓	✓	✓	✓				✓	✓	✓	✓	
S.7 Re: Nuisance parking offences – Power of authorised officer to request name and address of person to whom a FPN is to be issued (under S6)	✓	✓							✓	✓	✓				✓	✓	✓	✓	
Repealed by the anti-social behaviour, Crime and Policing Act 2014																			
S.77 Power to enter premises for the purposes of disabling an alarm. Officer may not enter the premises by force under this section. Power of entry only permitted where the conditions within the section are met.				✓	✓		✓	✓			✓		✓			✓	✓		
S.79 Powers of entry – Supplementary: Power of authorised officer to take steps to disable the alarm; Officer may take with them any such person(s) or equipment necessary to disable the alarm. Power to recover the costs of disabling the alarm from the responsible person.				✓	✓		✓	✓			✓		✓			✓	✓		
Contaminants in Food (England) Regulations 2013																			

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Responsibility	Officer																H O S	S D	Procedure Reference
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Reg. 8 allows the provisions under the Food Safety Act 1990 to apply for the purposes of these Regulations. This confers the power under S.9 of the Food Safety Act 1990 for an authorised officer to: <ul style="list-style-type: none"> Inspect food Detain food Seize food in order to have it dealt with by a justice of the peace 					✓ Food only		✓1	✓1			✓1							✓ 1	
CONTROL OF POLLUTION ACT 1974																			
S.16 Power to serve Notice requiring removal of controlled waste							✓	✓		✓	✓				✓			✓	✓
S.60 Power to serve notice relating to noise from constructions sites							✓	✓			✓							✓	✓
S.61 Power to grant prior consent for noise levels from construction sites								✓			✓							✓	✓
S.91 Power of authorised officer to enter land or vessels. Power to conduct inspections, take measurements and take away samples				✓	✓		✓	✓			✓		✓					✓	
S.92 Supplementary to S. 91				✓	✓		✓	✓			✓		✓					✓	

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Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Power for person authorised to enter land or vessels to take with them such other persons and such equipment as may be necessary.																				
S.93 Power to serve Notice requiring information								✓	✓			✓							✓	
Control of Pollution (Amendments) Act 1989 (CoP(A)A)																				
CoP(A)A	Waste Transfer Stations											✓	✓	✓					✓	
CONTROL OF POLLUTION (AMENDMENT) ACT 1989																				
S.5 Power to enter and search any vehicle which appears to be transporting controlled waste and to require the production of authority for transporting controlled waste (Only constable in uniform can stop a vehicle on the road).										✓	✓	✓						✓	✓	✓
S.6 Subject to obtaining a warrant from a JP power to seize a vehicle and its contents (illegal waste disposal). (Only a constable in uniform can stop a vehicle on the road).										✓	✓	✓						✓	✓	✓
CONTROL OF POLLUTION (OIL STORAGE) (ENGLAND) REGS 2001 (COP(OS)REGS)																				
(CoP (OS)Regs)	Fuel points in depots											✓	✓	✓					✓	
CONTROLLED WASTE REGS 1992 (CW REGS)																				
(CW Regs)	Waste Transfer Stations											✓	✓	✓					✓	
COUNTRYSIDE ACT 1968 (CA) (ProW)																				
Section 27 CA	Powers to erect signs											✓		✓					✓	

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Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Section 27 CA	Duty to upkeep Public rights of Way											✓		✓				✓		
COUNTRYSIDE AND RIGHTS OF WAY ACT 2002 (CroW)																				
Parts I, II and IV CroW	Various Powers											✓		✓				✓		
CRIMINAL PROCEDURE & INVESTIGATIONS ACT 1996																				
S.3 Duty for prosecutor to: (a) disclose to the accused any prosecution material which has not previously been disclosed to the accused and which might reasonably be considered capable of undermining the case for the prosecution against the accused or of assisting the case for the accused, or (b) give to the accused a written statement that there is no material of a description mentioned in paragraph (a).										✓	✓	✓					✓	✓	✓	
S.7A Continuing duty of the Prosecutor to disclose until such time that the defendant is acquitted or found guilty or the prosecutor determines not to proceed with the case.										✓	✓	✓				✓	✓	✓		
CYCLETRACK ACT (CTA)																				
Section 3 CTA	Power to designate footpath as cycle track											✓		✓				✓		
DANGEROUS DOGS ACT 1991 & DANGEROUS DOGS (AMENDMENT) ACT 1997																				
S.5 Power of seizure of dog in a public place.			✓							✓	✓					✓				Note iii
DANGEROUS WILD ANIMALS ACT 1976																				

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Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.1 Power to grant licences and to vary licence conditions												✓						✓		
S.3 Power of entry to inspect premises. Power to appoint any Veterinary Surgeon, Veterinary Practitioner or such other competent person in connection with the inspection of premises.			✓	✓				✓	✓	✓	✓	✓					✓	✓	✓	
S.4 Power to seize and dispose of animals without compensation			✓	✓				✓	✓	✓	✓	✓					✓	✓	✓	
DISABILITY DISCRIMINATION ACT 1995 (DDA)																				
(DDA)	Accessibility Improvements											✓	✓ Regis	✓ Regis				✓		
EGGS AND CHICKS (ENGLAND) REGULATIONS 2009																				
Reg. 17 Power for the Food Authority to enforce the regulations in terms of compliance with Reg. 9 (Sch. 2 requirements) and Reg. 16 (Sch. 3 requirements) relating to the sale of eggs; the sale of eggs to a mass caterer and the use of eggs. Also enforce numerous other provisions.				✓	✓	✓		✓	✓			✓						✓		
Reg. 19 Powers of entry for authorised officer and power to take other persons.				✓	✓	✓		✓	✓			✓						✓		
S.20 Powers of authorised officer to conduct inspection; conduct a search; take samples; carry out examinations, tests; have access to, inspect/copy any documents and remove to enable them to be copied; have access to, inspect and check the data on any computer etc. and may require assistance in doing so etc.; direct a person not to touch something until it can be examined; seize computer equipment etc.				✓	✓	✓		✓	✓			✓						✓		

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Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Reg. 21 Duties on LA in relation to seizing equipment etc. Power to destroy seized items following issue of a Notice			✓	✓	✓		✓	✓			✓						✓		
Reg. 22 Power to issue Compliance Notice							✓	✓			✓						✓		
Reg. 30 Power to issue a Fixed Penalty Notice (FPN) for contravention of Reg. 16 (i.e., non-compliance with Sch. 3 of Regulations)								✓			✓						✓		
Reg. 32 Power for enforcing authority to determine the amount of penalty for the FPN (between permitted amounts)											✓						✓		Means tested FPN, more likely to be Defra
Reg.37 Power to withdraw penalty notice											✓						✓		
ENVIRONMENT ACT 1995																			
S 83 Power to issue an order designating an air quality management area																			Cabinet
S.108(1) General provisions under Part II (and as amended by the Pollution Prevention & Control Act 1999) S. 108(1) Power for the enforcing authority to authorise suitable officers for purpose of determining whether any provision (enforced by that authority) is being complied with etc.											✓						✓		
S.108 (4) & S.108 (5) Various Powers to enter premises; conduct investigations; power to take measurements; power to take samples; power to request information and records.				✓	✓		✓	✓			✓					✓	✓		

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Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.109 Power to seize any article which poses an imminent danger of serious pollution. Power only in relation to premises for which the officer has power to enter (i.e., not Environment Agency enforced premises).								✓		✓	✓						✓		
ENVIRONMENT ACT 2021																			
Implements changes to the Clean Air Act 1993																			
ENVIRONMENTAL DAMAGE (PREVENTION AND REMEDIATION) (ENGLAND) REGULATIONS 2015																			
Reg. 10 (2)(3) identifies local authorities as the enforcing authority in relation to damage that is caused by an activity that requires a permit or registration under the Environmental Permitting (England and Wales) Regulations 2010 where the local authority is responsible for granting the permit and the damage is to land.																			
Reg. 11(1) identifies local authorities as the enforcing authority for land contamination																			
ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2010 (AS AMENDED)																			
Reg. 13 Authority to issue permits								✓			✓						✓		
Reg. 20 Authority to vary permits								✓			✓						✓		
Reg. 21 Authority to transfer permits								✓			✓						✓		
Reg. 22 Authority to Revoke Permits											✓						✓		

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Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Reg. 36 Power to issue Enforcement Notice									✓			✓						✓		
Reg. 37 Power to issue Suspension Notice												✓						✓		
Reg. 57 Power to take steps to prevent or remedy pollution and to recover the costs of taking those steps.									✓			✓						✓		
Reg. 60 Authority to serve Notice requiring a person to furnish the regulator with information necessary for the discharge of their functions									✓			✓					✓	✓		
S.65 Power to charge a prescribed fee for the regulator's functions in relation to these regulations.												✓						✓		
ENVIRONMENT ACT 1995 (EA)																				
Section 1 et seq EA	Monitoring Air Quality											✓		✓				✓		
ENVIRONMENTAL PROTECTION ACT 1990																				
Part II																			✓	
S.30 Identification of the council as the Waste Regulation Authority and power to enforce the provisions																				
S.34(5) Power to serve notice requiring the production of documents in relation to duty of care in regard to waste					✓	✓		✓	✓	✓	✓		✓		✓	✓	✓			
S.34A Power to issue fixed penalty notices in relation to offences under S.34					✓	✓		✓	✓	✓	✓		✓		✓	✓	✓			
S34B Power to search and seize vehicles.					✓	✓		✓	✓	✓	✓		✓		✓	✓	✓			
S.34C Power to seize vehicles and remove to a place considered appropriate.						✓ ²		✓	✓	✓	✓				✓	✓	✓			

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Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.46 Power to issue a notice requiring household waste to be placed in receptacles as specified								✓	✓	✓	✓				✓	✓	✓	✓	
S.46A Power for authorised officer to give a written warning for failure to comply with requirements relating to household waste receptacles.					✓			✓	✓	✓	✓				✓	✓	✓		
46A (4) Power for an authorised officer to require a person to whom a written warning was issued to pay a fixed penalty notice											✓					✓	✓		
S.47 Power to issue a notice requiring receptacles for commercial or industrial waste to be provided								✓	✓	✓	✓				✓	✓	✓	✓	
S.47ZA Power to serve Fixed Penalty Notice (FPN) for offences under S. 46 and S. 47								✓	✓	✓	✓				✓	✓	✓	✓	
S.59 Power to issue a notice requiring the removal of waste unlawfully deposited.									✓	✓	✓				✓		✓	✓	
S.59 (7) Power to remove waste from land, forthwith, where it poses a risk of pollution etc.										✓	✓				✓		✓	✓	
S.59(8) Power to recover costs of actions taken under S59(7)										✓	✓				✓		✓	✓	
S.59ZA Supplementary power in relation to owner of land to serve notice on the owner of land in relation to the removal of waste unlawfully deposited.										✓	✓						✓	✓	
S.71 Power to issue a notice requiring the recipient (can be persons or authorities) to furnish information (note KMC as Waste Regulatory Authority)										✓	✓	✓			✓		✓	✓	
Part IIA											✓								
S.78B Requirement to issue a notice (to relevant parties) that Local Authority has identified contaminated land																	✓	✓	

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Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.78C Notice of designation of special site to be issued to relevant parties.											✓						✓	✓	
S.78E Power to serve remediation notices in regard to contaminated land											✓						✓	✓	
S.78L Power to modify a remediation notice											✓						✓	✓	
S.78N Power for enforcing authority to carry out remediation.											✓						✓	✓	
S.78P Power for recovery of and security for the costs of remediation by the enforcing authority. Service of a charging notice.											✓						✓	✓	
S.78R Requirement for every enforcing authority to maintain a register relating to remediation notices; appeals against remediation notices etc. To make the register available at all reasonable times, for inspection by the public free of charge; and to afford members of the public facilities for obtain copies of entries, on payment of reasonable charges.								✓			✓						✓	✓	
S.78T Notice of confidentiality in relation to information kept on the register required under S.78R of the Act											✓						✓	✓	
S.78X Provisions in relation to two or more different sites (when considered together that pose significant harm or pollution of controlled waters etc.) for the local authority to exercise its functions under this Part to treat land adjoining or adjacent to its area as if it were land situated within its area.											✓						✓	✓	
PART III				✓ ²	✓ ²		✓	✓	✓	✓	✓					✓	✓	✓	✓
S.80 Power to issue a notice requiring the abatement of a nuisance																			

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Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.80A Power to issue an abatement notice in relation to noise in the street relating to a vehicle or machinery.				✓ ²	✓ ²		✓ ²	✓								✓			
S.81 (2) Power to serve Notice under S.80 where cause of nuisance arises outside the local authority's area.					✓ ³		✓ ³	✓ ³			✓					✓	✓	✓	
S.81 (3) Power to abate the nuisance and do whatever may be necessary in execution of the notice, where an abatement notice has not been complied with.					✓ ⁴		✓ ⁴	✓ ⁴			✓					✓	✓	✓	
S.81(4) Power to recover costs incurred in doing works in default to abate or prevent the recurrence of a statutory nuisance.											✓						✓		
S.81(5) Power to take proceedings to the High Court for the purpose of securing the abatement etc. * Operational Manager only											✓*						✓	✓	
S.81(7) implements Sch. 3 Sch. 3(2) Powers of entry to premises and to take such persons as necessary, carry out such inspections, measurements and tests as considered and take away such samples or articles as considered necessary in relation to the local authority's functions under Part III. Sch.2A Power to enter or open a vehicle, machinery or equipment, if necessary, by force or remove a vehicle, machinery or equipment from the street to a secure place for the purposes of taking any action or executing any work, authorised by or required under Part III in relation to a				✓	✓		✓	✓			✓						✓	✓	
				✓	✓		✓	✓			✓						✓	✓	

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Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
statutory nuisance caused by noise emitted from or caused by the vehicle, machinery or equipment. Power to recover expenses reasonably incurred by a local authority in abating or preventing the recurrence of a statutory nuisance as per S.81(4)											✓						✓	✓	
S.81A Power to serve notice for the recovery of expenses and interest as permitted under S. 81(4). Power under the Law of Property Act 1925 to enforce a charge under this section.											✓						✓	✓	
S.81B Power for the local authority to declare that payment of expenses (with interest) be made by instalments within a specified period, until the whole amount is paid.							✓ ⁴				✓						✓	✓	
PART IV																			
S.88 Power to issue a Fixed Penalty Notice for the offence under S87 for leaving litter.							✓	✓	✓	✓					✓	✓	✓		
S.94A Power to issue a Fixed Penalty Notice in relation to an offence committed in relation to the issue of a litter clearing notice.								✓	✓	✓					✓		✓	✓	
S.94B (Sch. 3A) Power to order a designated area for the purposes of prohibiting the distribution of printed matter within that designated area.									✓	✓							✓	✓	
Power to give consent to the distribution of printed material within a designated area.								✓	✓	✓					✓		✓	✓	
Power to charge a fee in relation to giving consent for the distribution of printed material.								✓	✓	✓					✓		✓	✓	Cabinet

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Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Power to seize printed material									✓	✓	✓				✓		✓	✓	
Power to issue a fixed penalty notice for offence under this section.									✓	✓	✓				✓		✓		
S.99 Powers to adopt requirements of Sch. 4 of the Act in relation to abandoned shopping trolleys Sch. 4 (if adopted) Power to seize and detain shopping trolleys; Power to charge for their storage etc.																			Need to create zones beforehand through Cabinet
ENVIRONMENTAL PROTECTION ACT 1990 Section 88A The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulation 2018																			
S.88 Issue a Penalty Notices to the keeper of a vehicle— power to issue a penalty notice for offence of dropping litter from a motor vehicle.									✓	✓	✓				✓				
EQUINE IDENTIFICATION (ENGLAND) REGULATIONS 2018																			
S.33 Identification of the local authority as the enforcing authority for these Regulations																			
Reg. 34 Power for the Enforcing Authority to appoint inspectors											✓						✓	✓	
Reg.35 Inspectors: powers of entry and general powers Includes power to enter any land, premises or property for the purpose of administering and enforcing these Regulations. An inspector may require the production of ID; carry out enquiries; to have access to and inspect and copy any documents and remove them to enable them to be			✓ ¹				✓ ¹	✓ ¹			✓ ¹						✓ ₁		

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	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P						
copied.; to inspect and check the operation of any computer and any associated apparatus or material that is or may have been used in connection with documents or records; mark any equine for identification purposes. Power to seize documents. Power for inspector to be accompanied by other such person the inspector considers necessary.																						
Reg.39 Power for the enforcing authority to serve a Compliance notice			✓ ¹				✓ ¹	✓ ¹			✓ ¹							✓ ₁				
Reg. 40 Power for the enforcing authority to serve a non-compliance penalty notice			✓ ¹				✓ ¹	✓ ¹			✓ ¹							✓ ₁				
Reg. 41 power for the enforcing authority to serve a fixed monetary penalty notice			✓ ¹				✓ ¹	✓ ¹			✓ ¹							✓ ₁				
Reg. 42 power to serve an enforcement costs recovery notice in relation to the 'costs' reasonably and necessarily incurred from investigation costs; administration costs; and costs of obtaining expert and/or legal advice.			✓ ¹				✓ ¹	✓ ¹			✓ ¹							✓ ₁				
Reg. 44 Power to withdraw a notice issued under this Part and reissuing of a notice.			✓ ¹				✓ ¹	✓ ¹			✓ ¹							✓ ₁				
REGULATORY REFORM (FIRE SAFETY) ORDER 2005																						
FPA (W)	Signing and Evacuation procedures																					
FOOD AND ENVIRONMENT PROTECTION ACT 1985 (FEPA).																						
Part 1, S.4 Powers of officers (as directed) to enforce an Emergency Order as issued by the Secretary of State or Food Standards Agency. Powers include entry onto land, vehicle,					✓ ¹		✓ ¹	✓ ¹			✓ ¹											

Responsibility	Officer																H O S	S D	Procedure Reference	
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P				
vessel, aircraft, hovercraft or marine structure if has reasonable grounds to suspect food is or may become unsuitable for human consumption etc. Power to seize things for performance of his function under this part. Power to enter premises etc. where it is suspected any document, book or other record that may assist him in ascertaining the whereabouts of any such food or thing.																		✓ 1		
Part III S.16 (2) (g) Power for LA (if directed to do so by the Ministers through Regulations being made to impose prohibitions etc. on pesticides) to seize and dispose of any pesticides/require that some other person dispose of it; seize or dispose of anything treated by it; to direct some other person to take such remedial action as appears necessary as a result of the contravention.					✓		✓	✓			✓							✓	✓	
FOOD SAFETY & HYGIENE (ENGLAND) REGULATIONS 2013																				
Reg. 5 Power (as delegated by the Food Standards Agency) to execute and enforce the Hygiene Regulations authorise, in writing, any person (whether or not an officer of the Authority) either generally or specifically, to act in matters arising under the legislation, including the approval of establishments and the enforcement of issues relating to imported food, (subject to no person being authorised unless he/she has such qualifications as may be prescribed by the legislation)											✓							✓	✓	
Regulation 6 – Power for Authorised Officer to serve Hygiene Improvement Notices					✓ Food only		✓1	✓1			✓1							✓ 1		

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Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Regulation 8 – Power to serve Hygiene Emergency Prohibition Notices and make application to the court for a Hygiene Emergency Prohibition Order. Power to issue a certificate confirming that the health risk condition is no longer fulfilled.					✓1 Food only		✓1	✓1			✓1						✓1		
Regulation 9 – Power to serve remedial action notices and detention notices upon premises which require approval under Regulation 853/2004					✓1 Food only		✓1	✓1			✓1						✓1		
Regulation 10 Power to serve a Detention Notice at premises to which Regulation 853/2004 applies					✓1 Food only		✓1	✓1			✓1						✓1		
Regulation 14 – Power to procure samples				✓1	✓1		✓1	✓1			✓1						✓1		
Regulation 15 – Power to submit samples for analysis				✓1	✓1		✓1	✓1			✓1						✓1		
Regulation 16 – Powers of entry to premises at all reasonable hours except admission to premises used only as a private dwelling house shall not be demanded as of right unless 24 hours’ notice has been given to the occupier.				✓1	✓1		✓1	✓1			✓1						✓1		
Regulation 25– Inspection and seizure of food under S.9 of the Food Safety Act 1990							✓1	✓1			✓1						✓1		
Regulation 29 – Power to inspect food and to certify that food has not been produced, processed or distributed in compliance with the Hygiene Regulations					✓1		✓1	✓1			✓1						✓1		
FOOD SAFETY ACT 1990 (as amended) and any Orders or Regulations made thereunder or having effect by virtue of the European Communities Act 1972 and retained by the European Union (Withdrawal) Act 2018 and any modification or re-enactment to the foregoing																			

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Responsibility	Officer																H O S	S D	Procedure Reference	
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P				
<p>Part I</p> <p>Section 5 Power to authorise, in writing, any person (whether or not an officer of the Authority) either generally or specifically, to act in matters arising under the legislation, including the approval of establishments and the enforcement of issues relating to imported food, (subject to no person being authorised unless he/she has such qualifications as may be prescribed by the legislation)</p> <p>Section 6 – power for the food authority to enforce and execute within their area the provision of this Act (and regulations or orders made under the Act) with respect to which the duty is not imposed expressly some other authority.</p>																		✓	✓	Food Law Code of Practice (England)
<p>Part II</p> <p>Section 9 – Power for the inspection and seizure of suspected food</p>							✓ ₁	✓ ₁			✓ ₁							✓ ₁		
Section 10 – Power to issues Improvement Notices					✓ ₁		✓ ₁	✓ ₁			✓ ₁							✓ ₁		
Section 23 – Power for local authorities to provide, within or outside their area, training courses in food hygiene.																				
Section 27 – Requirement to appoint a Public Analyst											✓							✓	✓	
Section 29 - Power for an authorised officer purchase a sample of any food, or any substance capable of being used in the preparation of food; take a sample of any food, or any				✓ ₁	✓ ₁		✓ ₁	✓ ₁			✓ ₁							✓ ₁		

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Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
such substance, which appears to be intended for sale, or to have been sold, for human consumption; or is found by him on or in any premises which he is authorised to enter by or under section 32. Also, to take a sample from any food source, or a sample of any contact material, which is found by him on or in any such premises; (d)take a sample of any article or substance which is found by him on or in any such premises and which he has reason to believe may be required as evidence in proceedings under any of the provisions of this Act or of regulations or orders made under it.				✓1	✓1		✓1	✓1			✓1						✓1		
Section 32 – Powers of entry to ascertain whether there is or has been a contravention of the Act. Power to take such persons as necessary with him. Power to inspect records, where stored in electronic form, have access to, inspect and check any computer etc. and may require any person to provide such assistance to retrieve such records. Power to seize and detain records and/or if electronic, require records to be produced in a form in which they may be taken away.				✓	✓		✓	✓			✓						✓	✓	
GAMBLING ACT 2005																			
S197 Power to request a review of a licence held by a licensed premises											✓							✓	
HAZARDOUS WASTE REGULATIONS 2004 (HWR)																			

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Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
(HWR)	Waste Transfer Stations											✓	✓	✓				✓		
HEALTH ACT 2006																				
Part I, Chapter 1																				
S.9 Power for Authorised Officer to issue Fixed Penalty Notice.						✓		✓	✓			✓						✓	✓	
S.10 Duty of enforcement authority (as designated under the Smoke-free (Premises & Enforcement) Regs. 2006) to enforce, as respects the premises, places and vehicles in relation to which it has enforcement functions under the provisions of Chapter 1 of the Act and regulations made under it. Details of Authorised Officer and powers of entry.						✓		✓	✓			✓						✓	✓	
S.10 (7) Sch. 2 provisions for power of Entry; Power to carry out inspections and examinations as considered necessary; require the production of any substance or product and inspect it and take and retain samples of or extracts from it. Power to require any person to provide information and assistance; Power to have substances analysed. Power to make such purchases and secure the provision of services as necessary for the exercise of functions under Chapter 1, Part I of the Act. Power to take such persons and equipment as considered necessary.						✓		✓	✓			✓						✓	✓	
HEALTH PROTECTION (LOCAL AUTHORITY POWERS) REGULATIONS 2010																				
Regulation 2 Power to keep a child away from school by issue of a Notice												✓						✓	✓	
Regulation 3 Power to serve notice to require head teacher to provide information on pupils of that school												✓						✓	✓	

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Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Reg. 4 Power to disinfect or decontaminate on request of the owner and power to recover the costs of the disinfection											✓						✓	✓	
Reg. 5 Power to disinfect or decontaminate on request by person with custody or control of the item. Power to recover the costs											✓						✓	✓	
Reg. 6 Power to disinfect or decontaminate premises on request of owner and to recover the costs of disinfection.											✓						✓	✓	
Reg. 7 Power to disinfect or decontaminate premises on request by tenant and to recover the costs of disinfection.											✓						✓	✓	
Reg. 8 Power to serve notice requiring co-operation with respect to controlling incidence of spread of infection or contamination								✓			✓						✓	✓	
Reg. 9 Power to serve notice restricting contact with dead bodies								✓			✓						✓	✓	
Reg. 10 Power to serve a notice prohibiting any person from entering the room in which a dead body is located								✓			✓						✓	✓	
Reg. 11 Power for the LA to relocate a dead body.								✓			✓						✓	✓	
HEALTH PROTECTION (PART 2A ORDERS) REGULATIONS 2010																			
Reg. 3 Duty for LA to give notice of intention to apply for a Part 2A Order											✓						✓	✓	

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Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Reg. 7 Power for LA to charge to recover the costs incurred pursuant to a Part 2A Order (under S. 45H [health measures relating to things] or 45L [health measures relating to premises]) Various other duties under the regulations rather than powers.											✓						✓	✓	
HEALTH AND SAFETY (ENFORCING AUTHORITY) REGULATIONS 1998																			
Transfer of premises Reg. 3 LA to be enforcing authority for non-domestic premises as detailed in Schedule 1											✓						✓	✓	
Reg. 5 Power to enable the transfer of responsibility for enforcement to or from the LA from the Health & Safety Executive (HSE)											✓						✓	✓	
Reg. 6 Power to enable responsibility for enforcement to be assigned in cases of uncertainty through agreement between the LA and HSE											✓						✓	✓	
HEALTH AND SAFETY AT WORK ETC ACT 1974 and the relevant statutory provisions S.20(2)(i)																			
S.18 (4) Duty of LA to make provision for enforcement of the relevant statutory instruments (as determined by regulations made by the Sec of State).											✓						✓	✓	
S.19 Power to appoint inspectors for the purposes of the Act and relevant statutory provisions. The instrument of appointment shall be in writing and must specify the powers conferred to them by the relevant statutory instruments.											✓						✓	✓	

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Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
<p>S.20 Power to:</p> <ul style="list-style-type: none"> • Enter premises as a right unlike other legislation. • Power to take a constable if have reason to believe there will be serious obstruction. • Power to take another person, authorised by the enforcing authority with them and any equipment or materials required. • To make such examination or an investigation as necessary. • Power to direct that premises or part of them or anything therein be left undisturbed for the purpose of examination etc. • Power to take photographs; measurements etc. • Power to take samples of any article or substance. • Power to cause an article to be dismantled. • Power to take possession of articles and detain them until such time they can be examined. • Power to require persons to give information. • Require the production of information and to take copies of documents etc. • Require assistance and facilities to enable the officer to exercise their powers. • Any other power that is necessary for the purpose of carrying into effect any of the statutory provisions within the field of responsibility. 					✓1 NO/S A		✓1 NO/ SA	✓1 NO/ SA			✓1 NO/S A								
S.21 Power to serve Improvement Notices					✓1 NO/S A		✓1 NO/ SA	✓1 NO/ SA			✓1 NO/S A								
S.22 Power to serve prohibition notices					✓1 NO/S A		✓1 NO/ SA	✓1 NO/ SA			✓1 NO/S A								

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Responsibility		Officer																H O S	S D	Procedure Reference						
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P									
S.25 Power to seize and render safe any article which poses imminent danger						✓1 NO/S A		✓1 NO/ SA	✓1 NO/ SA				✓1 NO/S A													
S.26 Power of enforcing authorities to indemnify their officers.													✓								✓	✓				
S.39 Power for Officer to prosecute if authorised on behalf of the enforcing authority. *Operational Manager only													✓*								✓					
HIGHWAYS ACT 1980 (HA)																										
Schedule 11	Provisions as to orders under section 93 of this Act												✓	✓	✓						✓					
Schedule 12	Provisions as to orders under s 116 and conveyances under s 256												✓	✓	✓						✓					
Schedule 12 A HA	Further powers of Highway Authorities and Councils in relation to interference with Highways under Sections 131A, 134 and 135												✓	✓	✓						✓					
Schedule 12 A HA	Rights of Entry - To authorise entry to carry out surveys under Section 289 of the Highways Act 1980; to authorise entry under Section 291 of the Highways Act 1980; and to authorise entry for any purpose under paragraph 7 of Schedule 12A, Highways Act 1980.												✓	✓	✓						✓					
Schedule 13	Deductions from rents												✓	✓	✓						✓					
Schedule 14	Provisions with respect to notices under s 184												✓	✓	✓						✓					

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Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Schedule 15	Application of advance payments code											✓	✓	✓				✓		
Schedule 16	Particulars to be stated in specifications, notices, etc., under the private street works code											✓	✓	✓				✓		
Schedule 17	Purposes for which additional land may be taken in advance of requirements											✓	✓	✓				✓		
Schedule 18	Distance limits from highway applicable to compulsory acquisition.											✓	✓	✓				✓		
Schedule 19	Compulsory acquisition of rights: modification of 1964 and 1965 Acts											✓	✓	✓				✓		
Schedule 20	Acquisition of land or rights: related schemes and orders											✓	✓	✓				✓		
Schedule 21	Transitional matters arising where a highway becomes a trunk road, or a trunk road ceases to be a trunk road											✓	✓	✓				✓		
Schedule 22	Provisions of this Act to which s 288, 294, 312, 338, 339 and 341 of this Act apply											✓	✓	✓				✓		
Schedule 23	Transitional Provisions											✓	✓	✓				✓		
Schedule 24	Consequential amendments											✓		✓				✓		
Schedule 25	Repeals											✓		✓				✓		
Section 25/26	To create footpaths, bridleways and restricted byways by agreement with or without compensation or by order (with or without compensation) (i)													✓				✓		
Section 27	To survey new paths agreed by a planning authority											✓		✓				✓	✓	

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Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Section 36	To keep a list of highways maintainable at public expense											✓		✓				✓	✓	
Section 38	To adopt i.e., become responsible for maintenance of highways by agreement																		✓	Cabinet
Section 41	To maintain highways maintainable at public expense											✓		✓				✓	✓	
Section 56	Proceedings for an order to repair highway											✓		✓				✓	✓	
Section 57	Default powers in respect of non-repair of a privately repairable highway											✓		✓				✓	✓	
Section 62	To improve highways											✓		✓				✓	✓	
Section 65(1) Section 66(4)	Conversion of footways to cycle tracks																		✓	Executive Function
Section 66 - amended by CROW2000 Section 70	To provide on a footpath or bridleway safety barriers, posts, rails or fences for safeguarding persons using the highway											✓		✓				✓	✓	
Section 71	To provide adequate grass or other margins by a carriageway where necessary or desirable for the safety or accommodation of ridden horses											✓		✓				✓	✓	
Section 72	To widen highways																			Cabinet
Section 76	To level a highway													✓						
Section 77	To raise or lower, or otherwise alter, the level of a highway													✓						
Section 91	To construct a bridge to carry a public path													✓						

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Responsibility		Officer																H O S	S D	Procedure Reference								
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P											
Section 92	To reconstruct a bridge forming part of a public path													✓														
Section 100	To drain highways.														✓													
Section 115 A – K inclusive	Provision of amenities on certain highways											✓		✓							✓	✓						
Section 116	Applications to magistrates' court to authorise stopping up or diversion of highway.											✓		✓							✓							
Section 118	To make an order stopping up footpath(s), bridleway(s) or restricted byway(s) (i)														✓						✓							
Section 118A	To make an order stopping up footpath(s), bridleway(s) or restricted byway(s) crossing a railway (i)														✓						✓							
Section 118B	Stopping up of certain highways for purposes of crime prevention, etc. (i)																				✓							
Section 118C	Application by proprietor of school for special extinguishment order. (i)																				✓							
Section 119	To make an order diverting footpath(s), bridleway(s) or restricted byway(s) (i)																				✓							
Section 119A	To make an order diverting footpath(s), bridleway(s) or restricted byway(s) crossing a railway (i)																				✓							
Section 119B	Diversion of certain highways for purposes of crime prevention, etc. (i)																				✓							
Section 119C	Application by proprietor of school for special diversion order. (i)																				✓							

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Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Section 119D	Diversion of certain highways for protection of sites of special scientific interest. (i)													✓				✓		
Sections 129A to 129G	Gating orders																			Cabinet Committee
Section 130A to 130D	To respond to notices and court applications regarding public path enforcement										✓		✓					✓	✓	
Section 131A - Inserted by Rights of Way Act 1990 Section 1	To instruct legal to prosecute re: disturbance of surface where desirable in the public interest										✓		✓					✓	✓	
Section 132	To remove unauthorised way marks										✓		✓					✓	✓	
S.132 Power to remove any picture, letter, sign or other mark which has been painted or otherwise inscribed or affixed upon the surface of the highway or upon any tree, structure or works on or in the highway.		✓	✓							✓	✓	✓					✓			
Power to issue fixed penalty notice.										✓	✓	✓					✓			
Section 134 – amended RWA90 Section 1	To enforce provision re: ploughing of footpaths or bridleways										✓		✓					✓	✓	
S 134 Power to make good the surface of a footpath or bridleway which has been ploughed and recover expenses from the occupier of the land										✓	✓	✓					✓			

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		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Section 135 – amended RWA90 Section 1	To make orders authorising agricultural works not exceeding 3 months											✓		✓				✓	✓	
Section 137	Decisions to undertake prosecutions, subject to consultation with Legal											✓		✓				✓	✓	
S.140 Power to remove or reposition a builder’s skip. Power to recover costs incurred from the removal or repositioning of the skip from the owner.												✓								
S.143 Power to issue notice requiring the removal of an obstruction from the highway. Power to remove the structure and recover the costs of doing so.										✓	✓	✓				✓				
Section 143	To remove structures	✓	✓							✓	✓	✓		✓		✓	✓	✓	✓	
Section 145 and Section 149	To require removal or widening of gates											✓		✓				✓	✓	
Section 146	To repair stiles, etc.	✓	✓							✓	✓	✓		✓		✓		✓	✓	
Section 147 - amended by CROW2000 Section 69	To authorise the erection of stiles, etc. (having regard for the needs of persons with mobility problems)											✓		✓				✓	✓	
Section 147ZA - inserted by CROW 2000 s69)	To instruct legal to enter into agreements with owners, lessees or occupiers to improve structures (gates, stiles etc.) that are limitations or authorised under s147											✓		✓				✓		

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		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
	HA80, for the benefit of persons with mobility problems																			
Section 149	Serve notice for removal of things so deposited on highways as to be a nuisance etc. Remove the deposit forthwith Apply to Magistrates Court for removal/disposal order										✓		✓			✓	✓	✓		
S.149 Power to issue a notice requiring the removal of things deposited on the highway as to be a nuisance. Power to remove the things and recover the costs of removing the things.										✓	✓	✓				✓				
Section 153	Doors etc. in streets not to open outwards.											✓		✓				✓	✓	
S.153 Power to issue a notice requiring the owner or occupier to alter, so as not to open outwards, the door, gate or bar. Power to undertake the work required in the Notice and recover the costs of that work.										✓	✓	✓				✓				
S.154 Power to issue a notice to the owner of vegetation requiring them to lop or cut the vegetation so as to remove the cause of the danger, obstruction or interference to the highway or footpath. Power for the HA to carry out the works required under the Notice and recover the costs, if not complied with.										✓	✓	✓				✓				
Section 154 - amended CROW2000 Section 65	To require cutting or felling of trees or hedges that are overhanging highways or a danger to highway users											✓		✓				✓	✓	

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		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Section 160A and Schedule 12A	Further powers of highway authorities and district council in relation to highways											✓		✓				✓	✓	
Section 164	To require removal of barbed wire	✓	✓								✓	✓		✓		✓		✓	✓	
Section 167	Powers relating to retaining walls near streets											✓		✓				✓	✓	
Section 219 (2)	Authority to prosecute before payment of APC (or entering into a S38 agreement)																	✓		
Section 278	To instruct Legal to prepare/enter into agreements for Contributions towards Highways Works.											✓		✓				✓	✓	
Section 289	Serve notice for powers of entry for purpose of undertaking surveys (e.g. Noise).											✓		✓				✓	✓	
Section 291	Powers of entry for the purpose of maintaining e.g. certain structures and works.											✓		✓				✓	✓	
Section 297	To require information as to ownership of land											✓		✓				✓	✓	
HIGHWAYS ACT (TRAFFIC CALMING) & (ROAD HUMPS) REGS 1993 & 1999 (HA(TC)&(RH)																				
Section (HA(TC)&(RH)	Provide measures to slow traffic and make safe for pedestrians																	✓		
HOUSING ACT (HOA)																				

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Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Section 294 HoA	Power to extinguish public right of way over land acquired for clearance											✓	✓	✓				✓		
LAND COMPENSATION ACT 1973 LCA																				
Section 1 et seq LCA	Right to Compensation											✓						✓		
LAND DRAINAGE ACT 1991 (LDA)																				
Section 25 Land Drainage Act 1991	Exercise of powers for the maintenance of flow of watercourses											✓		✓				✓		
Section 61 LDA	Protection of flora and fauna and public access to water courses											✓		✓				✓		
Section 64	Powers of entry											✓		✓				✓		
LAND DRAINAGE ACT 1994																				
Whole Act	Whole Act											✓		✓				✓		
LICENSING ACT 2003																				
S.51	Power to request a review of a licence held by licensed premises											✓						✓	✓	
S.57(5)	Power to require the production of a licence				✓	✓		✓	✓			✓					✓	✓	✓	
S.59	Power of entry to inspect premises for grant or review of a licence				✓	✓		✓	✓			✓		✓			✓	✓	✓	
S.87	Power to request a review of a club premises certificate held by relevant clubs											✓		✓				✓	✓	

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		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.94(7) Power to require the production of a Club Premises Licence					✓	✓		✓	✓			✓					✓	✓	✓	
S.96 Power of entry for the inspection of clubs before grant of licence (48 h notice)					✓	✓		✓	✓			✓		✓			✓	✓	✓	
S.108 Power of entry to inspect premises to which a Temporary Event Notice relates					✓	✓		✓	✓			✓		✓			✓	✓	✓	
S.109(5) Power to require the production of a Temporary Event Notice					✓	✓		✓	✓			✓		✓			✓	✓	✓	
S.179 General power of entry for determining if licensable activities are taking place					✓	✓		✓	✓			✓		✓			✓	✓	✓	
LOCAL AUTHORITIES (TRANSPORT CHARGES) REGULATIONS 1998 (LA(TC)R)																				
Table 1 highways LA(TC)R	Matter for which a charge may be made: 139(1) and (2) 169(1) and (2) 171(1), (2), (4) and (5) 172(1) 172(1) and (3) 179(1) 180(1) 180(2) 184 41 and 130 HA																	✓		
Table 2 road traffic regulation LA(TC)R	Matter for which a charge may be made: 1, 6, 9 or 14 6, 32(1)(b) or 45 1, 6, 9 or 14 14(1), 14(1)(a) (2), 16A 49(4) 65(1) 65(3A)(i) and (ii) RTRA																	✓		
Table 3 travel concessions LA(TC)R	Matter for which a charge may be made: 93TA																	✓		
LOCAL GOVERNMENT ACT 1972																				

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Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
section 215 closed churchyards	Closure by order in Council and subsequent transfer to Local Authority of the PCC's liability for maintenance and repair have no effect on the ownership of the land.											✓	✓	✓				✓		
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976																				
Part I				✓ ²	✓ ²		✓	✓	✓	✓	✓		✓ ²		✓	✓	✓	✓		
S.16 Power to issue a Notice requiring particulars of persons with an interest in the land							✓	✓			✓						✓			
S.20(1) Power to serve Notice requiring provision of sanitary accommodation at places of entertainment							✓	✓			✓						✓			
S.20 (5) Power of Authorised person to enter premises to determine whether a notice should be issued.				✓			✓	✓			✓					✓	✓	✓		
Deviation from approved policy under certain circumstances permitted.											✓						✓	✓		
S23 Power of Local Authorities to deal with dangerous trees									✓	✓	✓					✓	✓	✓		
S.24 Power of (person authorised in writing) to enter on any land for the purpose of determining whether the council should take steps in relation to the provisions of S.23.									✓	✓	✓					✓	✓	✓		
S.33 Power for the local authority to require the restoration or continuation of supply of water, gas or electricity. Power to recover costs incurred								✓ ⁴			✓						✓	✓		
S.35 Power to serve Notice requiring removal of obstruction from private sewer. Power for the LA to remove obstruction where the notice is not complied with.					✓ ⁴		✓ ⁴	✓ ⁴			✓		✓ ⁴				✓	✓		

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Power to serve a notice requiring the payment of reasonably incurred expenses to the LA.																			
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (As amended by Local Government Act 2003)																			
Part VIII																			
S.14 (3) Duty of LA to register any person who applies for registration in respect of the practice of acupuncture. NOTE: it is an offence for any person to carry on acupuncture without such registration, but the LA <u>must</u> register any applicant, who then has to comply with local byelaws											✓							✓	
S.14(6) Power to charge reasonable fees for registration																			Cabinet
S.14 (7) Power to make byelaws in relation to cleanliness of premises, persons and sterilisation of equipment etc.																			Cabinet
S.15(3) Duty for LA to register tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis and issue a certificate or registration											✓							✓	
S.15(6) Power to charge reasonable fees for registration																			Cabinet
S15 (7) Power to make byelaws in relation to cleanliness of premises, persons and sterilisation of equipment etc.																			Cabinet
S.17 Power of entry in relation to suspicion of contraventions of S.16 that relates to contraventions of the requirements of sections 14 and 15. If access refused must have a warrant from a JP.					✓		✓	✓			✓						✓	✓	
Section 23 LG(MP)A	With Licensing to issue Street Trading Consent & enforcement																		
											✓	✓	✓					✓	

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Section 23 & 24	The right to enter private land to carry out tree work for the protection of the public											✓	✓	✓				✓		
S.27	Power to give a notice requiring the repair of drains etc. and to remedy stopped-up drains etc. Power for the LA to repair the drain etc. and recover expenses reasonably incurred in doing so.					✓		✓	✓			✓						✓	✓	
S.29	Power to serve notice requiring execution of works to prevent unauthorised entry to buildings.								✓			✓						✓	✓	
	Power of entry of authorised officer into buildings/land to exercise the powers under this section.				✓	✓		✓	✓			✓					✓	✓		
	Power for the LA to undertake works to prevent access to buildings.											✓								
	Power to recover costs incurred.											✓								
LOCAL GOVERNMENT ACT 2000 (LGA 2000)																				
Local Government Act 2000. The whole Act LGA 2000	To consider applications for and to authorise (in consultation with the Cabinet Member) Local Transport Plan capital grants (subject to appropriate conditions) to public, private and voluntary sector employers up to a level of £5,000 from the "Sustainable Travel to Work and Schools" budget for the purpose of developing Workplace Travel											✓						✓		

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
	Plans for projects likely to improve or promote social, economic or environmental well-being of the Council's area having had regard to the Council's community strategy and any statutory guidance pursuant to Section 2 of the Local Government Act 2000.																			
National Park and Access to the Countryside Act NPACA																				
Section 57 NPACA	Misleading Notices											✓		✓					✓	
Section 261 NPACA	Diversion and Extinguishment RE: Mineral (Temp Workings)											✓		✓					✓	
NATURAL MINERAL WATER, SPRING WATER AND BOTTLED DRINKING WATER (ENGLAND) REGULATIONS 2007 (as amended)																				
Reg. 16 Requirement for the relevant authority to carry out periodic checks on any water recognised as a natural mineral water				✓1	✓1		✓1	✓1				✓1							✓1	✓1
Requirement of the food authority to enforce and execute these regulations.																				
Reg. 16A Requirement to undertake regular monitoring of water bottled and labelled as "spring water" and bottled water				✓1	✓1		✓1	✓1				✓1							✓1	✓1

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Reg. 17 Requirements in relation to samples taken by authorised officer					✓1	✓1		✓1	✓1			✓1						✓1	✓1	
NEW ROADS AND STREET WORKS ACT 1991																				
The New Roads & Street Works Act 1991	Part III - all, including the determination of any appropriate fees or charges. Most charges are determined by SI											✓		✓				✓		
Section 48 to 52 NRASWA	Introductory provisions											✓		✓				✓		
Section 53 NRASWA	The Street Works Register											✓		✓				✓		
Section 54 to 60 NRASWA	Notice and Co-ordination of Works											✓		✓				✓		
Section 61 to 64 NRASWA	Streets Subject to Special Controls											✓		✓				✓		
Section 65 to 69 NRASWA	General Requirements as to Execution of Street Works											✓		✓				✓		
Section 75 to 78 NRASWA	Charges, Fees and Contributions payable by Undertakers											✓		✓				✓		
Section 83 to 85 NRASWA	Apparatus Affected by Highway, Bridge or Transport Works											✓		✓				✓		

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Section 86 to 93 NRASWA	Provisions with respect to particular authorities and undertakers											✓		✓				✓		
Section 94 NRASWA	Power of authority or district council to undertake street works											✓		✓				✓		
Section 95 to 106 NRASWA	Supplementary Provisions											✓		✓				✓		
NOISE ACT 1996 as amended by the Anti-Social Behaviour Act 2003																				
S.1 Power for LA to issue an Order adopting the measures contained within the Act																				Cabinet
S.2 Power for authorised officer to issue a notice where a noise is deemed to be offending during night-time hours or is exceeding a permitted level					✓		✓	✓			✓						✓	✓		
S.8 Power to issue a Fixed Penalty Notice in relation to an offence under section 4					✓ ⁴		✓ ⁴	✓ ⁴			✓						✓	✓		
S.8A Power for the local authority to accept a lesser amount for the fixed penalty notice than that prescribed in S.8											✓							✓		
S. 8B Power to require name and address in relation to issue of FPN				✓ ³	✓		✓	✓			✓						✓	✓		
S.10 Power of authorised officer to enter premises and seize and remove equipment believed to have been emitting the noise with reference to the Sch. to S.10				✓ ³	✓		✓	✓			✓						✓	✓		
NOISE AND STATUTORY NUISANCE ACT 1993 (N&SNA)																				

Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.8 Power for LA to issue a notice to adopt Sch2 paragraph 1 Power to grant consent to operate a loudspeaker in the street												✓						✓	✓	
NRA Land Drainage Act 1992 ((NRALDA)																				
Section 23 & S24 NRALDA	Application for works in rivers											✓		✓				✓		
OCCUPIERS LIABILITY ACT 1995 (OLA)																				
(OLA)	Signing, fencing and security of depots, storage sites and offices											✓	✓	✓				✓		
OFFICIAL FEED & FOOD CONTROLS (ENGLAND) REGULATIONS 2009 (AS AMENDED)																				
Reg.18 Power of entry, by an authorised officer to enter premises for the purpose of ascertaining whether there has been any breach of these regulations, both within and outside the authority's area. Power for the authorised officer to take such other persons as necessary. Power to inspect records, including electronic records and to require the assistance in accessing electronic records. Power to seize and detain any records required as evidence, including electronic records and require electronic records to be produced in a form in which they may be taken away.					✓ Food only	✓ Food only		✓ ¹	✓ ¹			✓ ¹						✓ 1		

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Reg.29 Power to require that an identity or physical check on a product takes place as a specified place				✓1 Food only	✓1 Food only		✓1	✓1			✓1						✓1		
Reg. 31 Power to detain, destroy, require special treatment, re-dispatch and other appropriate measures (the costs of which are to at the expense of the operator responsible), in relation to animals and goods other than those subject to official controls at border control posts					✓1 Food only		✓1	✓1			✓1						✓1		
Reg. 32 Power to serve notices requiring: the detention of food; the destruction of food; the re-dispatch of consignments; special treatment or any other measure necessary withdrawal of food					✓1 Food only		✓1	✓1			✓1						✓1		
Reg. 36 Power for the competent authority to recoup costs incurred by written demand to the food business operator											✓1						✓1		
Reg. 37 Power to procure samples of any food; contact material, article or substance found in premises in relation to the Import Provisions				✓1 Food only	✓1 Food only		✓1	✓1			✓1						✓1		
Reg. 38 Power to submit samples to the Public Analyst or Food Examiner for analysis				✓1 Food only	✓		✓	✓			✓						✓		Note: Doesn't need to be an authorised officer
Reg. 39 Powers of entry of authorised officers of a food authority. Power to inspect records; including electronic records and require assistance to access electronic records. Power to seize and detain records and require that electronic records be produced in a form that can be taken away.				✓1 Food only	✓1 Food only		✓1	✓1			✓1						✓1		
POLICE & CRIMINAL EVIDENCE ACT 1984																			

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.60 Tape recording of interviews in accordance with the CoP (S.60(1), came into force through the Police & Criminal Evidence (Commencement No. 4) 1991		✓	✓	✓	✓		✓	✓	✓	✓	✓			✓	✓		✓		
PREVENTION OF DAMAGE BY PESTS ACT 1949																			
S.4 power to issue a notice requiring owner or occupier to take action in relation to rats and mice							✓	✓	✓	✓	✓		✓		✓	✓	✓		
S.5 Power of LA to take action to gain compliance with a notice under S. 4 and to recover the costs of doing so								✓		✓	✓					✓	✓		
S.6 Power for LA to undertake treatment/action in relation to rats and mice where it involves several premises occupied by different persons, rather than serve individual notices under S4									✓		✓	✓					✓	✓	
S.7 Power of LA to recover expenses incurred undertaking action under Ss. 5&6										✓	✓						✓		
S.9 Power of LA to request information in relation to the interests in land						✓	✓	✓	✓	✓	✓				✓	✓	✓		
S.22 Power of authorised officer to enter land for the purposes of enforcing this Act	✓	✓		✓ ⁵	✓		✓	✓	✓	✓	✓		✓		✓	✓	✓		
S.26 Power to institute legal proceedings *Operational Manager only										✓	✓*						✓	✓	
PRIVATE WATER SUPPLIES (ENGLAND) REGULATIONS 2016 (AS AMENDED)																			
Part 3 Requirement for the local authority to monitor all private water supplies and risk assess them. Keep records etc.																			

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Responsibility	Officer																H O S	S D	Procedure Reference	
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P				
Regulation 16 Requirement for the local authority to undertake investigations and to take action in relation to unwholesome private water supplies including the service of a notice.																				
Regulation 17 Granting of Authorisation giving permission to supply water to a different standard provided criteria are met.											✓							✓	✓	
Regulation 18 Service, enforcement and variation of notice in respect of supplies that constitute a potential risk to human health					✓ ¹		✓	✓			✓							✓	✓	
Regulation 21 Power to charge fees according to Sch. 5											✓							✓	✓	
Power of entry afforded through the provisions of S.84 of the Water Industries Act 1991				✓	✓		✓	✓			✓							✓		
Products of Animal Origin (Disease Control) (England) Regulations 2008																				
Reg. 17 Powers of entry for authorised inspector. Also powers to: <ul style="list-style-type: none"> Require a person to: detain meat; dispose of meat. Carry out investigations, tests; take samples etc. Mark any animal or meat for identification purposes. By notice require: the marking of meat; the tracing of meat; the cleansing of premises; require the isolation of an animal etc. Inspect records and take copies of them. Inspect any computers or require the information to be produced in a certain form so that they can be taken away. 			✓	✓	✓		✓	✓			✓		✓				✓			

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Responsibility	Officer																H O S	S D	Procedure Reference	
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P				
• Power to take other persons as deemed necessary																				
Reg. 20 – Power for authorised officer to take such steps as deemed necessary to ensure a requirement of these regs is met. The costs of doing so are to be met by the person					✓		✓	✓			✓							✓		
Reg. 24 Confers the power for enforcement of these regs. to the LA (except in any establishment or cutting plant)					✓		✓	✓			✓							✓		
Products Containing Meat etc. (England) Regulations 2014																				
Reg. 6 Duty for the food authority to enforce the Regulations																				
Reg. 7 Power for authorised officer to serve an “improvement notice” under S.10 of the Food Safety Act 1990, upon a person who is failing to comply with the requirements of regulations 4(1), (2) or regulation 5(1) of these Regulations.					✓ ¹ Food only		✓ ¹	✓ ¹			✓ ¹							✓ ¹		
PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984 (as amended) by the Health & Social Care Act 2008 (Part 2A insertion) and other legislation (See Appendices A & B)																				
Part I S. 1 Duty of LA to enforce this Act											✓							✓	✓	
Part II S.13(5)(a) Power of authorised officer to enter any premises, vessel or aircraft for the purpose of executing or superintending the execution of regulations made under this section of the Act.			✓	✓	✓		✓	✓			✓							✓	✓	

Responsibility	Officer																H O S	S D	Procedure Reference	
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P				
Part 2A Power to apply to a Magistrate for an order to deal with a threat to human health from infection or contamination											✓						✓	✓		
<p>S. 61 Powers of entry for the ‘proper officer’ of a relevant health protection authority, for the purposes of:</p> <ul style="list-style-type: none"> ascertaining whether there is, or has been any contravention of a relevant provision of this Act, or of an order made by a justice of the peace under Part 2A of this Act ascertaining whether or not circumstances exist which would authorise or require the relevant health protection authority to take any action, or execute any work, under such a provision or in relation to such an order; for the purpose of taking any action, or executing any work, authorised or required by such a provision or in relation to such an order, or by any order made under such a provision, to be taken, or executed, by the relevant health protection authority, or generally, for the purpose of the performance by the relevant health protection authority of their functions under such a provision in relation to such an order. 				✓	✓		✓	✓			✓					✓	✓	✓		
<p>S. 62 Supplementary provisions as to entry.</p> <p>Power to take other persons and such equipment and materials as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such</p>				✓	✓		✓	✓			✓						✓	✓	✓	

Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
<p>a warrant eave them as effectively secured against trespassers as he found them.</p> <p>Power to:</p> <p>(a)search the premises, (b)carry out measurements and tests of the premises or of anything found on them, (c)take and retain samples of the premises or of anything found on them, (d)inspect and take copies or extracts of any documents or records found on the premises, (e)require information stored in an electronic form and accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible or from which it can readily be produced in a visible and legible form, and (f)seize and detain or remove anything which the officer reasonably believes to be evidence of any contravention relevant to the purpose for which entry is authorised.</p>																			
PUBLIC HEALTH (INFECTIOUS DISEASES) REGULATIONS 1988																			
Regulation 11 Power to take measures for destroying all rats in district and preventing rats from gaining entry to buildings											✓						✓	✓	
Reg. 13 Power to enforce these regulations conferred to the LA											✓						✓		
PUBLIC HEALTH ACT 1936 (as amended) (PHA)																			
S.45 Power to serve Notice requiring repair of closets					✓		✓	✓			✓						✓	✓	

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Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.48 Power to examine and test drains believed to be defective				✓	✓		✓	✓					✓						
S.50 Power to serve Notice in relation to overflowing or leaking cesspools, requiring a person to execute such works as necessary to prevent the soakage and overflow of cesspools.					✓		✓	✓			✓							✓	✓
S.78 Power to cleanse common courts and passages and to recover any expenses reasonably incurred.								✓	✓	✓	✓				✓			✓	✓
S.79 Power to serve Notice requiring removal of noxious material and to remove the noxious matter should the notice not be complied with. Power to recover the expenses of any action reasonably taken to remove the noxious matter.					✓		✓	✓	✓	✓	✓				✓			✓	✓
S.83 Power to serve Notice requiring cleansing of filthy or verminous premises								✓			✓							✓	✓
S.84 Power to cleanse or destroy filthy or verminous articles					✓		✓	✓			✓							✓	✓
S.85 Power to cleanse filthy and verminous persons and their clothing and if they refuse, power to apply to the court for an order requiring the person and or clothing to be cleansed								✓			✓							✓	✓
S.140 Power to apply to the court for the issue of an order to close or restrict use of water from polluted supply								✓			✓							✓	✓
S.259, S.260 and S.261 Power to deal with ponds, ditches etc. in such a state as to be prejudicial to health or a nuisance								✓			✓							✓	✓
S.264 Power to issue a notice requiring the repair maintenance and cleansing of culverts										✓	✓		✓					✓	✓

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Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.268 Power to deal with nuisances from tents, vans, sheds etc. including provisions relating to filthy & verminous premises being applicable and also issue of an Abatement Notice under the EPA. Powers to make byelaws in relation to cleanliness of tents, vans and sheds.					✓		✓	✓		✓	✓					✓	✓	✓	Cabinet
S.269 Power of local authority to control use of moveable dwellings by licensing land to be used (campsites)																	✓	✓	
S.275 Power to carry out works by agreement with owners or occupiers					✓		✓	✓			✓						✓	✓	
S.276 Power of the local authority to sell any materials if not collected by owner. Proceeds of sale to go to the owner once expenses deducted.											✓						✓	✓	
S.287 Power of authorised officer to enter premises to inspect; undertake works as permitted by the Act. Power of authorised officer to be accompanied by such person(s) as to assist.				✓	✓		✓	✓	✓	✓	✓				✓		✓		
PUBLIC HEALTH ACT 1961																			
S.17 Power to repair drains etc. Power to issue notice where a drain, private sewer, water-closet, waste pipe or soil pipe is stopped -up requiring the owner or occupier to remedy the defect Power to recover costs of undertaking works.					✓		✓	✓			✓						✓		
S.34 Power to issue a notice requiring the removal of rubbish. Power to remove it if not complied with.									✓	✓	✓				✓		✓	✓	

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Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.36 Power to require vacation of premises during fumigation (in relation to filthy and verminous premises upon which a notice has been served under S.83 of PHA 1936)									✓			✓						✓	✓	
S.37 Prohibition of sale of verminous articles. Power to cause to be disinfected or destroyed any verminous article displayed for sale; deposited with a dealer etc.					✓	✓		✓	✓			✓					✓	✓	✓	
S. 73 The local authority may by notice require the occupier of the premises to take the steps reasonably necessary to prevent danger from any disused petrol tank or other fixed container.												✓						✓	✓	
S.74 Power to reduce number of pigeons and other birds in built up areas												✓		✓				✓	✓	
Railways and Transport Safety Act 2003 (RaTA)																				
Section 329(1) RaTA	amendment after section 41(1) of the Highways Act 1980 "(1A) in particular, a highway, authority are under a duty to ensure so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice".																	✓		
REFUSE DISPOSAL (AMENITY) ACT 1978 (as amended)																				
S.2A Power for authorised officer to issue a FPN for an offence of unauthorised abandonment of vehicle										✓	✓						✓			
S.2B Power to request name and address if propose to issue an FPN.		✓	✓							✓	✓						✓			

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Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.3 Power to remove abandoned vehicles									✓	✓	✓				✓		✓	✓	
S.4 Power to dispose of abandoned vehicles									✓	✓	✓				✓		✓	✓	
S. 5 Power to recover costs associated with the removal of abandoned vehicles									✓	✓					✓				
S.6 Power to remove other refuse	✓	✓							✓	✓	✓				✓		✓	✓	
S.8 Power of authorised officer to enter land	✓	✓							✓	✓	✓				✓		✓	✓	
REGISTRATION OF ESTABLISHMENTS (LAYING HENS) (ENGLAND) REGULATIONS 2003																			
Reg.6 Power of entry onto land or premises for authorised officer of the LA, for the purpose of determining any contravention of these regs. Power to carry out all checks and examinations necessary for the enforcement of these Regulations, and in particular may examine and copy documentary or data processing material			✓				✓	✓			✓						✓		
Reg. 10 Confers power for enforcement to the LA (or Sec of State)											✓						✓		
REGULATORY ENFORCEMENT & SANCTIONS ACT 2008																			
S.26 LA power to accept a nomination by the Local Better Regulation Office (LBRO) to become a Primary Authority (PA) for a regulated person.											✓						✓	✓	
S.28 Duty of enforcing authority to notify a Primary Authority (PA) before taking any enforcement action. Powers for the PA to direct an enforcing authority not to take action.											✓						✓	✓	

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Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.30 Power for PA to make an inspection advising other enforcing authorities how an inspection should be undertaken.												✓						✓	✓	
S.31 Power of the PA to charge fees to the regulated person for the costs incurred in the exercise of its functions under this Act.												✓						✓	✓	
REGULATION OF INVESTIGATORY POWERS ACT 2000 (AS AMENDED)																				
To follow Kirklees Council Policy and Procedure for Regulation of Investigatory Powers Act 2000 applications for covert surveillance																				
Road Traffic Act 1988																				
Section 39	To fix charges for the training of road users																	✓		
Part VIIA - Section 115 HA	Disabled Access Ramp Licences											✓	✓	✓				✓		
Section 39 RTA	To fix charges for the training of road users											✓						✓		
Section 34 RTA	Driving mechanically propelled vehicles on public footpath/bridleway													✓				✓		
Road Traffic Act 1991 (RTA)																				
Section 8 RTA	Road Vehicle Construction & Use – Emissions to atmosphere											✓		✓				✓		
Section 43 RTA	Power to apply for SPA / PPA designation																	✓		

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Schedule 6 Subsection 7 ie Schedule 6(7). RTA	Decision to uphold or reject appeal											✓	✓	✓				✓		
Road Traffic (Temporary Restrictions) Act 1991 (RT(TR)A)																				
New provision in Place Of s 14 and 15 of RTRA 1984 RTRA (TR)	Temporary prohibition or restriction of traffic on roads											✓		✓				✓		
ROAD TRAFFIC REDUCTION ACT 1997 (RTREDA)																				
Section 2 RTRedA	Report on levels of Road Traffic											✓						✓		
ROAD TRAFFIC REGULATION (SPECIAL EVENTS) (RTRA(SE))																				
Road Traffic Regulation Act 1984 (RTRA)																				
Section RTRA 20	To arrange for the making of permanent and temporary traffic regulation orders											✓						✓		
Section RTRA 20	To authorise operative dates for traffic regulation orders											✓						✓		

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Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Section RTRA 32	To manage all Council off-street and on-street car parks											✓						✓		
Section 99 – 101 RTRA	For the purposes of Off-Street Parking Places Orders and On-Street Parking Places Order to remove or arrange for the removal of vehicles left in a parking place in contravention of any provisions referred to in such Orders											✓						✓		
Section RTRA 32 et seq	For the purposes of On-Street Parking Permit Schemes to deal with requests for and to issue all discretionary and business permits including the fixing of any charges											✓						✓		
Section RTRA 32 et seq	To make Parking Place Orders including Amendment and Consolidation Orders											✓						✓		
Section RTRA 32 et seq	To confirm Parking Place Orders where there are no objections subject to informing local Members before and after the consultation period.											✓						✓		
Section RTRA 32 et seq	To authorise the operative dates for Parking Place Orders.																	✓		
Section RTRA 35 and 41	To Serve Notices pursuant to Sections 35(c) and 46 of the Road Traffic Regulation Act 1984 to vary changes at all off on-street parking places subject											✓						✓		

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Responsibility		Officer																H O S	S D	Procedure Reference		
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P					
	to prior approval by Cabinet of the new changes.																					
Section RTRA 32 et seq	To commence proceedings in the Magistrates' Court for contravention of a On and Off-Street Parking Orders																				✓	
Section 14 & 15 RTRA	The temporary prohibition or restriction of traffic on roads											✓		✓							✓	
Section 16 RTRA	Supplementary provisions as to orders and notices under s 14											✓		✓							✓	
Section 23 RTRA	To authorise in consultation with the Cabinet Member and local Ward Members changes, remove existing crossings and introduce new crossings in accordance with the criteria and that the alterations be reported to the next meeting of Cabinet.											✓									✓	
Section 57 (RTRA)	To provide parking spaces for bicycles & motorcycles											✓									✓	
Section 81 to 85 (RTRA)	Local speed limits											✓									✓	
Section 102 i	Power to remove, store and dispose of vehicles											✓		✓							✓	

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Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
ii	Set charges											✓		✓				✓		
iii	Determination of case-by-case incidents											✓						✓		
SUNDAY TRADING ACT 1994																				
S. 2 Power for LA to designate as a loading control area or revoke a designation.												✓						✓	✓	
S.1.1 implementing the Enforcement provisions of Sch. 2 2. Duty to appoint inspectors												✓						✓	✓	
4A. Power of inspector to enter premises; inspect records; take records; take measurements and photos Under by the Consumer Rights Act 2015 S.100(5) Sch.6 para 58(3)								✓	✓			✓						✓	✓	
SURFACE WATER (DANGEROUS SUBSTANCES) REGULATIONS 1997/98 (SW(DS)REGS)																				
SW(DS) A	Application for works in rivers											✓		✓				✓		
THE WATER SUPPLY (WATER QUALITY) REGULATIONS 1989																				
(TWS(WQ) Regs)	Fittings to be of a certain standard											✓	✓	✓				✓		
TOWN AND COUNTRY PLANNING ACT (TACPA)																				
Section 247 TaCPA	To respond to the Department of Transport upon applications under Section 247 of the Town and Country Planning Act 1990											✓	✓	✓				✓		

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Part 1.12	To respond to the Peak Park Planning Authority upon the highway implications of planning applications within the Peak Park											✓	✓	✓				✓		
Section 247 TaCPA	Authority to apply to SoS to stop up or divert all purpose highway for planning purposes											✓	✓	✓				✓		
Section 248 TaCPA	Authority to apply to SoS to stop up or divert other highways affecting main highways which are subject to planning permission											✓	✓	✓				✓		
Section 249 TaCPA	Authority to apply to SoS to extinguish vehicular rights on an all purpose highway											✓	✓	✓				✓		
Section 251 TaCPA	Authority to apply to SoS to extinguish public rights of way (all purpose) over land held for planning purposes											✓	✓	✓				✓		
Section 253 TaCPA	Authority to apply to SoS to stop up or divert all purpose highway in anticipation of planning permission.											✓	✓	✓				✓		
Section 254 TaCPA	Authority to apply to SoS to compulsorily acquire land in pursuance of an order under Sections 247, 248 or 249.											✓	✓	✓				✓		
Section 257 TaCPA	Power to authorise stopping-up or diversion of footpath or bridleway.											✓		✓				✓		
Section 257 TaCPA	Power to authorise stopping-up or diversion of footpath or bridleway.											✓		✓				✓		
Section 258 TaCPA	Power to extinguish public rights of way over land held for planning purposes.											✓		✓				✓		
TOWN POLICE CLAUSES ACT 1847 TPCA																				

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Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Section 21 TPCA	To deal with applications to hold events and activities on the public highway in accordance with the approved guidelines. To make Orders under the Town Police Clauses Act 1847 for temporary closure of highways for special events of a social, sporting or charitable nature.											✓		✓				✓		
Section 28 TPCA	Penalties for offences in the street eg. car repairs or goods for sale.											✓		✓				✓		
TRAFFIC MANAGEMENT ACT 2004 (TMA)																				
Part 1 S 1 to 15 TMA	Traffic Officers											✓						✓		
Part 2 S 16 to 31 TMA	Network Management by Local Authorities											✓						✓		
Part 4 S 40 to 59 TMA	Street Works											✓						✓		
Part 5 S 60 to 71 TMA	Highways and Roads											✓						✓		
Part 6 S 72 to 74 TMA	Civil Enforcement of Traffic Contraventions											✓						✓		
Part 6 S 75 TMA	Power to apply for CEA designation											✓						✓		
Part 6 S 76 to 76 TMA	Civil Enforcement of Traffic Contraventions											✓						✓		
Part 6 S 77 TMA	Power to set Penalty charges including discounts and Surcharges																			Set by Governmen t

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Part 6 S 78 TMA	Civil Enforcement of Traffic Contraventions											✓						✓		
Part 6 S 79 i,	Power to immobilise Vehicles																			Non function
ii,	Set charges for Release																			Non function
iii, TMA	Determination of case by case incidents											✓						✓		
Schedule 5 TMA	Schedule 22A to the Highways Act 1980											✓						✓		
Part 6 S 80 to 81 TMA	Civil Enforcement of Traffic Contraventions											✓						✓		
Part 6 S 82 TMA	Power to appoint Bailiffs for enforcement of a Traffic contravention debt											✓		✓				✓		
Part 6 S 83 to 93 TMA	Civil Enforcement of Traffic Contraventions											✓	✓	✓				✓		
Part 7 S 94 to 100 TMA	Miscellaneous and General											✓						✓		
Schedule 1 TMA	Increases in maximum fines for certain summary offences under the 1991 Act											✓						✓		
Schedule 2 TMA	Schedule 4A to the New Roads and Street Works Act 1991											✓						✓		
Schedule 3 TMA	Schedule 4B to the New Roads and Street Works Act 1991											✓						✓		
Schedule 4 TMA	Schedule 3A to the New Roads and Street Works Act 1991											✓						✓		
Schedule 6 TMA	Schedule 22B to the Highways Act 1980											✓						✓		
Schedule 7 TMA	Road Traffic Contraventions subject to civil enforcement											✓						✓		

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Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Schedule 8 TMA	Civil enforcement areas and enforcement authorities											✓						✓		
Schedule 9 TMA	Civil enforcement: setting the level of charges																	✓		
Schedule 10 TMA	Civil enforcement: special enforcement areas											✓						✓		
Schedule 11 TMA	Civil enforcement: consequential amendments											✓						✓		
Schedule 12 TMA	Repeals											✓						✓		
TRADE IN ANIMALS & RELATED PRODUCTS REGULATIONS 2011																				
Reg. 19	Requirement for the enforcement authority (Council) to seize any consignment that does not comply with the import requirements from third countries.					✓ ¹		✓ ¹	✓ ¹			✓ ¹						✓ ₁	✓ ₁	
Reg. 20	Requirement for the enforcement authority to dispose of any consignment seized under Regulation 19 or order its re-dispatch in accordance with the Regulation.					✓ ¹		✓ ¹	✓ ¹			✓ ¹						✓ ₁	✓ ₁	
Reg.31	Identifies the Council for the enforcement of these regulations.					✓ ¹		✓	✓			✓						✓	✓	
Reg. 32	Identifies the Council for the inspection of products outside a Border Inspection Post (NB does not include feedstuffs and at premises to which the FSA enforces) Power to detain products not meeting requirements of the regulations in premises under the control of Customs until such time that a Customs officer can take charge of it.					✓ ¹		✓ ¹	✓ ¹			✓ ¹						✓ ₁		

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Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Reg. 33 Power of entry for authorised officer of the enforcement authority. Power to be accompanied by such persons and bring such equipment as necessary.			✓ ¹		✓ ¹		✓ ¹	✓ ¹			✓ ¹						✓ ₁		
Reg. 34 Powers of authorised officers: Power to inspect products, packaging; records; take records away for the purposes of copying; seize and retain anything required for evidence; open any bundle, package, personal luggage etc.; take samples for analysis to verify compliance with records and/or compliance with these regulations.			✓ ¹		✓ ¹		✓ ¹	✓ ¹			✓ ¹						✓ ₁		
TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHIES (ENGLAND) REGULATIONS 2018																			
Reg. 13 Power for LA to appoint inspectors											✓						✓	✓	
Reg. 14 Power of entry for authorised inspectors. Power to take with them persons as necessary			✓		✓		✓	✓			✓						✓		
Reg. 15 Powers of inspectors to: Seize any animal, body of animal, animal protein or feeding stuffs that may contain animal protein, or milk or milk product; carry out inquiries, investigations etc.; collect, pen and inspect any animal etc.; take samples; seize and detain any cattle passport; have access to and copy records including those held on a computer etc.; mark anything for identification purposes; lock or seal any container or store etc.			✓		✓		✓	✓			✓								
Reg. 16 Power to issue a notice in relation to these regulations e.g., prohibit movement of animals; require the killing and slaughter of any animal; direct to cleanse and disinfect premises/vehicles etc.								✓			✓						✓		

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Reg. 17 Power to allow movement of an animal following the issue of a notice restricting movement, under the authority of a licence.									✓			✓						✓		
Reg. 20 Enforcement by the local authority except for the requirements of Sch. 2 and Sch. 7																				
TRANSPORT ACT 2000 (TA)																				
Section 108 TA	Statutory obligation to Submit a Local Transport Plan. To consider applications for and to authorise (in consultation with the Cabinet Member) Local Transport Plan capital grants (subject to appropriate conditions) to public, private and voluntary sector employers up to a level of £5,000 from the "Sustainable Travel to Work and Schools" budget for the purpose of developing Workplace Travel Plans for projects likely to improve or promote social, economic or environmental well-being of the Council's area having had regard to the Council's community strategy and any statutory guidance pursuant to Section 2 of the Local Government Act 2000											✓						✓		
TOWN AND COUNTY PLANNING ACT 1990																				
S.215 Power to issue a notice requiring the remedy of land in relation to amenity										✓	✓	✓					✓	✓	✓	✓
S.219 Power to enter the land in relation to which S.215 notice issued and take such steps as required by the notice		✓	✓							✓	✓	✓					✓	✓	✓	

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
to remedy the condition of the land. Power to recover the costs incurred in doing this.																				
S 224 Power of Local Planning Authority to require the removal and discontinuance of displaying advertising material contrary to the Act										✓	✓						✓			
225 Power to remove or obliterate placards and posters and to issue a notice requiring the removal of such		✓	✓							✓	✓						✓			
WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT DIRECTIVE (WE&EED)																				
(WE&EED)	Waste Transfer Stations											✓	✓	✓				✓		
WASTE MANAGEMENT LICENCE REGULATIONS 1994 & 1996 (WMLREGS)																				
(WMLRegs) (SWR) (WDRags)	Obtain exemptions and Licences, WAMITAB qualifications to pursue Methods & Regulations of waste disposal Landfill Tax											✓	✓	✓				✓		
WATER INDUSTRY ACT 1991																				
S.77 Duty of LA to keep itself informed of water quality												✓						✓	✓	
S.78 Duty of LA to notify water undertaker and Secretary of State of unsatisfactory public supply												✓						✓		
S.79 Power of LA to require water undertaker to provide a wholesome and sufficient supply of water												✓						✓	✓	

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.80 Remedial powers of LA to issue notice in relation to private water supply					✓		✓	✓			✓						✓	✓	
S.81 Requirement to confirm certain private supply notices with Secretary of State								✓			✓						✓	✓	
S.82 Power of LA to take steps to comply with the notice issued under S. 81 and recover the costs. Power to vary or revoke private supply notices								✓			✓						✓	✓	
S.83 duty of LA to act as if a water undertaker in certain circumstances											✓						✓	✓	
S.84 Power of entry by authorised officer to premises. Power to carry out inspections, tests, measurements, take samples away.				✓	✓		✓	✓			✓						✓		
S.85 Power to issue a notice requiring a person to furnish information				✓	✓		✓	✓			✓						✓	✓	
WELFARE of ANIMALS AT TIME OF KILLING (ENGLAND) REGULATIONS 2015																			
Reg.34 Power to appoint inspectors for the purpose of enforcing the Regulations																	✓		
Reg.35 Powers to enter premises			✓ ¹				✓ ¹	✓ ¹			✓								
Reg.37 Power to inspect and seize			✓ ¹				✓ ¹	✓ ¹			✓								
R.38(2) Power to serve enforcement notices			✓ ¹				✓ ¹	✓ ¹			✓								
R.40 Power of Local Authority to prosecute											✓*						✓		
*Operational Manager																			
WELFARE OF FARMED ANIMALS (ENGLAND) REGULATIONS 2007 (as amended)																			

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Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Reg.8 Power for LA to prosecute for offences under these regulations *Operational Manager												✓*						✓		
WEST YORKSHIRE ACT 1980																				
S.44 Power for LA to issue notice requiring the reduction in emissions resulting from a building operation, e.g., dust etc.						✓		✓	✓			✓								
S.81 Power to serve Notice re: trees impeding natural light					✓	✓		✓	✓			✓								
WILDLIFE AND COUNTRYSIDE ACT																				
Section 14	Part 2 – Legislation relating to the control and responsibilities regarding noxious weeds, including Japanese knotweed, Giant Hogweed and others.											✓		✓				✓		
Section 53	Duty to keep definitive map and statement under review.											✓		✓				✓		
Section 53 A	Power to include modifications in other orders.											✓		✓				✓		
Section 53	Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.											✓		✓				✓		
Section 53	Duty to reclassify roads used as public paths.											✓		✓				✓		
Section 53	Duty to reclassify roads used as public paths.											✓		✓				✓		

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Responsibility		Officer																H O S	S D	Procedure Reference
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
Section 54	Power to prepare map and statement by way of consolidation of definitive map and statement.											✓		✓				✓		
Section 59	Bulls											✓		✓				✓		
Part 1 S 1,5,9, 11,13,14,18, 25 WACA	Protecting Birds, Plants and Animals. Raising awareness of the Act											✓		✓				✓		
Wildlife and Countryside Act 1981; Countryside Rights of Way Act 2000; Countryside Act 1968																				
WCA81 Section 62	To appoint warden																	✓	✓	
Highway Asset Management	Keep the policy under review and update as required, in consultation with relevant Cabinet Members, if any change in policy or approach is required																		✓	
WORKING TIME REGULATIONS 1998																				
S.28(3) Power for LA to enforce the requirements of these regulations in premises for which it is the enforcing authority (as contained within the Health and Safety (Enforcing Authority) Regulations 1998	Power to appoint inspectors to enforce the Regulations												✓						✓	✓
ZOO LICENSING ACT 1981 and the Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002																				

Environment & Climate Change (Delegation Scheme for Environment)

Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.1 Power of LA to issue licences											✓						✓	✓	
Granting of requests for dispensations by DEFRA S.14											✓						✓	✓	
S.4 Power for the LA to grant or refuse licences and the requirements											✓						✓	✓	
S.6 Power of the LA to renew licences											✓						✓	✓	
S. 7 Power of LA to transfer licences											✓						✓	✓	
S. 10 Power for LA's Authorised Officer to conduct periodical inspections (giving 28 days' notice)			✓ ¹				✓ ¹	✓ ¹			✓ ¹								
S. 11 Power for LA's Authorised Officer to conduct special inspection (no period of notice required)			✓ ¹				✓ ¹	✓ ¹			✓ ¹								
S.11A Power for LA's Authorised Officer to conduct special inspection of closed zoos (no period of notice required). Power to require the production of records			✓ ¹				✓ ¹	✓ ¹			✓ ¹								
S.12 Power of authorised officer to conduct informal inspections			✓ ¹					✓ ¹			✓ ¹								
S.15 Power to charge fees associated with the issue of licences and inspection.																			Cabinet
S.16 Power to alter licences								✓ ¹			✓ ¹						✓ ₁	✓ ₁	
S.16A Power to issue a direction in relation to non-compliance with licence conditions								✓ ¹			✓ ¹						✓	✓	
S.16B Power to make a Zoo Closure Direction in relation to licence conditions								✓ ¹			✓						✓	✓	
S.16C Power to make a Zoo Closure Direction in relation to a zoo without a licence.								✓ ¹			✓						✓	✓	

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Responsibility	Officer																H O S	S D	Procedure Reference
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
S.16E Power to make directions in relation to the welfare of animals following the issue of a Zoo Closure Direction.								✓ ¹			✓						✓	✓	
S.16F Power for LA to sell or otherwise dispose of animals where welfare issues not met following issue of a Zoo Closure Notice.											✓						✓	✓	
S.16G Power of entry of authorised officer in relation to Ss.16E & F			✓ ¹				✓ ¹	✓ ¹			✓						✓	✓	
ZOONOSES (MONITORING) (ENGLAND) REGULATIONS 2007																			
Reg. 4 Power of entry for authorised inspector to: Identify whether zoonoses listed in the schedule have been present etc. and for the enforcement of these regulations.			✓				✓	✓			✓						✓	✓	
Reg. 5 Powers of inspectors: <ul style="list-style-type: none"> • carry out inquiries, examinations, tests, take samples • examine any records in whatever form and take copies or printouts of those records; • mark for identification purposes, any animal, animal carcass or thing • make inquiries of any person; • place any equipment (including any trap) on the premises for the purpose of capturing or monitoring any wild animal or for detecting any micro-organism; • take with him any person, vehicle or equipment that he considers necessary for the execution of these Regulations; • Take with him any representative of the European Commission. 			✓				✓	✓			✓					✓			
Reg. 8 Power to enforce these regulations conferred to the LA			✓				✓	✓			✓						✓		

Key to authorised officers:

Responsibility	Post Title / Section
Officer A	Environment & Community Support Officer
Officer B	Environment & Greenspace Enforcement Officer / Public Space Protection Officer
Officer C	Animal Health Officer
Officer D	Appropriate E & CC Technical Officer, BSc Environmental Health Apprentice & Environmental Health Student, Pest Control Technical Officer
Officer E	Appropriate E & CC Senior Technical Officer
Officer F	
Officer G	Environmental Health Officer EHO
Officer H	Senior Environmental Health Officer SEHO
Officer I	Greenspace Action Supervisor
Officer J	Greenspace Environment Action Manager
Officer K	Public Protection (Environmental Health) Group Leader/Appropriate E & CC Operational Manager
Officer L	Highways Senior Engineer / Engineer
Officer M	Appropriate E & CC Service Delivery Manager / Principal Engineer / Team Leader / Principal Technical Officer PTO
Officer N	Highways Group Engineer
Officer O	Senior Enforcement Officer
Officer P	Complex Enforcement Officer
HOS	Head of Service
SD	Service/Strategic Director
<p>✓¹ Trained, competent and authorised under this legislation ✓² With SEHO authorisation ✓³ Only when Night Time Noise Service or standby officer ✓⁴ With EHGL Authorisation ✓⁵ Pest Control Technical Officer only in relation to issues relating to pests</p> <p>NO/SA Named Officer/Specific Appointment NTNS Night Time Noise Service</p>	
Procedure Reference	
Note i	- Chief Executive
Note ii	- Refer through to Kirklees Anti-Social Behaviour Partnership

Note iii - Only the Police can obtain a warrant to enter a private place to seize a Section 1 dog

In addition to the above officers also have the Authority to:

- present the LPA's case (whether written representations, at informal hearing or public inquiry) on appeals and references to the Secretary of State.
- to present the LPA's case on appeals to the Magistrates' Court against planning/PROW/Highways related issues.
- to present the LHA's case in relation to prosecutions in the Magistrates' Court.

¹ Referred to Planning Area Sub-Committee following request from the Sub-Committee Chair, ward member or where there is not majority support for the proposed action by the three ward members

¹ Referred to Planning Area Sub-Committee following request from the Sub-Committee Chair, ward member or where there is not majority support for the proposed action by the three ward members