

Scheme 3.3.5
Powers of the Strategic Director of Place

The Strategic Director of Place is responsible for the following services: Highways and Traffic Management, Waste Management, Housing Operations, Regeneration, Property, Planning and Building Control, Public Protection, Asset Management, Nuisance and Enforcement, Trading Standards, Parks and Environmental Services and Licensing.

Environment

Highways and traffic management

- (a) To exercise the Council's powers and duties arising under the Road Traffic Regulation Act 1984, New Roads and Streetworks Act 1991 and Traffic Management Act 2004.
- (b) Other than in those matters delegated to the Leader or Cabinet Member to exercise all powers and duties in respect of maintaining and improving highways, providing facilities, and interference with highways arising under Parts IV, V, VII, IX and XIV of the Highways Act 1980.
- (c) To determine requests from individuals and voluntary, national and commercial organisations to use the public highway.
- (d) To exercise all powers related to the creation and dedication of public highways and adoption of highways as maintainable at public expense.
- (e) To authorise the issue, amendment or suspension of temporary traffic orders, experimental traffic orders, temporary traffic notices and temporary prohibitions of waiting and loading.
- (f) To determine the provision, positioning and layout of road signs and other street furniture.
- (g) To authorise the making of and consultation on Orders under Section 21 of the Town and Police Clauses Act 1847.
- (h) To arrange for the removal and disposal of untaxed, abandoned and other nuisance vehicles and the prosecution of vehicle owners under the Refuse Disposal (Amenity) Act 1978, the Road Traffic Regulation Act 1984, Part 2 of the Clean Neighbourhoods and Environment Act 2005, the Removal and Disposal Regulations 1986, the London Local Authorities Act 1990 (as amended), the Vehicle Excise and Registration Act 1994, the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1996 and other relevant legislation arising therefrom.
- (i) To exercise the Council's powers and duties relating to abandoned vehicles, parking, vehicle crossings removal of deposits on the highway, cleansing, refuse and litter in the various London Local Authorities Acts and the London Local Authorities and Transport for London Act 2003.

Trees and verges

- (j) To manage all highway trees, grass verges, shrub beds and seasonal plantings and to take appropriate action where necessary.
- (k) To determine the making of Tree Preservation Orders and applications for the topping, lopping and felling of trees where the trees are covered by a Tree Preservation Order; to confirm or revoke Tree Preservation Orders; to waive the requirements to replace trees where appropriate; to serve Tree Replacement Notices where necessary.
- (l) To exercise the Council's functions under the Local Government (Miscellaneous Provisions) Act 1976 in respect of complaints regarding dangerous trees posing an imminent risk to persons or property or causing damage to property. (Informative: powers in (i) & (j) area also held by the Assistant Director Development)

Nuisance and enforcement

- (m) To exercise the Council's powers and duties relating to litter and shopping trolleys arising from the Environmental Protection Act 1990 and the Clean Neighbourhoods and Environmental Protection Act 2005.
- (n) To exercise all powers and duties arising under Parts 2, 3, 4, 5 and 6 of the Clean Neighbourhoods and Environmental Act 2005
- (o) To exercise the Council's powers and duties relating to graffiti and flyposting in Part 4 of the Clean Neighbourhoods and Environment Act 1990, Part 6 of the Anti-Social Behaviour Act 2003 and Part 8 of the Town & Country Planning Act 1990; and to serve notices related to these offences and issues. (Informative: the powers under Section 117 of the Town & Country Planning Act are also held by the Assistant Director Planning)
- (p) To exercise power under Section 78 of the Public Health Act 1936 to clean private courtyards and passages and to recover the costs from the occupiers of any building which fronts or abuts the court or yard in relevant proportions.

Waste

- (q) To manage arrangements for collecting and enforcement of domestic, non-domestic and special waste including powers under parts 2, 3 and 4 of the Environmental Protection Act 1990 and parts 3 and 5 of the Clean Neighbourhoods and Environment Act 1990.
- (r) To authorise the issue of any notice or prosecution in relation to waste collection and disposal including notices under parts 2, 3 and 4 of the Environmental Protection Act 1990, Part 3 of the Clean Neighbourhoods and Environment Act 2005, Section 6 of the Refuse Disposal (Amenity) Act 1978, section 78 of the Public Health Act 1936, Part 8, Chapter 2 of the Town and Country Planning Act 1990 Section 4 of the Prevention of Damage by Pests Act 1949, section 34 of the Public Health Act 1961, the Environmental Protection (Duty of Care) Regulations 1991, the Environmental Protection (Duty of Care) (England) (Amendment)

Regulations 2003, and the Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005 and other relevant legislation arising therefrom.

Miscellaneous

- (s) To exercise the Council's powers in relation to providing public conveniences.
- (t) To exercise the Council's powers to require information under
 - (i) Section 16 Local Authorities (Miscellaneous Provisions) Act 1976.
 - (ii) Section 17 GLC (General Powers) Act 1972.
 - (iii) Section 26 London Local Authorities Act 2004 (as amended by London Local Authorities Act 2007)
 - (iv) Section 71 of the Environmental Protection Act 1990.
 - (v) Section 108 of the Environment Act 1995.

NB: the power at (i) to (iii) are also held by a number of other Officers.

- (u) To exercise all of the Council's powers under the Reservoirs Act 1975.
- (v) To undertake those functions assigned under:
 - (i) Part 3, section 4 of this constitution; functions not to be the responsibility of an authority's Executive.
 - (ii) Part 3, section 5 of this constitution: local choice functions.

Planning

- (w) To exercise all powers and functions on behalf of the Council and to meet all obligations imposed upon the Council pursuant to any planning legislation, except where such powers, functions and obligations are reserved to the Council or its committees.

Building Control

- (x) To exercise the powers and duties of the Council including determining applications and serving and enforcing notices and prosecuting offences under the following enactments:
 - (i) The Building Act 1984 and the Building Regulations 2000 and associated legislation
 - (ii) The Safety at Sports Ground Act 1975
 - (iii) The Fire Safety and Safety of Places of Sports Act 1987

- (iv) The London Building Acts and building control matters in the Local Government Act 2000.
- (y) To exercise all appointing officer functions under section 10 of the Party Wall Act 1996.
- (z) To exercise the powers contained within Section 29 and 32 of the Local Government (Miscellaneous Provisions) Act 1982 (protection of buildings and power of entry)

Public Protection

- (aa) To enforce the enactments set out in Appendix A of this part of the Constitution and
- (bb) To undertake those functions assigned under;
 - (i) Part 3, Section 4 of this Constitution; functions not to be the responsibility of an authority's Executive.
 - (ii) Part 3, Section 5 of this Constitution, local choice functions

Trading standards

- (cc) To exercise the powers and duties of the Council on matters relating to trading standards, consumer protection and metrology including:
 - (i) making such test purchases of goods and services as may be expedient for effective enforcement.
 - (ii) exercising and enforcing appropriate enactments listed in Appendix A of this Part of the Constitution, including any regulation made under those enactments.

NB This function must be exercised subject to the Monitoring officer authorising the institution and conduct of any legal proceedings except in such circumstances where a potential defendant is being held at a police station and the custody charging the individual. In such exceptional circumstances the power to charge the offender is limited to the [Trading Standards Operations Divisional Manager and Trading Standards Fair Trading Divisional Manager]. This procedure will only be used when dealing with itinerant persons where charging by way of summons would not be effective.

Licensing

- (dd) To exercise all functions under the Licensing Act 2003 and Gambling Act 2005 including all administrative functions and determinations of unopposed applications for premises licences, personal licences, club premises certificates, temporary events notices, regulated entertainment and late night refreshments, permits and the setting of fees and charges.
- (ee) To enforce the enactments set out in Appendices A, Part 3, Section 3 of this Constitution, headed licensing and registration of premises or persons.

- (ff) To authenticate on the Council's behalf any notice, certificate or other document required to be issued in relation to the enactments in Appendix A of this Part of the constitution, subject to the matter being referred to the Planning Committee where policy or financial considerations are involved and have not previously been determined by the sub-committee.
- (gg) To license and register those matters/premises and/or persons listed in Appendix A of this Part of the Constitution where applicable.
- (hh) To determine the grant and renewal of street trading licences and to enforce the terms of these licences.
- (ii) To determine applications for consents for the use of loudspeakers in streets under the Noise and Statutory Nuisance Act 1993 and to enforce the terms of these consents.

Parks and environment

- (jj) To manage and control parks, open spaces and recreation and pleasure grounds including enforcing relevant byelaws; to organise musical festivals, band contests and sports festivals and to make security arrangements. To include determining applications for circuses with performing dogs and horses to take place on council-owned land in parks or open spaces.

Property

- (kk) To be the Council's designated corporate property officer, responsible for the strategic management of the Council's property portfolio, including corporate strategy and asset management, procurement of property and property services, planned and preventative maintenance programmes, property allocation, security and use, reviews, acquisitions and disposals, and commercial estate management.
- (ll) To exercise powers over the general use and hire of public halls and buildings owned by the Council (except the Town Hall) for the purpose of community use, meetings and other authorised events in accordance with approved fee scales and principles but to be able to waive or reduce scales of fees and charges in suitable cases.
- (mm) Subject to the availability of finance to be responsible for any alternation or improvement of facilities to the Council Chamber, Committee Rooms and other accommodation for Members.
- (nn) To conduct preliminary negotiations, negotiate, agree and conclude all property matters including the making and settling of rating appeals on council property and property valuations for all purposes.

- (oo) To agree and incur reasonable pre-sale expenses up to a limit of £100,000 per transaction when disposing of property, such expenses to be offset against the capital receipts arising.
- (pp) The delegation is subject to the following requirements:
 - (i) complying with the Code of Practice on the Disposal of Surplus Property, set out in Appendix B
 - (ii) in cases where the Cabinet has already approved the principle but not the terms of a property disposal without the invitation of competitive bids, the provisionally agreed terms of any disposal exceeding £1,000,000 shall be reported to Cabinet for approval before the transaction is concluded.
 - (iii) In cases that have not been the subject of competitive bids but are below £1,000,000 in value, the provisionally agreed terms of disposal shall be reported to the Strategic Director of Resources, before the transaction is concluded.
 - (iv) complying with relevant Council policy on property transactions
 - (v) referring a matter for Member decision where it is proposed to recommend other than the best financial bid
- (qq) concluding valuation and property disputes forming part of a pending or active court or arbitration proceedings, after consultation with either the Monitoring Officer or the S151 Officer, where there is insufficient time or opportunity to obtain a Member decision
- (rr) Following notification to the relevant ward members, to vary but not extend existing agreements for mobile phones masts at school sites in circumstances where installations are to be upgraded and lower emissions will result to enable Landlord's consent to be granted for the installation.
- (ss) To exercise all powers relating to Romford Market, including granting and revoking licences and enforcing relevant bylaws.
- (tt) To name, rename, number and renumber streets and premises
- (uu) To maintain the register of highways that are maintainable at public expense.