

11.18 ***Clean Neighbourhoods and Environment***

11.18.1 To take enforcement action in respect of its powers and duties as a Local Authority and a Waste Regulation Authority under all applicable legislation including the Clean Neighbourhoods and Environment Act 2005 (Minutes CL79/05 and EX178/05 refer), Environmental Protection Act 1990, Refuse Disposal (Amenity) Act 1978, Anti-Social Behaviour Act 2003, Control of Pollution Act 1974 Section 61, Control of Pollution (Amendment) Act 1989, Anti-Social Behaviour Crime and Policing Act 2014, the Waste (England and Wales) Regulations 2011, the Controlled Waste (England and Wales) Regulations 2012, the Unauthorised Deposit of Waste (Fixed Penalty) Regulations 2016, The Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018, Environmental Offences Regulations 2017 and the Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018:-

11.18.2 that the Executive Head of Services, Head of Regulatory Services, Strategic Housing Manager, Senior Housing Enforcement Officer and Housing Enforcement Officer ~~Environmental Strategy Manager and the Environmental Enforcement Officers~~ be authorised to enforce the powers given to local authorities under the Clean Neighbourhood and Environment Act (CNEA) 2005

11.18.3 that the Executive Head of Services, Head of Regulatory Services, Strategic Housing Manager, Senior Housing Enforcement Officer and Housing Enforcement Officer and to approve prior consent for noisy works under Section 61 of the Control of Pollution Act 1974.

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11.18.43 that the Executive Head of Services, Head of Regulatory Services, Strategic Housing Manager, Senior Housing Enforcement Officer and Housing Enforcement Officer ~~Environment Strategy Manager and Environmental Enforcement Officers~~ be permitted to issue Fixed Penalty Notices in respect of legislation detailed below:-

- (1) Offence of abandoning a vehicle (Sections 2A, 2B, 2C of Refuse Disposal (Amenity) Act 1978)
- (2) Offence of dropping litter (to include the practice of placing black bags of refuse out on street after refuse collection day) (Section 88 of Environmental Protection Act 1990) and Littering from Vehicle Outside London (Keepers: Civil Penalties) Regulations 2018
- (3) Act of graffiti / failure to remove graffiti (Section 43 to 47 Anti-social Behaviour Act 2003)
- (4) Failure to produce authority to transport waste (Sections 5B and 5C Control of Pollution (Amendment) Act 1989)
- (5) Failure of a business to produce a 'Duty of Care' certificate appertaining to its waste collection (Section 34A Environmental Protection Act 1990)
- (6) Failure of residents to use the recycling boxes / wheeled bins provided correctly ie placing recyclables within the wheeled bin, or placing excess waste out on street for collection (Sections 47ZA and 47XB Environmental Protection Act 1990).

- (7) Failure by businesses to contain their waste to the containers provided (Sections 47ZA and 47ZB Environmental Protection Act 1990).
- (8) The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 – Section 33 FPN
- (9) Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018 – the Section 34 householder FPNs.
- (10) The Unauthorised Deposit of Waste (Fixed Penalty) Regulations 2016

11.18.54 that the Executive Head of Services, Head of Regulatory Services, Strategic Housing Manager, Senior Housing Enforcement Officer and Housing Enforcement Officer ~~Environmental Enforcement Officers~~ be authorised to enforce provisions under the Clean Neighbourhood and Environment Act 2005 (CNEA) relating to the sale of vehicles and repair of vehicles on the road, as detailed below:-

- (1) Exposing vehicles for sale on a road

It is an offence if at any time two or more vehicles are parked within 500 metres of each other on a road or roads, where the vehicles are parked in order to be sold. This offence is not intended to target private individual sellers of single vehicles, but rather the nuisance that is caused by the presence of numbers of vehicles being offered for sale by the same person or business. A road is defined as 'any length of highway or of any other road to which the public has access' (CNEA 2005 Part 2, Section 3).

- (2) Repairing vehicles on a road

It is an offence to carry out "restricted works" to vehicles on a road. Restricted works are "works for the repair, maintenance, servicing, improvement or dismantling of a motor vehicle or any part of or +accessory to a motor vehicle". It is not intended to target private individuals who are carrying out minor work to their vehicles (unless the repairs cause annoyance to persons in the vicinity), or those who carry out necessary work to vehicles by the side of the road due to a breakdown or accident (CNEA 2005 Part 1, Section 4).

The Act allows for the issuing of Fixed Penalty Notices, set at £100 for the above two offences (CNEA 2005, Part 2, Sections 6-9).

11.18.65 To authorise officers to carry out enforcement detailed within Clean Neighbourhood and Environment Act 2005, Environmental Protection Act 1990; Refusal Disposal (Amenity) Act 1978; Anti-social Behaviour Act 2003; Control of Pollution Act 1974 Section 61, Control of Pollution (Amendment) Act 1989, Anti-social Behaviour Crime and Policing Act 2014, the Waste (England and Wales) Regulations 2011, the Controlled Waste (England and Wales) Regulations 2012, the Unauthorised Deposit of Waste (Fixed Penalty) Regulations 2016, the Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018, Environmental Offences Regulations 2017, and the Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018.

11.5.19 To take enforcement action in respect of listed buildings, unlisted buildings within a conservation area including an application for an injunction, temporary listings, Building Preservation Notices and Listed Buildings Enforcement Notices under the Planning (Listed Building and Conservation Areas) Act 1990.

To add

11.5.20 To enter into a Heritage Partnership Agreement under the Planning (Listed Buildings and Conservation Areas) Act.

All other numbering after this to be amended if amendment agreed

Part 3 – Planning Committee - Terms of Reference – to add the following

Function	Enactment
34. Power to enter into a Heritage Partnership Agreement	Section 26A of Planning (Listed Buildings and Conservation Areas) Act 1990

11.26.35 To authorise action under the Anti-Social Behaviour Crime and Policing Act 2014 and all powers and remedies under that Act, consistent with the Council's Community Safety Strategy.

That the following be authorised persons to issue Community Protection Notices (CPNs) and Fixed Penalty Notices (FPNs) for the breach of CPNs:

Environmental Enforcement Officers, Strategic Housing Manager, Housing Operations Manager, Executive Head of Services, Team Leader – Development Manager, Lead Licensing Officer, Licensing Officer, Technical Licensing Officer~~Residential Environmental Health Manager~~, Housing Enforcement Officers, Animal Welfare and Licensing Inspector, Head of Community Partnerships, Community Safety Intervention Officer, ASB Officer, Partnerships Manager and ~~Strategic Partnerships and Policy Manager~~ and that the ~~Director of Community and Environmental Services~~ be delegated to add authorised persons as required.

To designate Housing Providers Thrive Homes and Watford Community Housing ~~Trust officers~~ to issue Community Protection Notices (CPNs) and Fixed Penalty Notices (FPNs) for the breach of CPNs subject to the Solicitor for the Council being satisfied that their proposed designated officers have been appropriately trained.