
DELEGATED POWERS – HOUSING RENEWAL

**Responsible Cabinet Member(s) - Councillor Bill Dixon,
Community and Public Protection Portfolio
Responsible Director(s) - Cliff Brown, Director of Community Services**

Purpose of Report

1. This report seeks approval for certain delegated powers to be given to the Director of Community Services, in addition to the Director of Development and Environment. Following the transfer of the private housing regulatory role from the Department of Development and Environment to the Department of Community Services it is necessary for both Directors to have the delegated authority to carry out certain mandatory enforcement functions.

Information and Analysis.

2. The powers being sought predominantly relate to drainage issues, but also deal with Private Sector Housing issues that affect public health, such as the accumulation of waste, pest control, building security (Local Government Act 1982), and potentially dangerous gas and electrical appliances (Environmental Protection Act 1990), which are essential powers in the day-to-day functioning of the Housing Renewal Team, now based in Community Services.

The necessary enforcement powers required are listed below :-

In respect of Private Sector Housing:

- (a) At his /her discretion, exercise powers of entry, undertake works in default of non-compliance following service of notice, including the serving of notices of intention to enter premises and carry out works and to arrange to recover the Council's costs.
- (b) Serve notices and utilise powers under:
 - (i) Sections 4 and 6 of the Prevention of Damage by Pests Act 1949 regarding pest control.
 - (ii) Under the Public Health Act 1936
 - serve and enforce all notices in any relevant section
 - examine and test drains, private sewers and open ground (section 48)

- (iii) Under the Public Health Act 1961
 - serve and enforce all notices in any relevant section
 - undertake the cleansing or repair of drains

- (c) Under the building act 1984
 Serve notices and utilise powers under section
 - 59 Drainage of a building
 - 60 Use and ventilation of soil pipes
 - 64- 65 Provision of Sanitary Conveniences
 - 66 Replacement of Earth Closets
 - 84 Paving and drainage of yards and passages
 - 99 Enforcement of notice requiring work
 - 102 Requirements of exercising powers

- (d) Local Government (Misc Provisions) Act 1976
 Serve notices and utilise powers under section
 - 35 Removal of obstruction from private sewers
 - 16 Request for information regarding ownership

- (e) Under the Local Government (Misc Provisions) Act 1982
 Serve notices and utilise powers under section 29

- (f) Under the Environmental Protection Act 1990
 Serve and enforce all notices and utilise powers under section
 - 79 Statutory Nuisances and inspections
 - 80 Summery proceedings for Statutory Nuisances
 - 81 Supplementary provisions

Legal Implications

- 3 This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

- 4 The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

Council Policy Framework

- 5 The issues contained within this report require approval by Council.

Recommendation

- 6 That the delegated powers as outlined in paragraph 2 of this report be given to the Director of Community Services in addition to being delegated to the Director of Development and Environment.

Reasons

The recommendation is supported to enable the Department of Community Services to carry out its mandatory enforcement functions in private sector housing.

Cliff Brown
Director of Community Services

Background Papers

Delegated Powers

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