

5. **To the Assistant Director of Place and Community**

Housing

1. The determination of applications for Renovation Grants, Disabled Facilities Grants and Home Repair Assistance under the Housing Grants, Construction and Regeneration Act 1996.
2. The determination of Home Loss Payments and Disturbance Payments under the Land Compensation Act 1973 to occupiers displaced as a result of the making of a Closing Order or Demolition Order under the Housing Act 1985.
3. The determination of grants and signing notices under the Housing Grants, Construction and Regeneration Act 1996.
4. Housing the homeless including the determination of applications by persons to be considered as homeless under the Housing Act 1996.

Environmental Health and related licensing/regulatory matters

5. To authorise appropriately experienced and qualified officers to exercise the Council's powers and duties in respect of:
 - a. pollution control and general public health functions
 - b. refuse collections and waste management
 - c. housing functions relating to housing standards
 - d. of health and safety at work functions under the above legislation or any legislation replacing or amending the same, or any regulations made thereunder.
 - e. animal welfare functions
 - f. food hygiene functions
 - g. pest control functions
 - h. control of infection functions
 - i. caravan site licensing

under the legislation listed in 6 (below) or any legislation replacing or amending the same, or any regulations made thereunder.
6. Enforce and execute the duties and functions of the Council (including authorising in consultation with a Legal Advisor the institution of legal proceedings, and also works in default where the works can be undertaken within existing budgets) under the following statutory provisions and Regulations made thereunder:
 - (a) Animal Welfare Act 2006
 - (b) Anti-social Behaviour Crime and Policing Act 2014, Parts 2, 4 and 7
 - (c) Acquisition of Land Act 1981
 - (d) Breeding and Sale of Dogs (Welfare) Act 1999
 - (e) Building Act 1984 (Part III)

- (f) The Caravan Sites Act 1968
- (g) Caravan Sites and Control of Development Act 1960 (as amended, and to include the varying of site licence conditions)
- (h) Clean Air Act 1993
- (i) Clean Neighbourhoods and Environment Act 2005
- (j) The Compulsory Purchase Act 1965
- (k) Control of Horses Act 2015
- (l) Control of Dogs Order 1992
- (m) Control of Pollution Act 1974
- (n) Coronavirus Act 2020
- (o) Dangerous Dogs Act 1991
- (p) Dangerous Wild Animals Act 1976
- (q) Dogs Act 1906
- (r) Dogs (Fouling of Land) Act 1996
- (s) Energy Act 2011
- (t) Environment Act 1995
- (u) Environment Act 2021
- (v) Environmental Protection Act 1990 (as amended by the Environment Act 1995)
- (w) Essex Act 1987 (Part IV, Part VI and Part VII)
- (x) Food and Environment Protection Act 1985 (Parts I & III)
- (y) The Food Safety and Hygiene (England) Regulations 2013
- (z) Food Safety Act 1990 (as amended)
- (aa) Gambling Act 2005
- (bb) Guard Dogs Act 1975
- (cc) Health Act 2006
- (dd) Health and Safety at Work etc Act 1974 (and any other relevant statutory provisions as defined in Section 53 of the Act)
- (ee) House to House Collections Act 1939
- (ff) Housing Act 1985
- (gg) Housing Act 2004
- (hh) Housing and Planning Act 2016
- (ii) Housing Grants (Regeneration and Construction) Act 1996
- (jj) Land Compensation Act 1973
- (kk) Land Drainage Acts 1976 and 1991
- (ll) Law of Property Act 1925
- (mm) Licensing Act 2003
- (nn) Litter Act 1983

- (oo) Local Government and Housing Act 1989
- (pp) Local Government (Miscellaneous Provisions) Act 1976
- (qq) Local Government (Miscellaneous Provisions) Act 1982 (Sections 13 to 17, 27, 29 Part II and Part III)
- (rr) Mobiles Homes Act 2013
- (ss) National Assistance (Amendment) Act 1951 (so far as it relates to an application to a Magistrates Court for an order to remove a person to a place of safety)
- (tt) Noise and Statutory Nuisances Act 1993
- (uu) Noise Act 1996
- (vv) Official Feed and Food Controls (England) Regulations 2009
- (ww) Police, Factories, etc (Miscellaneous Provisions) Act 1916
- (xx) Pollution Prevention and Control Act 1999
- (yy) Prevention of Damage by Pests Act 1949 – (Part I)
- (zz) Public Health Acts Amendment Act 1890 – Section 42
- (aaa) Public Health Act 1936
- (bbb) Public Health Act 1961
- (ccc) Public Health (Control of Disease) Act 1984
- (ddd) The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014
- (eee) Refuse Disposal (Amenity) Act 1978
- (fff) Regulation (EC) No. 178 / 2002
- (ggg) Regulation (EC) No. 852 / 2004
- (hhh) Regulation (EC) No. 853 / 2004
- (iii) Regulation (EC) No. 854 / 2004
- (jjj) Regulation (EC) No. 882 / 2004
- (kkk) Regulation (EC) No. 2073 / 2005
- (lll) Scrap Metal Dealers Act 2013
- (mmm) Sunbeds (Regulation) Act 2010
- (nnn) Sunday Trading Act 1994
- (ooo) Town Police Clauses Act 1847
- (ppp) Trade in Animal Related Products Regulations 2011
- (qqq) Vehicle Excise and Registration Act 1994
- (rrr) Water Industry Act 1991 (Sections 67 – 86)
- (sss) Wildlife and Countryside Act 1981
- (ttt) Zoo Licensing Act 1981

Or such other Acts of Parliament as relate to the relevant statutory functions of the Environmental Health Team.

7. Subject to notification to the Ward Members and report to the Committee, the determination of Closing Orders under Section 278 of the Housing Act 1985.
8. To authorise Officers and duly appointed Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Assistant Director- Place and Community.

8. LICENSING ACT 2003

Head of Service (Environmental Health, Waste and Climate Action):

1. The grant of a Premises Licence or Club Premises Certificate where no representations are made by a Responsible Authority or Interested Party.
2. In consultation with a Legal Advisor, a determination that representations made by a Responsible Authority or Interested Party regarding an application for the grant of (or a variation of) a Premises Licence or Club Premises Certificate or for the grant of a Provisional Statement are frivolous or vexatious.
3. The grant of an application to vary a Premises Licence or Club Premises Certificate where no representations are made by a Responsible Authority or Interested Party, and in the case of an application for a Minor Variation to determine that application having taken into account any representations received.
4. The grant of an application to transfer a Premises Licence where no Notice has been given by the Chief Officer of Police.
5. The determination of an exemption from the requirement to obtain a Personal Licence holder's consent for an application to transfer a Premises Licence.
6. The issue of a Notice specifying the date of entry and inspection (or any extension of that date) where a Club applies for a Club Premises Certificate, a variation of a Certificate or on a review of a Certificate.
7. In consultation with a Legal Advisor, a determination that an application for a review of a Premises Licence or Club Premises Certificate on the grounds that the ground for review is not relevant to one or more of the Licensing Objectives or is frivolous, vexatious or repetitious.
8. In consultation with a Legal Advisor, a determination that a Club is not a Qualifying Club or has ceased to be a Qualifying Club.
9. The grant of an application for a Provisional Statement in respect of a premises which are being or are about to be constructed or extended where no representations are made by a Responsible Authority or Interested Party.
10. The determination of an application to vary the Designated Premises Supervisor where no Notice has been given by the Chief Officer of Police.
11. The issue of a Notice granting or rejecting an application to vary the Designated Premises Supervisor.
12. The receipt of a Notice requesting the removal of a person as a Designated Premises Supervisor.

13. The determination of whether or not a Temporary Event Notice is void.
14. The acknowledgement of receipt of a Temporary Event Notice.
15. Where appropriate, following consideration of any Objection Notice to a Temporary Event Notice, the issue of a Counter Notice where it is considered necessary for the prevention of the crime prevention objective.
16. The issue of a Counter Notice where any of the Permitted Limits are exceeded in any Temporary Event Notice.
17. The rejection of applications for Personal Licences where applicants have failed to meet the statutory conditions.
18. The grant of an application for (or the renewal of) a Personal Licence where no Objection Notice has been given by the Chief Officer of Police.
19. The issue of a Notice to the Chief Officer of Police that an applicant for the renewal of a Personal Licence has a Relevant or Foreign Offence.
20. To issue Notices to the Chief Officer of Police where a Personal Licence holder has been convicted during the application period of a Relevant or Foreign Offence after the grant or renewal of a Personal Licence.
21. The issue and certification as a true copy of any Premises Licence or Club Premises Certificate (or a summary of either) or any Temporary Event Notice or Personal Licence where it has been lost, stolen, damaged or destroyed.
22. Unless specified to the contrary, the issue of all Licences, Certificates, Notices and any other formal notifications required under the Licensing Act 2003.
23. In consultation with a Legal Advisor and the Chairperson of the Licensing Committee, the institution of legal proceedings in respect of any of the Council's powers under the Licensing Act 2003.
24. To keep the Licensing Register and any Central Register prescribed by the Secretary of State.
25. In consultation with the Assistant Director- Place and Community, to authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Head of Service (Environmental Health, Waste and Climate Action).
26. To determine, as part of applications by a management committee of a community premises for a new Premises Licence, whether the alternative licence condition in

relation to the sale of alcohol should apply instead of the mandatory condition, provided that no representation is received from the Chief Officer of Police.

27. To suspend premises licences and club premises certificates for non-payment of the annual fee.
28. To make representations on behalf of the Licensing Authority in respect of all applications for premises licenses or club premises certificates and to apply for reviews of the same.

Environmental Health Manager- Environmental Protection:

1. To respond to the Licensing Authority on behalf of the Council (as a Responsible Authority) to applications for (or variations of or reviews of) Premises Licences or Club Premises Certificates.
2. To respond to the Licensing Authority on behalf of the Council (as a Responsible Authority) to applications for Provisional Statements in respect of premises.
3. To make applications on behalf of the Council (as a Responsible Authority) to the Licensing Authority for a review of Premises Licences or Club Premises Certificates.
4. In consultation with the Assistant Director of Service Delivery, to authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the delegated powers and duties set out in 1 – 3 above.

9. GAMBLING ACT 2005

Head of Service (Environmental Health, Waste and Climate Action):

1. Consideration and determination of applications for the following matters where no objections have been received or any so received have been withdrawn:
 - (a) premises licences;
 - (b) variation to licences;
 - (c) transfers of licences;
 - (d) provisional statements;
 - (e) club gaming / club machine permits.
2. Consideration and determination of applications or decisions on the following matters:
 - (f) other permits;
 - (g) cancellation of licensed premises gaming machine permits.
3. Consideration of Temporary Use Notices and Occasional Use Notices.

10. OTHER LICENSING FUNCTIONS

(Hackney Carriage Drivers and Vehicle Licences; Private Hire Drivers, Vehicle and Operators Licences; Street Collections; House to House Collections; Registration of Society Lotteries; Sex Establishments and Scrap Metal Dealers)

Head of Service (Environmental Health, Waste and Climate Action):

1. Subject to no objections being received, the grant and issue of licences and permits for:
 - * Charitable Collections (Street Collections and House to House Collections);
 - * Registration of Society Lotteries;
2. The issue of Hackney Carriage and Private Hire Vehicle, Drivers and Operators Licences, except in the case of Drivers Licences where the applicant has unspent convictions or endorsements exceeding six points accrued on his/her Driving Licence in which event the matter shall be referred to the Licensing Sub-Committee.
3. The refusal of an application for a Drivers Licence on the recommendation of the applicant's GP in a medical report.
4. With regard to the Carriage of Assistance Dogs in Taxis:
 - * The issue of Exemption Certificates under Section 37(5) of the Disability Discrimination Act 1995 where satisfactory medical evidence is provided by the applicant's GP of relevant medical grounds.
 - * The determination of whether the exemption is to apply to a 'specified taxi' or a 'specified type of taxi'.
5. In consultation with the Chairperson of the Licensing Committee, the suspension or revocation of Hackney Carriage and Private Hire Drivers' licences.
6. To authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Head of Service (Environmental Health, Waste and Climate Action).
7. The grant, issue, renewal or variation of a Scrap Metal Dealer Licence where the applicant is deemed to be a suitable person and no objections are received.
8. The refusal or rejection of an application for a Scrap Metal Dealer Licence where no representations are received.
9. In consultation with the Chairperson of the Licensing Committee, the revocation of a Scrap Metal Dealers Licence where no representations are received.

10. To ensure all Scrap Metal Dealer Licences are reported to the National database.
11. The power to set fees (in consultation with the Assistant Director- Place and Community).

To the Assistant Director- Place and Community

1. In consultation with a Legal Advisor and the Chairperson of the Licensing Committee, the institution of legal proceedings in respect of any of the Council's licensing powers.
2. To authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Assistant Director – Place and Community, or other Officers.