

Delegated Powers for Environmental Enforcement – Appendix To Cabinet Report February 2013

Already delegated?	Act	Power Delegated	Delegated to	Consult with Exec Councillor?
Yes 20/9/00	Environment Act 1995 s108 (4)	To exercise power of entry in respect of pollution control enactments	Authorised Officers	
To add		Power to serve notice requiring information relevant to an investigation	Authorised Officers	
To add	Environmental Protection Act 1990 part II Waste on Land	Power to serve notices, FPN's for offences regarding waste on land both domestic and commercial	Authorised Officers	
To add		Prosecute for offences regarding waste on land both domestic and commercial	Head of Operations	yes
Yes Delegated 5.3.91	Environmental Protection Act 1990 Part IV - Litter	Issue Litter Control Notices	Head of Operations	
Yes already delegated 5.3.91		Prosecute for s87 offences (littering)	Head of Operations	Yes
Already delegated 9.9.98 needs amending to say authorised officers		Issue FPNs (s88)	Authorised Officers	
Already delegated 6/5/04	Anti Social behaviour Act 2003 section 55	Amends EPA 1990 s30 , s59 & s71 Amends s108 Environment Act 1995 Amends Control of Pollution Act 1990 (WCA Authorisations)	Head of Operations	
To add	section 56	Power to enter land to clear litter and recover expenses	Head of Operations	

Yes but needs addition of Head of Operations		Power to issue Fixed Penalty notices	Authorised Officers	
Already delegated 1/9/05	Clean Neighbourhoods & Environment Act 2005	Abandoned & Nuisance Vehicles, Litter & Refuse,		
Already delegated 1/9/05	Parts 2-5	Graffiti & Defacement, Transporting & Depositing of Waste		
Already delegated 1/9/05	Other	Power to issue fixed Penalty Notices for above offences	Authorised Officers	
		To institute legal proceedings for above provisions	Head of Operations	Yes
Already delegated 15/12/05	Vehicles Excise Duty (Immobilisation, Removal & Disposal of Vehicles Regs 1997 (as amended))	Clamp & remove untaxed vehicles from public highway	Head of Operations	
Already delegated 2/11/11				
To add (29.1.74 powers were delegated for inspection of land)	Refuse Disposal (amenity) act 1978	Removal and Disposal of Abandoned Vehicles	Authorised Officers	
Yes 7/1/75		To institute legal proceedings for above Act	Head of Operations	Yes
To add	Local Government (Miscellaneous Provisions) Act 1976 (s16)	To serve notice to ascertain the nature of interest in land	Authorised Officers	
To add	Public Health Acts 1936 (s78)	To clear courts, yards or passages and recover expenses	Authorised Officers	

To add	(s287)	Power of entry for such purposes	Authorised Officers	
To add	Control of Pollution (Amendment) Act 1989	Power to produce authority to carry waste	Authorised Officers	
To add		Power to seize vehicle used in committing offence	Head of Operations	
To add		Power to FPN for failure to produce waste docs	Authorised Officers	
To add		Power to prosecute for failure to produce waste docs	Head of Operations	Yes
To add	Control of Pollution Act 1974 (s22)	Power to clear land (not a highway) to which the public have access	Authorised Officers	
To add	Road Traffic Regulation Act 1984 s99 – 102	Power to remove illegally, obstructively or dangerously parked, or abandoned or broken down vehicles. Power to dispose, and charge for removal, storage and disposal.	Authorised Officers	