

7.2 HOUSING AND ENVIRONMENT

Functions delegated to the assistant director of environment and living street services.

Definitions

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

“Envirocrime” means matters which adversely affect the environment including but not restricted to the unlawful deposit/disposal of waste (including litter), moveable dwellings, shopping trolleys and vehicles, misuse of the public highway, flyposting and graffiti, stray dogs and dog fouling.

“Environmental permitting regime” means the regime regulated by the environmental permitting (England and Wales) regulations 2010

“Environmental services contract” means the contract entered into by the council for provision of environmental services including any contracts made between the council and greener Ealing limited

“Highways agreements” means highways agreements pursuant to the highways act 1980.

“New roads and streetworks” means new roads and streetworks referred to in the new roads and streetworks act 1991.

“Traffic management orders” means orders pursuant to the road traffic regulation act 1984.

“Stopping up and diversion orders” means orders stopping up or diverting the highway pursuant to the town and country planning act 1990 or highways act 1980.

“Street environment” means those parts of the borough consisting of public highway, residential and commercial areas, including those areas to which the public does not have access as of right.

“Unlawful waste disposal” means the unlawful disposal of waste and refuse including (but not limited to) littering and fly tipping.

“Waste” includes any substance which constitutes scrap material, an effluent or any unwanted or surplus substance or a broken or worn-out article. Any reference to an Act above shall include a reference to all other related statutes, statutory amendments, re-enactment or subsidiary legislation or regulations.

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 Housing and Environment Directorate
- 1.7 To charge, vary or waive a fee where there is a statutory power to do so.
- 1.8 To exercise the Council's functions as highway and traffic authority with regard to Highways management
- 1.9 To exercise the Council's functions as waste authority
- 1.10 To exercise the Council's powers, whether as highway authority, litter authority, planning authority or otherwise in respect of envirocrime.

Part 2 – Environmental services

2. Environmental Services contract / Greener Ealing

- 2.1 To carry out the functions of the supervising officer under the Environmental Services Contract

3. Street Services

3.1 Waste Management

To operate the Council's waste management services including but not limited to:

- a) The collection of household, commercial and clinical waste
- b) Recycling, including kerbside collections, garden and kitchen waste and Christmas trees

3.2 Envirocrime

3.2.1 To exercise the Council's powers, whether as highway authority, litter authority, planning authority or otherwise in respect of Envirocrime including but not limited to

- a) Unlawful Waste Disposal
To exercise the Council's functions in relation to the unlawful disposal of Waste on Council owned land, Council highway land and, where appropriate, other land in respect of which the Council has powers to exercise such functions.
- b) Flyposting and Graffiti
To exercise the Council's functions in relation to fly tipping and graffiti on Council owned land whether on Council highway land or otherwise.
- c) Nuisance Vehicles

To exercise the Council's functions in relation to abandoned vehicles whether on Council owned land, Council highway land or otherwise. Also nuisance parking including repair and sale of motor vehicles on the highway

d) Dogs

To exercise the Council's functions in respect of both dangerous and stray dogs

e) Street Trading

To exercise the Council's functions relating to street trading including but not limited to

- the grant, revocation, renewal or variation of licences (including conditions).
- the seizure, disposal of and sale of any article, thing, receptacle or equipment used in relation to unlicensed street trading
- the monitoring of street trading activities

f) Street Management and Enforcement

To exercise the Council's functions as highway authority including but not limited to the granting of licences, consents and permits and enforcement of:

- obstruction of the highway and footway e.g. 'A' boards,
- damage to the highway and street furniture
- illegal advert/sign removal
- skips, scaffolding, hoardings and building operations/materials
- structures, deposits on the highway
- prevent soil etc. being washed onto the highway
- overhanging trees etc.
- vehicle crossings
- installation of refuse or storage bins

g) Abandoned shopping and luggage trolleys

To exercise the Council's functions in relation to abandoned shopping and luggage trolleys.

4. Depots

- 4.1 To exercise the Council's functions relating to the management of the Council's depots including but limited to the provision of weighbridges.

Part 3 – Highways management

5. Highways Management

To exercise the Council's functions as Highway Authority and Traffic Authority and specifically but not exclusively to exercise the functions outlined below

- a. Traffic Management Orders
- b. Stopping up and diversion Orders
- c. Highways agreements whether pursuant to the grant of planning permission or otherwise including their variation and enforcement.
- d. The creation and adoption of highways whether by agreement or otherwise.
- e. Functions in respect of New Roads and Streetworks.
- f. Functions in respect of sewers, drains and sewage disposal works
- g. Maintenance and improvement of highways including lighting
- h. Management and enforcement in respect of
 - Damage to the highway and street furniture
 - Obstruction of the highway
 - Unauthorised signs and advertisements on the highway
 - Skips, scaffolding, hoardings and building operations and materials
 - Structures or deposits on the highway
 - Overhanging trees
 - Land and forecourts adjoining the highway
 - Construction and excavations under or close to the highway
 - Vehicle crossovers and rail crossings
 - The provision of services, amenities, recreation and refreshment facilities
 - Planting, retention and maintenance of trees, shrub grass verges, etc.

Part 4 – Parking services

6. Parking Services

6.1 To operate the Council's on-street and off-street parking, traffic and bus lane enforcement, school crossing patrol and CCTV services, including but not limited to:

- a. Provision and suspension of parking bays
- b. Clamping and removing vehicles
- c. Issuing or refusing parking permits/dispensations

- d. Issuing of penalty charge notices and other documents, including statutory documents, relating to penalty charge notices
- e. Cancellation of penalty charge notices and other documents, including statutory documents, relating to penalty charge notices
- f. Refunding payments for permits in accordance with the regulations governing the scheme
- g. Considering representations against penalty charge notices and cancelling, writing off the penalty charge or refusing the representation
- h. Lodging evidence relating to penalty charge notices with the Parking & Traffic Appeals Service
- i. Registering outstanding debts relating to penalty charge notices at Court.
- j. Installing, maintaining and monitoring of CCTV cameras throughout the borough.
- k. Provision of school crossing patrol service.

6.2 To be responsible for the management of council-run off street car parking facilities.

6.3 To be responsible for paid-for parking schemes and for setting and implementing fees and charges (pay and display).

Part 5: Transport policy

7. Definitions

In this section the following definitions shall apply unless otherwise indicated

“Highways Agreements” means highways agreements pursuant to the Highways Act 1980.

“New Roads and Streetworks” means new roads and streetworks referred to in the New Roads and Streetworks Act 1991.

“Traffic Management Orders” means orders pursuant to the Road Traffic Regulation Act 1984.

“Stopping Up and Diversion Orders” means orders stopping up or diverting the highway pursuant to the Town and Country Planning Act 1990 or Highways Act 1980 and all.

Any reference to an Act above shall include a reference to all other related statutes, statutory amendments, re-enactment or subsidiary legislation or regulations

8. General

To exercise the Council's functions as Highway Authority and Traffic Authority and specifically but not exclusively to exercise the functions outlined below

9. Highways Agreements

To enter into Highways Agreements whether pursuant to the grant of planning permission or otherwise and to exercise functions generally in respect of such agreements including but not limited to the variation and enforcement.

10. Adoption of Highways

To take the necessary steps to adopt highways whether by agreement or otherwise.

11. New Roads and Streetworks

To exercise the Council's functions as highway authority in respect of New Roads and Streetworks.

12. Sewers Drains and Sewage Disposal Works

To exercise the Council's functions as Highway authority in respect of Sewers, Drains and Sewage Disposal Works

13. Transport Policy

To exercise the Council's functions in respect of the preparation and development of appropriate transport strategies, policies, plans, and associated documents including consultation on such policies and minor amendments/updates to such documents as may be delegated to officers.

14. Consultations

To respond to consultations on planning applications, policy issues, road scheme proposals, draft legislation and other transport related issues.

15. Street naming and numbering

To exercise functions in respect of street naming and numbering (except for council housing estates), in accordance with the street naming and numbering guidelines and subject to prior consultation with ward councillors.