

Executive

Excerpt of the minutes of the meeting held on Wednesday 9 January 2019 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

Present: Councillors Mobbs (Leader), Butler, Coker, Grainger, Rhead, Thompson and Whiting.

Also present: Councillors; Boad (Liberal Democrat Group Observer), Mrs Falp (Chairman of Overview & Scrutiny Committee); Quinney (Chair of Finance & Audit Scrutiny Committee); and Naimo (Labour Group Observer).

Apologies for absence were received from Councillor Phillips.

113. **Declarations of Interest**

Minute 117 – Centenary Fields Request

Councillor Mrs Grainger declared an interest because she was a member of St Mary's Lands Working Party.

114. **Minutes**

The minutes of the meeting held on 28 November 2018 were taken as read and signed by the Chairman as a correct record.

Part 1

(Items upon which a decision by the Council was required)

120. **Changes to the Scheme of Delegation and Council Procedure Rules**

The Executive considered a report from Health & Community Protection bringing forward proposals to amend the Officer Scheme of Delegation following legislative changes, providing clarity of delegation and a minor change to Council Procedure Rules for clarification.

Following a full review of the legislation used by Health & Community Protection and in light of changes to legislation, the proposed changes as outlined in Appendix One to these minutes updated the Scheme of Delegation to reflect the current legislative landscape for the Service Area.

Recommendation 2.1 of the report was proposed in order to ensure transparency and clarity on the delegation of powers, duties and requirements under the relevant legislation within the Officer Scheme of Delegation to the Head of Health and Community Protection. It also aimed to remove all outdated or superseded powers, duties or requirements delegated to the Head of Health and Community Protection under the Officer Scheme of Delegation.

The proposed removal of the delegation under Recommendation 2.2 of the report was requested because this delegation was contained within the

Housing Allocations Policy and the Head of Housing had delegated authority to take decisions in line with the Housing Allocations Policy.

The proposed change in Recommendation 2.3 of the report to the general wording within the Scheme of Delegation was proposed so that it reflected the current operation of identification badges within the Council and had been in operation for over ten years. This was with the exception of the revision to remove the need for a signature on the ID badge which after review, ahead of the introduction of new ID Badges was no longer considered necessary.

Members were reminded that the decisions made at Warwick District Council were, by law, either Council decisions or Executive decisions. These included the delegations made to officers and therefore, for the sake of clarity, it was proposed that all officer delegations should be identifiable as Council or Executive decisions (in line with the rest of the Constitution).

Members were also reminded that the Government regulation in 2014 (Openness of Local Government Regulation 2014) with regard to the public recording of Council, Executive, Committee or Sub-Committee meetings. The Plain English Guide could be accessed on-line. It was considered appropriate that reference was made to this within Council Procedure Rules for ease of reference.

There were no alternative options considered for this because the revisions to the Scheme were to clarify and not add new delegations.

The Executive, therefore,

Recommended to Council that

- (1) the Head of Health & Community Protection scheme of delegation be amended as set out at Appendix One to these minutes;
- (2) the Scheme of Delegation be amended to remove Delegation HS(5) from the Head of Housing to let residential properties to persons who are not eligible for accommodation in accordance with the Council's policy in exceptional circumstances, as it is no longer required;
- (3) the scheme of delegation be amended to read as follows:

All members of staff have authority to act on behalf of the Council in accordance with duties set out in their job description and will carry identification as evidence of their authority to enter premises lawfully at all reasonable hours

for the purposes of carrying out duties in line with appropriate legislation;

- (4) Council Procedure Rule 33, recording of meetings be amended to include the following statement:

The Council will ensure that all parties present at its meetings which it is recording are notified that they are being recorded and that in line with the Openness of Local Government Regulation 2014 members of the public are entitled to record the meeting as well.

The filming, videoing, photographing or recording of any meetings of the Council, Executive, Committees or Sub-Committees of the Council, which are open to the public and press, is allowed, providing it does not disturb the conduct of the meeting.

Anyone visually recording a meeting will be expected to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting.

The Chairman of the meeting will have the power to rescind this permission for individuals(s) if, in their opinion, it is disruptive or distracting to the good order and conduct of the meeting.

If a meeting passes a motion to exclude the press and public then, in conjunction with this, all rights to record the meeting are removed.

Resolved that the Monitoring Officer updates the Scheme of Delegation so that it identifies the matters which are Executive or Council functions and the updated Scheme to Council is submitted to Council in due course.

(The Portfolio Holders for these items were Councillors Phillips, Mobbs and Thompson)

Forward Plan reference 980

121. **Local Council Tax Reduction Scheme 2019/2020**

The Executive considered a report from Finance providing Members with details of the Council Tax Reduction consultation which ended on the 4 November 2018.

The current scheme for Council Tax Reduction was largely based on the previous Council Tax Benefit scheme which was assessed alongside Housing Benefit. Housing Benefit for new working age applicants was no longer available in Warwick District and instead a claim had to be made for Universal Credit. Whilst Housing Benefit was the main provider of housing support for working age people, it was logical to maintain a Council Tax Reduction scheme that mirrored the approach. Now that Universal Credit was being rolled out, it gave the Council the opportunity to significantly simplify what was, in effect, a Council Tax Discount.

In August 2018, the Executive agreed for the consultation on the proposed changes to the Council Tax Reduction Scheme. All claimants in receipt of the reduction had been written to so as to tell them about the proposed changes. 63 responses were received, representing approximately 2% of the caseload. Details of the responses were included within Appendix A to the report. Just over half of the responses supported retaining the scheme unchanged.

The current scheme compared income to an applicable amount which was determined based on the claimant's circumstances. Calculating the income to be used in the assessment was extremely complex, earnings were calculated using gross pay less tax and national insurance deductions and 50% of any contribution to a personal pension. Other incomes were taken into account in full whilst others were disregarded, or partly disregarded and then further disregards were applied depending on a claimant's circumstances. As people were moving onto Universal Credit, their income was assessed by the Department for Work and Pensions. However, this could change on a monthly basis as earnings would increase and decrease. Under the current scheme, entitlement to council tax reduction could potentially need re-assessing every month as income would fluctuate changing the amount of council tax a claimant had to pay. The banded scheme would help to provide some stability to claimants, ensuring that their payments remained the same, unless their income changed to put them into another band. This would also be easier to administer and should be easier to claimants to understand. There may be some who were worse off. However, this would be managed through a discretionary hardship fund. Applications to the fund would be closely monitored throughout 2019 so that the income bands could be adjusted if necessary in 2020.

The new proposals would still be based on a claimant's net income, but the net pay would be calculated by increasing the disregard for personal pension contributions to 100%. Payments of child benefit and incomes paid for a disability of the claimant, partner or child would continue to be disregarded for the purpose of calculating net income.

Based on the current case-load, there were 3,353 working age claimants in receipt of council tax reduction, of these 2,158 were in receipt of a pass-ported benefit which automatically entitled them to the full eligible council tax reduction of 85% and this would continue to apply under the banded scheme. An Income Grid was included in the report.

From April 2017, the Government made amendments to all income related benefits for new claimants, including council tax reduction for pensioners, so that only two children were taken into account when determining entitlement, aside from a few exceptions. This was replicated in the Council's council tax reduction scheme. However, existing claimants were protected from this change, provided their entitlement remained continuous. Prior to this change, a child premium was added to the claimant's applicable amount for each child, under the new scheme, the number of children a claimant had was only used to determine which band on the grid should be used to determine entitlement. This change would ensure all claimants were dealt with in the same way.

Under the current scheme, a non-dependant deduction was made from any council tax reduction entitlement unless the claimant or partner received certain disability benefits. The level of deduction was assessed based on the non-dependant's income and capital. This meant that information had to be obtained about their circumstances, as well as the liable people for council tax. Under Universal Credit, the Department for Work and Pensions (DWP) would provide information to the Council in respect of the claimant and partner, but not non dependants. One of the aims of the new scheme was to make the scheme simpler, enabling us to use information already obtained by the DWP. Removing non dependant deductions from the scheme would reduce some of the administrative burden for both our claimants and the Authority.

Under the current scheme, claimants must complete an application and provide proof of all income and capital of everyone in the household. This meant that someone who claimed Universal Credit had to provide the same details to both the DWP and the local authority. Experience from other local authorities suggested that Universal Credit claimants were failing to apply for local council tax reduction either because they believed it would be paid with Universal Credit or because they were not aware of the availability. As the DWP had verified the same information that was required for an assessment of council tax reduction, and notified us of the outcome, it would be easier for claimants if we were able to use the information provided by the DWP, and with the claimant's permission, treat this as a claim. This would save the claimant having to complete a further application and providing the same information to the Council.

The current scheme provided for various earnings disregards from income depending on a claimant's circumstances, ranging from £5.00 to £25.00 and in some cases an additional £17.10 may be disregarded. This would make the scheme simpler to administer and would be more generous to some applicants on low incomes, particularly single claimants and couples with no children. It should be noted that those with children would be placed on a higher income band within the grid scheme.

Under the existing scheme, carers allowance was taken into account as an income, and an additional carer premium was added to the applicable amount. However, the premium was less than the amount of carers allowance paid and this effectively meant that some of this allowance was currently taken into account in the assessment of reduction. Disregarding

the income in total would ensure that the scheme was more generous to those with caring responsibilities.

Under the current scheme, four weeks additional reduction was given when a claimant's entitlement to a pass-ported benefit ended and they moved into work. The original proposal was to remove the four week run on from the scheme. However, in response to the consultation, it was now recommended that this was retained for claimants who moved from a pass-ported benefit into work who did not qualify for Universal Credit.

Council tax was a daily charge, however any changes to the council tax reduction scheme were currently administered on a weekly basis and entitlement was not awarded until the Monday following the date a new claim was made. This would bring the scheme into line with how the tax was charged and allow for council tax to be awarded on the day that the application was made.

The current capital limit was £16,000 and claimants who had over £16,000 were automatically excluded from receiving council tax reduction. The council tax reduction scheme was designed to help the poorest within the District. It was not considered unreasonable for residents who had cash at their disposal to pay their council tax bill.

The current scheme was more generous to claimants or their children who received disability benefits by adding a premium onto their applicable amount and disregarding the disability income. In order to ensure the new scheme continued to be more generous to those who were sick and living with a disability, disability benefits would be ignored when calculating income and an additional disregard of £50.00 applied.

Although the assistance to some claimants would reduce from current levels, the intention was to protect as many customers as possible. Where a customer experienced exceptional hardship, they would be able to apply for additional support from the Council under the proposed Exceptional Hardship Payment Scheme, the criteria of which to be agreed by Head of Finance and the Finance Portfolio Holder. This scheme would operate similar to the Discretionary Housing Payments Scheme (which applied in respect of rent as part of the Housing Benefits Scheme), whereby the customers would need to apply and demonstrate hardship. It was proposed that £20,000 was initially allocated to this scheme, with that cost shared between the precepting authorities.

The amended scheme would be closely monitored, along with the Discretionary Hardship Fund, to be reported back to Members in the Autumn of 2019. This would be ahead of the scheme needing to be formally agreed by Members, annually, in January.

In terms of alternative options, the Council could agree to retain the existing Council Tax Reduction Scheme. However, this would not enable further efficiencies to be made, and would result in some inconsistencies between the scheme and Universal Credit.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

The Executive, therefore,

Recommended to Council that

- (1) the following changes to the Council's Council Tax Reduction Scheme, effective from 1 April 2019 for Universal Credit customers and 1 April 2020 for the remaining working age customers only, be accepted:
 - (a) replacing the current means test with an income 'grid' scheme for all working age applicants;
 - (b) limiting the number of dependent children used in the calculation of reduction to two;
 - (c) removing non dependant deductions;
 - (d) simplifying the claiming process for all Universal Credit applicants;
 - (e) removing the current earnings disregard and replacing with a standard £25.00 disregard;
 - (f) disregarding Carer's allowance as an income;
 - (g) retaining the extended payment provision;
 - (h) make changes to reduction on a daily basis rather than weekly;
 - (i) reducing the capital cut off limit to £6,000; and
 - (j) replacing the current premium for disabled children and applicants with an equivalent amount of income disregard;
- (2) the creation of a Discretionary Hardship Fund of £20,000, as discussed in paragraph 3.3 of the report, with the criteria of awards to be agreed by the Head of Finance in consultation with the finance portfolio holder, be agreed; and

- (3) Council Tax Reduction Scheme be closely monitored, together with the Discretionary Hardship Fund, to be reported back to Members in Autumn 2019, be agreed.

(The Portfolio Holder for this item was Councillor Whiting)
Forward Plan reference 968

Minute 120, Appendix 1

9. **Head of Health and Community Protection** shall have authority under the:

- HCP(1) Food Safety Act 1990 and any Orders, or Regulations or other instruments (whether dated before or after the date of execution of this instrument of appointment),
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. s 6
(ii) to authorise appropriate named individuals to act as Food Safety Officers to:-
s 9 - Inspection and seizure of suspected food
s 10 - Service of hygiene improvement notices
s 12- Services of emergency prohibition notices
s 29 - Procure samples
s 32 - Powers of entry
s 49 - Form and authentication of documents
- HCP(2) Building Act 1984,
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. S 61, 62, 63 & s 113
(ii) to act under Part III Other Provisions about Buildings as follows
Drainage
s 59 – Serve notice, drainage of buildings, including private sewers
s 60 – Serve notice, ventilation of soil pipes
s - 62 - Disconnection of drain
Provision of Sanitary Conveniences
s 64 – Serve notice, provision of closets
s 65 – Serve notice, provision of sanitary convenience in workplace
s 66 – Serve notice, replacement of earth closet
s 68 – Serve notice, erection of public conveniences
Buildings
s 70 – Serve notice, provision of food storage
s 73 – Serve notice, raising of chimneys
Defective premises, demolition etc
s 76 – Serve notice, defective premises
Yards and passages
s 84 – Serve notice, paving and drainage of yards and passages
Part IV General
Entry on premise
s 95 & 96 – Powers of entry to inspect
Execution of works
s 97- Power to execute works
s 99- Serve notice requiring works, execute/recover costs
- HCP(3) Clean Air Act 1993,
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. Part I (Dark Smoke), Part 2 (Smoke, grit and fumes), Part 3 (Smoke Control Areas), Part 4 (Cable burning), Part 7 (Miscellaneous and general))
(ii) to:-
s 6 – Approval of furnaces and grit and dust arrestment plants

- s 10, 11, 12 & 56 – Powers of entry, inspection, issue notice and apply for warrant
- s 15 & 16 – Approval or refusal of chimney height
- s 18 – Make smoke control order
- s 24 – Require adaptation of fireplaces in private dwellings
- s 26 – Make grants
- s 31, 32, 33 & 34 – Power to investigate
- s 35, 36 & 58 – Power to require information and associated powers of entry
- s 45 – Power to issue exemption notices
- s 51 – Power to serve notice
- HCP(4) Clean Neighbourhoods and Environment Act 2005,
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act(ii) to:-
 - Make a gating order (inserted into the Highways Act s 129)
 - s 73 – Issue FPN (alarms)
 - s 78 – Apply for a warrant
 - s 77 & 79 – Powers of entry
- HCP(5) Control of Pollution Act 1974,
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act, Part V
 - (ii) to:-
 - s 9 – Supervision of licensed activities
 - s 60 – Serve notice, to control noise on constructions sites
 - s 61 – Consent for works
 - s 62 – Take action in respect of loudspeakers in the street
 - s 91 – Powers of entry
 - s 93 – Powers to obtain information
- HCP(6) Environmental Protection Act 1990,
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act.
 - (ii) to:-
 - Part 1- Integrated Pollution Control
 - s 6 - Issue authorisation
 - s 10, 11 & 12 - issue variation and revocation notices
 - s 13 & 14 - issue enforcement and prohibition notices
 - s 19 – Power to require information
 - Part II - Waste
 - s 33 – prohibit unauthorised/ harmful treatment/disposal of waste.
 - s 33ZA and 34A – power to issue fixed penalty notices
 - s 34 – Investigation of duty of care and issue fixed penalty notice for failure to furnish documentation
 - ss 46A to 47ZB – powers to issue written warnings and fixed penalty notices with respect to receptacles for waste
 - s 59 – Power to require removal of unlawful waste deposits
 - Part IIA - Contaminated land
 - s 78 B – Notice, identification of contaminated land
 - s 78 C – Notice, Designation of special site
 - s 78 D – Referral of special site
 - s 78 E – Remediation notice
 - s 78 N – Power to carry out works
 - Part III – Statutory Nuisance

- s79 – duty to inspect and to investigate statutory nuisances
 - s 80 & 80A - issue abatement notices
 - s 80ZA – Fixed penalty notice
 - s 81(3) - Power to authorise works in default
 - s 81(7) & Sched 3 – Powers of entry
 - Sched 3 – Warrant of entry
 - s 81A – power to issue notices in respect of recoverable expenses
 - Part IV – Litter etc
 - s 88 – Fixed penalty notice
 - Part VIII – Miscellaneous
 - s 149 – Seizure of stray dogs
 - s 150 – Facilitate stray dogs
 - s 151 – Enforcement in respects of collar and tags
- HCP(7) The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- to the extent that those functions are discharged otherwise than in the Authority's capacity as an employer) under –
- (a) The Health and Safety at Work etc Act 1974; and
 - (b) any Orders, or Regulations or other instruments (whether dated before or after the date of execution of this instrument of appointment);
 - (i) made thereunder or
 - (ii) having effect by virtue of the European Communities Act 1972 and relating to health & safety; and
 - (iii) any modification or re-enactment of the foregoing,
- to make and to terminate appointments as follows:
- (a) Environmental Health Officers as Inspectors under Section 19(1) of the Health & Safety at Work Etc. Act 1974 (the 1974 Act) and to empower them to exercise all the powers set out in Sections 20, 21, 22, 25 and 39 including the institution of legal proceedings; and
 - (b) other suitably qualified and competent persons as Inspectors under Section 19(1) of the 1974 Act and empowered to exercise all or some of the powers as set out in Sections 20 and as may be specified in their authorisation and an inspector shall in right of his appointment -
 - (i) be entitled to exercise only such of those powers as are so specified; and
 - (ii) be entitled to exercise the powers so specified only within the field of responsibility of the Authority.
- relevant licences, registrations and approvals
 - sign and serve notices including fixed penalty notices
 - authorise and/or execute works in default
 - Procure samples, seize equipment, records, goods and articles, and obtain information
 - Obtain and execute power of entry
 - Engage specialist advisers/contractors
 - Determine whether and in what manner to enforce any failure to comply with matters under legislation enforced under this scheme of delegation and to give effect to that determination, including the administration of cautions.
- HCP(8) The Environmental Damage (Prevention and Remediation) Regulations 2009 (as amended),
- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act Reg 34
 - (ii) to:-

	Reg 13, 14, 20 - Serve notice to prevent further damage
	Reg 23 - Undertake works in default
	Reg 24 & 25 -Recover costs
	Reg 31 – Powers of authorised person
	Reg 32 - Require information
HCP(9)	Food Safety and Hygiene (England) Regulations 2013, (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. Regulation 19 (ii) to:- Reg 5, Enforcement of hygiene regulations Reg 6, Hygiene improvement notices Reg 8, Hygiene emergency prohibition notices Reg 9, Remedial action Reg 10, Detention notices Reg 14 & 15, Samples Reg 16, Powers of entry Reg 29, Certification of food
HCP(10)	Contaminants in Food (England) Regulations 2013, Following consultation with a solicitor acting for the Council and relevant portfolio holder, institute legal proceedings under the Regulations.
HCP(11-12)	SPARE
HCP(13)	Local Government (Miscellaneous Provisions) Act 1982, (i) Following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- Part II – Control of Sex Establishments Sched 3, 6-18 - grant, renew, and vary licences of persons and premises where no objections are received make any minor grammatical or minor wording amendments to the Sex Establishment Policy, so long as it they do not alter the meaning/spirit of the policy Part III – Street Trading Schedule 4, paragraphs 3 - 7, Street Trading licences and consents, grant, renewal and variation Part VIII – Acupuncture, Tattooing, Ear-piercing and Electrolysis 13 – 17. Part XI Public Health, etc 27, 29, 32
HCP(14)	The Environmental Permitting (England and Wales) Regulations 2010 & 2016 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- 2010 Act Part 2, Chapter 2(13) Grant permit, Chapter 3 (20 Vary permit, 21 Transfer permit, 22 & 23 Revoke permit, 24 Surrender, Chapter 4 (26 Consultations, 29 Revocation of standard rules, 30 Variation notifications Part 4, Reg 36 Enforcement notices, Reg 37 Suspend notices. Part 6, Reg 57 Power to prevent or remedy pollution, Reg 60 Power to require information
HCP(15)	Sunbeds (Regulation)Act 2010

- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 4 – Power to restrict use, sale or hire
s 7 – Enforcement and powers of entry
- HCP(16) Planning (Hazardous Substances) Regulations 1992 (as amended by the Planning (Control of Major-Accident Hazards) Regulations 1999 & 2015) and associated Regulations.
act under and delegated authority to authorise appropriate named individuals:
to grant but not refuse hazardous substances consents either unconditionally or subject to conditions.
- HCP(17) Health Act 2006
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
Sched 2 – Powers of entry
s 9 – Issue fixed penalty notices
- HCP(18) Health and Safety (Enforcing Authority) Regulations 1989
deal with transfers of responsibility for enforcement between this authority and the Health and Safety Executive under Section 5
- HCP(19) Food & Environmental Protection Act 1985
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
Part I – Contamination of food
s 3 & 4 Investigation and enforcement
Part III – Pesticides Etc. - Inspection and enforcement
Including Regulation (EC) 852/2004, (EC) No. 853/2004, Regulation (EC) No. 854/2004 of the European Parliament and Food Safety and Hygiene (England) Regulations 2013
- HCP(20) Water Industry Act 1991
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 77 – 83, including service of Notices under s 80
s 84 & 85, power of entry and to obtain information
- HCP(21) Noise Act 1996
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 3 – Serve warning notice
s 8 – Require name and address
s 10 – Seizure and retention
Consent to use loudspeaker (COPA 74 – s 62)
- HCP(22) Pollution Prevention and Control (England & Wales) Regulations 2000
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under s 32 the Act
(ii) to:-
Part I General
Reg 6 – Notices

- Reg 7 – Applications
- Part II Permits
- Reg 10 – 22
- Part III Enforcement
- Reg 24 – Enforcement notice
- Reg 25 – Suspension notice
- Reg 26 – Prevent or remedy pollution
- Part V Information and Publicity
- Reg 28 – Require information
- Reg 29-31 – Maintain a public register
- Sch 3, 4, 7, 8 & 10
- HCP(23) Sunday Trading Act 1994
- exercise powers under Part 1 of Schedule 2
- HCP(24) Pollution Prevention and Control Act 1999 (as amended)
- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
- (ii) to:-
- Sched 1 – Grant, revoke, vary, transfer, suspend and condition permits and carry out enforcement activities.
- HCP(25) Local Government (Miscellaneous Provisions) Act 1976
- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
- (ii) to:-
- Part 1 General
- Land
- s 16 – Require information
- Places of Entertainment
- s 20 – Provision of sanitary facilities at places of entertainment
- Miscellaneous
- s 35 – Service of notice and works in default provisions
- Part II Hackney carriages and Private Hire Vehicles
- s 47 – Licensing of hackney carriage (conditions, vehicle design, appearance)
- s 48 – Licensing of private hire vehicles
- s 49 – Transfer of hackney carriages and private hire vehicles
- s 50, 53 & 56 – production of information in relation to hackney carriages
- s 51 – Licensing of drivers of private hire vehicles
- s 53 – Drivers licences for hackney carriages and private hire vehicles
- s 54 - Issue driver badges
- s 55 – Licensing of operators of private hire vehicles
- s 57 – Power to require information
- s 58 – Return of plates
- s 60 - Suspension & revocation of vehicle licence
- s 61 – Suspension of operator licence
- s 62 – Suspension and revocation of operator’s licence
- s 64 – Prohibition of other vehicles on hackney carriage stands
- s 68 – Inspection and testing of hackney carriage
- s 70 – Set fees
- s 73 – Powers in relation to obstruction
- HCP(26) Prevention of Damage by Pests Act 1949
- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act

- (ii) to:-
s 4 – Notice to owner or occupier
s 6 – Notice across several properties
s 22 – Power of entry
- HCP(27) Public Health Act 1936
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 45 - Notice to put defective closets into repair
s 48 - Power to examine and test drains
s 50 - Notice with regard to cesspool
s 52 - Powers in relation to care of sanitary conveniences used in common
s 78 - Scavenging of common courts and passages
s 79 - Notice regarding noxious matter
s 83 - Notice regarding filthy or verminous premises
s 84 - Destruction of articles
s 85 - Persons and clothing with associated work and agreement, works in default
s 140 - Power to close, restrict use of water from polluted source of supply
s 141 - Power to deal with insanitary cisterns,
s 259 - Nuisance in connection with water courses etc
s 264 - Notice to repair, maintain or cleanse a culvert
s 268 - Notice regarding execution of work to unfit tents, vans and sheds
s 275 - Power of local Authority to execute certain work on behalf of owners or occupiers
s 287 - Notice to occupier of intended entry (warrant)
- HCP(28) Public Health Act 1961
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 17- Power to remedy stopped and defective drains
s 22 – Power to cleanse or repair drains
s 35 - Notices in respect of filthy and verminous premises or articles
s 36 - Power to require vacation of premises during fumigation
s 37 - Prohibition of sale of verminous articles, disinfection or destroy
s 287- powers of entry
- HCP(29) Private Security and Industry Act 2001
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
- HCP(30) s 19 – 22 – Powers of entry, inspection and information
The Private Water Supplies Regulations 2009
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under s 20 of the Act
(ii) to:-
Part 2
s 7 – Monitoring
s 11 - Sampling and analysis
Part 3
s 16 & 17 - Authorisation
Part 4
s 18 - Service of notice

- HCP(31) The Trade in Animal and Related Products Regulations 2001
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 Reg 33 – Powers of entry
 Reg 34 – Powers of authorised officers
- HCP(32) Public Health (Control of Disease) Act 1984
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 s 46 – Burial and cremation
 s 48 – Removal of dead bodies (warrant)
 s 61 & 62 – Powers of entry
- HCP(33) Spare
- HCP(34) The Transmissible Spongiform Encephalopathies Regulations 2010
 Following consultation with a solicitor acting for the Council and relevant portfolio holder, institute legal proceedings under the Act.
 to act under and delegated authority to authorise appropriate named individuals to perform duties under the act including: powers of entry, inspection, sampling, detention and seizure, service of notice.
- HCP(35) The General Food Regulations 2004
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 act under and delegated authority to authorise appropriate named individuals to exercise powers under Regulation (EC) No. 178/2002; Inspection in accordance with Regulation (EC) No. 178/2002, Regulation (EC) No. 852/2004, Regulation (EC) No. 853/2004, Regulation 845/2004, Regulation (EC) 2073/2005 and the Food Information for consumers Regulations (EC) 1169/2011
- HCP(36) Licensing Act 2003
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 act under and delegated authority to authorise appropriate named individuals to take appropriate action subject to any relevant representations, policy and statutory duty
 Part 3 Premises licences
 s 18 - Determine an application
 s 23 & 25a - Grant or reject
 s 35, 36, 37, 38, 39, - Variation determination
 s 41A-C – Minor variation
 s 44 – Transfer determination
 s 51 to 53 – Review determination
 s 55A – Suspension, failure to pay fees
 s 56, 57 - Require production of a licence
 s 59 - Powers of entry
 Part 4 Clubs
 s 63 – Determination
 s 72 – Determination application
 s 77 – Grant or reject subject to any relevant representations, policy and

statutory duty.

s 85 & 86b – Determination of variation

s 94 - Require production of a licence

s 96 & 97 – Powers of inspection & entry

Part 5 Permitted Temporary Events

s 102 - Acknowledge notice

s 103 – Withdraw notice

s 104, 105, 107 – Counter notices

s 108 – Right of entry

s 109- Require production of a licence

Part 6 Personal licences

s 120 - 122 – Determination

s 132 – Offences

s 134 & 135 – Require production of licences

Part 9 Miscellaneous and Supplementary

s 179 & 180 – Rights of entry

make representations, on behalf of the Council as a relevant person and as the Authority by which statutory functions are exercisable in relation to minimising or preventing public nuisance or harm to human health and safety, on relevant applications under the Licensing Act 2003

following conviction or a relevant offence, foreign offence or immigration penalty to notify the licence holder of the intention to suspend or revoke their Personal Licence under the Licensing Act 2003 and refer all cases to a Licensing and Regulatory Sub-Committee

Decide on whether a complaint is irrelevant, frivolous, or repetitious – in consultation with Chairman of Licensing & Regulatory Committee

HCP(37) Animal Welfare & Animal Licensing

(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act

(ii) to:-

act under and delegated authority to authorise appropriate named individuals to right or entry, inspection, requirement information, take samples, seize animals, issue and refuse licenses, make amendments and vary licences in respect of:-

- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- Animal Welfare Act 2006
- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1976

HCP(38) Scrap Metal Dealers Act 2013

(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act

(ii) to:-

act under and delegated authority to authorise appropriate named individuals to inspect, licence, suspend, revoke licences.

Apply to the Magistrates Court for Warrant to enter land and/or buildings in accordance with the powers contained in the Scrap Metal Dealers Act 2013.

HCP(39) Health Protection (Local Authority Powers) Regulations 2010

(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act

- (ii) to:-
act under and delegated authority to authorise appropriate named individuals to:
- Reg 2/3/6– Receive notifications of diseases etc in patients and dead persons from Registered Medical Practitioner and to notify the HPA etc.
Reg - 8 - Requests for co-operation for health protection purposes
Service of Notices to keep a child away from school - Provide details of children attending school etc
The Health Protection (Part 2A Orders) Regulations 2010
Make applications for Part 2A Orders.
- HCP(40) Public Health (Aircraft) Regulations 1979
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
act under and delegated authority to authorise appropriate named individuals to exercise powers under:-
Part II, Regulation 5, appointment and duties of authorised officers and provisions of services by responsible authorities.
- HCP(41) Noise Act 1996
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
act under and delegated authority to authorise appropriate named individuals to exercise the powers in ss2 to 9 in relation to the summary procedure for dealing with noise at night and entry and seizure under s10
- HCP(42) Environment Act 1995
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
Part IV Air Quality
s 82 - Undertake Air Quality monitoring
s 83 - Designate AQMA
s 84 - Carry out duties in relation to designated areas,
Part V Miscellaneous
s 108 (1)(a),(1)(b) and (1)(c) to exercise powers under section 108, sub-section (4)(a-m)
s 110 - Offences
- HCP(43) Anti-Social Behaviour Crime and Policing Act 2014
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
Part I injunctions
s 5- Make applications for injunctions
Part 2 Criminal Behaviour Orders
s – Make application for an order
Part 4,
Chapter 1 Community Protection Notices
s 43 - Power to issue notices
s 47 - Remedial action & power of entry
s 51- Seizure
s 53 - Issue Fixed Penalty Notice
Chapter 2 Public Spaces Protection Orders

- s 68 -Issue Fixed Penalty Notice (Dogs and ASB)
- Chapter 3 Closure of premises associated with nuisance or disorder
- s 76 - Closure notice
- s 78 - Vary or cancel closure notice
- s 79 - Power of entry
- s 85 - Enforcement
- HCP(44) The Official Feed and Food Controls (England Regulations 2009
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 - (ii) to:-
 - act under and delegated authority to authorise appropriate named individuals to: powers of entry, serve notices, procure and analyse samples.
- HCP(45 to 48) SPARE
- HCP(49) Gambling Act 2005
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 - (ii) to:- Inspect and issued licenses ,
 - a) Application for a variation to a licence where no representations have been received or representations have been withdrawn
 - b) Application for a transfer of a licence where no representations have been received from the Commission
 - c) Application for a provisional statement where no representations have been received or representations have been withdrawn
 - d) Application for a club gaming/club machine permit where no objections have been made or objections have been withdrawn
 - e) Applications for other permits
 - f) Cancellation of licensed premises gaming machine permits
 - g) Consideration of temporary use notice
 - h) Setting of fees
 - s.304 (1)(b) - Make representations where appropriate
- HCP(50) Town Police Clauses Act 1847
 - Grant or refuse, applications for Private Hire Vehicle, Operators or Hackney Carriage vehicle licenses or suspend private hire or Hackney carriage vehicle licences under the Town Police Clauses Act 1847, and the Local Government (Miscellaneous Provisions) Act 1976, subject to the applicant having a right to be heard by the Regulatory Committee in respect of any decision to refuse an application.
- HCP(51) Police, Factories etc (Miscellaneous Provisions) Act 1916, as amended by section 251 and Schedule 29 to the Local Government Act 1972
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 - (ii) to:-
 - (a) Issue street collection permits up to the allocation for Kenilworth, Royal Leamington Spa, Warwick town centres and other areas as defined by the Licensing & Regulatory Committee; and
 - (b) Issue street collection permits, for special collections in addition to the above numbers, following consultation with and no objection from the Licensing & Regulatory Committee spokespersons.

- HCP(52) Road Traffic Act 1991
to ask for and accept Disclosure and Barring Service checks for Hackney Carriage and Private Hire Vehicles Drivers Licences under Section 47, and for any other licence for which they may be required.
- HCP(53) Local Government Miscellaneous Provision Act, Section 47, 48, 51, 55
impose such conditions as considered reasonably necessary:-
- a) approve or refuse, in consultation with appropriate organisation as approved by the Licensing & Regulatory Committee, applications in respect of types of wheelchair accessible vehicles to be accepted as taxis in the case of new licences to be issued in the District
 - b) refuse applications for taxi and private hire drivers licences in respect of applicants who do not pass the knowledge test
 - c) refuse applications for taxi and private hire drivers licences, where the applicants have not attended disability awareness training, and obtained the appropriate certificate
 - d) refuse the licence of a hackney/carriage private hire driver person who fails or refuses to attend the prevention of child sexual exploitation course
 - e) make any minor grammatical or minor wording amendments to the Policies for Hackney Carriage / Private Hire Drivers & Operators, so long as it they do not alter the meaning/spirit of the Policy.
- HCP(54 to 65) SPARE
- HCP(66) Land Drainage Act 1991 (and any amendments thereof)
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 14(A) – Notice to enter land and carry out works
s 24 – Contraventions of prohibition on obstructions – notice to abate nuisance
s 25 – Powers to require works for maintaining the flow of a watercourse
s 64 – Powers of entry onto land
- HCP(67 & 68) SPARE
- HCP(69) Criminal Justice and Police Act 2001
exercise all powers of local authorities under sections 19 to 28 of the including:
- Serving and cancelling closure notices;
 - Making applications for closure orders;
 - Issuing certificates of termination of closure orders;
 - Defending applications for the discharge of closure orders;
 - Recommending appealing against the refusal to make closure orders;
 - Enforcing closure orders;
 - Recommending prosecuting for obstruction of authorised officers or for offences in connection with closure orders; and
 - authorising officers to exercise all or any of these powers.
- HCP(70 to 76) SPARE
- HCP (77) The Legislative and Regulatory Reform Act 2006
following consultation with a solicitor acting for the Council and relevant

Portfolio Holder, to make any minor grammatical or minor wording amendments to the Enforcement Policy, so long as it they do not alter the meaning/spirit of the policy

HCP (78
to 80)

SPARE

HCP (81)

Associated Acts and Regulations above:
to grant a Private Hire Operators licence or Hackney Carriage/Private Hire Drivers Licence of reduced duration following consultation with the Chair/Vice Chair of the Licensing and Regulatory Committee and a representative of Legal Services.

HCP (82)

Microchipping of Dogs Regulations 2015,
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
(a) serve on the keeper of a dog which is not microchipped a notice requiring the keeper to have the dog microchipped within 21 days;
(b) where the keeper of a dog has failed to comply with a notice under paragraph (a), without the consent of the keeper— (i) arrange for the dog to be microchipped; and (ii) recover from the keeper the cost of doing so;
(c) take possession of a dog without the consent of the keeper for the purpose of checking whether it is microchipped or for the purpose of microchipping it in accordance with sub-paragraph (b)(i).