

ENVIRONMENTAL HEALTH SERVICE SCHEME OF DELEGATION

The following delegations relate to particular aspects of the Environmental Health Service:

Table of Environmental Health Powers

Game Act 1831
Town Police Clauses Acts 1847 and 1889
Dogs Act 1871
Public Health Acts 1875, 1936 and 1961
National Assistance Acts 1948 and 1951
Prevention of Damage by Pests Act 1949
Pet Animals Act 1951
Caravan Sites and Control of Development Act 1960
Animal Boarding Establishments Act 1963
Offices, Shops and Railway Premises Act 1963
Riding Establishments Acts 1964 and 1970
Scrap Metal Dealers Act 1964
Sea Fisheries (Shellfish) Act 1967
Caravan Sites Act 1968
Chronically Sick and Disabled Persons Act 1970
Defective Premises Act 1972
European Communities Act 1972
Local Government Act 1972, Section 180 and Schedule 14
Breeding of Dogs Acts 1973 and 1991
Control of Pollution Act 1974
Health and Safety at Work etc. Act 1974
Guard Dogs Act 1975
Dangerous Wild Animals Act 1976
Local Government (Miscellaneous Provisions) Act 1976
Protection From Eviction Act 1977
Rent Act 1977
Highways Act 1980
Animal Health Act 1981
Disabled Persons Act 1981
Local Government (Miscellaneous Provisions) Act 1982
Animal Health and Welfare Act 1984
Building Act 1984
Housing and Building Control Act 1984
Public Health (Control of Disease) Act 1984
Food and Environment Protection Act 1985
Housing Acts 1985, 1988, 1996 and 2004
Landlord and Tenant Acts 1985 and 1987
Housing and Planning Act 1986
Local Government & Housing Act 1989
Water Act 1989
Breeding and Sale of Dogs (Welfare) Act 1990
Environmental Protection Act 1990
Food Safety Act 1990
Dangerous Dogs Act 1991
Water Industry Act 1991
Control of Dogs Order 1992
Clean Air Act 1993
Noise and Statutory Nuisance Act 1993
Criminal Justice and Public Order Act 1994
Sunday Trading Act 1994
Disability Discrimination Act 1995
Environment Act 1995
Dogs (Fouling of Land) Act 1996
Housing Grants Construction & Regeneration Act 1996
Noise Act 1996

Protection From Harassment Act 1997
Pollution Prevention and Control Act 1999
Criminal Justice and Police Act 2001
Vehicles (Crime) Act 2001
Licensing Act 2003
Anti-social Behaviour Act 2003
Clean Neighbourhoods and Environment Act 2005
Health Act 2006

Notes

In the absence of the Environmental Health Manager, the specified authority may be exercised by the Deputy Environmental Health Manager or the Head of Environmental Services.

Where appropriate this Scheme of Delegation indicates where responsibilities are undertaken by the Private Sector Housing Team. In the absence of the Private Sector Housing Manager, the specified authority may be exercised by the Head of Housing.

An officer to whom a power, duty or function is delegated may nominate or authorise another officer to exercise that power, duty or function, provided that officer reports to or is responsible to the delegator.

Anti-social Behaviour Act 2003

1. The Environmental Health Manager to be able to authorise suitably qualified professional and support Officers to take action to stop noise nuisance including power to close licensed premises for up to 24 hours where a public nuisance is being caused by noise and to issue fixed penalty notices in respect of night noise offences.

Clean Neighbourhoods and Environment Act 2005

2. Environmental Health Manager to be able to take action and authorise appropriately qualified and competent Officers to take action to deal with noise nuisance and nuisances in respect of light pollution and insects.
3. Environmental Health Manager to be able to draw up and, if approved by Council, enforce dog control orders, authorising appropriately qualified and competent Officers to perform these functions as appropriate.
4. Environmental Health Manager to be able to issue fixed penalty notices, and to authorise appropriately qualified and competent Officers, and take enforcement action in respect of noise, and dogs under sections 4, 18 to 27, 33, 35, 36, 40, 41, 42, 43, 44, 53, 59, 60, 61, 83 and 105, including the amendments made by the above sections to the Environmental Protection Act 1990 and other primary and secondary legislation.
5. Environmental Health Manager to be able to authorise officers to exercise powers of entry in relation to alarms under sections 77 to 80
6. Environmental Health Manager to be able to authorise appropriately qualified and competent Officers to exercise powers to investigate and take enforcement action for offences concerning the selling and repairing of vehicles on a road under sections 3 and 4.

Food and Environment Protection Act 1985

7. The Environmental Health Manager to be able to authorise as Enforcement Officers such members of the Service's professional and technical support Officers who are deemed to have suitable qualifications in respect of sections 3, 4, 19 and schedule 2 of the Food and Environment Protection Act 1985, as amended by the Pesticides (Fees and Enforcement) Act 1989.

8. The Environmental Health Manager to issue and sign written instruments of appointment under the Food and Environment Protection Act 1985 and to approve the issuing of appropriate enforcement action.
9. The Environmental Health Manager to grant authorised officers the power to sign and serve Notices under section 19 of the Food and Environment Protection Act 1985.
10. The Environmental Health Manager to grant to authorised officers, the power to sign and serve Notices under Part III of the Food and Environment Protection Act 1985 and to carry out any other duties and powers under the Act.

Public Health (Control of Disease) Act 1984

11. Private Sector Housing Manager to be able to authorise officers and action to carry out all the duties and use all the powers under section 50 in relation to canal boats.
12. Head of Housing to be able to authorise appropriately qualified and competent Officers to carry out duties under Section 46 to arrange burials or cremations where it appears that suitable arrangements would not otherwise be made. The Environmental Health Manager or Private Sector Housing Manager to act as proper officer under section 48 in making applications to magistrates for the removal of bodies and subsequent burial or cremation.

Environment Act 1995 Part IV

13. Environmental Health Manager to discharge powers and duties in carrying out the review, assessment, and designation of air quality management areas.
14. Environmental Health Manager to appoint appropriately qualified and competent Officers as Inspectors under section 108 of the Act.
15. Environmental Health Offices to have authority to exercise the powers of inspectors contained in Part V of the Environment Act 1995.

Health and Safety at Work etc. Act 1974

16. The Environmental Health Manager to appoint professional and technical Officers who are deemed to have suitable qualifications and level of competence, as Inspectors under section 19 of the 1974 Act and for those Inspectors to exercise all statutory powers laid down in the Act, and in particular those in sections 20, 21, 22, 25, 38 and 39.
17. The Environmental Health Manager is to sign and issue written instruments of appointment for all persons appointed under the above. All properly appointed Inspectors to exercise all powers of Inspectors as laid down under the Act.
18. Authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings in relation to all offences under the Health and Safety at Work etc. Act 1974 and related legislation.
19. Environmental Health Manager to have authority to approve and endorse any agreed transfers or assignments with the Health and Safety Executive made under the Health and Safety (Enforcing Authority) Regulations 1989.

Food Safety Act 1990 (As amended) and A) any Orders or Regulations or other instruments made under the 1990 Act or relating to the 1990 Act or having effect by virtue of the European Communities Act 1972 and relating to food safety or animal feedstuff, and B) any modification to, or re-enactment of the Food Safety Act 1990.

20. Environmental Health Manager to register premises covered by Regulations made under section 19 of the Food Safety Act 1990.

21. Environmental Health Manager to exercise powers and duties under the Food Hygiene (England) Regulations 2006 which will include but not be restricted to the grant and refusal of licences.
22. Environmental Health Manager to appoint such members of the Environmental Health professional and Technical Officers deemed to have suitable qualifications as authorised officers under section 5(6) of the Food Safety Act 1990.
23. Environmental Health Manager to appoint suitable specialists under section 32(4) of the Act in order to accompany officers authorised to execute a warrant issued by a justice of the peace.
24. For all properly authorised Officers, with the exclusion of those specifically appointed under section 32(4), to exercise all powers laid down under the Act.
25. Environmental Health Manager to exercise powers and duties to take enforcement action under the Act and related legislation.
26. Environmental Health Manager to exercise powers to appoint Public Analysts under section 27 of the Act.
27. Authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings in relation to all offences under the 1990 Act and related legislation.

Housing Act 1985 (as amended by Local Government and Housing Act 1989, and the Housing Act 1996) and the Housing Grants, Construction and Regeneration Act 1996.

28. Private Sector Housing Manager to exercise powers to serve Notice of entry and enter premises for the purposes set down in sections 319, 337 and 340 of the 1985 Act.
29. Private Sector Housing Manager to exercise powers to serve Notice to quit on any occupier of a dwelling subject to a Demolition Order (Section 270 of the 1985 Act).
30. Private Sector Housing Manager to exercise powers to serve Notice to cleanse a house to which a Demolition Order applies (Section 273 of the 1985 Act).
31. Private Sector Housing Manager to exercise powers to authorise the temporary use of a house in excess of the permitted numbers (Section 330 of the 1985 Act).
32. Private Sector Housing Manager to exercise powers to serve Notice to abate overcrowding (Section 338 of the 1985 Act).
33. Private Sector Housing Manager to exercise authority to determine applications for disabled facilities grants under the Housing Grants, Construction and Regeneration Act 1996 in accordance with approved Council policy.
34. Private Sector Housing Manager to determine applications for housing renewal assistance in accordance with the Council's Home Improvement Policy introduced under the Regulatory Reform Order 2002,
35. The Private Sector Housing Manager to exercise authority to approve grants in accordance with the Council's approved policy up to £20,000 and the Head of Housing to exercise authority to approve grants up to £30,000 under the 1996 Act. All grants will be determined in accordance with the Council's approved Home Improvement Policy. Any recommendation for a grant exceeding £30,000 to be referred to the Executive for decision.
36. Private Sector Housing Manager to exercise authority to approve payments of up to £5,000 for urgent adaptations and fees associated with disabled adaptations using capital funding for Disabled Facilities Grants.
37. Private Sector Housing Manager to exercise authority to operate the property charge system for Disabled Facilities Grants in accordance with approved Council policy.

38. Private Sector Housing Manager to exercise authority to require repayment of grants in accordance with the 1996 Act and the Council's Home Improvement Policy introduced under the Regulatory Reform Order 2002
39. Authority to the Borough Solicitor, on the recommendation of the Private Sector Housing Manager, to institute legal proceedings in relation to all offences under the Housing Act 1985 (as amended by Local Government and Housing Act 1989, and the Housing Act 1996) and the Housing Grants, Construction and Regeneration Act 1996 and related legislation.

Housing Act 2004

40. The Private Sector Housing Manager to act as proper officer under section 4 of the Housing Act 2004 in relation to official complaints.
41. Private Sector Housing Manager to exercise powers to grant or refuse, vary and revoke licences for houses let in multiple occupation in accordance with sections 64, 69, 70 and schedule 5 of the Housing Act 2004.
42. Private Sector Housing Manager to exercise powers to grant, renew or refuse applications for a Temporary Exemption Notice for houses let in multiple occupation in accordance with section 62 of the Housing Act 2004.
43. Private Sector Housing Manager to exercise powers to require the production of documents, to use the information obtained there from for the relevant purpose, and authority to the Borough Solicitor, on the recommendation of the Private Sector Housing Manager, to institute legal proceedings and other enforcement action in relation to all offences under sections 235 to 238 of the Housing Act 2004.
44. Private Sector Housing Manager to exercise powers to take enforcement action under Part 1 and Schedule 3 of the Housing Act 2004 with respect to housing standards, including powers to carry out Emergency Remedial Action under section 41 and works in default under Schedule 3 and the recovery of expenses under section 42 and Schedule 3 .
45. Private Sector Housing Manager to exercise powers to issue, serve and enforce Overcrowding Notices under sections 139 to 144 of the Housing Act 2004, including the revocation and variation of such Notices.
46. Private Sector Housing Manager to exercise powers to issue, serve and enforce interim and final Management Orders, and Empty Dwelling Management Orders, including the variation, revocation and termination of such Orders under Chapter 1 and 2 of Part 4 and the power to enter premises to carry out work under section 131 and Schedule 7 paragraph 25.
47. Private Sector Housing Manager to exercise powers and to authorise suitably qualified officers to enter premises under sections 239, 240 and 242 in order to carry out surveys or examinations and to enforce entry by way of the obtaining of a warrant under section 240 and to exercise power of entry under schedule 3 to carry out works in default.
48. Borough Solicitor, on the recommendation of the Private Sector Housing Manager, to issue proceedings for the obstruction of a relevant person under section 241.
49. Private Sector Housing Manager to exercise powers to issue and serve Notice of intended proceedings under section 73 with respect to Rent Repayment Orders.
50. Private Sector Housing Manager to exercise powers to issue and serve Notices with respect to a house in Multiple Occupation (HMO) under section 255 and the revocation of such a Notice under section 256.
51. Private Sector Housing Manager to exercise powers to make such reasonable charge under sections 49 and 50 as is appropriate with respect to Notices, Orders and remedial action taken

under 11, 12, 20, 21, 28, 29, 40 and 43 of The Housing Act 2004, and section 265 of The Housing Act 1985.

52. Borough Solicitor, on the recommendation of the Private Sector Housing Manager, to exercise authority to institute legal proceedings in respect of operating a house in multiple occupation without a licence, exceeding the permitted number of persons, or not in accordance with the conditions of a licence under section 72 of the Housing Act 2004, and for failure to comply with an improvement notice, overcrowding notice and prohibition order served under the Housing Act 2004.
53. Authority to the Borough Solicitor, on the recommendation of the Private Sector Housing Manager, to institute legal proceedings in relation to all offences under the Housing Act 2004 and related legislation.

Building Act 1984

54. Environmental Health Officers to exercise powers to serve Notice for the satisfactory provision or repair of drainage (Section 59).
55. Environmental Health Officers to exercise powers to serve Notice requiring the ventilation of soil pipes (Section 60).
56. Environmental Health Officers to exercise powers to serve Notice to disconnect or seal drains (Section 62).
57. Environmental Health Officers to exercise powers to serve Notice to provide a WC and put into satisfactory condition (Section 64).
58. Environmental Health Officers to exercise powers to serve Notice to provide food storage accommodation in existing houses (Section 70).
59. Environmental Health Officers to exercise powers to serve Notice to raise chimney heights (Section 73).
60. Environmental Health Officers to exercise powers to ensure compliance with a notice served under section 73(1).
61. Environmental Health Officers to exercise powers to serve notice and arrange works necessary to remedy premises that are prejudicial to health or a nuisance (section 76).
62. Environmental Health Officers to exercise powers to serve Notice regarding ruinous & dilapidated buildings & neglected sites (Section 79).
63. Environmental Health Officers to exercise powers to serve Notice requiring drainage of yards and passages (Section 84).
64. Environmental Health Officers authorised to act as proper officer in respect of the signing of notices under The Building Act 1984 (section 93).
65. Environmental Health Officers authorised to enter premises and to execute works, and to authorise other suitably qualified officers to enter premises and execute works (sections 95, 96, 97 and 98).
66. Environmental Health Officers authorised to take steps to undertake works in default of complying with notices served, and to recover expenses thereby incurred (sections 99 and 107), also authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager or Private Sector housing Manager, to institute legal proceedings in relation to all offences under the Building Act 1984 and related legislation to issue proceedings for failure to comply with notices served under sections 59, 60, 62, 64, 70, 73, 76, 79 and 84.

Public Health Act 1936

67. Environmental Health Officers to exercise powers to serve Notice to repair defective WC's (Section 45).
68. Environmental Health Officers to exercise powers to examine and test drains believed to be defective (Section 48).
69. Environmental Health Officers to exercise powers to serve Notice re overflowing and leaking cesspools (S.50).
70. Environmental Health Manager or Private Sector Housing Manager to be the Proper Officer to exercise powers to require the removal of noxious matter (section 79).
71. Environmental Health Officers to exercise powers to serve Notice to cleanse filthy or verminous premises (Section 83).
72. Environmental Health Manager or Private Sector Housing Manager to be the Proper Officer to apply to a court and for the other purposes of exercising powers to cleanse or destroy filthy or verminous articles (Section 84).
73. Environmental Health Manager or Private Sector Housing Manager to be appointed as the 'Proper Officer' and to exercise powers, including making reports to a magistrates' court to cleanse verminous persons and their clothing (Section 85).
74. Environmental Health Officers authorised to apply to a magistrates' court for an order in respect of a polluted water supply (section 140).
75. Environmental Health Manager and Private Sector Housing Manager authorised to enter premises for the purposes defined in section 287, and to authorise other appropriately qualified and competent Officers to enter premises for same purposes and to apply to a magistrates' court for a warrant in appropriate cases.
76. Environmental Health Officers authorised to sign documents relating to powers delegated in respect of sections 45, 48, 50, 79, 80, 81, 82, 83, 84, 85, 140, 287 and 288.
77. Environmental Health Officers to exercise powers relating to tents, vans, moveable dwellings etc. (Sections 268 and 269) (as amended by the Building Act 1984 and the Environmental Protection Act 1990)).
78. Environmental Health Officers authorised to make orders, take steps to undertake works in default of complying with notices served, and to recover expenses thereby incurred (sections 291 and 293), also authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager or Private Sector Housing Manager, to institute legal proceedings in relation to all offences under the Public Health Act 1936 and related legislation to issue proceedings for failure to comply with notices or for obstructing execution of the Act (section 288) served under sections 45, 48, 50, 79, 83, 84, 85, 140 and 287.

Prevention of Damage by Pests Act 1949

79. Environmental Health Officers to exercise powers to serve Notice requiring the destruction, of rats and mice (Section 4).
80. Environmental Health Officers to exercise powers to undertake works in default and recover expenses for such works (section 5).
81. Environmental Health Officers to exercise powers to serve Notice of intention to treat in relation to a group of premises and to exercise powers to undertake works in default and recover expenses for such works (Section 6).

82. Environmental Health Officers authorised to require information about interests in land for the purposes of this Act (section 9).
83. Environmental Health Manager and Private Sector Housing Manager authorised to enter premises for the purposes defined in section 22, and to authorise other appropriately qualified and competent Officers to enter premises for same purposes and to apply to a magistrates' court for a warrant in appropriate cases.
84. Environmental Health Manager and Private Sector Housing Manager authorised to make orders, take steps to undertake works in default of complying with notices served, and to recover expenses thereby incurred, or for failure to comply with notices or for obstructing execution of the Act (section 288) served under sections 4, 5, 6 and 9.
85. Authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager or Private Sector Housing Manager, to institute legal proceedings in relation to all offences under the Prevention of Damage by Pests Act 1949 and related legislation.

Public Health Act 1961

86. Environmental Health Officers to exercise powers to serve Notice to remedy blocked up drains, and to exercise powers in relation to drains and sewers (Section 17).
87. Environmental Health Officers to exercise powers to clear blocked up drains and to recover costs from doing so (Section 22).
88. Environmental Health Manager to exercise powers to reduce the numbers of pigeons for the purpose of mitigating nuisance, annoyance or damage (Section 74).
89. Environmental Health Officers to exercise powers to serve Notice to remove accumulations of rubbish (Section 34).
90. Environmental Health Officers to exercise powers to serve Notice to vacate premises for fumigation (S. 36).
91. Environmental Health Officers to exercise powers to take action required to remove, disinfect, disinfect or destroy verminous articles, also to recover costs (Section 37).
92. Environmental Health Officers to have authority to cause the cleansing and recovery of expenses of a common court, yard or passage. (Section 78).
93. Environmental Health Officers to exercise powers to deal with ponds, ditches etc. as defined by sections 260-265.
94. Environmental Health Officers to execute certain work on behalf of owners or occupiers as defined by sections 275 and 276.
95. Authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager or Private Sector Housing Manager, to institute legal proceedings in relation to all offences under the Public Health Act 1961 and related legislation.

Local Government (Miscellaneous Provisions) Acts 1976 and 1982

96. Environmental Health Officers to exercise powers and to serve Notices requiring details of persons having an interest in property or land (Section 16 of the 1976 Act).
97. Environmental Health Officers to exercise powers to serve Notice to provide sanitary appliances at relevant places under Section 20 of the 1976 Act.

98. Environmental Health Officers to exercise powers to serve Notices or undertake works under sections 29 and 30 of the 1982 Act and to take steps to recover costs.
99. Environmental Health Officers to exercise powers to serve Notice requiring removal of an obstruction in a private sewer and to recover costs under Section 35 of the Local Government (Miscellaneous Provisions) Act 1976.
100. Environmental Health Officers to exercise powers to restore or ensure continuation of supply of gas, water or electricity where this has been or is likely to be discontinued as a result of actions or inactions of an owner or occupier of a dwelling, and to recover any costs incurred under the Local Government (Miscellaneous Provisions) Act 1976.
101. Authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager or Private Sector Housing Manager, to institute legal proceedings in relation to all offences under the Local Government (Miscellaneous Provisions) Acts 1976 and 1982 and related legislation.

Clean Air Act 1993

102. Environmental Health Manager to exercise powers to approve arrestment plant in relation to smoke, grit, dust and fumes control (Sections 6 & 8).
103. Environmental Health Manager to exercise powers to serve Notice regarding measurement of grit, dust and fumes (Section 10).
104. Environmental Health Manager to exercise powers to approve chimney heights (Sections 14-16).
105. Environmental Health Manager to exercise the power of research and publicity under section 34 of the Clean Air Act 1993 (or as may be modified or re-enacted).
106. Environmental Health Manager to exercise powers to require information about air pollution (Sections 35 and 36).
107. Environmental Health Manager to issue notice requiring information about air pollution under section 36 of the Clean Air Act 1993 (or as may be modified or re-enacted).
108. Authorised officers duly appointed by the Environmental Health Manager to notify occupiers of offences under section 51 of the Clean Air Act 1993 (or as may be modified or re-enacted).
109. Authorised officers duly appointed by the Environmental Health Manager to exercise the power to enter upon land for the purposes prescribed in section 56 of the Clean Air Act 1993 (or as may be modified or re-enacted).
110. Environmental Health Manager to exercise power to serve notice requiring information under section 58 of the Clean Air Act 1993 (or as may be modified or re-enacted).
111. Environmental Health Manager may appoint "authorised officers" (Section 64).
112. Authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings in relation to all offences under the Clean Air Act 1993 and related legislation.

Environmental Protection Act 1990 (as amended)

113. Under Section 78B(3) and (4) of the Environmental Protection Act 1990, the Head of Environmental Services and in his absence the Environmental Health Manager to have authority to give notice to the appropriate agency, owner, occupier and appropriate person that land is contaminated land.
114. Under Sections 78C(1), (3) and (5) of the Environmental Protection Act 1990, the Head of Environmental Services and in his absence the Environmental Health Manager to have authority to give notice to relevant persons that contaminated land is designated as a special site, requesting

advice from the appropriate agency about whether contaminated land should be a special site and deciding whether contaminated land which has been notified to Waverley as a special site by an appropriate agency should be so designated.

115. Under Section 78D(1), (2) and (3) of the Environmental Protection Act 1990, the Head of Environmental Services and in his absence the Environmental Health Manager to have authority to refer special site decisions, disputed by the appropriate agency to the Secretary of State, together with a statement of reasons for making the decision, and a notification of this to the relevant persons.
116. Section 78E(1), (2) and (3) of the Environmental Protection Act 1990, the Head of Environmental Services and in his absence the Environmental Health Manager to have authority to serve remediation notices.
117. Under Section 78H(6), (7), (8), (9) and (10) of the Environmental Protection Act 1990, the Head of Environmental Services and in his absence the Environmental Health Manager, to have authority to prepare and publish remediation declarations, require responsible persons to prepare and publish remediation statements, and where this is not done within a reasonable period to prepare and publish the required remediation statement itself and recover the costs of doing so.
118. Section 78M (1), (2), (3) and (4) of the Environmental Protection Act 1990, the Head of Environmental Services and in his absence the Environmental Health Manager to have authority to prosecute cases in the Magistrates Court for non-compliance with a remediation notice
119. Section 78M (5) of the Environmental Protection Act 1990, the Executive to have authority to take action in the High Court where Waverley is of the view that, following service of a remediation notice which has not been complied with, pursuit of the case in the Magistrates Court would not offer an effective remedy.
120. Section 78N of the Environmental Protection Act 1990, the Executive, or in the case of imminent imminent danger, the Head of Environmental Services and in his absence the Environmental Health Manager, following consultation with the Leader and relevant Portfolio Holder to have power of the local authority to carry out remediation itself, including cases where remediation notices are not complied with and where it is necessary to do anything itself to prevent serious harm or imminent danger.
121. Environmental Health Officers to exercise powers to serve Notices under section 80 requiring the abatement of nuisances or restricting their occurrence or recurrence and to exercise any other powers and serve any other Notices under the Act, including the powers to abate nuisances and to recover costs incurred (section 81)
122. Environmental Health Manager may authorise additional, appropriately qualified and competent Officers to serve Notices under section 80 outside working hours.
123. Environmental Health Officers to exercise powers to defer duty to serve abatement notices under section 80(2A) to (2D) as amended.
124. The Environmental Health Manager is the person appointed under section 149 for the purpose of dealing with stray dogs. The Environmental Health Manager to exercise powers to appoint additional suitably qualified persons under Section 149.
125. Authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager or Private Sector Housing Manager, to institute legal proceedings in relation to all offences under the Environmental Protection Act 1990 (as amended) and related legislation.

Stray Dogs and other powers associated with dogs

126. The Environmental Health Manager is the person appointed under section 149 for the purpose of dealing with stray dogs. The Environmental Health Manager to exercise powers to appoint additional suitably qualified persons under Section 149.

127. Environmental Health Officers, Student Environmental Health Officers and Technical Officers in consultation with the Deputy Environmental Health Manager or, in his absence the Environmental Health Manager to have authority to arrange for the destruction of a stray dog where, in the opinion of a veterinary surgeon, it is necessary to avoid suffering by the animal.
128. Environmental Health Officers, Student Environmental Health Officers and Technical Officers to have authority under Section 5 of the Dangerous Dogs Act 1991 in respect of power of entry, seizure of dogs and obtaining evidence.
129. Environmental Health Officers, Student Environmental Health Officers and Technical Officers to have authority to enforce the Council's dog control byelaws.
130. Environmental Health Officers, Student Environmental Health Officers and Technical Officers to have authority to initiate legal proceedings for dog control byelaw infringements.
131. Environmental Health Officers, Student Environmental Health Officers and Technical Officers, (after consultation with the Leader and relevant Portfolio Holder); authority to institute legal proceedings, by complaint or laying of information (as appropriate in each case), under the terms of the Dogs Act 1871, the Dangerous Dogs Act 1991, the Animal Health Act 1981 and Waverley Dog Control Byelaws.

Pollution Prevention and Control (England & Wales) Regulations 2000 as amended

132. Environmental Health Officers to exercise the functions and duties of the Regulations in relation to Part B installations.
133. The Environmental Health Officers to exercise powers to prevent or remedy pollution, including the recovery of costs (Regulation 26), to serve enforcement, and suspension notices (Regulations 24 & 25).
134. The Borough Solicitor to have authority, on the recommendation of the Environmental Health Manager, to institute legal proceedings in relation to all offences under the Pollution Prevention and Control (England & Wales) Regulations 2000 as amended and related legislation (regulation 32).

Control of Pollution Act 1974 (amended by Noise & Statutory Nuisance Act 1993)

135. Environmental Health Officers to exercise powers to serve Notice to control noise on construction sites and to issue proceedings in the event of failure to comply with the Notice (Section 60).
136. Environmental Health Officers to exercise powers to serve Notice to give prior consent and impose conditions regarding construction sites, also authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings in relation to all offences under the Control of Pollution Act 1974 (amended by Noise & Statutory Nuisance Act 1993) and related legislation (Section 61).
137. Environmental Health Officers to determine applications for consent to use loudspeakers in the street. (Section 62).

Health Act 2006

138. Environmental Health Manager to exercise powers to authorise appropriately qualified professional and technical Officers to issue fixed penalty notices in relation to smoke-free premises, places and vehicles, and take any other action under the provisions of Part 1, Sections 1-12 (inclusive) and Schedules 1-2 of the Act including the recovery of costs.
139. Authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings in relation to all offences under the Health Act 2006 and related legislation.

Licensing and Associated Powers

140. Environmental Health Manager to exercise powers to grant, renew, and vary but not refuse applications for Licences under the Animal Boarding Establishments Act 1963 and Breeding of Dogs Act 1973.
141. Environmental Health Manager to exercise powers to authorise appropriately qualified professional and support Officers to enter premises licensed under the Animal Boarding Establishments Act 1963 and those premises licensed under the Breeding of Dogs Act 1973, also, in accordance with the Breeding of Dogs Act 1991, to enter those relevant premises not licensed under the Breeding of Dogs Act 1973.
142. Authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings in relation to all offences under the Animal Boarding Establishments Act 1963, Breeding of Dogs Act 1973 and the Breeding of Dogs Act 1991 in the event of those responsible not having a licence where they are required to do so, or in the event of non-compliance with the licence or in the event of obstruction of inspectors.
143. The Environmental Health Manager to appoint veterinary practitioners to inspect and report upon Animal Boarding, Dog Breeding and Animal Riding Establishments, and Pet Shops requiring a licence.
144. Environmental Health Manager to exercise powers to grant, vary, and renew but not refuse Licences under the Pet Animals Act 1951 and Riding Establishments Acts 1964 and 1970, and the Dangerous Wild Animals Act 1976.
145. Environmental Health Manager to exercise powers to authorise appropriately qualified professional and Technical Officers to enter premises licensed under the Pet Animals Act 1951 and Riding Establishments Acts 1964 and 1970, and the Dangerous Wild Animals Act 1976.
146. Environmental Health Manager to exercise powers to approve applications within the Street Trading in Waverley Policy, unless a valid objection is received within the consultation period.
147. The Environmental Health Manager may, in consultation with the Chief Executive and the Chairman of the Licensing and Regulatory Committee, accept, consider, approve or refuse late applications for street trading licences, provided licences are only approved if satisfactory responses have been received from the Police, Highways and Fire Authorities.
148. Authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings in relation to street trading offences in the event of non-compliance with licence conditions or in the event of obstruction or in the event of not having a licence where required.
149. Environmental Health Manager to exercise powers to grant, vary, and renew but not refuse applications for registration of acupuncture, tattooing, ear-piercing and electrolysis practices under the Local Government (Miscellaneous Provisions) Act 1982. Environmental Health Manager to exercise powers to authorise appropriately qualified professional and Technical Officers to enter premises licensed under the Local Government (Miscellaneous Provisions) Act 1982, and authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings in the event of non-compliance with licence conditions or in the event of obstruction or in the event of not having a licence where required.
150. Environmental Health Manager to exercise powers to grant, vary and renew but not refuse Licences under the Zoo Licensing Act 1981. Environmental Health Manager to exercise powers to authorise appropriately qualified professional and support Officers to enter premises licensed under the Zoo Licensing Act 1981, and authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings in the event of non-compliance with licence conditions or in the event of obstruction or in the event of not having a licence where required.

151. Environmental Health Manager to exercise powers to issue and refuse approval under the Dairy Products (Hygiene) (Amendment) Regulations 1996. Environmental Health Manager to exercise powers to authorise appropriately qualified professional and support Officers to enter, inspect and sample from premises under these and related regulations and legislation, and authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings in the event of non-compliance with approval conditions or in the event of obstruction or in the event of not having a valid approval where required.
152. Private Sector Housing Manager to exercise powers to grant, vary, renew, or revoke, but not refuse, applications under the Caravan Sites and Control of Development Act 1960, and the Borough Solicitor, on the recommendation of the Private Sector Housing Manager, is authorised to institute legal proceedings for permitting use of land without a Caravan Site or for failure to comply with site licence conditions.
153. Environmental Health Manager to exercise powers to determine applications for the registration of Scrap Metal Dealers under the Scrap Metal Dealers Act 1964. Environmental Health Manager to exercise powers to authorise appropriately qualified professional and support Officers to enter premises registered under the Scrap Metal Dealers Act 1946, and authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings in the event of non-compliance with conditions, or in the event of obstruction, or in the event of not being registered where required.

Sunday Trading Act 1994

154. Deputy Environmental Health Manager to have authority to determine applications for consent to make deliveries prior to 9.00 a.m. on Sundays under Section D2 and Schedule 3 of the Sunday Trading Act 1994.

Water Industry Act 1991

155. Environmental Health Officers to exercise the power to serve notices and to undertake the remedial powers given to local authorities in relation to private supplies. (Section 80).
156. Environmental Health Officers to exercise the power to enforce duties and functions imposed on the local authority (Sections 78 and 79) to notify any water undertaker concerning unwholesomeness or insufficiency of supply with a view to ensuring water quality and to enforce powers given to local authorities under the Water Industry Act 1991, Section 83.
157. Environmental Health Officers to exercise the power to take remedial action in respect of private water supplies where necessary. (Section 83(1)).
158. Environmental Health Manager and Private Sector Housing Manager to exercise the power to require information relating to water supplies (Section 85).

Land Drainage Act 1991

159. Environmental Health Officers authority to issue all necessary notices under the Land Drainage Act 1991 to maintain existing works, improve existing works, construct new works and to require removal of obstruction within a watercourse (Sections 14 and 25).

Miscellaneous Matters

160. The Environmental Health Manager and Private Sector Housing Manager shall have power to appoint Proper Officers and Alternative/Deputy Proper Officers pursuant to the following legislation:
- Public Health (Control of Disease) Act 1984 (power to act in relation to notifiable disease and related matters)
 - Public Health (Infectious Diseases) Regulations 1988

- National Assistance Act 1948 and National Assistance (Amendment) Act 1951 (power to deal with persons in need of care and attention)
- Section 61 of the Public Health (Control of Disease) Act 1984 (Power of Entry) and the Public Health (Infectious Diseases) Regulations 1988.

161. Environmental Health Officers to act in accordance with Public Health (Control of Diseases) Act 1984 and the Public Health Diseases Regulations 1988 or any superseding legislation, with regard to food and water borne diseases and the exclusion of food handlers from food businesses.

162. Authority to the Borough Solicitor, on the recommendation of the Private Sector Housing Manager, to institute legal proceedings in relation to all offences under the Protection From Eviction Act 1977.

Powers of Entry

163. The Environmental Health Manager and the Private Sector Housing Manager shall have power to authorise appropriately qualified professional and Technical Officers to enter land and premises in the course of their duties in accordance with the powers contained in the Table of Environmental Health Powers set out in this Scheme of Delegation and if entry is refused to seek powers of entry from the relevant authority or Court and authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager or Private Sector Housing Manager, to issue proceedings in the event of obstruction.