

Title of Report:

Scheme of Delegation

Item 5

Report to be considered by: Governance and Audit Committee – 26 October 2005

Purpose of Report:

To review the Scheme of Delegation in relation to Part 2 of the Clean Neighbourhoods and Environment Act 2005.

Recommended Action:

- (i) That the Heads of Highways and Engineering and Public Protection be authorised to exercise powers in relation to Part 2 (Sections 3-8) of the Clean Neighbourhoods and Environment Act 2005.
- (ii) That the Head of Countryside and Environment be authorised to exercise powers in relation to Part 2 (Section 10) of the Clean Neighbourhoods and Environment Act 2005.

Reason for decision to be taken:

To ensure that the Council's Constitution supports the most efficient and effective decision making processes possible.

List of other options considered:

N/A

Key background documentation:

West Berkshire Constitution

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Supporting Information

1. Background

1.1 Part 2 of the Clean Neighbourhoods and Environment Act 2005 introduces two new offences relating to nuisance parking and amends the law relating to abandoned and illegally parked vehicles. It makes it an offence if at any time a person:

Section 3 – Exposing vehicles for sale on a road

- (a) This Section makes it an offence to leave two or more motor vehicles parked within 500 metres of each other on a road or roads where they are exposed or advertised for sale;

Section 4 – Repairing vehicles on a road

- (b) This Section makes it an offence to carry out works for the repair, maintenance, servicing, improvement or dismantling of a motor vehicle and/or works for the installation, replacement or renewal of such part or accessory on a road.

Sections 6 to 8 – Fixed Penalties

- (c) This Section enables any person authorised by a local authority to issue a fixed penalty notice of exposing a vehicle for sale or repairing a vehicle on the road. The fixed penalty is £100.

Section 10 – Offence of abandoning a vehicle – Fixed penalty Notices

- (d) This Section amends the Refuse Disposal (Amenity) Act 1978 and gives an authorised officer of a local authority the power to issue a fixed penalty notice of £200 in respect of an offence of abandoning a vehicle. This Section also enables an authorised officer of a local authority to require the name and address of the person to whom the fixed penalty notice should be issued and to use the receipts from these penalties for the purposes of their functions under the Refuse Disposal (Amenity) Act 1978 and Sections 99 to 102 of the Road Traffic Regulation Act 1984.

Recommendation:

- (i) **That the Heads of Highways and Engineering and Public Protection be authorised to exercise powers in relation to Part 2 (Sections 3-8) of the Clean Neighbourhoods and Environment Act 2005.**
- (ii) **That the Head of Countryside and Environment be authorised to exercise powers in relation to Part 2 (Section 10) of the Clean Neighbourhoods and Environment Act 2005.**

Appendices N/A

Consultation Responses

Local Stakeholders:	N/A
Officers Consulted:	David Holling, Nick Carter, Mark Edwards
Trade Union:	N/A

