

ANNEXE 5

Clean Neighbourhoods and Environment Act 2005 and Related Schedule of Recommended Revisions to Scheme of Delegation.

Provision	Description of Offence	Remedy	Power to authorize officers delegated to;
Vehicles			
Section 6(1) Clean Neighbourhoods & Environment Act 2005.	Nuisance parking of vehicles for sale or repair.	FPN £100, or £60 for early payment. Prosecution in the event of non-payment*	<ol style="list-style-type: none"> 1. Head of Housing 2. Head of Environmental Services. 3. Head of Planning 4. Head of Environmental Health. 5. Head of Leisure. 6. Head of Parking.
Section 2 Refuse Disposal (Amenity) Act 1978.	Abandoning a vehicle.	FPN £200, or £120 for early payment. Prosecution in the event of non-payment* Serve or affix notice requiring information or removal. Arrange removal in default. Recover reasonable costs.	<ol style="list-style-type: none"> 1. Head of Environmental Services.
Section 3 Refuse Disposal (Amenity) Act 1978.		Duty of Waverley to deal with abandoned vehicles; removal, custody and destruction.	<ol style="list-style-type: none"> 1. Head of Environmental Services
Litter			
Section 88 Environmental Protection Act 1990.	Littering.	FPN £75, or £50 for early payment. Prosecution in the event of non-payment*	<ol style="list-style-type: none"> 1. Head of Environmental Services 2. Head of Leisure 3. Head of Housing 4. Head of Environmental Services to be delegated to authorize persons not directly employed by the Council including persons contracted to Waverley and Town & Parish Council officers or persons contracted to them.

Section 92, 93 and 94 Environmental Protection Act 1990	Street Litter Control Notices (street litter from adjacent premises and stalls), and Litter Clearing Notices (litter on land open to the air).	FPN £100, or £60 for early payment. Prosecution in the event of non-payment*. Carry out works in default with recovery of costs.	1. Head of Environmental Services for service of Street Litter Control Notices, Litter Clearing Notices and FPNs.
Section 92 Environmental Protection Act 1990	Litter Abatement Notices on statutory undertakers and crown authorities.	Prosecution for failure to comply with notice, and/or carry out works in default with recovery of costs.	1. Head of Environmental Services.
Free Literature Distribution			
Schedule 3A, para. 7(2) and sections 92 and 94 Environmental Protection Act 1990.	Unauthorised distribution of free literature on sites formally designated for these purposes. These controls are subject to successful completion of a formal designation procedure and agreeing a process of determining applications for consent on those sites.	FPN £75, or £50 for early payment. Prosecution in the event of non-payment* Seizure of printed matter on designated sites, with storage, return or disposal subject to legal process.	1. Head of Environmental Services 2. Head of Parking Services. 3. Head of Environmental Services delegated to authorize persons not directly employed by the Council including persons contracted to Waverley and Town & Parish Council officers or persons contracted to them.
Graffiti & fly-posting			
Section 43 Anti-social Behaviour Act 2003.	Graffiti and fly-posting.	FPN £75, or £50 for early payment. Prosecution in the event of non-payment*	1. Head of Environmental Services 2. Head of Leisure 3. Head of Housing. 4. Head of Environmental Services to be delegated to authorize persons not employed directly by Waverley including persons contracted to the Council and Town and Parish Council officers or persons contracted to them.

Sections 48, 49, 50 51 and 52 Anti-Social Behaviour Act 2003.	Defacement of 'relevant surfaces' with graffiti and / or fly-posting.	Service of a Defacement Removal Notice, with works in default and recovery of costs where ignored.	1. Head of Environmental Services.
Sections 224 and 225 Town and Country Planning Act 1990, and Section 34 Clean Neighbourhoods and Environment Act 2005.	Fly-posting and illegal display of advertising.	Prosecution for illegal display and recovery of expenses for removal	1. Head of Environmental Services 2. Head of Planning.
Waste & fly-tipping			
Section 33 Environmental Protection Act 1990	Prosecution of Fly-tippers.	Fine of up to £50,000 plus recovery of clean- up costs.	1. Head of Environmental Services in consultation with Solicitor to the Council and Head of Legal Services as to adequacy of evidence.
Section 59 Environmental Protection Act 1990.	Powers against owners or occupiers of land to remove fly- tips.	Requirement by way of service of Notice. Application for court order to recover clean-up costs.	1. Head of Environmental Services.
Section 53 Clean Neighbourhoods and Environment Act 2005	Powers of Investigation in relation to illegal waste disposal.	Fine imposed by courts.	1. Head of Environmental Services
Section 5B(2) Control of Pollution (Ammendment) Act 1989. Section 34(2) Environmental Protection Act 1990.	Failure to produce Waste Transfer Notes or Waste Carrier's Licence.	FPN £300, or £180 for early payment. Prosecution in the event of non- payment*	1. Head of Environmental Services.
Section 47Z A(2) Environmental Protection Act 1990.	Offences in relation to waste receptacles.	FPN £100, or £60 for early payment. Prosecution in the event of non- payment*	1. Head of Environmental Services.
Dogs			
Section 59(2) Clean Neighbourhoods and Environment Act 2005.	Offences under Dog Control Orders.	FPN £75, or £50 for early payment. Prosecution in the event of non- payment*	1. Head of Environmental Health 2. Head of 3. Environmental Services 4. Head of Leisure 5. Head of Environmental Health also delegated to authorise Town & Parish

			Council officers.
Noise			
Section 8 Noise Act 1996	Noise from Dwellings	FPN £100, or £60 for early payment. Prosecution in the event of non-payment*	1. Head of Environmental Services 2. Head of Environmental Health.
	Noise from licensed premises.	FPN fixed at £500. Prosecution in the event of non-payment*	1. Head of Environmental Services 2. Head of Environmental Health.
Section 77, 78 and 79 Environmental Protection Act 1990	Enhanced powers of entry to deal with audible intruder alarms.		1. Head of Environmental Services 2. Head of Environmental Health.
All Provisions			*
All provisions where FPNs are applicable.	All offences where FPNs are applicable.	Prosecution.	* Authority to prosecute persons for failing to pay a Fixed Penalty Notice issued under any of the provisions of the Act be delegated to the Head of Legal and Estates Services at the request of the relevant Head of Service.

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