

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

RECORD OF DECISION TAKEN BY OFFICERS UNDER DELEGATED POWERS

This is a record of a decision taken by an officers under delegated powers and where necessary taken in consultation with members and officers.

Authorisation of Officers

Delegated Power

(Specify the particular delegated power being exercised by reference to the Delegation Scheme or Cabinet minute and date.)

To authorise the following officers and roles to undertake investigations and actions up to and including the issuing of fixed penalty notices, in accordance with the councils Enforcement Policy, as set out in Appendix 1. This is taken under Scheme of Delegation 5.2 & 5.2.1 Waste Management enforcement.

Decision Taken

(Specify precise details of the decision taken) To authorise the officers and roles within Appendix 1 under the Environment Act 1995, Section 108, Part II of the Environmental Protection Act 1990 where the Waste Collection Authority has enforcing responsibilities including Sections 33, 33ZA, 33A, 33B, 33C, 34, 34ZA, 34ZB, 34A, 34B, 34C, 46, 46A, 46C, 47, 47ZA, 59, 59ZA, 59ZB, 59ZC and 60. Environmental Protection act 1990 Part IV Section 87, 88 and 88A Public Health Act 1936 Section 78 and 287, Refuse Disposal (Amenity) Act 1978 Section 6

Reasons for the Decision

(Specify all reasons for taking the decision) To authorise officers to implement Cabinet Decision (CAB68) where the council wishes to protect the environment by reducing the social and environmental impact of fly-tipped waste and better supporting welcome community 'clean up' initiatives by investing in education, collection, support and enforcement to create an enhanced, holistic response. Date of meeting 16th November 2021

Options considered

The nature and scope of the powers to be exercised within the scope of the Assistant Director Operations and Commercial

Any declarations of interest and details of any dispensations granted in respect of interests.

None

List of Background papers

Cabinet Decision Cab 68 and Report to Cabinet Clean Neighbourhoods, Flytipping and Enforcement

Scheme of Delegation

Authorisation

Post Held – Executive Director

Signature



Date

31/8/23

Consultation with members/officers

If the decision is taken following consultation with the members/officers, please give details:

Signed by Member as consulted:



Date

20.9.23

Pre-Screening Equality Impact Assessment

Borough Council of
**King's Lynn &
West Norfolk**



Name of policy/service/function		Small scale waste enforcement				
Is this a new or existing policy/ service/function?		Existing (delete as appropriate)				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations		To increase the capacity of the council to deal with fly-tipping. Enforcement of the law on waste is highly constrained. There are complex arrangements relating to collection and disposal of waste on land.				
Question		Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>			Positive	Negative	Neutral	Unsure
		Age			X	
		Disability			X	
		Gender			X	
		Gender Re assignment			X	
		Marriage/civil partnership			X	
		Pregnancy & maternity			X	
		Race			X	
		Religion or belief			X	
		Sexual orientation			X	
Other (eg low income)	x					
Question	Answer	Comments				
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No					
3. Could this policy/service be perceived as impacting on communities differently?	No					
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No					

<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	<p>Yes</p>	<p>Actions: Neighbourhoods with those on low incomes in privately rented housing have greater incidents of flytipping, including those by landlords and persons from outside the locality. The proposal would focus resources on those communities adversely affected by fly-tipping.</p> <p>Actions agreed by EWG member: Name</p>
<p>Assessment completed by: Name</p>	<p>Barry Brandford, Waste & Recycling Manager</p>	
<p>Job title</p>	<p>Date 16/12/2021</p>	
<p>Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.</p>		

Appendix 1

Legislation	Section(s)	Assistant Director, Operations & Commercial	Public Open Space Manager	Senior Operations Manager	Waste and Recycling Manager	Waste and Recycling Officer
Environment Act 1995	S108 - Powers of enforcing authorities and persons authorised by them	All	All	All	All	All
Environmental Protection Act 1990	S33 - 33A - Unlawful deposit of waste S34- 34B - Duty of Care as respects waste S46- 47ZA - Receptacles for Waste S59 - 59ZA - Power to require waste to be removed from land S87 - Offence of leaving litter Schedule 3 - Supplementary Provisions inc Powers of Entry	All	All	All	All	All
Local Government (Miscellaneous Provisions) Act 1976	S16 - Requisition For Information	All	All	All	All	All
Public Health Act 1936	S78 - Scavenging of common courts and passages S79 - Power to require removal of noxious matter S287 - Power of Entry S291 & 293 Recovery of Expenses	All	All	All	All	All
Public Health Act 1961	S34 - Accumulations of Rubbish	All	All	All	All	All
Refuse Disposal (Amenity) Act 1978	S6 - Removal and disposal of other refuse S8 - Powers of Entry	All	All	All	All	All

Appendix 1

The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018							
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Legislation	Section(s)	Waste and Recycling Officer	Clean Neighbourhoods Enforcement Officer	Clean Neighbourhoods Enforcement Officer	Operations Manager Grounds	Operations Manager Grounds	Operations Manager Streets
Environment Act 1995	S108 - Powers of enforcing authorities and persons authorised by them	All	All	All	All	All	All
Environmental Protection Act 1990	S33 - 33A - Unlawful deposit of waste S34- 34B - Duty of Care as respects waste S46- 47ZA - Receptacles for Waste S59 - 59ZA - Power to require waste to be removed from land S87 - Offence of leaving litter Schedule 3 - Supplementary Provisions inc Powers of Entry	All	All	All	All	All	All
Local Government	S16 - Requisition For Information	All	All	All	All	All	All

