

# **PART 3 – RESPONSIBILITIES FOR FUNCTIONS**

## **SECTION B**

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## **Part 3 – Section B**

### **SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS**

#### **General Principles**

#### **1. Powers**

- 1.1 This Scheme of Delegation is made pursuant to the Local Government Act 1972 Section 101 and by reference to Section 100G and the Local Government Act 2000 Section 15 and The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended) and all other enabling powers.
- 1.2 The powers in this Scheme of Delegation are only exercisable within the limitations in the Scheme and are subject to the provisions of the Council's Constitution, including Financial Regulations, Contracts Procedural Rules and the Council's Procurement Strategy.
- 1.3 Where the Council, a Committee, Sub-Committee, the Leader, the Executive, Portfolio Holder or this Scheme of Delegation gives authority for any action, the officer designated shall be entitled to take all necessary steps for the doing of such thing.
- 1.4 In the event that an Executive Head of Service or a Head of Service's post ceases to exist or his or her responsibilities are transferred to another Executive Head of Service or Head of Service (as the case may be), temporarily or permanently, then the powers given by this Scheme of Delegation shall be exercisable by the officer in whose area of responsibility the power falls to be exercised.

#### **2. Exercise of Functions**

- 2.1 All decisions by officers made under this Scheme of Delegation, may only be exercised provided they are within budgetary provision and in accordance with proper authorities, in particular Financial Regulations.
- 2.2 The Chief Executive may appoint one or more deputies to exercise his or her functions owing to absence or illness and such deputies are authorised to exercise the functions of the Chief Executive pursuant to the Constitution, Financial Regulations and this Scheme of Delegation.
- 2.3 The Chief Executive may exercise the powers delegated to any Executive Head of Service or Head of Service except in relation to those functions

allocated to the chief finance officer (within the meaning of Section 151 of the Local Government Act 1972 and Section 112-114A of the Local Government Finance Act 1988) and to the Monitoring Officer (within the meaning of Sections 5, 5A of the Local Government and Housing Act 1989).

### **3. Sub-Delegation Scheme**

3.1 Where the Chief Executive, Executive Head of Service or Head of Service, are authorised to take decisions, action to implement such decisions will be taken

3.1.1 in the name of (but not necessarily personally by) the Chief Executive, Executive Head of Service or Head of Service; or

3.1.2 by any other officer authorised by Chief Executive, Executive Head of Service or Head of Service to take such action in their name or the sub delegates own name.

3.2 The Chief Executive, Executive Head of Service and each Head of Service must prepare and maintain a Sub-Delegation Scheme setting out which officers have been authorised to make decisions under their delegated powers and subject to which terms and conditions. Sub-delegation Schemes must be lodged with the Democratic Services Manager.

3.3 Where delegations are to be exercised after consultation with the Leader, Portfolio Holder, Group Leaders, ward members or nominated officers, the authorised officer will carry out the consultation and ensure that a record is made.

3.4 Where delegations are to be exercised after consultation with a Portfolio Holder and that Portfolio Holder is unavailable, consultation shall take place with the Leader.

3.5 Where delegations are to be exercised after consultation with other officers, if agreement between officers cannot be reached, the matter must be referred to the Chief Executive for consideration.

### **4. Urgent Action**

4.1 The Chief Executive, Executive Head of Service or Head of Service are authorised to determine matters of an urgent nature which cannot wait for the next meeting of the decision-making body which are not key decisions and which do not contravene established policies or budgets,

- 4.1.1 after consultation with the Leader and Mayor in relation to Council functions;
  - 4.1.2 after consultation with the Leader or relevant Portfolio holder and with the Chairman or Vice-Chairman of the relevant Scrutiny Committee in relation to Executive functions;
  - 4.1.3 after consultation with the Chairman or Vice Chairman of the relevant regulatory Committee.
- 4.2 All matters will be reported to the next meeting of the appropriate decision-making body.

## **5. Budgets**

- 5.1 The Chief Executive, Executive Heads of Service or Heads of Service are authorised to set annual discretionary fees and charges after consultation with the Leader or relevant Portfolio Holder and Executive Head of Finance, as set out in Financial Regulations.
- 5.2 The Chief Executive, Executive Heads of Service, Heads of Service, or Returning Officer are authorised to vire amounts specified in revenue budget headings in accordance with Financial Regulations, subject to the approval of Corporate Management Team.

## **6. Schedule of Authorisations**

- 6.1 A schedule of authorisations is attached at Appendix 1.

## **7. Amendments**

- 7.1 Amendments to this Scheme will be approved as follows:
  - 7.1.1 Non-executive functions – by the full Council
  - 7.1.2 Executive functions - by the Leader/Executive
  - 7.1.3 in respect of the officers designated to exercise delegated authorities where changes in the management structure and post titles have resulted from organisational restructures – by the Executive Head of Corporate.
  - 7.1.4 updates to reflect new legislation where there is no extension to the limit of the existing delegation – the Monitoring Officer.

## **8. Interpretation**

- 8.1 Any reference to a statute or statutory instrument should be taken to include any subsequent statute or statutory instrument that replaces, amends or extends it, or contains related provisions.
- 8.2 The terms “officer”, “staff” or “employee” include any person employed by the Council irrespective of the particular terms and conditions under which they are employed.
- 8.3 Where a delegation is shown as being both an Executive and Non-Executive Function, advice should be sought from the Monitoring Officer regarding the individual circumstances.

## **Schedule of Authorisations**

### **1. Legal Proceedings**

- 1.1 In accordance with Article 14 of the Constitution the Head of Legal Services is authorised to institute legal proceedings in respect of all functions of the Council.
- 1.2 The Executive Head of Finance and Head of Legal are authorised to investigate and prosecute using the powers contained within the Prevention of Social Housing Fraud Act 2013 and any current or amending legislation relating to fraudulent acts associated with the provision of social housing.
- 1.3 The Head of Legal Services is authorised to institute criminal or civil proceedings in respect of any corporate fraud offence on behalf of the Council or the DWP or any other relevant stakeholder and/or partner.

### **2. Representing the Council in Legal Proceedings**

- 2.1 The Head of Legal Services is authorised to appoint any appropriate officer to appear on behalf of the Council and to conduct legal proceedings or complete formal proof in court or tribunal. A record of those officers so appointed will be kept by the Head of Legal Services in accordance with the Sub Delegation Scheme.

### **3. Land, premises, samples, records, articles, equipment or information**

- 3.1 The Chief Executive, Executive Head of Service, Head of Service, and any other officer authorised by those officers, are authorised to
  - 3.1.1 enter, visit or inspect premises,
  - 3.1.2 procure samples,
  - 3.1.3 inspect, seize, detain or destroy any goods, articles or equipment;
  - 3.1.4 inspect, seize and detain any records, including records held in electronic form;
  - 3.1.5 demand or require information

in accordance with and as provided for by any legislation covering any Council function.
- 3.2 The Chief Executive, Executive Head of Service, Head of Service, and any other officer authorised by those officers, may apply to the Justices of the Peace to obtain warrants to enter premises as provided for by any legislation covering any Council function.

- 3.3 A record of any other officers authorised as set out above, will be kept by the Chief Executive, Executive Head of Service or Head of Service as appropriate in accordance with the Sub Delegation Scheme referred to in the General Principles.

#### **4. Instruments of Appointment**

- 4.1 The Chief Executive is authorised to issue Instruments of Appointment to the Executive Head of Community as an inspector under the Health & Safety at Work Act 1974 and associated Acts together with all related Regulations and Orders specifying the powers exercisable, having regard to that inspector's qualifications and duties.
- 4.2 The Executive Head of Community is authorised to issue Instruments of Appointment to an inspector under the Health & Safety at Work etc Act 1974 and associated Acts together with all related Regulations and Orders specifying the powers exercisable having regard to that inspector's qualifications and duties.

#### **5. Serving of Notices**

- 5.1 The Chief Executive, Executive Head of Service, Head of Service and any other authorised officer employed by the Council are authorised to serve any statutory notices as provided for by any legislation covering any Council function. A record of any other officers so authorised will be kept by the Chief Executive, Executive Head of Service or Head of Service as appropriate in accordance with the Sub Delegation Scheme referred to in the General Principles.

#### **6. Cautions**

- 6.1 The Chief Executive, Executive Head of Service, Head of Service and any other officer authorised by those officers, are authorised to act as Cautioning Officer in order to issue cautions to persons making a clear and reliable admission of an offence, where it is considered that the use of a formal caution is appropriate. A record of any other officers so authorised will be kept by the Chief Executive, Executive Head of Service or Head of Service as appropriate in accordance with the Sub Delegation Scheme referred to in the General Principles.

#### **7. Appeals**

- 7.1 Unless otherwise reserved to the Council, the Executive, a Committee or Sub Committee, as set out in their Terms of Reference, the Chief Executive, Executive Head of Service, Head of Service and any other officer authorised by those officers, are authorised to hear appeals as provided for by any legislation covering any Council function and in accordance with Council Policies. A record of any other officers so authorised will be kept by the Chief Executive, Executive Head of

Service or Head of Service as appropriate in accordance with the Sub Delegation Scheme referred to in the General Principles.

## **8. Regulation of Investigatory Powers Act 2000**

- 8.1 The Chief Executive is authorised to agree the use of a covert human intelligence source where that source is a vulnerable person or a juvenile or where knowledge of confidential information is likely to be acquired under the Regulation of Investigatory Powers Act 2000.
- 8.2 The Executive Head of Community, the Executive Head of Finance and the Executive Head of Regulatory are authorised
  - 8.2.1 to agree the use of directed surveillance under Section 28 of the Regulation of Investigatory Powers Act 2000; and the use of covert human intelligence sources under Section 29 of the Regulation of Investigatory Powers Act 2000;
  - 8.2.2 as a Designated Person, to issue a Notice/Authority under Chapter II Part 1 of the Regulation of Investigatory Powers Act 2000 requiring communications data to be obtained and disclosed; and
  - 8.2.3 to undertake directed surveillance pursuant to Section 28 of the Regulation of Investigatory Powers Act 2000.
- 8.3 The Head of Legal Services is authorised
  - 8.3.1 after consultation with the appropriate portfolio holder and the Leader of the Council, to amend the Regulation of Investigatory Powers Act 2000 Policy and Procedure, to reflect changes to the legislation or for better performance of the Policy.
  - 8.3.2 to add to, or delete from, the list of authorised officers in Annex 1 of the Policy and Procedure pursuant to the Regulation of Investigatory Powers Act 2000.
- 8.4 The Audit and Investigations Manager is authorised to act as the Council's Single Point of Contact for the purposes of accessing and disclosing communications data under Chapter II Part 1 of the Regulation of Investigatory Powers Act 2000.

## **9. Consultant in Communicable Diseases Control**

- 9.1 The Consultant in Communicable Diseases Control is authorised by the Council to carry out the following actions:
  - 9.1.1 To apply to Justices for orders and certificates with a view to preventing spread of disease.



- 9.1.2 To apply to Justices for orders and certificates for the removal of aged or infirm persons to hospital, after consultation with the patient's General Practitioner and the Executive Head of Community.
- 9.1.3 To serve notices relating to infected food and control of notifiable diseases.

## Statutory Officers

### Head of Paid Service

	Authority	Function
1.	<p>To make all decisions in relation to Human Resources functions in accordance with the Council's Policies and within budgetary provision, except (a), (b), (c), and (d) below which are reserved to Full Council, and (e) which is resolved to the Employment Committee, and (f) which is reserved to the Appointments Sub Committee:</p> <p>(a) the appointment of the Chief Executive and the statutory posts;</p> <p>(b) the adoption of the annual Pay Policy Statement;</p> <p>(c) the approval of and amendments to the Pension Policy Statement;</p> <p>(d) the settlement of any staff pay award;</p> <p>(e) amendments to Terms and Conditions of Employment for Staff and Human Resources Policies; and</p> <p>(f) the appointment of Executive Heads and Heads of Service.</p>	Non-executive

### The Returning Officer and Electoral Registration Officer

	Authority	After Consultation with	Function
1.	<p>Within the approved budget, to approve scales of remuneration of persons employed on Borough and Parish Council elections.</p>	Other local authorities in Surrey.	Non-executive
2.	<p>To amend the designation of a Polling Place, where within six months of an election,</p> <p>(a) a designated polling place unexpectedly becomes unavailable; and</p> <p>(b) it is impractical to report to Council.</p>	Ward councillors, local party agents and, if applicable, official candidates.	Non-Executive

## Statutory Officers

### The Monitoring Officer

	Authority	Function
1.	The general delegations and authorisations for the Monitoring Officer are as set out in the Constitution at Article 12, the Members' Code of Conduct Part 5 Section A, and the Monitoring Officer Protocol at Part 5, Section J.	Non Executive
2.	To appoint members to the Standards Sub Committee from the membership of the Audit and Standards Committee.	Non Executive

### The Section 151 Officer

	Authority	Function
1.	The delegations and authorisations for the Section 151 Officer are as set out in the Constitution at Article 12, and Financial Regulations at Part 4, Section H.	Executive

## Chief Executive

### Meetings, Members and the Constitution

	<b>Authority</b>	<b>After Consultation with</b>	<b>Function</b>
1.	To appoint members to the Independent Remuneration Panel.	The party group leaders.  All decisions to be reported to all Members by email.	Non-Executive
2.	In respect of ad hoc appointments during the year, to appoint or nominate members and representatives on outside bodies; to appoint trustees; and to identify the meetings of outside bodies which are an approved duty for paying allowances.	The party group leaders.  All decisions to be reported to all Members by email.	Non-Executive
3.	To review decisions to list in the List of Assets of Community Value and to review decisions in relation to claims for compensation.	The relevant Portfolio Holder	Executive
4.	To approve the annual timetable of meetings of the Council and Standing Committees.	The Leader	Non-Executive

	<b>Authority</b>	<b>Function</b>
5.	To make changes to the membership of any of the Council's Committees as necessary during the Council year in accordance with the wishes of the respective group leaders. Any changes made to be reported to the next meeting of the Council.	Non-Executive
6.	Where there is uncertainty on whether the effect of an Executive decision is "significant", to decide whether a decision is to be regarded as a Key Decision.	Executive
7.	Following the receipt of representations received in relation to the intention to consider an item in the private part of an Executive meeting, to decide whether an item should continue to be considered in private and to formulate the response.	Executive

# Chief Executive

## Executive Head - Business

	<b>Authority</b>	<b>After Consultation with</b>	<b>Function</b>
1.	<b>To agree grants for town partnership activities within the budget provision.</b>	<b>The relevant Portfolio Holder.</b>	Executive
2.	<b>To choose the Annual Pantomime title and the production company.</b>	<b>The relevant Portfolio Holder.</b>	Executive

	<b>Authority</b>	<b>Function</b>
3.	To make all day to day management decisions relating to the management and use of the Council's car parks, except for the following which are reserved to the Executive:  (a) The adoption of and amendments to the Council's Car Parking Strategy; (b) The setting of off street car parking charges.	Executive
4.	To make all day to day management decisions relating to the Camberley Theatre and Conference Centre.	Executive
5.	To make all day to day management decisions relating to the Council's Leisure and Green Space functions except in relation to the Arena Leisure Centre Contract and the Grounds Maintenance Contract which are reserved to the Executive.	Executive

## Executive Head – Community

### Licensing

	Authority	After Consultation with	Function
1.	<p><b>On behalf of the Council, to submit objections and pursue such objections at a public inquiry if needed to:</b></p> <p><b>(a) applications for operators licences (including variations) made under the Goods Vehicles (Licensing of Operators) Act 1995; and</b></p> <p><b>(b) reviews undertaken of existing licences.</b></p>	<p><b>The appropriate ward councillor.</b></p>	<p><b>Non-executive</b></p>
2.	<p><b>The determination of applications for street collections to provide funding to meet a major local/national/international disaster.</b></p>	<p><b>The Chairman of the Licensing Committee.</b></p>	<p><b>Non-executive</b></p>

	Authority	Function
3.	<p>To make all decisions in accordance the Council's adopted policies under the following Acts</p> <p>(i) the Public Health Act 1936 and 1961</p> <p>(ii) The Pet Animals Act 1951</p> <p>(iii) Caravan Sites and Control of Development Act 1960</p> <p>(iv) Animal Boarding Establishments Act 1963</p> <p>(v) Riding Establishments Acts 1964 and 1970</p> <p>(vi) Dangerous Wild Animals Act 1976</p> <p>(vii) the Local Government (Miscellaneous Provisions) Act 1982,</p> <p>(viii) Breeding and Sale of Dogs (Welfare) Act 1999, Breeding of Dogs Act 1991 and Breeding of Dogs Act 1973</p> <p>(ix) Animal Welfare Act 2006</p> <p>(x) Animal Health Acts 1981 and 2002</p> <p>(xi) The Regulatory Reform Act 2001</p> <p>(xii) Licensing Act 2003,</p> <p>(xiii) the Gambling Act 2005</p> <p>(i) the Scrap Metal Dealers Act 2013</p> <p>and any subsequent legislation to take all actions relating to the Council's licensing functions, including but</p>	<p>Non Executive</p>

## Executive Head – Community

not limited to the following:

- A. Personal, premises, club premises licences and Temporary Event Notices*
- B. Hackney carriage vehicles and private hire vehicles*
- C. House to house and street collections*
- D. Street trading*
- E. Club gaming/club machine permits and small society lotteries*
- F. Sexual Entertainment Venues*
- G. Scrap metal dealers*
- H. Animal boarding establishments, riding establishments, dog breeders, pet shops and dangerous wild animals*
- I. Animal Health and Welfare*
- J. Caravan, camping sites and gypsy sites*
- K. Game dealers*
- L. Tattooing, acupuncture, ear piercing, body piercing and electrolysis*

except for

- (a) approval of and amendments to the Statement of Licensing Policy and the Gambling Policy which are reserved to Council;
- (b) approval and amendments to policies relating to functions under the Acts set out above which is reserved to the Licensing Committee;
- (c) approval of increases in the hackney carriage fare scale and amendments to the scale of charges for hackney carriage and private hire licence fees, which is reserved to the Licensing Committee;
- (d) the designation of and amendments to hackney carriage vehicle ranks which is reserved to the Licensing Committee;
- (e) the power to make an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption which is reserved to the Licensing Committee;
- (f) all applications and appeals reserved to the Licensing Sub Committee as set out in its Terms of Reference at Part 3, Section E of the Constitution.



## Executive Head – Community

4.	<p>On behalf of the Council as the Responsible Authority for Environmental Health, the Responsible Authority for Health and Safety, or the Responsible Authority for Licensing, under the Licensing Act 2003, subsequent amendments and all relevant legislation and regulations:</p> <p>(a) to make a relevant representation</p> <p>(b) to apply for a review of a premises licence</p> <p>(c) to apply for a review of a club premises certificate</p>	Non Executive
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### Environmental Protection

	Authority	Function
1.	<p>To make all decisions in accordance the Council's adopted policies under the following Acts</p> <p>(i) the Control of Pollution Act 1974</p> <p>(ii) the Environmental Protection Act 1990</p> <p>(iii) Dangerous Dogs Act 1991</p> <p>(iv) Noise &amp; Statutory Nuisance Act 1993</p> <p>(v) the Environment Act 1995</p> <p>(vi) the Noise Act 1996</p> <p>(vii) the Dog (Fouling of Land) Act 1996</p> <p>(viii) The Anti-Social Behaviour Crime and Policing Act 2014 Clean Neighbourhoods and Environment Act 2005</p> <p>(ix) the Health Act 2006</p> <p>(x) the Refuse Disposal (Amenity) Act 1978</p> <p>and any subsequent legislation to take all actions relating to the Council's functions, including but not limited to the following:</p> <p>A. <i>Pollution control</i></p> <p>B. <i>air pollution control and clean air;</i></p> <p>C. <i>smoke free premises</i></p> <p>D. <i>Waste collection</i></p> <p>E. <i>Recycling</i></p> <p>F. <i>Controlled waste</i></p> <p>G. <i>Contaminated land</i></p> <p>H. <i>Statutory nuisance</i></p> <p>I. <i>Litter</i></p> <p>J. <i>Dangerous and Out of Control dogs</i></p> <p>K. <i>Dog fouling</i></p> <p>L. <i>Authorisations in relation to controlled processes</i></p> <p>M. <i>High Hedges complaint</i></p> <p>N. <i>graffiti removal</i></p>	Executive

## Executive Head – Community

	<p>O. <i>noise nuisance</i>  P. <i>abandoned vehicles and other refuse</i>  Q. <i>prevention of crime and disorder</i>  R. <i>Drug and alcohol abuse/misuse of substances</i></p> <p>except for the award of the Waste Collection and Recycling Contract which is reserved to the Executive.</p>	
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### Environmental Health

	Authority	Function
1.	<p>To make all decisions in accordance the Council's adopted policies under the following Acts</p> <p>(i) the Local Government Act 1972  (ii) the Local Government (Miscellaneous Provisions) Act 1976  (iii) the Public Health Act 1961  (iv) the Clean Neighbourhoods  (v) the Environment Act 2005</p> <p>and any subsequent legislation to take all actions relating to the Council's functions, including but not limited to the following:</p> <p>(a) <i>drains, private sewers, water closets or soil pipes</i>  (b) <i>a satisfactory supply of wholesome water</i>  (c) <i>the control rats and mice</i>  (d) <i>filthy or verminous premises, articles or persons</i>  (e) <i>the prevention and suppression of nuisances</i>  (f) <i>emergency situations arising outside normal working hours.</i></p>	Executive

### Food and Safety

	Authority	Function
1.	<p>To make all decisions in accordance the Council's adopted policies under the following Acts</p> <p>(i) the European Communities Act 1972  (ii) the Food and Environmental Protection Act 1985  (iii) the Food Safety Act 1990,  (iv) the Health &amp; Safety at Work etc Act 1974</p> <p>and any associated regulations and any subsequent legislation, to take all actions relating to the Council's functions in respect of food and health &amp; safety and pesticides, except the following which are reserved to the Executive after consultation with the Licensing Committee</p>	Non Executive/ Executive

## Executive Head – Community

	(a) Food law enforcement Service Plan (b) Food Hygiene Rating Scheme	
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### Waste and Recycling

	Authority	Function
1.	To waive payment for the collection of household refuse at mixed hereditaments where a clearly defined dwelling exists separately from business premises.	Executive

## Executive Head – Corporate

### Members Meetings and the Constitution

	Authority	After Consultation with	Function
1	To review, update and amend the Documents Which Support the Constitution	Members of the Governance Working Group	Non-executive
2	To appoint members to the Appointments Sub Committee from the membership of the Employment Committee	Chairman of the Employment Committee	Non-executive
3	To appoint members to the Hearing Sub Committee from the membership of the Employment Committee	Chairman of the Employment Committee	Non-executive
4	To appoint members to the Appeals Sub Committee from the membership of the Employment Committee	Chairman of the Employment Committee	Non-executive
5	To appoint Independent Panel members, when required, in accordance with the provisions at Part 4, Section J of the Constitution	Chairman of the Employment Committee	Non-executive

	Authority	Function
1.	To amend the Constitution when the changes result from requirements of new legislation or to ensure compliance with the Local Government Act 2000 and associated regulations.	Non-executive
2.	To appoint the Licensing Committee Licensing Sub Committees.	Non-executive
3.	To exercise powers under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 relating to lost and uncollected property.	Executive

### Closure of Streets

	Authority	Function
1.	To make and issue temporary street closures orders in connection with special events in accordance with Section 21 of the Town Police Clauses Act 1847.	Executive

### General

	Authority	Function
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## Executive Head – Finance

1.	To make all day to day management decisions relating to the Council's functions as they relate to customer services.	Executive
2.	To make all day to day management decisions relating to the Council's functions as they relate to media and marketing.	Executive

## Executive Head – Finance

### Financial Management

	<b>Authority</b>	<b>After Consultation with</b>	<b>Function</b>
1.	To grant discounts on market rents in accordance with the Community Rent Discount Framework.	The relevant Portfolio Holder, and taking into account any information received from local ward members.	Executive
2.	To set the Council Tax Base.	The relevant Portfolio Holder.	Executive
3.	To monitor and manage the revenue reserves and provisions of the Council, including the release of such funds within agreed policy guidelines.	The Chief Executive and the relevant Portfolio Holder.	Executive

	<b>Authority</b>	<b>Function</b>
4.	To determine areas and levels of cover for insurance.	Executive
5.	To approve spending from the Insurance Fund in individual projects or a group of related projects or a group of related items up to a maximum of £20,000.	Executive
6.	To determine rates of interest payable under:  (a) Public Health Acts and Housing Acts (rechargeable works executed by the Council)  (b) Local Government (Miscellaneous Provisions) Act 1976 (dangerous trees and restoration of supplies).	Non-Executive

### Council Tax and NNDR

	<b>Authority</b>	<b>Function</b>
1.	To apportion rates under Section 44A of the Local Government Finance Act 1988, and any subsequent legislation, on premises partially unoccupied for short periods.	Executive
2.	To grant applications for discretionary rate relief which meet the adopted criteria and can be funded within the approved budget.	Executive
3.	To execute warrants of arrest for Council Tax and Non-Domestic Rate debts.	Executive

## Executive Head – Finance

### Assets of Community Value

	<b>Authority</b>	<b>Function</b>
1.	To make decisions in relation to compensation claims relating to the List of Assets of Community Value.	Executive

## Executive Head – Regulatory

### Development Management

	<b>Authority</b>	<b>After Consultation with</b>	<b>Function</b>
1.	<p>To determine major planning applications where these are re-submitted applications previously refused only for SPA reasons which are now resolved and where:</p> <p>(a) the application is not materially different from the original application;</p> <p>(b) the material considerations affecting the decision have not changed;</p> <p>(c) there is no request from a councillor to call in the application for determination by the Committee as set out in 3(b) below.</p>	The Chairman of the Planning Applications Committee and Ward Councillors	Non-executive
2.	To agree variations to Section 106 legal agreements under the Town and Country Planning Act 1990 which relate to planning applications determined by the Planning Applications Committee or Full Council.	The Chairman of the Planning Applications Committee and Ward Councillors	Non-Executive

	<b>Authority</b>	<b>Function</b>
3.	<p>(A) to determine planning applications, applications for advertisement consent, non-material and minor material amendments applications, details to comply with conditions, variation/removal of condition applications, prior notifications/prior approval notices and certificates of lawfulness;</p> <p>(B) to determine applications for listed building and conservation area consent and to take action in relation to listed buildings and Conservation Areas; and</p> <p>(C) to respond to consultations and notifications, including Habitat Regulation Assessments;</p> <p>(D) to determine the need for an environmental</p>	Non-Executive



## Executive Head – Regulatory

	<p>impact assessments;</p> <p>(E) to take direct action/seek injunctions in relation to breaches of planning control, remove unauthorised signage/advertisements and remedying the condition of land;</p> <p>(F) to serve notices (including enforcement notices, breaches of condition notices, temporary stop notices, stop notices planning contravention notices;</p> <p>under the Town and Country Planning Acts and any Regulations made in relation to this legislation or any amendments, <b>except</b> (a) (b) (c) (d) (e) and (f) set out below which are reserved for decision by the Planning Applications Committee or (g) set out below which is reserved for decision by the Full Council:</p> <p>(a) planning applications for</p> <p style="padding-left: 20px;">(i) the erection of 10 or more dwelling houses;</p> <p style="padding-left: 20px;">(ii) erection of flatted developments, or conversion of existing properties into 10 or more units;</p> <p style="padding-left: 20px;">(iii) new developments, extensions or change of use for non-residential development of 1000 sq metres or more;</p> <p>(b) any planning application, where within 28 days of the publication of the weekly list of planning applications, the Chairman, Vice Chairman of the Planning Applications Committee or a relevant ward councillor makes a request, supported by broad planning reasons, asking the Executive Head of Regulatory to refer an application to the next appropriate meeting of the Planning Applications Committee for determination.</p> <p style="padding-left: 40px;">Where the 28 day call-in period has expired, but the Executive Head of Regulatory is satisfied that the circumstances are exceptional and the application has not been determined, they may, after consultation with the Chairman, arrange for that application to be referred to the Committee;</p> <p>(c) any planning application submitted by a serving Councillor, senior officers or any officers considered to be connected with the planning process, who are currently employed by the</p>	
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## Executive Head – Regulatory

	<p>Council, or the spouse or partner of any of the above persons;</p> <p>(d) any planning application where an objection from a statutory consultee remains unresolved and the officer's recommendation is to approve the application;</p> <p>(e) any planning application where the Council is the applicant;</p> <p>(f) any planning application which is required to be referred to the Secretary of State;</p> <p>(g) large-scale planning applications relating to land owned by the Council, or elsewhere if the proposed development is likely to have a very significant impact on the community as set out in Article 4.2(n).</p>	
4.	To take action, make decisions, serve notices and carry out works relating to trees pursuant to the Town and Country Planning Act 1990, the Hedgerow Regulations 1997 and Section 23 of the Local Government (Miscellaneous Provisions) Act 1976, and any Regulations made in relation to this legislation or any amendments, <b>except</b> the confirmation or revocation of a tree preservation order where objections have been received which is reserved for decision by the Planning Applications Committee.	Non-Executive
5.	To agree the terms of, and variations to, Section 106 legal agreements under the Town and Country Planning Act 1990, in connection with the grant of planning permission under delegated powers.	Non-Executive

### Housing and Homelessness

	Authority	After Consultation with	Function
1.	To review decisions taken under the Personal Files (Housing) Regulations Act 1989 concerning access to, or correction or erasure of information held in housing records of which a tenant (or member of his family) is aggrieved.	The relevant Portfolio Holder	Executive

## Executive Head – Regulatory

	<b>Authority</b>	<b>Function</b>
2.	To make decisions to depart from the Council's Allocations Policy in special needs circumstances.	Executive
3.	To review decisions under the Allocation of Housing and Homelessness (Review Procedures) Regulations 1999.	Executive
4.	To make decisions under Access to Personal Files (Housing) Regulations 1989.	Executive
5.	To make decisions under the Rent Deposit Guarantee Scheme.	Executive

### **Land Drainage**

	<b>Authority</b>	<b>Function</b>
1.	<p>To take all actions to alleviate flooding under the Water Management Acts relating to the Council's land drainage functions, except the following which are reserved to the Executive:</p> <ul style="list-style-type: none"> <li>(i) approval of the annual Drainage Works Programme;</li> <li>(ii) authority to submit funding bids for projects requiring external funding for drainage works on third party land where this would require the Council to part fund from the Drainage Reserve.</li> </ul>	Executive

### **Licensing**

	<b>Authority</b>	<b>Function</b>
1.	<p>Under the Licensing Act 2003</p> <ul style="list-style-type: none"> <li>(a) to respond to the licensing authority in connection with consultations on applications on behalf of the local planning authority;</li> <li>(b) to apply for a review of a premises licence or a club premises certificate.</li> </ul>	Non-executive

### **Burial or Cremation**

	<b>Authority</b>	<b>Function</b>
4.	To arrange the burial or cremation of persons for whom no other suitable arrangements for the disposal of their	Executive

## Executive Head – Regulatory

	remains have been made (under Section 46 of the Public Health (Control of Disease) Act 1984) and any necessary administration of the deceased's estate in liaison with the Treasury Solicitor.	
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### Private Sector Housing

	Authority	After Consultation with	Function
1.	To determine the charges for default works undertaken pursuant to the Public Health and Housing Acts and the clearance of private drains and private sewers, all in respect of Environmental Protection legislation.	The relevant Portfolio Holder	Executive

	Authority	Function
2.	To undertake all actions relating to the Council's functions under the Housing Grants, Regeneration and Construction Act 1996 and any subsequent legislation, including but not limited to the following: <ul style="list-style-type: none"> <li>(a) Disabled facilities grants</li> <li>(b) Renovation grants</li> <li>(c) common parts grants,</li> <li>(d) house in multiple occupation grants</li> <li>(e) major repair grants</li> </ul>	Executive
3.	To undertake all actions relating to the Council's functions under the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 for the securing of loans given for the improvement or repair of dwellings as a formal Land Charge.	Executive
4.	To undertake all actions relating to the Council's functions under the Housing Acts and any subsequent legislation regard to unfit housing and houses in multiple occupation.	Executive
5.	To administer and approve loans under the Flexible Improvement Loans Scheme.	Executive

## Executive Head – Transformation

### Community Safety

	Authority	Function
1.	To carry out the Council's functions and any actions authorised by the Community Incident Action Group, relating to anti-social behaviour, in accordance with the Anti-Social Behaviour Crime and Policing Act or subsequent legislation.	Executive

### Data Protection Act 1998

	Authority	Function
1.	To waive in cases of hardship the subject access fee allowed for under the Data Protection Act 1998.	Executive

### Human Resources

	Authority	After Consultation with	Function
1	To suspend a Statutory Officer at short notice in accordance with the provisions set out at Part 4, Section J of the Constitution	Chairman of the Employment Committee	Non-executive

### Voluntary Organisations and Community Grants

	Authority	After Consultation with	Function
1.	To agree Service Level Agreements with voluntary organisations	The relevant Portfolio Holder.	Executive

### Street Naming and Numbering

	Authority	After Consultation with	Function
1.	To determine the names of highways under the Public Health Act 1925.	The appropriate Portfolio Holder and appropriate ward councillors.	Executive

	Authority	Function
1.	To exercise the street numbering function under the Public Health Act 1925.	Executive

## Head of Legal Services

### Legal

	<b>Authority</b>	<b>After Consultation with</b>	<b>Function</b>
1.	To make decisions in relation to the inclusion of assets in the List of Assets of Community Value	The relevant Portfolio Holder	Executive
2.	Where the nomination is in respect of council owned land, to make decisions in relation to the inclusion of council assets in the List of Assets of Community Value.	The relevant Portfolio Holders	Executive

### Building Control

	<b>Authority</b>	<b>After Consultation with</b>	<b>Function</b>
1.	To adjust Building Control charges appropriately to ensure income will cover the cost of the chargeable service	The relevant Portfolio Holder.	Executive

	<b>Authority</b>	<b>Function</b>
2.	To exercise the Council's powers in relation to Building Control legislation, including, but without prejudice to the generality of the foregoing, the determination of applications for the approval of plans and specifications, applications for relaxations, the issue and service of all Notices, the making of requirements and the decision to carry out works in default.	Executive
3.	To exercise the powers and duties of the Council, including the recovery of costs, relating to dangerous, dilapidated or defective buildings or structures, hoardings, scaffolding and the demolition of buildings.	Executive

### Estate Management

	<b>Authority</b>	<b>After Consultation with</b>	<b>Function</b>
1.	To agree, with Laser, or any other supplier as agreed by the Council, changes to the cost of supplying gas and electricity services at different times within the	The relevant Portfolio Holder	Executive

## Head of Legal Services

	Authority	After Consultation with	Function
	contract period in accordance with the terms of the contract.		
2.	To approve expenditure from the Repairs and Maintenance Fund on individual or related items up to £20,000.	The Leader or the appropriate Portfolio Holder	Non-executive or Executive as appropriate to the function being exercised.
3.	To seek permission for development to be carried out by the Council (Regulation 4) and for development to be carried out by other parties on land vested in the Council (Regulation 5).	The relevant Portfolio Holder(s)	Executive

	Authority	Function
4.	<p>To undertake all actions in relation to the administration of the Council's estate and property portfolio <b>except</b> the following matters which are reserved to the Executive:</p> <p>(a) Acquisitions or disposal of land or property with a value in excess of £25,000;</p> <p>(b) the grant of all leases in excess of 5 years;</p> <p>(c) the renewal of existing leases not subject to the provisions of the Landlord and Tenant Act 1954.</p>	Executive