

## 7.1 Housing and environment

### Functions delegated to the assistant director of community protection.

#### Definitions

In this section the following definitions shall apply unless otherwise indicated:

- anti-social behaviour, means conduct that has caused, or is likely to cause, harassment, alarm or distress to any person; conduct capable of causing nuisance or annoyance to a person in relation that person's occupation of residential premises; or conduct capable of causing housing-related nuisance or annoyance to any person
- closure notice and closure order, means notices and orders pursuant to the anti-social behaviour, crime and policing act 2014
- criminal behaviour order, means an order pursuant to sections 22-33 of the anti-social behaviour, crime and policing act 2014
- high hedges, means high hedges as referred to in part 8 of the anti-social behaviour act 2003
- public spaces protection order, means an order made pursuant to the anti-social behaviour, crime and policing act 2014
- s11 LLAA notice, means a notice pursuant to s11 of the London local authorities act 1995

#### Part 1 - general

##### 1. General

1.1 To take enforcement action (including the issuing of fixed penalty notices /penalty charge notices)

1.2 To require information to ascertain interests in land/premises or ownership of vehicles.

1.3 To authorise entry onto land where authorised by statute for any purpose

1.4 To authorise the service of any notices (and withdrawal), and the making of any orders required in the exercise of the Council's functions

1.5 To respond to consultations on policy issue, draft proposals, draft legislation and other street environment related issues.

1.6 To carry out any promotional activities to promote the functions of the Community Protection team.

1.7 To charge, vary or waive a fee where there is a statutory power to do so.

1.8 To exercise the responsibilities described in the council's enforcement policy and, in particular, to exercise the council's powers and duties under the criminal procedure and investigations act, the human rights act and the regulation of investigatory powers act.

1.9 To exercise the council's powers under the proceeds of crime act 2002

1.10 To act as the proper officer of the council to perform the functions in relation to section 234 of the local government act 1972, in so far as they relate to the duties of the director in respect of housing, crime and community safety, and any other functions delegated to the assistant director.

2. To exercise the council's functions:

2.1 With regard to regulation and licensing including but not limited to the functions set out in part 3 below

2.2 With regard to crime and community safety including but not limited to the functions set out in

2.3 To exercise the responsibilities described in the council's enforcement policy and, in particular, to exercise the council's powers and duties under the criminal procedure and investigations act, the human rights act and the regulation of investigatory powers act.

3. Policy/strategy

To develop and contribute towards the council's functions in respect of the preparation and development of appropriate strategies, policies and plans.

4. Mortuary services

a. To act as the proper officer of the council to perform the functions in relation to section 234 of the local government act 1972, in so far as they relate to the duties of the assistant director in respect of housing, and crime and community safety or any other functions delegated to the assistant director.

b. To administer the council's role as a 'contributing authority' in respect of the mortuary service, which is provided jointly with Hillingdon council, which is the 'providing authority'

## **Part 2 – housing**

5. Legal and administration

5.1 To institute possession proceedings in the county court on behalf of the council against secure tenants on grounds of rent arrears and non-secure tenants in respect of premises provided as temporary accommodation and premises occupied by unauthorised occupiers following termination of a secure tenancy.

5.2 To institute legal proceedings (including any appropriate enforcement action) for the recovery of service charge or capital works arrears from the council's leaseholders.

5.3 To act as the proper officer of the council to perform the functions in relation to section 234 of the local government act 1972, in so far as they relate to the duties of the director in respect of housing and any other functions delegated to the assistant director.

5.4 To undertake the management of housing land and associated property including (but not limited to):

- The management of tenancies, the termination of tenancies including (but not limited) to the issue and enforcement of notices to quit and notices seeking possession;

- The enforcement of conditions of tenancy including (but not limited to) evictions and (following consultation with the director of legal and democratic services and other relevant service directors, including the statutory children services director) court action to secure enforcement;
- Action in respect of illegal occupation including (following consultation with the director of legal and democratic services) securing possession;

## **6. Enforcement**

6.1 To exercise the council's powers on housing land in relation to

- Unlawful waste disposal (unlawful disposal of waste and refuse including, but not limited to, littering and fly-tipping)
- Flyposting and graffiti
- Nuisance vehicles (abandoned vehicles, nuisance parking and repair and sale of motor vehicles)
- Dogs (dangerous and stray dogs)

including enforcement action (including the issue of fixed penalty notices)

### **Part 3 - property regulation**

## **7. Noise and other nuisance**

7.1 To provide a service for the investigation and abatement of statutory nuisances from both commercial and residential premises.

7.2 To respond to complaints of noise and nuisance, clean air act offences and mishandling of asbestos occurring at both residential and commercial premises, including the power to take enforcement action by service of notices, seizure of nuisance noise making equipment or other lawful enforcement mechanisms available from time to time.

7.3 Generally to take action and operate all legislative and administrative procedures in relation to noise, other nuisances, contaminated land, and clean air act offences, specifically, but not exclusively, to:

- Appoint authorised officers;
- Require information, seize evidence;
- Issue statutory notices, licenses, certificates, registrations and orders;
- Maintain a register of remediation notices in relation to contaminated land;
- Cleanse and disinfect filth or verminous persons and premises;
- Consent to the use of noisy equipment and approaches where building and infra-structure work is proposed;
- Undertake work in default where a notice is not complied with

## **8. Environmental quality**

8.1 To enforce requirements of the environmental permitting regime in relation to emissions of air pollutants from industrial process.

8.2 To carry out local air quality management functions.

- 8.3 To inspect the borough for contaminated land.
- 8.4 To carry out the requirements of the National Ambient Noise Strategy.
- 8.5 To respond to complaints about vibration, radiation and water pollution.
- 8.6 Generally to fulfil all statutory requirements in relation to air quality, specifically, but not exclusively, to:

- Appoint authorised officers;
- Require information, enter premises, seize evidence;
- Issue statutory notices;
- Serve and revoke permits;
- Approve exemptions from statutory requirements; and
- Undertake inspections, measurement and tests.

## 9. Private property regulation

9.1 To exercise the council's powers under parts 1 to 4 of the housing act 2004.

9.2 To deal with unsatisfactory housing conditions and ensure that any residential premises should provide a safe and healthy environment for any potential occupier or visitor.

9.3 To inspect HMO properties to ensure that they comply with the council's adopted standards and current legislation and to ensure the effective implementation of the licensing regime.

9.4 Generally to take action and operate all legislative and administrative procedures in relation to housing where enforcement is the responsibility of the Council either as owner or regulatory authority specifically, but not exclusively, to:

- Appoint authorised officers;
- Require information and require documents to be produced, seize evidence;
- Issue statutory notices, licenses, certificates, registrations and orders (including but not limited to notices under section 214 of the Town and Country Planning Act 1990);
- Exercise powers to inspect properties for category 1 or 2 hazards under part 1 of the housing act 2004, and to take appropriate enforcement action in relation to the category of hazard;
- Exercise powers to take emergency remedial action, and to serve prohibition orders, improvement notices, hazard awareness notices and to take appropriate enforcement action.
- Implement/administer schemes of licensing for houses in multiple occupation and private sector tenanted accommodation;
- Initiate related works, default, charging and cost recovery procedures.
- Reinstate gas, electricity or water supplies.

## 10. Public health

10.1 To treat and take other action in relation to infestations of pests;

10.2 To investigate complaints relating to filthy and verminous premises, and to undertake necessary enforcement including the service of notices (with the consent of the strategic director of adults and public health where this may include any deprivation of liberty).

10.3 To deal with defective drainage and sewers (including the investigation and remedy of noxious matter, and accumulations), using statutory powers including the service of notices and enforcing those as necessary;

10.4 To secure vacant properties using powers under the local government (miscellaneous provisions) act 1982;

## 11. Empty Properties

11.1 To enter into appropriate grant agreements with empty property landlords (following consultation with the director of legal and democratic services and the strategic director of resources as appropriate).

## **Part 4 – regulation and licensing**

### 12. Food Hygiene, Safety and Standards

12.1 To exercise the council's functions to ensure that food is safe to eat, properly labelled, described and presented, including being empowered to execute and enforce the food safety duties arising under regulations made under the European communities act 1972, the food safety act and any other provisions for import, export and products of animal origin.

12.2 Generally to take action and operate all legislative and administrative procedures in connection with food safety, food export certificates and training fees for food hygiene, food safety courses and health and safety courses (discharged otherwise on the authority's capacity as an employer), specifically, but not exclusively to:

12.2.1 Appoint authorised officers;

12.2.2 Prohibit food business operations and individuals;

12.2.3 Promote food safety and undertake training;

12.2.4 Exercise powers of entry;

12.2.5 Require information, seize evidence (including) unfit food;

12.2.6 Issue statutory notices, licenses, certificates, registrations and orders;

12.2.7 Powers to consider and determine applications for approvals of premises under product specific food hygiene regulations.

### 13. Health and safety at work

13.1 To exercise the council's functions to protect the health and safety of workers (and workplace visitors) in the business community, including the investigation of workplace accidents and dangerous occurrences.

- 13.2 Generally to take action and operate all legislative and administrative procedures in pursuit of health and safety in the workplace where enforcement is the responsibility of the council, specifically but not exclusively to:
- 13.2.1 Appoint inspectors (authorised officers) with such powers as may be specified under section 19 of the health and safety at work etc act 1974 (the act);
  - 13.2.2 Authorise any person to enter any premises accompanied by an inspector who has been duly appointed under section 19 of the act when the inspector is exercising a power of entry under section 20(2)(a) of the act;
  - 13.2.3 To appoint any other person under section 19 of the act to exercise the powers of an inspector as specified in section 20 of that act in respect of particular specified investigations.
  - 13.2.4 Agree transfers of enforcement responsibility between the health and safety executive and the council;
  - 13.2.5 Promote health and safety, and undertake training;
  - 13.2.6 Require information, seize evidence, prohibit the use of equipment or activities;
  - 13.2.7 Issue statutory notices, certificates or registrations.
14. Trading standards
- 14.1 To appoint and authorise the chief trading standards officer and the chief inspector of weights and measures to exercise the council's powers and duties under the weights and measures act 1976 and 1985, and to appoint other such officers who shall also be empowered to exercise these (or limited) powers under the direction of the chief trading standards officer.
  - 14.2 To exercise the council's functions to ensure that all goods and services originating from the borough, whether destined for supply locally, nationally or to the EU are safe, accurately priced, labelled and advertised.
  - 14.3 Generally to take action and operate all legislative and administrative procedures in pursuit of fair-trading and consumer protection, product safety and provision of credit, specifically, but not exclusively to:
    - 14.3.1 Appoint authorised officers;
    - 14.3.2 Enforce safety notices of dangerous goods, substances or articles (including the enforcement of suspension notices, notices to warn, withdrawal notices and recall notices);
    - 14.3.3 Promote consumer safety and fair trading;
    - 14.3.4 Require information and seizure of evidence;
    - 14.3.5 Issue statutory notices, licenses, certificate, registrations and orders;
    - 14.3.6 Enter into arrangements which authorise other local authorities and public bodies and agencies to investigate or prosecute offences suspected to have arisen within the borough;
    - 14.3.7 To enter into arrangements for the council to investigate or prosecute offences on behalf of other local authorities and public bodies and agencies

suspected to have arisen outside the borough where it is considered to be in the council's interest to do so.

14.3.8 To enter, investigate and take action with regard to age-related sales and to ensure a programme of enforcement action in relation to the same.

14.3.9 Enforcement of the restrictions on the sale of fireworks, from premises or highways and any associated licensing schemes that may from time to time be in force.

14.3.10 Enforcement of provisions relating to fertilizers and feeding stuffs.

14.3.11 Enforcement of provisions relating to estate agency work.

14.3.12 Enforcement of provisions for the purposes of the civil aviation (air travel organisers' licensing) regulations.

## 15. Animal welfare

15.1 To exercise the council's functions with regard to animal welfare, including but not limited to the appointment of inspectors under the animal health act 1981 and the animal welfare act 2006

15.2 To exercise the council's functions as set out in the wildlife and countryside act 1981 and the guard dogs act 1975.

15.3 To appoint and authorise veterinary surgeons/practitioners to inspect under relevant animal welfare licensing regimes.

## 16 Public health

16.1 To treat and take other action in relation to infestations of pests;

16.2 To investigate complaints relating to filthy and verminous premises, and to undertake necessary enforcement including the service of notices (with the consent of the strategic director of adults and public health where this may include any deprivation of liberty).

16.3 To take action and exercise powers under the public health (control of disease) act 1984 and associated regulations and orders to ensure the protection and promotion of public health, including but not limited to the health protection (local authority powers) regulations 2010 and health protection (part 2a orders) regulations 2010.

16.4 To exercise the council's powers under the water industry act 1991.

16.5 To exercise the powers of entry, investigation and enforcement (with the consent of the strategic director of adults and public health where this may include any deprivation of liberty) in relation to the health act 2006 as it relates to the prohibition of smoking in buildings and vehicles.

## 17 Licensing and registration

17.1 Generally to discharge the council's licensing functions relating to alcohol, gambling and other related licenses enforced by the council and to take action and operate all legislative and administrative procedures in relation to the licensing and registration of premises and people specifically, but not exclusively, to:

- add or vary any conditions in relation to licensing fees;

- grant unopposed licenses, renewals, transfers and variations, special treatment, sex and sex encounter, exhibition applications, and near beer licenses including the addition or variation of any conditions in relation to licensing fees;
- grant consent for pop concerts under the provisions of the council's standard conditions for places of public entertainment;
- issue a permit, consent, approve, register, inspect or license premises or persons in respect of the following:
  - animal boarding;
  - animal trainers and exhibitors;
  - booking offices;
  - breeding of dogs;
  - dangerous wild animals;
  - dealers in game and the killing and selling of game;
  - pet shops;
  - pools promoters;
  - premises with amusement machines;
  - premises where amusements with prizes are provided;
  - provision, licensing and control of caravan sites
  - public exhibitions;
  - riding establishments;
  - scrap metal dealers
  - zoos

or where appropriate arrange for the matter to be determined by a meeting of the council's general purposes committee or licensing sub-committee.

17.2 To determine the level of licensing fees retained where an application is withdrawn;

17.3 To classify films which have not been classified by the British board of film classification;

17.4 To determine applications for loading and unloading at large shops before 9am on Sundays;

17.5 To discharge all licensing functions and such other matters an officer is empowered to discharge under the licensing act 2003, or any regulations issued in relation to that act and any statute or regulations amending, consolidating or replacing them specifically, but not exclusively to:

- determine applications for the grant and renewal of personal licenses where no objections have been made;



- determine applications for the grant, variation or conversion of premises licenses, club premises certificates, provisional statements, or variations where no relevant representations are made;
- determine applications to vary designated premises supervisor where no objection has been made;
- deal with requests to be removed as a designated premises supervisor;
- determine applications for the transfer of premises licenses and for interim authorities where no objection has been made;
- determine minor variations to premises licenses and club premises licenses;
- determine whether a representation, a complaint, an objection or an application for review is irrelevant, frivolous or vexatious;
- to prepare, amend and maintain the licensing register;
- carry out inspections and make recommendations where it is appropriate to do so;
- take any enforcement action;
- deal with such other matters as may be delegate to them;
- decide whether to object to a licensing application under the act where the council is a consultee and not the relevant authority considering the application;
- issue, defend, settle or participate in any legal proceedings, and legal procedure where such action is necessary to give effect to the decisions of the council or the licensing committee or its panels or sub-committees including the settlement of any relevant proceedings following consultation with the chair of the relevant panel or sub-committee;
- discharge all licensing functions and such other matters as officer is empowered to discharge under the gambling act 2005, or any regulations issued in relation to that act and any statute or regulations amending, consolidating or replacing them;
- issue a permit, consent, approve, register, inspect or licenses premises or persons in respect of sales of good by competitive bidding;
- make representations on behalf of the council, as licensing authority or environmental health authority, under section 161 of the gambling act;
- to act on behalf of the council as licensing authority as a 'responsible authority' under the licensing act 2003.

## 18. Sunday and Christmas Day trading

- 18.1 To enforce the provisions of the Sunday trading act 1994 and the Christmas day (trading) act 2004 and exercise the functions of the council under these provisions.

## **Part 5 – crime and community safety**

### 19. Crime and community safety

- 19.1 To exercise the council's functions (whether as part of joint arrangements with other agencies or otherwise) which promote the reduction and or prevention of crime, disorder and anti-social behaviour and the fear associated with it including but not restricted to:
  - 19.1.1 The implementation of alley gating schemes (including public spaces protection orders) in accordance with the alley gating programme approved by cabinet;
  - 19.1.2 The implementation of prohibitions on drinking alcohol through public spaces protection orders;
  - 19.1.3 The securing of injunctions pursuant to the anti-social behaviour, crime and policing act 2014 and section 222 of the local government act 1972;
  - 19.1.4 The issue of closure notices and the securing of closure orders;
  - 19.1.5 Applying for criminal behaviour order against a person who has been convicted if an offence and who has engaged in anti-social behaviour.
  - 19.1.6 The issuing of community protection notices pursuant to the anti-social behaviour, crime and policing act 2014;
  - 19.1.7 Taking relevant enforcement action in the exercise of crime and community safety functions including the issuing of fixed penalty notices
  - 19.1.8 Serving (and withdrawing) any notices and making (and withdrawing) any orders required in the exercise of the council's crime and community safety functions.
- 19.2 To operate the Council's CCTV services including but not limited to the installation, maintenance of CCTV cameras and monitoring of CCTV footage.

## **Part 6 – repairs and adaptation**

### 20. Repairs and adaptation

To exercise the council's functions as set out in the council's private sector renewal policies, adapting and repairing your home.