

Recommended Changes to the Constitution

Provision	Proposal	Addition to Wording
<p>Responsibility for issuing Fixed Penalty Notices.</p> <p>Part 3 Section 3 – Executive Functions Officer Delegations</p> <p>3.25.3 Delegations to Officers: environmental services</p>	<p>Extension to officer delegations to allow The Executive Director – Operations to ‘authorise’ officers of Cambridgeshire Constabulary to issue Fixed Penalty Notices in respect of littering; Pursuant to the Environmental Act 1990 as amended to The Clean Neighbourhoods Act 2005.</p> <p>To be inserted at 3.25.3 (n).</p>	<p><u>Proposed New insertion: Rule 3.25.3 (n) is inserted.</u></p> <p>3.25.2 The Executive Director - Operations is authorised to:</p> <ul style="list-style-type: none"> (a) approve sites for graffiti trials on property falling under the control of the Operations department; (b) appoint the Proper Officer, or a substitute designated by the Health Authority under the Public Health (Control of Diseases) Act 1984, National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951 and Regulations made under the said Act; (c) take all necessary action under the Dangerous Dogs Act 1991; (d) to instigate proceedings in the Magistrates' Court for offences under the Control of Dogs Order 1992; (e) to waive payment of the statutory fee for collection of stray dogs from the pound under the Environmental Protection (Stray Dogs) Regulations 1992, in cases of proven hardship; (f) to exercise all powers and duties and to issue all notices (including notices of entry) conferred by the following Acts and any Act, Order or Regulation made under them: <ul style="list-style-type: none"> (i) Public Health Acts 1936 +1961. (ii) Prevention of Damage by Pests Act 1949. (iii) Public Health (Control of Diseases) Act 1984. (iv) Food Safety Act 1990; (v) Refuse Disposal (Amenity) Act 1978 (note that the Executive Director – Strategic Resources also has delegation under this Act to deal with abandoned vehicles) and Environment Act 1995; (vi) Clean Neighbourhoods and Environment Act 2005 (vii) Environmental Protection Act 1990

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| | | <ul style="list-style-type: none">(g) to exercise all powers and duties and to issue all notices (including notices of entry) conferred by the following Acts and any Act, Order or Regulation made under them:<ul style="list-style-type: none">(i) Abandonment of Animals Act 1960(ii) Anti Social Behaviour Act 2003(iii) Dangerous Dogs Act 1989(iv) Dangerous Dogs (Amendment) Act 1997(v) Animals Act 1971(vi) Guard Dogs Act 1975(vii) Dogs Act 1871(viii) Riding Establishment Act 1970(ix) Breeding of Dogs Act 1991(x) Dangerous Dogs Act 1991;
(h) to take action under the Sunday Trading Act 1994 and to instruct the Solicitor to the Council to institute legal proceedings in respect thereof;
(i) to take action in relation to private water supplies under the Water Industry Act 1991;
(j) to undertake executive functions set out in the Environmental Protection Act 1990 (for non-executive functions, see para 2.1.2 8b);
(k) to make and rescind appointments of Proper Officer for the purposes of the Public Health (Control of Disease) Act 1984 and the National Assistance Act 1948, as amended by the National Assistance Act (Amendment) Act 1951, and Regulations made thereunder or any subsequent amending legislation;
(l) to exercise the powers and duties conferred by the Petroleum (Regulation) Acts 1928 and 1936 in relation to construction requirements and criteria for storage conditions on premises where petroleum spirit and/or mixtures are stored and licensing of such premises.
(m) to undertake all necessary consultations required under part VIIA of the Highways Act 1980 (as amended) in relation to applications made under that part to provide amenities on highways, to consult the Ward Councillors, the Disabled Persons Forum and other relevant parties, and to grant permission subject to conditions where appropriate. |
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		<p>(n) to provide written authority for Officers of Cambridgeshire Constabulary to issue fixed penalty notices in respect of littering offences in pursuance with arrangements made under s.88(10) of the Environmental Protection Act 1990 and s.47(1) of the Anti-Social Behaviour Act 2003.</p>
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