

PART 3 – RESPONSIBILITIES FOR FUNCTIONS

SECTION B

SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS

General Principles

Statutory Officers

Head of Paid Service

The Returning Officer and Electoral Registration Officer

The Monitoring Officer

The Section 151 Officer

Chief Executive

Strategic Director – Finance & Customer Services

Strategic Director – Environment & Community

Head of HR, Performance & Communications

Head of Investment & Development

Head of Legal & Democratic Services

Head of Planning

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~~ Strategic Director or a Head of Service's post ceases to exist or his or her responsibilities are transferred to another ~~Executive Head of Service~~ Strategic Director 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.
- 1.5 The delegation of a decision to an officer does not preclude that officer referring a matter to the appropriate decision making body when that officer considers it appropriate, unless otherwise prevented by legislation.

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~~ Strategic Director 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~~ Strategic Director 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, Strategic Director ~~Executive Head of Service~~ or Head of Service; or
 - 3.1.2 by any other officer authorised by Chief Executive, Strategic Director ~~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, Strategic Directors ~~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, ~~Strategic Director 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 Members will be advised by email as soon as a decision has been made and that decision will also be reported to the next meeting of the appropriate decision-making body.

5. Policy Development and Review

- 5.1 Subject to paragraph 5.3, as a general principle, the adoption and agreement of any new policies is reserved to the Council, Executive or relevant Committee.
- 5.2 Authority to make non-material amendments to adopted policies is delegated to the Chief Executive, Strategic Directors and Heads of Service, except:
- 5.2.1 Planning Policy documents, which is reserved to the Executive
 - 5.2.2 Human Resources Policies and Procedures, which is reserved to the Employment Committee
- 5.3 The Head of Legal & Democratic Services is authorised, after consultation with the relevant Portfolio Holder or Committee Chairman, to amend policies to reflect changes in legislation or correct errors or inconsistencies.

5.6. Finance and Budgets

- 5.46.1 The Chief Executive, ~~Strategic Directors 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.

5.26.2 The Chief Executive, ~~Strategic Directors~~~~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.

5.36.3 Financial Regulations at Part 4 of this Constitution contain a number of authorisations to officers. All financial decisions made by officers must be taken in accordance with Financial Regulations or as otherwise authorised in this Scheme of Delegation.

5.46.4 No officer may release any security, warranty or guarantee in favour of the Council, unless contractually obliged to do so, without the written approval of the Council's Section 151 officer or the Executive/ relevant Committee;

7. Awarding of Contracts

7.1 All contracts must be awarded in accordance with the Contract Standing Orders at Part 4 of this Constitution.

7.2 Subject to any financial limits set out in the Contract Standing Orders and below, the Chief Executive, Strategic Directors and Heads of Service are authorised to award contracts as necessary for the day to day running of their service.

7.3 The Chief Executive, Strategic Directors and Heads of Service are authorised to award contracts up to a value of £100,000 as defined in Contract Standing Orders. All contracts of a value of £100,000 or more are reserved to the Executive, unless a decision is made by the Executive to delegate authority to award a contract. Contract Standing Orders specify how this relates to the lifetime of a contract.

8. Bids for Grant Funding

8.1 The Chief Executive, Strategic Directors and Heads of Service are authorised to submit speculative bids for grant funding where no resource commitment is made to the Council at that stage. Where the bid is successful and will have a notable and/ or material impact on resources, any decision will be subject to a report to the Executive or relevant committee setting out a full business case.

9. Response to Consultations

9.1 The Chief Executive, Strategic Directors and Heads of Service are authorised to submit responses to consultations, after consultation with the relevant Portfolio Holder or Committee Chairman, as appropriate.

9.2 All Members will be advised of the consultation and any comments received will be taken into account. Where appropriate and time permits, draft responses will be submitted to Working Groups for consideration.

6-10. Schedule of Authorisations

6-110.1 A schedule of authorisations is attached at Appendix 1.

7-11. Amendments

7-111.1 Amendments to this Scheme will be approved as follows:

7-1-111.1.1 Non-executive functions – by the full Council

7-1-211.1.2 Executive functions - by the Leader/Executive

7-1-311.1.3 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~~Head of Legal & Democratic Services.

7-1-411.1.4 updates to reflect new legislation where there is no extension to the limit of the existing delegation – the Monitoring Officer.

8-12. Interpretation

8-112.1 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.

8-212.2 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.

8-312.3 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 & Democratic Services is authorised to institute legal proceedings in respect of all functions of the Council.
- 1.2 The Strategic Director of ~~Executive Head of~~ Finance & Customer Services and Head of Legal & Democratic Services 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 & Democratic 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 & Democratic 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 & Democratic Services in accordance with the Sub Delegation Scheme.

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

- 3.1 The Chief Executive, Strategic Director~~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, Strategic Director~~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, Strategic Director ~~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~~Strategic Director of Environment & 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 Strategic Director of Environment & ~~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, Strategic Director~~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, Strategic Director ~~Executive Head of Service~~ or Head of Service as appropriate in accordance with the Sub Delegation Scheme referred to in the General Principles.

- 5.2 Electronic signatures are acceptable for the purpose of executing any documents, unless prevented by law.

6. Cautions

- 6.1 The Chief Executive, Strategic Director~~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, Strategic Director ~~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, ~~Strategic Director~~~~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, ~~Strategic Director~~~~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 ~~Strategic Director of Environment & Community~~~~Executive Head of Community~~, the ~~Strategic Director~~~~Executive Head~~ of Finance & ~~Customer Services~~ and the ~~Executive Head of Regulatory~~~~Head of Planning~~ 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 & ~~Democratic~~ 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~~~~Head of Legal & Democratic Services~~ 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~~ Response to Matters of Public Health and Protection

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 Strategic Director of Environment & Community ~~Executive Head of Community~~.
- 9.1.3 To serve notices relating to infected food and control of notifiable diseases.

10. Response to Pandemics

10.1 The Strategic Director of Environment & Executive Head of Community ~~is~~ Community is appointed as the designated officer for the purposes of legislation or statutory guidance of the following legislation relating to health and public protection, in so far as they relate to functions of the Council.

- ~~10.1.1 The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (as amended)~~
- ~~10.1.2 The Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020 (SI 2020/684), as amended~~
- ~~10.1.3 The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020 (SI 2020/1008) (as amended)~~
- ~~10.1.4 The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020~~
- ~~10.1.5 The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 (SI 2020/1005)~~
- ~~10.1.6 The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020 (SI 2020/791), as amended.~~

~~and any subsequent relating legislation.~~

10.2 ~~The following officers are appointed for the purposes of the enforcement of the above regulations:~~

- ~~10.2.1 Any Environmental Health Officer~~

~~10.2.2 Any Licensing Officer.~~

~~10.310.2~~ The ~~Strategic Director of Environment & Executive Head of Community will~~ Community will be appointed as the designated officer or equivalent in response to a national or local pandemic, as declared by the Government or Surrey Local Resilience Forum. The ~~Strategic Director of Environment & Community Executive Head of Community~~ and Head of Legal & Democratic Services will be authorised to appoint officers to undertake any necessary enforcement arising from the pandemic.

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, (e) and (f) which are reserved to the Employment Committee, and (g) 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;</p> <p>(f) any other decisions identified in the Employment Committee's Terms of Reference; and</p> <p>(g) the appointment of Executive Heads and Heads of Service.</p>	Non-executive
<u>2.</u>	<u>To undertake any functions designated to the Head of Paid Service in legislation.</u>	<u>Non-executive</u>

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</p>	Ward councillors, local party agents and, if applicable, official candidates.	Non-Executive

Statutory Officers

	becomes unavailable; and (b) it is impractical to report to Council.		
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The Monitoring Officer

	Authority	After Consultation with	Function
1.	To appoint the Director for SHBC Camberley Ltd. <u>any Directorships for Council-owned companies or companies part-owned by the Council.</u>	The Leader	Executive

	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
<u>2.</u>	<u>To undertake any functions designated to the Monitoring Officer in legislation.</u>	<u>Non-executive</u>
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
<u>2.</u>	<u>To undertake any functions designated to the Section 151 Officer in legislation.</u>	<u>Non-executive or Executive depending on the function</u>

Chief Executive

Meetings, Members and the Constitution

	Authority	After Consultation with	Function
2.	To appoint members to the Independent Remuneration Panel.	The party -group leaders. All decisions to be reported to all Members by email.	Non-Executive
3.	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
4.	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
5.	To approve the annual timetable of meetings of the Council and Standing Committees.	The Leader	Non-Executive

	Authority	Function
6.	To make changes to the membership of any of the Council's Committees <u>or working groups</u> as necessary during the Council year in accordance with the wishes of the respective group leader. Any changes made to <u>the Committees to</u> be reported to the next meeting of the Council.	Non-Executive
<u>7.</u>	<u>To make changes to the membership of any of the Executive Working Groups as necessary during the Council year in accordance with the wishes of the respective group leader.</u>	<u>Executive</u>
<u>7-8.</u>	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
<u>8-9.</u>	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	Executive

Chief Executive

	whether an item should continue to be considered in private and to formulate the response.	
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Strategic Director – Environment & Community

Arts and Leisure

	Authority	After Consultation with	Function
1.	To choose the Annual Pantomime title and the production company.	The relevant Portfolio Holder.	Executive
2.	<u>To agree the replacement of playground equipment on a like for like basis where the project is within existing budget or funds have previously been agreed</u>	<u>The relevant Portfolio Holder and ward councillors</u>	<u>Executive</u>

	Authority	Function
1.	To make all day to day management decisions relating to the Camberley Theatre and Conference Centre.	Executive
2.	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

Burial or Cremation

	Authority	Function
1.	To arrange the burial or cremation of persons for whom no other suitable arrangements for the disposal of their 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.	Executive

Car Parking

	Authority	Function
1.	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

Closure of Streets

Strategic Director – Environment & Community

	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

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

Environmental and Community Protection

	Authority	Function
1.	<p>To make all decisions in accordance the Council's adopted policies, under the following Acts</p> <ul style="list-style-type: none"> (i) the Control of Pollution Act 1974 (ii) the Environmental Protection Act 1990 (iii) Dangerous Dogs Act 1991 (iv) Noise & Statutory Nuisance Act 1993 (v) the Environment Act 1995 (vi) the Noise Act 1996 (vii) the Dog (Fouling of Land) Act 1996 (viii) The Anti-Social Behaviour Crime and Policing Act 2014 (viii)(ix) Clean Neighbourhoods and Environment Act 2005 (ix)(x) the Health Act 2006 (xi) the Refuse Disposal (Amenity) Act 1978 (x) <u>Sunday Trading Act 1994</u> <p><u>and any subsequent legislation and statutory guidance, and</u> to take all actions relating to the Council's functions, including but not limited to the following:</p> <ul style="list-style-type: none"> A. <i>Pollution control</i> B. <i>air pollution control and clean air;</i> C. <i>smoke free premises <u>and vehicles</u></i> D. <i>Waste collection</i> E. <i>Recycling</i> F. <i>Controlled waste</i> G. <i>Contaminated land</i> H. <i>Statutory nuisance</i> I. <i>Litter</i> J. <i>Dangerous and Out of Control dogs</i> 	Executive

Strategic Director – Environment & Community

<p>K. Dog fouling L. Authorisations in relation to controlled processes M. High Hedges complaint N. graffiti removal O. noise nuisance P. abandoned vehicles and other refuse Q. prevention of crime and disorder <u>R. Drug and alcohol abuse/misuse of substances</u> <u>S. Controlled Trading Hours</u> <u>R.T. Control of weeds</u></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>the Local Government Act 1972 the Local Government (Miscellaneous Provisions) Act 1976 <u>the Local Government (Miscellaneous Provisions) Act 1982</u> the Public Health Act <u>1936</u> <u>the Public Health Act</u> 1961 <u>the Public Health (control of diseases) Act 1984</u> the Clean Neighbourhoods the Environment Act 2005</p> <p>and any subsequent legislation <u>and statutory guidance,</u> <u>and</u> to take all actions relating to the Council's functions, including but not limited to the following:</p> <p>(a) drains, private sewers, water closets or soil pipes (b) a satisfactory supply of wholesome water (c) the control rats and mice (d) filthy or verminous premises, articles or persons (e) the prevention and suppression of nuisances <u>(f) emergency situations arising outside normal working hours.</u> <u>(g) Boarding up of empty properties</u> <u>(f)(h) Infectious disease control</u></p>	Executive

Food and Safety

	Authority	Function
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Strategic Director – Environment & Community

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 & Safety at Work etc. Act 1974 (v)</p> <p>and any associated regulations and any subsequent legislation <u>and statutory guidance</u>, <u>and</u> to take all actions relating to the Council’s functions in respect of food and health & safety and pesticides, except the following which are reserved to the Executive after consultation with the Licensing Committee</p> <p>(a) Food law enforcement <u>Safety</u> Service Plan (a)(b) Health and Safety Service Plan (b) Food Hygiene Rating Scheme</p>	Non Executive/ Executive
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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

	Authority	Function
<u>2.</u>	<p>To make all decisions in relation to the Council’s Housing and Homelessness functions except the following which are reserved to the Executive:</p> <p>(a) Policy for the Allocation of Social Housing (b) Tenancy Strategy</p>	<u>Executive</u>
<u>2.3</u>	To make decisions to depart from the Council’s Allocations Policy in special needs circumstances.	<u>Executive</u>
<u>3.4</u>	To review decisions under the Allocation of Housing and Homelessness (Review Procedures) Regulations 1999.	<u>Executive</u>

Strategic Director – Environment & Community

4.5	To make decisions under Access to Personal Files (Housing) Regulations 1989.	Executive
5.6	To make decisions under the Rent Deposit Guarantee Scheme.	Executive

Licensing

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

	Authority	Function
3.	<p>To make all decisions in accordance the Council's adopted policies under the following Acts</p> <p>(i) The Town and Police Clauses Act 1847</p> <p>(ii) the Public Health Act 1936 and 1961</p> <p>(iii) The Pet Animals Act 1951</p> <p>(iv) Caravan Sites and Control of Development Act 1960</p> <p>(v) Animal Boarding Establishments Act 1963</p> <p>(vi) Riding Establishments Acts 1964 and 1970</p> <p>(vii) Dangerous Wild Animals Act 1976</p> <p>(viii) Local Government (Miscellaneous Provisions) Act 1976</p> <p>(ix) the Local Government (Miscellaneous Provisions) Act 1982,</p>	Non Executive

Strategic Director – Environment & Community

~~(x) Breeding and Sale of Dogs (Welfare) Act 1999, Breeding of Dogs Act 1991 and Breeding of Dogs Act 1973~~

~~(xi)~~(x) Animal Welfare Act 2006

~~(xii)~~(xi) Animal Health Acts 1981 and 2002

~~(xiii) The Regulatory Reform Act 2001~~

~~(xiv)~~(xii) Licensing Act 2003,

~~(xiii)~~ the Gambling Act 2005

~~(xv)~~(xiv) the Legislative and Regulatory Reform Act 2006

~~(xv)~~ the Scrap Metal Dealers Act 2013

~~(xvi)~~ the Animal Welfare (licensing of activities involving animals) (England) Regulations 2018

~~(xvi)~~(xvii) Business and Planning Act 2020

and any subsequent legislation and statutory guidance, to take all actions relating to the Council's licensing functions, including but not limited to the following:

A. *Personal, premises, club premises licences and Temporary Event Notices*

B. *Hackney carriage ~~vehicles~~ and private hire drivers and vehicles, and private hire operators*

C. *House to house and street collections*

D. *Street trading*

E. *Club gaming/club machine permits and small society lotteries*

E.F. *Gambling and gaming activities*

F.G. *Sexual Entertainment Venues*

G.H. *Scrap metal dealers*

H.I. *Animal boarding establishments, riding establishments, dog breeders, pet shops, animal exhibitions, and dangerous wild animals and zoos*

I.J. *Animal Health and Welfare*

J.K. *Caravan, camping sites and gypsy sites*

~~K.~~ *Game dealers*

L. *Tattooing, acupuncture, ear piercing, body piercing and electrolysis*

L.M. *Pavement licences*

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;

Strategic Director – Environment & Community

	<p>(c) approval of increases, <u>decreases or suspension of</u> 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;</p> <p>(d) the designation of and amendments to hackney carriage vehicle ranks which is reserved to the Licensing Committee;</p> <p>(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;</p> <p>(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.</p>	
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

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

Strategic Director – Environment & Community

	Authority	Function
1.	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: (a) Disabled facilities grants (b) Renovation grants (c) common parts grants, (d) house in multiple occupation grants (e) major repair grants	Executive
2.	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
3.	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
4.	To administer and approve loans under the Flexible Improvement Loans Scheme.	Executive

Town Twinning

	Authority	After Consultation with	Function
1.	To agree grants for town partnership activities within the budget provision.	The relevant Portfolio Holder.	Executive

Waste and Recycling

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

Strategic Director – Finance & Customer Services

Assets of Community Value

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

Council Tax and NNDR

	Authority	After Consultation with	Function
1.	To set the Council Tax Base.	The relevant Portfolio Holder.	Executive
2.	<u>To agree to enter into or exit any arrangements for the pooling of Business Rates.</u>	<u>The relevant Portfolio Holder.</u> <u>Members of the Performance & Finance Scrutiny Committee to be notified.</u>	<u>Executive</u>

	Authority	Function
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

Financial Management

	Authority	After Consultation with	Function
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 monitor and manage the revenue reserves and provisions of the Council,	The Chief Executive and the relevant Portfolio Holder.	Executive

Strategic Director – Finance & Customer Services

	including the release of such funds within agreed policy guidelines.		
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	Authority	Function
3.	To determine areas and levels of cover for insurance.	Executive
4.	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
5.	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

General

	Authority	Function
1.	To make all day to day management decisions relating to the Council's functions as they relate to customer services.	Executive

Head of HR, Performance and Communication

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
<u>2.</u>	<p><u>To award grants in accordance with the Council's adopted policies for revenue, community and leisure grant schemes except the following which are reserved to the Executive</u></p> <p style="margin-left: 40px;"> <u>1) Annual Revenue and Leisure Grants</u> <u>2) Community Fund Grants Scheme</u> </p>	<p><u>The relevant Portfolio Holder.</u></p> <p><u>The relevant ward councillors as required.</u></p>	<u>Executive</u>

General

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

Head of Investment & Development

Estate Management

	Authority	After Consultation with	Function
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 contract period in accordance with the terms of the contract.	The relevant Portfolio Holder	Executive
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
1.	<u>To undertake all administrative actions and negotiations in relation to the day to day management of lettings of the Council's estate and property portfolio</u>	Executive

Economic Development

	<u>Authority</u>	<u>After Consultation with</u>	<u>Function</u>
<u>1.</u>	<u>To agree any grants awarded under the Shop Front Grant Scheme</u>	<u>The relevant Portfolio Holder</u>	<u>Executive</u>

Head of Legal & Democratic Services

Data Protection Act ~~1998~~2018

	Authority	Function
1	<p>To waive in cases of hardship the subject access fee allowed for under the Data Protection Act 1998.</p> <p><u>To determine a reasonable fee for the administrative costs of complying with a Subject Access Request, FOI and EIR requests in cases where the request is manifestly unfounded or excessive and/or where an individual requests further copies of their data.</u></p>	Executive

Estate Management

	Authority	Function
	<p>To undertake all actions<u>agree all leases, licences, contracts and other legal documentation</u> in relation to the administration of the Council's estate and property portfolio except the following matters which are reserved to the Executive:</p> <p>(a) acquisitions or disposal of land or property with a value<u>sale or purchase price</u> in excess of £25,000;</p> <p>(b) the grant or renewal of all commercial leases in excess of 2 years that do not reflect market conditions in terms of value or risk;</p> <p>(c) the grant of all leases for the purposes of development or refurbishment schemes including building leases;</p> <p>(d) the grant or renewal of all leases where the Head of Legal <u>& Democratic</u> Services considers referral to the Executive is appropriate.</p>	Executive

Legal

	Authority	After Consultation with	Function
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 relevant Portfolio Holders	Executive

Head of Legal & Democratic Services

	the inclusion of council assets in the List of Assets of Community Value.		
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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, <u>Hearing Sub Committee, and Appeals Sub Committee</u> 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
2.	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. statutory guidance.	Non-executive
3.	<u>To amend the Constitution to make changes due to administrative error or oversight, in line with the most recent decision of the Council.</u> <u>Any changes are to be reported to the Governance Working Group.</u>	<u>Non-executive</u>
3.4	To appoint the Licensing Committee Licensing Sub Committees.	Non-executive
5.	<u>To appoint members to the Standards Sub Committee from the membership of the Audit and Standards Committee.</u>	<u>Non-Executive</u>

Head of Legal & Democratic Services

4.6	To exercise powers under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 relating to lost and uncollected property.	Executive
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Head of Planning

Building Control

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

	Authority	Function
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

Development Management

	Authority	After Consultation with	Function
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

Head of Planning

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
3.	To make decisions relating to the strategy of the Council's case in planning appeals where the strategy would be contrary to or considered unsupportive of a decision of the Planning Applications Committee	The Chairman and Vice Chairman of the Planning Applications Committee and the relevant Ward Councillors.	Non-Executive

	Authority	Function
4.	<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, <u>or revocation of planning permission</u>;</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 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, except (a) (b) (c) (d) (e) and (f) <u>and (g)</u> 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>	Non-Executive

Head of Planning

	<p>(ii) erection of flatted developments, or conversion of existing properties into 10 or more units <u>where the officer recommendation is to approve the application</u>;</p> <p>(iii) new developments, extensions or change of use for non-residential development of 1000 sq metres or more <u>where the officer recommendation is to approve the application</u>;</p> <p>(b) any planning application <u>or advertisement consent</u>, 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 <u>Regulatory Planning</u> to refer an application to the next appropriate meeting of the Planning Applications Committee for determination.</p> <p>Where the 28 day call-in period has expired, but the Executive Head of <u>Regulatory Planning</u> 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 <u>or persons who were councillors within the previous 4 years</u>, senior officers or any officers considered to be connected with the planning process, an officer who <u>are-is</u> currently employed by the Council <u>or who has been employed within the previous 4 years</u>, 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>	
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Head of Planning

	<p><u>(g) any confirmation of a Tree Preservation Order where the Council has an interest as a landowner;</u></p> <p>(g)<u>(h)</u> 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>	
5.	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, except 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
6.	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

Land Drainage

	Authority	Function
2.	<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> <p>(i) approval of the annual Drainage Works Programme;</p> <p>(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.</p>	Executive

Licensing

	Authority	Function
1.	Under the Licensing Act 2003	Non-executive

Head of Planning

	<p>(a) to respond to the licensing authority in connection with consultations on applications on behalf of the local planning authority;</p> <p>(b) to apply for a review of a premises licence or a club premises certificate.</p>	
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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