

WAVERLEY BOROUGH COUNCIL

DISCHARGE OF FUNCTIONS

SCHEME OF DELEGATION TO OFFICERS

The Council may arrange for the discharge of its functions by the Executive, a Committee, Sub-Committee or Officer of the Council, (as set out in the Responsibility of Functions – Part 3 of the Constitution).

Those matters delegated to the Executive and also matters delegated to other Committees and Sub-Committees are as set out in the Council's Procedure Rules.

The Council has also agreed delegation to the Executive Director in cases of urgency, after consultation with the Chairman and Vice-Chairman of either the Executive or appropriate Committee. In circumstances where the Chairman or Vice-Chairman of the relevant Committee is not available for consultation or has an interest in a matter, the Leader of the Council shall be consulted. This includes urgent action under new statutory powers that have not yet been delegated to Officers, subject to a full report on the action and future delegation arrangements being submitted to the next meeting of the Executive or appropriate Committee for recommendation to the Council.

In the case of the exercise of delegated powers by officers, the Council has agreed that, where appropriate, Ward Members should be consulted. All matters delegated to officers on a permanent basis as at the date shown below are set out in the following pages.

It is in the nature of any scheme of delegation that those to whom responsibility has been delegated for a particular function, action or decision may require the delegating authority to resume responsibility for that function, action or decision.

Note

Where authority to take decisions is given to 'the responsible officer', the decision shall be taken in the name of (but not necessarily personally by) such officer.

In the absence of the Executive Director, their authority will be exercised by the Director of Finance and Resources.

In the absence of a Head of Service, their authority will be exercised by the appropriate Strategic Director.

The Executive Director has authority to make amendments to job titles/descriptions, as necessary.

January 2014

CONTENTS

| | <u>Page</u> |
|---|-------------|
| Executive - General Powers | 3 |
| Environment | 6 |
| Planning | 8 |
| Area Planning and Joint Planning Committees | 10 |
| Housing | 19 |
| Leisure | 24 |
| Finance | 25 |
| Licensing | 25 |
| Environmental Health and Private Sector Housing | 31 |

EXECUTIVE - GENERAL POWERS

| <u>Matters Delegated to Officers</u> | <u>Responsible Officer</u> |
|--|--|
| 1. Power to act in respect of the exercise of those powers delegated to the Executive in cases where a decision is required before the Executive next meets within the Executive's limits of £50,000 for virements and £20,000 for supplementary estimates except where the supplementary estimate request is for costs arising from either a civil emergency, a planning appeal or a planning enforcement action when the limit is £50,000. | Executive Director on the advice of the relevant Head(s) of Service and after consultation in each case with the Leader and relevant portfolio holder. |
| 2. Appointment of professional advisors in cases of urgency provided there is provision in the appropriate budget and provided such expenditure does not exceed £3,000 in any particular case. | Appropriate Head(s) of Service or Executive Director after consultation with the Leader and relevant Portfolio Holder. |
| 3. Authority to increase automatically fees and charges in line with the anticipated inflation level, rounded, where necessary, to ease collection. | Director of Finance and Resources after consultation with the Corporate Management Team. |
| 3a. Authority to release those parts of exempt committee reports that fall within Schedule 12A of the Local Government Act 1972 (as amended) but subsequently become appropriate for disclosure under the Freedom of Information Act 2000, and to report frequently to Members on such releases. | Monitoring Officer. |
| 3b. Authority to make decisions in relation to terminating the services of employees in line with existing Council policy on early retirements and/or redundancy, where in the best interests of the Council. | Executive Director after consultation with the Leader of the Council and Portfolio Holder(s) for Finance |
| 3c. In the event of an emergency incident (as defined in accordance with the Civil Emergency Plan) occurring, authority to incur expenditure, without recourse to the application of the Council's Procedure Rules, <ul style="list-style-type: none">• up to a maximum of £5,000 for any one item/contract/order• over £5,000 for any one item/contract/order | Officers with responsibilities defined within the Major Incident Cascade Call-Out. Officers with responsibilities defined within the Major Incident Cascade Call-Out after consultation with the Executive Director, Director of Finance and Resources or the Deputy S.151 Officer and the Leader of the Council. |
| 3d. Authority to determine applications for hardship rate relief where it is clear that the application does not meet the Government's criteria and to refer applicants to Waverley's business support partner organisations | Director of Finance and Resources |
| 4. Power to approve contributions towards the costs of appeal to a higher court incurred by | Borough Solicitor in consultation with the Executive Director after consultation in |

other Local Authorities, provided that the Local Government Association advises that each case considered is a proper case towards which a financial contribution can be made. No such contribution shall exceed £50 and the circumstances must be reported to the Executive when the result of each appeal is known.

each case with the Leader and relevant portfolio holder.

- | | | |
|-----|--|---|
| 4a. | Power to sign contracts on the Council's behalf for goods and services procured in accordance with Contract Procedure Rules | Executive Director and Director of Finance and Resources |
| 5. | Power to report and advise on potential infringements, in respect of proper regard for human rights, and to investigate, as necessary, in the best interests of the Council. | Monitoring Officer. |
| 6. | Power to grant car loans in accordance with the Council's Conditions of Service. | Director of Finance and Resources |
| 7. | Application of 'discretionary areas' of the Scheme of Allowances towards costs of travelling, disturbances and removals incurred by new staff. | Director of Finance and Resources |
| 8. | Authority to approve attendance by Members at outside training courses and seminars, within existing training budgets. | Head of Policy and Governance after consultation with the Leader and Deputy Leader. |
| 9. | Power to negotiate Bond Issues subject to the terms being favourable. | Director of Finance and Resources after consultation with the Leader. |
| 10. | Power to authorise the issue and service of Notices to terminate leases pursuant to the Landlord and Tenant Act 1954, Section 25. | Estates and Valuation Manager in consultation with the Executive Director. |
| 11. | Power to grant transfers from one person to the same person and another, of a mortgage, charge, easement, Wayleave, licence, lease or other document in which the Council has an interest where consent cannot reasonably be withheld. | Estates and Valuation Manager after consultation with the Director of Finance and Resources. |
| 12. | Power to institute legal proceedings in respect of unauthorised searching and digging on land owned or managed by Waverley. | Borough Solicitor after consultation with Estates and Valuation Manager. |
| 13. | Authority to offer shared ownership facilities to existing members of staff who are first time buyers and whose personal circumstances and role in the organisation justify support of this nature to retain their services. | Director of Finance and Resources after consultation with the Leader and relevant Portfolio Holder. |
| 14. | Authority to revise annually surveyors' fees for estates and valuation work. | Director of Finance and Resources. |
| 15. | Power to grant leases, licences or easements for periods not exceeding five years. |) Estates and Valuation Manager in) consultation with Head(s) of Service as) appropriate. |

- | | | |
|-----|--|---|
| 16. | Power to grant under-leases where the Lease provides that the tenant may not underlet without the Council's prior written consent. |) |
| | |) |
| | |) |
| 17. | Power to renew all leases, licences or easements |) |
| | |) |
| | Power to grant Wayleaves over land in which Waverley has an interest. |) |
| | |) |
| 18. | Power to approve variations to leases that do not prejudice the Council's interests. |) |
| | |) |
| 19. | Power to approve assignments of leases/licences. |) |
| | |) |
| 20. | Power to approve reserved matters under leases and licences in respect of applications for easements up to a maximum of £20,000 |) |
| | |) |
| 21. | Power to approve matters of routine management and maintenance of all properties. | |
| 22. | Power to authorise sales of small areas of land with no strategic value, up to a maximum of £10,000. | |
| 23. | Authority to institute court action where encroachments on to Council-owned and managed land and common land occur. | Borough Solicitor after consultation with the Head of IT, Customer and Office Services (and reports be submitted to the Executive). |
| 24. | Authority to take action, including legal proceedings, for recovery of rent arrears or the possession of land or other property in cases of non-payment of rent or other breach of terms of leases or licences in respect of non-housing properties. | Director of Finance and Resources in consultation with the Borough Solicitor. |
| 25. | Authority to dispense with making a charge for Surveyor's fees, as set out in the budget book, should the circumstances justify such action. | Estates and Valuation Manager. |
| 26. | In respect of common land managed by the Council, or land of which, pursuant to Section 61(7) of the Criminal Justice and Public Order Act 1994, the Council is to be regarded as the occupier, authority to request on behalf of the Council that trespassers leave land. | Countryside Officer. |
| 27. | Authority to direct removal of unauthorised encampments pursuant to the provisions of Part V of the Criminal Justice and Public Order Act 1994. | Borough Solicitor, Countryside Officer, Environmental Health Officers, Housing Estates Manager, Countryside Rangers, Head of Environmental Services, Head of Planning Services. |
| 28. | Authority to take all necessary action to secure the removal of vehicles, property or persons pursuant to the provisions of Section 78 of the Criminal Justice and Public Order Act 1994. | Borough Solicitor, Countryside Officer, Environmental Health Officers, Head of Planning Services Housing Estates Manager, Countryside Rangers, Head of Environmental Services. |

- | | | |
|-----|--|--|
| 29. | In respect of applications for easements for access and/or services over or under Council-owned land, powers to negotiate and agree terms in cases where the consideration involved does not exceed £10,000 (exclusive of any fees or VAT which may be payable). | Estates and Valuation Manager in consultation with Head(s) of Service as appropriate and the local ward member(s). |
| 30. | In respect of the exercise of functions of the Council under the Criminal Procedure and Investigation Act 1996 or any Act amending the same. | Borough Solicitor. |
| 31. | Authority to certify contracts as intra vires pursuant to the Local Government (Contracts) Act 1997. | Borough Solicitor in consultation with the Executive Director and Director of Finance and Resources. |
| 32. | Authority to serve and receive notices and to appoint a surveyor (including the Council's employed surveyor to act) on behalf of the Council in respect of Council-owned properties under the Party Wall Etc Act 1996. | Head of Community Services, Head of Planning, Building Control Manager, Head of Housing Delivery and Strategy. |
| 33. | Authority to witness the sealing of Council documents. | Executive Director, Director of Finance and Resources, Director of Operations, Borough Solicitor, Head of Policy and Governance and any Solicitor employed by the Council. |
| 34. | Authority for award of funding under the small grants (matched-funding) scheme. | Executive Director or the Director of Finance and Resources after consultation with the Leader and relevant Portfolio Holders. |
| 35. | Powers relating to the use of metal detectors in association with authorised archaeological excavations in respect of all land managed on behalf of the Council in particular where use of metal detectors ensures:- best management of the Council's estate; least possible disturbance to tenants or other residents; or least possible damage to wildlife or habitat. | Head of Customer and Office Services after consultation with the Leader and relevant Portfolio Holder. |

ENVIRONMENT

- | | | |
|-----|--|---------------------------------|
| 36. | Powers relating to drainage, provision of sanitary accommodation, cesspools etc. (Public Health Act 1936, SS.45 and 48-52 (as amended by the Water Consolidation (Consequential Provisions) Act 1991), the Building Act 1984, SS 59-61 (as amended by the Water Act 1989, Building Act 1984 SS 64-68, Water Industry Act 1991, S 113). | Head of Environmental Services |
| 37. | Authority to serve Notices in accordance with Sections 46 and 47 of the Environmental Protection Act 1990 (or as may be modified, amended or re-enacted) on occupiers to place waste in specified receptacles and to take summary proceedings where necessary. | Head of Environmental Services. |

- | | | |
|------|---|---|
| 38. | Authority to serve litter Abatement Notices and street litter control notices and to institute summary proceedings where appropriate under Part IV of the Environmental Protection Act 1990 (or as may be modified, amended or re-enacted). | Head of Environmental Health, Head of Environmental Services. |
| 39.. | Authority to enter into contracts for the recycling of all materials collected in the waste recycling schemes. | Head of Environmental Services. |
| 40. | Authority to enter into arrangements with outside organisations for the recycling of material, with payments being made directly to charities. | Head of Environmental Services. |
| 41. | Authority to determine requests for free use of Council car parks for evening Christmas shopping. | Head of Environmental Services after consultation with the Leader and relevant Portfolio holder. |
| 42. | Authority to grant free car parking in Council car parks Borough-wide on two trading Saturdays in December prior to Christmas each year, following consultations with the Chambers of Commerce. | Head of Environmental Services |
| 43. | Authority to determine requests for utilisation of car park spaces by charitable and other similar organisations. | Head of Environmental Services |
| 44. | Authority to issue season tickets in short-term car parks wherever considered appropriate. | Head of Environmental Services |
| 45. | Authority to approve annual renewals of existing concessionary parking permits, subject to receipt of the appropriate information from the applicants. | Head of Environmental Services |
| 46. | Authority to determine requests for concessionary car parking arising during the year. | Head of Environmental Services after consultation with the Leader and relevant Portfolio Holder. |
| 47. | Authority to enter into a National Parking Adjudication Service Section 101 Joint Committee Agreement (Local Government Act 1972). | Borough Solicitor and Head of Environmental Services. |
| 48. | Authority to approve requests for concessionary parking in off-street car parks and to grant requests for dispensations, suspensions and waivers in respect of on-street parking places. | Head of Environmental Services |
| 49. | Authority to cancel Penalty Charge Notices in accordance with guidance issued under the Traffic Management Act 2004, as agreed by the Director of Finance and Resources. | Head of Environmental Services, Parking Services Manager, Appeals Officer, Systems Manager, Notice Processing Administrators. |
| 50. | Authority to enforce the Council's dog control byelaws. | Countryside Officer, Countryside Rangers, Landscape Officer and Landscape Assistant. |

- | | | |
|-----|---|---|
| 51. | Temporary closure of roads in accordance with Section 21 of the Town Police Clauses Act 1847 (for public processions, street fairs etc.). | Head of Policy and Governance after consultation with appropriate local Ward Members. |
| 52. | Enforcement of the relevant provisions of the Clean Neighbourhoods and Environment Act 2005 | Officers nominated by the relevant Heads of Service in accordance with the schedule attached at Annexe 1. |
| 53 | To enter into Primary Authority Partnerships for the Purposes of the Regulatory Enforcement and Sanctions Act 2008 | Director of Finance and Resources in consultation with the Portfolio Holder. |

PLANNING MATTERS

- | | | |
|-----|--|--|
| 53. | The approval of details required as a condition of the original consent including listed building consent, except where the Committee specifically excludes this. | Head of Planning. |
| 54. | The determination of advertisement applications. | Head of Planning. |
| 55. | Authority to submit observations to the Forestry Commission in relation to applications for Felling Licences. | Head of Planning |
| 56. | Authority to issue appropriate legal proceedings in the event of a breach of a Tree Preservation Order. | Borough Solicitor in Consultation with Head of Planning. |
| 57. | Authority to issue a formal caution as an alternative to prosecution under legislation related to the Council's role as the Local Planning Authority | Head of Planning |
| 58. | Authority to exercise the powers and undertake all matters under the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) England Regulations 2012 relating to the following:- | Head of Planning |
| | a) the making, confirmation, variation and revocation of Tree Preservation Orders | |
| | b) the determination of applications for consent and issue of consents relating to works to trees (with or without conditions); | |
| | c) the determination of applications for certificates and dispensations and issue of certificates and dispensations relating to trees; | |
| | d) enforcing the duties of owners relating to the replacement and re-planting of trees; | |
| | e) the carrying out of works to trees by the | |

- Council and the recovery of expenses from the owner;)
- f) the entry onto land for the purpose of planting trees or for surveying the land in connection with: a Tree Preservation Order; a possible offence in connection with trees; or ascertaining if the owner is under a duty with regard to trees;)
- g) application to the Justices for a warrant in respect of the above where permission has been refused or a refusal is reasonably apprehended or in a case of emergency; and)
- h) been refused or a refusal is reasonably apprehended or in a case of emergency.)

- | | | |
|-----|--|--------------------|
| 59. | Authority to undertake the signing and issue of all notices, orders and other documentation relating to Tree Preservation Orders and trees in respect of which powers have been delegated. | Head of Planning |
| 60. | Institution of any action pursuant to Sections 23 and 24 of Local Government (Miscellaneous Provisions) Act 1976 (Dangerous Trees). | Head of Planning. |
| 61. | Power to authorise officers to enter premises pursuant to the Local Government (Miscellaneous Provisions) Act 1976, S.24 insofar as it relates to dangerous trees. | Head of Planning,. |
| 62. | Authority to handle High Hedges complaints (under Part 8 of the Anti-Social Behaviour Act 2003), to include deciding a complaint, issuing a remedial notice, powers to enter the land, prosecutions and laying of information. | Head of Planning. |
| 63. | Power to authorise external investigators or consultants to enter land for the purposes of investigating breaches of planning control insofar as it would be lawful to do so. | Head of Planning. |

AREA PLANNING COMMITTEES

It was agreed by Council (25 October, 13 December 2005 and 22 July 2008, plus a date when Council agreed call in for tree applications) that delegated items shown below which are emboldened (also marked with an asterisk) may be subject to reference to an Area Planning Committee.

(a) With Town or Parish Support

Where within three weeks following the notification of the Waverley Weekly List of Planning Applications, a Ward Councillor (for the Ward including all or part of the planning application site) makes a request to that effect, supported in writing by the relevant Town or Parish Council, the application will be placed on the agenda for the next appropriate Area Planning Committee. This is provided that the Town or Parish Clerk has written to confirm that the Town or Parish Council has recommended it to the Ward Councillor for consideration by an Area Planning Committee of Waverley Borough Council.

(b) Member proposal to refer an application

Where within three weeks following the notification of the Waverley Weekly List of Planning Applications, a Ward Councillor (for the Ward including all or part of the planning application site) requests that an item be referred to a committee, and puts forward matters that are relevant planning grounds, officers will normally not exercise their delegated powers and instead submit the application to the appropriate committee (including trees)

- | | | |
|-------------|---|---|
| 64. | The determination of applications for certificates of lawful use or development and certificates of lawfulness of proposed use or development under Section 191 of the Town and Country Planning Act 1990 (as Amended). | Head of Planning after consultation with the Borough Solicitor. |
| 65. | The determination of applications for certificates of lawful use or development and certificates of lawfulness of proposed use or development under Section 192 of the Town and Country Planning Act 1990 (as Amended). | Head of Planning |
| *66. | Renewal of temporary planning permission and unimplemented permissions, including replacement permissions, when there are no material changes in circumstances. | Head of Planning. |
| 67. | Responses to consultations by statutory undertakers/utilities, other local planning authorities (including the County Council), Government departments or other public bodies | Head of Planning. |
| *68. | Variation of conditions attached to an existing planning permission. | Head of Planning |
| 69. | The extensions of time to complete legal agreements already authorised. | Head of Planning after consultation with the Borough Solicitor. |
| 70. | Determination of whether prior approval will be required of proposals that are "permitted development" and the giving or not of such approval required under the Town and Country Planning (General Permitted Development) Order. | Head of Planning. |
| 71. | Authority, where applications for time extensions of planning permissions, or amendment to a previously approved application are for a | Head of Planning. |

development sufficiently similar to the previously approved development, to grant such applications provided that, in the opinion of the Head of Planning:

1. there is no material change in circumstances from that at the time of the original decision; and
2. any variations or amendments contained in the application under consideration are minor or small scale in nature.

- | | | |
|-------------|---|--|
| 72. | Determination as to whether prior approval is required to the method of demolition in respect of demolition proposals that are “permitted development” and any proposed restoration of the site and the giving or not of such approval. | Head of Planning. |
| 73. | Determination of whether prior approval is required for the siting and appearance of telecommunication proposals that are “permitted development” and the giving or not of such approval. | Head of Planning. |
| *74. | The refusal of applications in conflict with the Council’s policy. | Head of Planning. |
| 75. | <p>(i) the issue of Planning Contravention Notices in accordance with the provisions of section 171C of the Town & Country Planning Act 1990 (or as may be modified amended or re-enacted) and to appoint such time and place for a meeting arranged under the provisions of the said section and to consider and determine all offers and representations made thereat;</p> <p>(ii) the issue of notices requiring information as to interests in land in accordance with the provisions of section 330 of the Town & Country Planning Act 1990 (or as may be modified amended or re-enacted).</p> | Head of Planning. |
| 76. | <p>Street naming and numbering - Serving of notices and taking of action under Public Health Act 1925 in respect of the following: Section 17 – objection to proposed street name Section 18 – Alteration of street name Section 19 – Insertion of street name</p> | Head of Planning. |
| 77. | <p>(i) the issue of Temporary Stop Notices in accordance with the provisions of section 171E of the Town & Country Planning Act 1990 (or as may</p> | Head of Planning in consultation with the Borough Solicitor. |

be modified amended or re-enacted);

- (ii) the issue of Enforcement Notices in accordance with the provisions of section 172 of the Town & Country Planning Act 1990 (or as may be modified amended or re-enacted);
- (iii) the issue of Stop Notices in accordance with the provisions of section 183 of the Town & Country Planning Act 1990 (or as may be modified amended or re-enacted);
- (iv) the issue of Breach of Condition Notices in accordance with the provisions of section 187A of the Town & Country Planning Act 1990 (or as may be modified amended or re-enacted);
- (v) the issue of notices requiring the proper maintenance of land in accordance with the provisions of section 215 of the Town & Country Planning Act 1990 (or as may be modified amended or re-enacted);
- (vi) authority to waive or relax the requirements of an Enforcement Notice in accordance with section 173A of the Town & Country Planning Act 1990 (or as may be modified amended or re-enacted);
- (vii) the issuing of hazardous substances contravention notices in accordance with the provisions of section 24 of the Planning (Hazardous Substances) Act 1990 (or as may be modified amended or re-enacted);
- (viii) the waiving or relaxing of the requirements of hazardous substances contravention notices pursuant to Section 24A of the Planning (Hazardous Substances) Act 1990 (or as may be modified amended or re-enacted);
- (ix) the issue of Listed Building and Conservation Area enforcement notices in accordance with the provisions of section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or as may be modified amended or re-enacted);
- (x) the withdrawal or waiver of requirements of Listed Building and Conservation Area enforcement notices in accordance with the provisions of section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or as may be modified amended or re-enacted).

78. To determine whether or not to object to goods vehicle operators licences being granted on the grounds that the operating centre concerned is unsuitable.

Head of Planning after consultation with a local ward member.

79.

- (i) Institution of legal proceedings in accordance with section 171D of the Town & Country Planning Act 1990 (or as may be amended modified or re-enacted) to prosecute persons liable for an offence of failing to comply with a Planning Contravention Notice issued under section 171C of the said Act;
- (ii) Institution of legal proceedings in accordance with section 330 of the Town & Country Planning Act 1990 (or as may be modified amended or re-enacted) to prosecute persons liable for an offence of failing to comply with a notice requiring information as to interests in land, or of knowingly making any misstatement in respect of it, issued under the aforesaid section of the said Act;
- (iii) Institution of legal proceedings in accordance with section 171G of the Town & Country Planning Act 1990 (or as may be amended modified or re-enacted) to prosecute persons liable for an offence of failing to comply with a Temporary Stop Notice issued under section 171E of the said Act;
- (iv) Institution of legal proceedings in accordance with section 179 of the Town & Country Planning Act 1990 (or as may be amended modified or re-enacted) to prosecute persons liable for an offence of failing to comply with an Enforcement Notice issued under section 172 of the said Act;
- (v) Institution of legal proceedings in accordance with section 187 of the Town & Country Planning Act 1990 (or as may be amended modified or re-enacted) to prosecute persons liable for an offence of failing to comply with a Stop Notice issued under section 183 of the said Act;
- (vi) Institution of legal proceedings in accordance with section 187A of the Town & Country Planning Act 1990 (or as may be amended modified or re-enacted) to prosecute persons liable for an offence of failing to comply with a Breach of Condition Notice issued under section 187A of the said Act
- (vii) Institution of legal proceedings in accordance with section 189 of the Town & Country Planning Act 1990 (or as may be amended modified or re-enacted) to prosecute persons liable for an offence of failing to comply with an Order made under section 102 of the said Act;
- (viii) Institution of legal proceedings in accordance with section 194 of the Town & Country Planning Act 1990 (or as may be amended modified or re-enacted) to prosecute persons liable for an

Borough Solicitor upon the request of the Head of Planning

offence under the aforesaid section in connection with the issue of a certificate under section 191 or 192 of the said Act;

- (ix) Institution of legal proceedings in accordance with section 216 of the Town & Country Planning Act 1990 (or as may be amended modified or re-enacted) to prosecute persons liable for an offence of failing to comply with a notice issued under section 215 of the said Act;
- (x) Institution of legal proceedings in accordance with section 224 of the Town & Country Planning Act 1990 (or as may be amended modified or re-enacted) to prosecute persons liable for an offence of failing to comply with regulations issued under section 220 of the said Act;
- (xi) Institution of legal proceedings in accordance with section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or as may be modified amended or re-enacted) to prosecute persons liable for an offence of carrying out works without or in breach of consent;
- (xii) Institution of legal proceedings in accordance with section 43 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or as may be modified amended or re-enacted) to prosecute persons liable for an offence of failing to comply with an enforcement notice;
- (xiii) Institution of legal proceedings in accordance with section 59 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or as may be modified amended or re-enacted) to prosecute persons liable for an offence of causing damage to a listed building with intent;
- (xiv) Institution of legal proceedings in accordance with section 88B of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or as may be modified amended or re-enacted) to prosecute persons liable for an offence of obstructing entry onto land;
- (xv) Institution of legal proceedings in accordance with section 23 of the Planning (Hazardous Substances) Act 1990 (or as may be modified amended or re-enacted) to prosecute persons liable for an offence of contravening hazardous substances control;
- (xvi) Institution of legal proceedings in accordance with section 36B of the Planning (Hazardous Substances) Act 1990 (or as may be modified amended or re-enacted) to prosecute persons liable for an offence of obstructing entry onto land.

- | | | |
|-----|--|---|
| 80. | Formulation of statements required by the Secretary of State under the Town and Country Planning (Compensation and Certificates) Regulations 1974. | Borough Solicitor after consultation with the Head of Planning. |
| 81. | Power to determine applications under the Building Regulations and allied legislation. | Head of Planning. |
| 82. | Authority to take all necessary steps, including the service of statutory notices, to secure the enforcement of and compliance with the Building Act 1984 and the Building Regulations. | Head of Planning |
| 83. | <ul style="list-style-type: none"> (i) Power to authorise officers to enter land under sections 196A and 214B of the Town & Country Planning Act 1990 (as amended): (ii) Power to authorise officers duly authorised under sections 214B and 196A of the Town & Country Planning Act 1990 (as amended) to seek a warrant authorising entry upon land under sections 196B and 214C of the said Act; (iii) Power to authorise officers to enter land under section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990; (iv) Power to authorise officers duly authorised under section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to seek a warrant authorising entry upon land under section 88A of the said Act; (v) Power to authorise officers to enter land under section 36 of the Planning (Hazardous Substances) Act 1990; (vi) Power to authorise officers duly authorised under section 36 of the Planning (Hazardous Substances) Act 1990 to seek a warrant authorising entry upon land under section 36A of the said Act. | Head of Planning. |
| 84. | <ul style="list-style-type: none"> (i) Authority to seek injunctions pursuant to section 187B of the Town & Country Planning Act 1990 (or as may be amended modified or re-enacted) in respect of unauthorised development (whether actual or apprehended) in conflict with the Council's policies. (ii) Authority to seek injunctions pursuant to | Borough Solicitor upon the request of the Head of Planning. |

section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or as may be amended modified or re-enacted) in respect of actual or apprehended breaches of Listed Building or Conservation Area Control.

(iii) Authority to seek injunctions pursuant to section 26A of the Planning (Hazardous Substances) Act 1990 (or as may be amended modified or re-enacted) in respect of actual or apprehended breaches of hazardous substances control.

- | | | |
|-------------|---|---|
| 85. | Authority to seek injunctions pursuant to section 214A of the Town & Country Planning Act 1990 (or as may be amended modified or re-enacted) in respect of an actual or apprehended offence under section 210 or 211 of the said Act. | Borough Solicitor upon the request of the Head of Planning. |
| 86. | Provision of a statement of special reasons for the service of a stop notice to take effect less than three days after service, in accordance with Section 184(3)(a) of the Town and Country Planning Act 1990. | Head of Planning after consultation with the Borough Solicitor. |
| 87. | Authority to determine hedgerow notifications in accordance with the Hedgerow Regulations 1997. | Head of Planning. |
| 88. | Authority to respond to appeals or initiate legal proceedings to recover expenses payable to the Council pursuant to the Council's powers under Section 35 of the Local Government (Miscellaneous Provisions) Act 1976. | Borough Solicitor. |
| 89. | Authority to make 'Screening Opinions' and 'Scoping Opinions', in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. | Head of Planning. |
| 90. | To carry out the appropriate Strategic Environmental Assessments pursuant to the SEA Directive and the Environmental Assessment of Plans & Programmes Regulations 2004 | |
| *91. | The approval of applications for small scale development and other minor proposals for which consent is required which are not in conflict with the Council's planning policies. | Head of Planning. |

[Small scale includes all applications for domestic extensions and alterations including outbuildings; the construction or conversion of buildings which creates an additional dwelling; minor extensions including buildings to commercial and institutional

buildings. All changes of use except those that are likely to have significant harmful impacts on the environment, e.g. A3 uses, hot food take-aways, public houses and places of entertainment and loss of important town centre, community or village facilities).

To determine whether an Appropriate Assessment is required under the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations) and to undertake such an Assessment

- | | | |
|-------------|---|---|
| *92. | Approval of applications for works to trees that are the subject of a Tree Preservation Order | Head of Planning |
| 93. | Authority to decide not to take enforcement action for smallscale or other minor development. Including non-compliance with conditions (see 225 for definition of small scale) | Head of Planning. |
| 94. | Authority to decide not to proceed with prosecution proceedings or further other remedial action in relation to non-compliance with Enforcement or other Notices where original Notice was issued under delegated authority where it is not expedient to do so. | Head of Planning |
| 95. | Power to authorise execution of urgent works to preserve listed buildings and buildings in conservation areas pursuant to sections 54 and 76 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or as may be modified amended or re-enacted) and the recovery of associated expenses pursuant to section 55 of the said Act. | Head of Planning. |
| 96. | Approval of details required as a condition of the original planning permission, or listed building consent except where the permission or consent specifically excludes this. | Head of Planning. |
| 97. | Determination of applications where there is a requirement for the Council to enter into legal agreements and the power to authorise such agreements, provided no positive obligations are placed on the Council (other than agreements requiring financial contributions required by the Waverley Borough Council Interim Mini Plan for the Thames Basin Heaths Special Protection Area or Avoidance Strategy 2009 | Head of Planning after consultation with the Borough Solicitor. |
| 98. | Power to vary a legal agreement provided no additional positive obligations are placed on the Council. | Head of Planning. |
| 99. | Power to discharge a legal agreement where there is no longer a valid planning purpose for the agreement | Head of Planning |

| | | |
|-------|---|---|
| 100. | Determination of 'applications' or consultations submitted under Regulation 4 or 5 of the Town and Country Planning Regulations (check) for small-scale development where the Borough Council is the applicant or where the application is on Council owned land. | Head of Planning. |
| 101. | Authority to enter into arrangements with consultants to carry out planning work in relation to Planning Performance Agreements that developers are willing to fund. | Head of Planning in conjunction with Director of Finance and Resources. |
| 102. | Authority to discharge the functions of the local planning authority in respect of applications for Certificates of Appropriate Alternative Development made pursuant to Section 17 of the Land Compensation Act 1961. | Head of Planning. |
| 103. | Power to make amendments to the Planning Validation Requirements List | Head of Planning |
| 103a. | Power pursuant to section 70A of the Town & Country Planning Act 1990 (or as may be amended, modified or re-enacted) to decline retrospective planning applications. | Head of Planning |
| 103b. | Authority pursuant to sections 171BA & 171BB of the Town & Country Planning Act 1990 (or as may be amended, modified or re-enacted) to apply to a Magistrates' Court for an Enforcement Order. | Head of Planning |
| 103c. | Power pursuant to section 172A of the Town & Country Planning Act 1990 (or as may be amended, modified or re-enacted) to issue a Letter of Assurance as regards prosecution for a person served with an enforcement notice. | Head of Planning |
| 103d. | Power pursuant to section 172A of the Town & Country Planning Act 1990 (or as may be amended, modified or re-enacted) to issue a Letter of Assurance as regards prosecution for a person served with an enforcement notice. | Head of Planning |
| 103e. | Power pursuant to section 172A of the Town & Country Planning Act 1990 (or as may be amended, modified or re-enacted) to issue a Letter of Assurance as regards prosecution for a person served with an enforcement notice. | Head of Planning |
| 103f. | Power pursuant to section 172A of the Town & Country Planning Act 1990 (or as may be amended, modified or re-enacted) to issue a Letter of Assurance as regards prosecution for a person served with an enforcement notice. | Head of Planning |
| 103g. | Power pursuant to section 225A of the Town & Country Planning Act 1990 (or as may be amended, modified or re-enacted) to remove | Head of Planning |

| | | |
|-------|--|------------------|
| | structures used for the unauthorised display of advertisements. | |
| 103h. | Power pursuant to section 225A of the Town & Country Planning Act 1990 (or as may be amended, modified or re-enacted) to remove structures used for the unauthorised display of advertisements. | Head of Planning |
| 103i. | Power pursuant to section 225C of the Town & Country Planning Act 1990 (or as may be amended, modified or re-enacted) to serving an Action Notice and for the carrying out the measures specified in the notice if compliance is not achieved. | Head of Planning |
| 103j. | Power pursuant to section 225E of the Town & Country Planning Act 1990 (or as may be amended, modified or re-enacted) to serve an Action Notice. | Head of Planning |
| 103k. | Power pursuant to section 225F of the Town & Country Planning Act 1990 (or as may be amended, modified or re-enacted) to serve a Notice requiring an occupier to remove or obliterate a sign. | Head of Planning |
| 103l. | Power pursuant to section 225G of the Town & Country Planning Act 1990 (or as may be amended, modified or re-enacted) to serve a Notice requiring an occupier to remove or obliterate a sign that is defacing a post. | Head of Planning |
| 103m. | Power pursuant to section 225H of the Town & Country Planning act 1990 (or as may be amended, modified or re-enacted) to serving a notice requiring the occupier to remove or obliterate the sign which is defacing a bus shelter or other street furniture. | Head of Planning |
| 103n. | Power pursuant to section 225J of the Town & Country Planning Act 1990 (or as may be amended, modified or re-enacted) to remedy defacement at owner or occupier's request. | Head of Planning |
| 103o. | Power pursuant to section 225K of the Town & Country Planning Act 1990 (or as may be amended, modified or re-enacted) to remove structures used for the unauthorised display of advertisements; by way of serving an Action Notice and carrying out the measures specified in the notice if compliance is not achieved | Head of Planning |
| 103p. | Authority to decide not to proceed with enforcement action in respect of braches of condition relating to development where the conditions are not considered to be precommencement conditions (conditions precedent) and non-compliance does not render a planning permission invalid. | Head of Planning |

HOUSING AND COMMUNITY WELFARE ISSUES

- | | | |
|------|---|--|
| 104. | Authority to select, from all applicants wishing to tender for housing contracts exceeding £35,000 both for new dwellings and for repairs and improvements to be let in accordance with Standing Order 104, those companies or firms from which tenders shall be invited. | Head of Housing Operations after consultation with the Leader and relevant Portfolio Holder. |
| 105. | Authority to select tenderers for building maintenance and improvement works from the Standing List of Contractors; and |) Head of Housing Operations after consultation with the Leader and relevant Portfolio Holder.)) |
| 106. | Authority to delete and/or include contractors on the Standing List based on performance. | |
| 107. | Authority to make payments in accordance with the approved scale for disturbance to tenants where such tenants are required to move by the Council. | |
| 108. | Authority to give (or decline) consent under the terms of Section 92 of the Housing Act 1985 as amended by the Local Government and Housing Act 1985 where a secure tenant wishes to exercise his rights under the Act to exchange his Council property with another secure tenant within England or Wales. | Head of Housing Operations. |
| 109. | Approval of exchanges of tenancies within approved policy. | Head of Housing Operations. |
| 110. | Approval of transfers of tenancies within approved policy. | Head of Housing Operations. |
| 111. | Authority to lease properties for housing of the homeless. | Head of Housing Operations and Head of Housing Delivery and Strategy. |
| 112. | Home loss and disturbance payment. | Head of Housing Operations. |
| 113. | Authority to enter into nomination rights agreements with Registered Providers. | Head of Housing Operations and Head of Housing Delivery and Strategy. |
| 114. | Authority to determine those tenants for whom internal redecoration should be carried out by virtue of their age or disability. | Head of Housing Operations. |
| 115. | To determine those void properties that need to be redecorated where not to do so would effectively render them unsuitable for letting or where an incoming tenant, owing to age, disability or other circumstances is incapable of having the work carried out. | Head of Housing Operations |
| 116. | Authority to issue decoration vouchers. | Head of Housing Operations. |
| 117. | Authority to re-locate tenants whilst improvement works are carried out by the utilisation of void | Head of Housing Operations. |

properties only when it is agreed in advance that it is impossible to carry out the works with the tenants "in-situ".

- | | | |
|------|--|--|
| 118. | Sale of Council houses - discretion to include occupation by spouse in calculating purchase price discount. | Head of Housing Operations. |
| 119. | To determine all applications for housing advances, including further advances, within the approved scheme. | Head of Housing Delivery and Strategy after consultation with Director of Finance and Resources. |
| 120. | Transfer of mortgages to sole or joint owners when consent cannot reasonably be withheld. | Director of Finance and Resources. |
| 121. | Management of all the Council's Housing Advance loans. | Director of Finance and Resources. |
| 122. | Authority to approve applications for maturity mortgages from both disabled persons and pensioners within the approved schemes. | Director of Finance and Resources. |
| 123. | Authority to make short-term temporary loans in connection with housing advances from building societies where the applicant requires an improvement grant and must carry out such works before the advance is made. | Head of Housing Delivery and Strategy after consultation with Director of Finance and Resources. |
| 124. | Authority to select applicants for the Shared Ownership Homebuy Scheme, ensuring that the homeless or potentially homeless applicant who has an urgent housing need together with all those on the Housing Needs Register who are in housing need and existing tenants, are considered on their respective merit. | Head of Housing Operations after consultation with the relevant Portfolio Holder. |
| 125. | Authority to give financial assistance to Council tenants up to £1,000 for expenses associated with the costs of purchasing a Homebuy property. | Head of Housing Operations. |
| 126. | Authority to:- (i) give or refuse consent to the carrying out of alterations, additions or improvements by owners to former Council properties which have been sold or leased under the Right to Buy provisions; and (ii) approve consequential variations to leases which are deemed necessary and are not to the detriment of the Council. | Head of Housing Operations. |
| 127. | Authority to take appropriate action to deal with squatters in property managed by the Council. | Head of Housing Operations. |
| 128. | Institution and pursuance of proceedings to recover sums outstanding in respect of rent arrears. | Head of Housing Operations. |

- | | | |
|------|---|--|
| 129. | Authority to institute appropriate proceedings, within the terms of the mortgage deed and legislation governing mortgages, to recover sums outstanding to the Council in respect of any mortgage arrears if such proceedings are deemed necessary. | Director of Finance and Resources after consultation with the Borough Solicitor. |
| 130. | Authority to enforce the warrant for eviction in cases of serious rent arrears, or anti-social behaviour or other serious breaches of tenancy conditions. | Head of Housing Operations and relevant Portfolio Holder. |
| 131. | Authority to secure re-housing for homeless applicants in temporary accommodation accepted under the provisions of the Housing Act 1985. | Head of Housing Delivery and Strategy, Housing Needs Manager, Housing Options Manager, Specialist Housing Options Officers and Homechoice Manager. |
| 132. | Service of requisitions for information in respect of action by the Council. | Head of Policy and Governance , Borough Solicitor Head of Planning. |
| 133. | Authority to allocate street numbers in respect of Council developments. | Building Control Manager |
| 134. | Authority to negotiate on charges to Housing Associations and private developers with regard to the provision of a community alarm system. | Head of Housing Delivery and Strategy. |
| 135. | In connection with duties under the Children Act 1989, authority to undertake leasing arrangements to an approved provider , any action taken under such arrangements to be reported to the Committee on a quarterly basis. | Head of Housing Delivery and Strategy and Housing Needs Manager. |
| 137. | Authority to sign Notices to Quit and Notices to Terminate Licence. | Head of Housing Operations, Tenancy and Estates Manager, Tenancy Estates Officer, Housing Needs Manager, Housing Options Manager, Specialist Housing Options Officer, Rent Accounts Manager and Rent Accounts Officer. |
| 138. | Authority to terminate introductory and flexible tenancies (secure) in line with policy | Head of Housing Operations. |
| 138. | Authority to allocate Council properties to Council tenants and licensees. | Head of Housing Operations, Housing Needs Manager, Homechoice Manager, Housing Options Manager (Advice and Homelessness) Specialist Housing Options Officer and Senior Homechoice Officer. |
| 139. | Authority to relax Covenants affecting former Council properties disposed of under the Right to Buy provisions restricting the carrying out of alterations or additions without the Council's consent in cases where it is not reasonable to charge a consideration and it is not detrimental | Head of Housing Operations after consultation with the Executive Director and the Borough Solicitor |

to the Council's interests, subject to payment of the Council's reasonable legal costs.

- | | | |
|------|---|--|
| 140. | Authority to select tenderers from the Standing List of Contractors. | Head of Housing Operations and Delivery and Strategy. |
| 141. | Authority to approve expenditure on emergency and high priority work and to select items from the approved contingency programme where those works can be accommodated from within the contingency funds available at that time. (Any such works would be reported to a subsequent meeting of the Executive). | Head of Housing Operations after consultation with the Leader and relevant Portfolio Holder. |
| 142. | Authority to agree that the Council enter into Mortgage Indemnity Agreements under S.442 of the Housing Act 1985 with building societies and banks approved by the Department of Communities and Local Government subject to the following:- (a) the prospective borrower is a Council nominee who would have to be allocated alternative social housing accommodation by the Council if he or she could not purchase a shared-ownership property; (b) the present shared-ownership lessee would have to sell on the open market if the Council's nominee could not proceed; (c) the prospective purchasers' circumstances have been investigated and the case is considered to be one where the borrower has sufficient income to maintain the mortgage repayments. | Borough Solicitor in consultation with the Executive Director after consultation with the Head of Housing Operations. |
| 143. | Authority to determine the most appropriate provisions to be contained in a Mortgage Indemnity Agreement depending on the individual circumstances of the case concerned, having regard to the interests of the Council. | Head of Housing Operations and Borough Solicitor after consultation with the Director of Finance and Resources. |
| 144. | Authority to vary the terms of individual DIYSO Leases in appropriate circumstances to enable the Shared Ownership Lessees concerned to acquire additional shares in their properties or to assign their DIYSO Leases at current market value, subject to the officers having carried out a financial assessment of the situation to ascertain whether the additional shares could be acquired or the Lease be assigned at the original market value (if this is the higher value). | Head of Housing Operations in consultation with the Borough Solicitor after consultation with the Director of Finance and Resources. |
| 145. | Authority to:- 1. vary the Conditions of Tenancy of | Head of Housing Operations after consultation with the Borough Solicitor in consultation with the Executive Director. |

individual Secure Tenants in cases involving nuisance and anti-social behaviour pursuant to Section 102 and 103 of the Housing Act 1985, subject to reporting back any substantive observations received to the Executive following service of a Preliminary Notice under Section 103;

2. make application for injunctions under Section 152 and 153 of the Housing Act 1996 to restrain anyone from causing or committing a nuisance or anti-social behaviour in very serious cases of emergency where there is a risk of harm to someone if an injunction is not obtained; and
 3. apply for possession of Council dwellings on the ground of nuisance and anti-social behaviour using the accelerated procedure under Section 83 of the Housing Act 1985 (as amended by Section 147 of the Housing Act 1996) in serious cases of nuisance and anti-social behaviour.
146. Authority to negotiate with contractors who have been awarded contracts as a result of competitive tendering for the approved planned maintenance programme in any one year, to increase the volume of work within those contracts (subject to the overall costs not exceeding the approved Budget
148. Authority to enter into supplementary tenancy agreements with new and existing tenants and appropriate agreements with selected organisations to provide appropriate levels of support to tenants in need, in conjunction with the provision of accommodation, subject to the tenant concerned consenting to the agreement.
149. Authority to negotiate and enter into short-term leases with selected organisations or appropriate Council dwellings for occupation by individuals nominated by the Council who would otherwise be secure tenants of the Council in order that the individuals concerned might occupy the accommodation as sub-tenants of the organisation and also receive the appropriate level of support services from the organisation
150. Authority for the issuing of Notices of Seeking Possession and Notices to Quit and court proceedings in respect of the Housing Act 1985,
- Head of Housing Operations after consultation with the Borough Solicitor in consultation with the Executive Director.
- Head of Housing Operations after consultation with the Borough Solicitor in consultation with the Executive Director.
- Head of Housing Operations.
- Head of Housing Operations.
- Head of Housing Operations.
- Head of Housing Operations, Housing Needs Manager, Homechoice Manager, Housing Options Manager (Advice and

or as amended.

Homelessness) Specialist Housing Options Officer, Senior Homechoice Officer and Court Officer.

151. Authority to make planning applications for any disabled adaptation or parking improvement or provision scheme in accordance with Regulation 3 of the Town and Country Planning (General) Regulations 1992.

Head of Housing Operations.

152. Authority to appoint a preferred energy supplier in respect of void properties.

Head of Housing Operations.

Agreed by Council 16 July 2013

| | | |
|--------|--|--|
| HDB 1 | Authority to evaluate opportunities to buyback all or part of a former Council property (to include determining right of first refusal and % of ownership) | Homeownership Officer and/or Senior Legal Executive |
| HDB 2 | Authority to proceed to initial assessment of buyback or open market purchase if opportunity meets criteria/policy | Housing Development Manager |
| HDB 3 | Authority to proceed to initial assessment of buyback or open market purchase if opportunity does not meet criteria/policy | Head of Housing Delivery and Strategy in consultation with the Portfolio Holders on the Housing Delivery Board |
| HDB 4 | Authority to proceed to initial assessment for a land purchase if opportunity meets criteria/policy | Housing Development Manager |
| HDB 5 | Authority to proceed to initial assessment for a land purchase if opportunity does not meet criteria/policy | Head of Housing Delivery and Strategy in consultation with the Portfolio Holders on the Housing Delivery Board |
| HDB 6 | Authority to proceed to negotiation stage of buyback or open market purchase if purchase price falls within overall budget | Head of Housing Delivery and Strategy in consultation with the Portfolio Holders on the Housing Delivery Board |
| HDB 7 | Authority to negotiate on price of buyback or open market purchase | Director of Finance and Resources and Estates and Valuation Manager |
| HDB 8 | Authority to proceed with buyback or open market purchase if within budget for purchase price and works are needed | Head of Housing Delivery and Strategy in consultation with the Portfolio Holders on the Housing Delivery Board |
| HDB 9 | Authority to negotiate on land purchase | Director of Finance and Resources and Estates and Valuation Manager |
| HDB 10 | Authority to proceed with land purchase if within agreed financial limits | Head of Housing Delivery and Strategy in consultation with the Portfolio Holders on the Housing Delivery Board |

LEISURE ISSUES

153. Power to institute legal proceedings following any breach of the National Trust Byelaws.

Borough Solicitor in consultation with the Executive Director, after consultation with the Head of Community Services.

154. Power to authorise the necessary action to deal with "live" trees in Farnham Park that have

Head of Community Services after consultation with Executive Director.

- become a potential danger.
155. Power to deal with applications to hold events on public grounds. Head of Community Services.
156. Authority to institute proceedings in respect of offences under the Conservation of Wild Creatures and Wild Plants Act 1975. Borough Solicitor in consultation with the Executive Director) after consultation with the Leader and relevant Portfolio Holder and Head of Community Services.
157. Authority to enter into agreements with Surrey County Council on matters associated with the joint use of school football pitches, subject to any costs remaining within the relevant budget provision. Borough Solicitor in consultation with the Executive Director after consultation with the Head of Community Services.
158. Authority to respond to consultations from the Surrey County Council on any rights of way matters. Head of Community Services after consultation with the relevant Portfolio Holder and local members.
159. Authority to issue licences at a peppercorn rent to those householders or tenants wishing to maintain ground in situations where the Countryside and Amenities Manager considers such maintenance to be desirable. Estates and Valuation Manager in consultation with the Head of Community Services.
160. Authority to agree up to two dates per year for swimming galas to be held at Cranleigh Leisure Centre. Head of Community Services.
161. Authority to allocate the approved sponsorship budget in future years using the formula detailed in the report on Societies Promoting Professional Music as contained in the agenda for the meeting of the Environment and Leisure Committee on 15 May 1990. Head of Community Services.
162. Power to grant easements for access and/or services over/under Waverley-owned common land in cases where the position has persisted for a minimum period of twenty years before the date of application. Estates and Valuation Manager in consultation with the appropriate Head of Service and the appropriate local member(s).
163. Authority to enter into Wildlife Enhancement Schemes and other similar schemes for ecological management of areas of common land provided that they are of not more than ten years duration. Head of Community Services.
164. Authority to determine applications for future increases in charges proposed by the lessee of Farnham Park Golf Course. Head of Community Services.
165. Authority to determine applications for increases in charges proposed by the lessee of Broadwater Park Golf Course. Head of Community Services after consultation with the Leader and relevant Portfolio Holder.
166. Authority to institute an agreed notice - serving procedure as a means of resolving problems on common land. Head of Community Services.

- | | | |
|------|--|--|
| 167. | Authority to grant licences of Waverley land, of no more than one month, on set terms and conditions and, as far as possible, on set fees. | Estates Officer, Estates Surveying Technician, Countryside Management Officer, Countryside Rangers, Parks and Landscape Manager, Parks and Landscape Officers, Tree and Woodlands Officer. |
| 168. | Authority to agree leases with Parish Councils to manage Council-owned common land. | Estates and Valuation Manager in consultation with the Head of Community Services. |

FINANCIAL ISSUES

- | | | |
|------|--|------------------------------------|
| 169. | Authority to grant, in respect of a financial year, discretionary rate relief to existing charities, non-profit making organisations and rural businesses, in accordance with Council policy and to determine any new applications received. | Director of Finance and Resources. |
| 170. | Authority to serve notices, enter into agreements, give receipts, make adjustments, institute proceedings and take any action available to the Council to collect or enforce the collection of the Council Tax, non-domestic rate and the personal, standard and collective community charges from those persons liable. | Director of Finance and Resources. |
| 171. | Variations to Mortgage Interest Rates | Director of Finance and Resources |

LICENSING AND REGULATORY COMMITTEE

- | | | |
|------|---|---|
| 172. | Power to act in respect of the exercise of those powers delegated to the Committee in cases where a decision is required before the Committee next meets. | Head of Policy and Governance on the advice of the Executive Director and after consultation in each case with the Chairman and Vice-Chairman of the Committee. |
| 173. | Authority to increase automatically fees and charges in line with the anticipated inflation level, rounded, where necessary, to ease collection. | Director of Finance and Resources, after consultation with the Corporate Management Team. |
| 174. | Issue of Hackney Carriage and Private Hire Vehicle Licences and Hackney Carriage and Private Hire Drivers' Licences and Private Hire Operators' Licences except any applications that reveal convictions for offences that might affect the suitability of a person to hold a licence (Local Government (Miscellaneous Provisions) Act 1976). | Head of Policy and Governance . |
| 175. | Registration and issue of permits for small lotteries (Gambling Act 2005). | Head of Policy and Governance . |
| 176. | Registration of pools promoters (Betting, Gaming and Lotteries Act 1963). | Head of Policy and Governance . |
| 177. | Appointment of accountants in respect of each registration as pools promoter and recovery of fees of accountant from respective pools promoter (Betting, Gaming and Lotteries Act | Director of Finance and Resources. |

- 1963).
178. Power to deal with routine renewals of permits for use of machines for gaming by way of amusements with prizes. (Gambling Act 2005). Head of Policy and Governance
179. Authority to agree the fees to be charged for outdoor large events, including concerts, such fees to take account of the cost of administering the respective applications, including the costs of engaging any specialist consultants to advise on the applications. Head of Policy and Governance after consultation with the Director of Finance and Resources and the Chairman and Vice-Chairman of the Committee.
180. The management of Street and House-to-House Collections where the application is of a routine and regular nature. Licensing Manager.
181. Authority to deal with and approve applications made to Waverley under the Vehicle (Crime) Act 2001, except that any recommendation to refuse or cancel registration be referred to the Licensing and Regulatory Committee or Licensing (General Purposes) Sub-Committee for determination. Head of Policy and Governance
182. Application for personal licence - if no objection made. Head of Policy and Governance .
183. Application for premises licence/ club premises certificate - if no representation made. Head of Policy and Governance .
184. Authority to issue refunds under the Licensing Act 2003. Head of Policy and Governance or Democratic Services Manager after consultation with the Director of Finance and Resources.
185. Application for provisional statement - if no representation made Head of Policy and Governance .
186. Application to vary premises licence/ club registration - if no representation made. [Head of Policy and Governance.](#)
187. Application to vary designated personal licence holder - all other cases. Head of Policy and Governance .
188. Application for transfer of premises licence - all other cases. Head of Policy and Governance .
189. Application for Interim Authorities - all other cases. Head of Policy and Governance .
190. Decision on whether a complaint is irrelevant, frivolous, vexatious, etc. Head of Policy and Governance, Democratic Services Manager .
191. Authority for the purposes of administration and enforcement (including legal proceedings) under the Town Police Clauses Act 1847 the Transport Act 1980 and Part II of the Local Government (Miscellaneous Provisions) Act 1976, the Local Government (Miscellaneous Provisions) Act 1982, Theatres Act 1968 and Cinemas Act 1985 Head of Policy and Governance, Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer.

in order to deal appropriately with matters arising from the licensing of people, vehicles and premises.

192. Authority for purposes of administrative, enforcement and powers of entry under the Licensing Act 2003 for the following:-

Sections 25A and 41D: Applications for licences for community premises

- Where no relevant representations have been received
- Where representations have been received

Section 33: Licensee failure to notify change of name or address

Section 40: Failure to notify former designated premises supervisor of change to new designated premises supervisor

Section 41: Failure of former designated premises supervisor (removed at their own request) to surrender premises licence or providing a statement explaining failure to do so

Section 41A to 41C and 86A to 86C:

Applications for minor variations, including deciding whether to consult with Responsible Authorities

Section 41D (see Section 25A above)

Section 46: Failure to give notice of transfer to designated premises supervisor.

Section 49: Failure to notify designated premises supervisor of interim authority notice.

Section 56; Failure to produce premises licence to Licensing Authority when required to do so.

Section 57: Failure to hold and produce (a copy of) the licence and or failure to display a summary thereof.

Head of Policy and Governance in consultation with the Chairman and Vice-Chairman of the Licensing and Regulatory Committee

Licensing Act Sub-Committee

Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer

Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer

Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer

Head of Policy and Governance or Democratic Services Manager, and the Licensing Manager in consultation with the Chairman and Vice-Chairman of the Licensing and Regulatory Committee.

Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer.

Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer.

Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer.

Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer.

| | |
|---|--|
| Section 59: Entry into premises the subject of an application and action to respond to obstruction of an officer requiring such entry. | Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer. |
| Section 82/83: Failure to notify change of club name or rules or registered address. | Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer. |
| Section 86A to 86C (see Sections 41A to 41C above) | Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer. |
| Section 93/94: Failure to surrender club premises certificate for updating on request, or give notice of who keeps the certificate or produce it on request. | Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer. |
| Section 96: Entry on to premises subject to application for club premises certificate for inspection and action to respond to obstruction of an officer requiring such entry. | |
| Section 108: Entry on premises referred to in a temporary event licence for assessment of effect on crime prevention objective and action to respond to obstruction of an officer requiring such entry. | |
| Section 109: Failure to display or to produce temporary event notice on request | |
| Section 123: Failure to notify Licensing Authority of conviction for relevant or foreign offence. | Head of Policy and Governance and the Licensing Manager in consultation with the Chairman and Vice-Chairman of the Licensing and Regulatory Committee. |
| Sections 127, 128 and 132: Failure to notify authority change of address or name of personal licence holder, or court of personal licence being held, or authority of convictions. | Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer |
| Section 134: Failure to produce personal licence to Licensing Authority for endorsement of conviction on request. | Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer |
| Section 135: Failure to produce personal licence when on premises and requested to do so. | Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer |
| Part 7: Any assessment or investigation or other action required for the prevention, detection or prosecution of offences referred to in Sections 136 to 158, Part 7 of the Act (or such other | Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer |

offences as may be included by statutory amendment in Part 7 or as are of a similar character

Sections 127, 128 and 132: Failure to notify authority change of address or name of personal licence holder, or court of personal licence being held, or authority of convictions.

Head of Policy and Governance ,
Democratic Services Manager, Licensing
Manager and Licensing Enforcement
Officer

Section 134: Failure to produce personal licence to Licensing Authority for endorsement of conviction on request.

Head of Policy and Governance ,
Democratic Services Manager, Licensing
Manager and Licensing Enforcement
Officer

Section 135: Failure to produce personal licence when on premises and requested to do so.

Head of Policy and Governance ,
Democratic Services Manager, Licensing
Manager and Licensing Enforcement
Officer

Part 7: Any assessment or investigation or other action required for the prevention, detection or prosecution of offences referred to in Sections 136 to 158, Part 7 of the Act (or such other offences as may be included by statutory amendment in Part 7 or as are of a similar character).

Head of Policy and Governance ,
Democratic Services Manager, Licensing
Manager and Licensing Enforcement
Officer

Sections 160, 161 and 165: Permitting premises to be open in contravention of a closure order (or any extension of it) or

Head of Policy and Governance ,
Democratic Services Manager, Licensing
Manager and Licensing Enforcement
Officer

Section 168: while subject to review.

Section 179: Rights of entry on premises believed to be in use or about to be used for a licensable activity with a view to seeing whether activity is or is about to be carried on under and in accordance with an authorisation.

Head of Policy and Governance ,
Democratic Services Manager, Licensing
Manager and Licensing Enforcement
Officer

193. Undertaking activities for the purpose of assessing compliance with a provision of the legislation or whether an offence is being committed under or by virtue of the Act (Section 305 of the Gambling Act 2005).

Head of Policy and Governance ,
Democratic Services Manager, Licensing
Manager and Licensing Enforcement
Officer.

194. Power to enter premises on grounds of reasonable suspicion of an offence being, or about to be, committed on the premises (Section 306 of the Gambling Act 2005).

Head of Policy and Governance ,
Democratic Services Manager, Licensing
Manager and Licensing Enforcement
Officer..

195. Power to enter premises for the purposes of inspection to determine whether facilities for gambling are provided, or to determine whether a valid premises licence is held and is being complied with (Section 307 of the Gambling Act 2005).

Head of Policy and Governance ,
Democratic Services Manager, Licensing
Manager and Licensing Enforcement
Officer.

196. Power to enter a Family Entertainment Centre for a purpose connected with the consideration of an application for a family entertainment

Head of Policy and Governance ,
Democratic Services Manager, Licensing
Manager and Licensing Enforcement

| | | |
|------|---|--|
| | centre gaming machine permit (Section 309(1) of the Gambling Act 2005). | Officer. |
| 197. | Power to enter premises in respect of which a family entertainment centre gaming machine permit has effect for the purpose of determining whether the gaming machines used, and the arrangements for their use, comply with the law (Section 309(2) of the Gambling Act 2005). | Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer. |
| 198. | Power to enter premises licensed for alcohol for purpose connected with the consideration of an application for a licensed premises gaming machine permit (Section 310(1) of the Gambling Act 2005). | Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer. |
| 199. | Power to enter premises licensed for alcohol for the purpose of checking compliance with the law in respect of gaming, bingo and gaming machines (Section 310(2) of the Gambling Act 2005) | Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer. |
| 200. | Power to enter premises for a purpose connected with the consideration of an application for a prize gaming permit (Section 311(1) of the Gambling Act 2005). | Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer. |
| 201. | Power to enter premises in respect of which a prize gaming permit has effect for the purpose of determining whether the prize gaming on the premises complies with the law (Section 311(2) of the Gambling Act 2005). | Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer. |
| 202. | Power to enter premises to which section 312 of the Act relates for the purposes of determining whether gaming is taking, or is about to, take place on the premises, and to determine whether any gaming that is taking, or is about to, take place on the premises is in accordance with section 269 of the Act, a club gaming permit or a club machine permit (Section 312(1) of the Gambling Act 2005). | Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer. |
| 203. | Power to enter premises for a purpose connected with consideration of an application of an application for a club gaming permit or club machine permit (Section 312(4) of the Gambling Act 2005). | Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer. |
| 204. | Power to enter premises in respect of which an application for a premises licence has been made for the purpose of assessing the likely effect of an activity carried on in reliance on the premises licence (Section 313(1) of the Gambling Act 2005). | Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer. |
| 205. | Power to enter premises where a premises licence has effect for a purpose connected with a review under section 201 of the Act (Section 313(2) of the Gambling Act 2005). | Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer. |

| | | |
|------|--|--|
| 206. | Power to enter premises owned or used by a registered society for the purposes of making inquiries in respect of a lottery promoted on behalf of the society (Section 314 of the Gambling Act 2005). | Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer. |
| 207. | Power to enter premises in respect of which a Temporary Use Notice has been given for the purpose of assessing the likely impact of the Notice (Section 315(1) of the Gambling Act 2005). | Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer. |
| 208. | Power to enter premises in respect of which a Temporary Use Notice has effect to determine whether an activity listed in section 37(1) of the Act is being carried on otherwise than in accordance with the Notice (Section 315(2) of the Gambling Act 2005). | Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer. |
| 209. | Power to inspect, question, gain access to records, copy records, remove and retain materials if believed to constitute evidence of an offence or breach of licence conditions, remove and retain anything reasonably believed to have been used in the commission of an offence (Section 317 of the Gambling Act 2005). | Head of Policy and Governance , Democratic Services Manager, Licensing Manager and Licensing Enforcement Officer. |

Agreed by Council 11 December 2012

Power to suspend Premises Licences and Club Premises Certificates for non-payment of the annual fee

Head of Policy and Governance

ENVIRONMENTAL HEALTH SERVICE SCHEME OF DELEGATION

The following delegations relate to particular aspects of the Environmental Health Service:

Table of Environmental Health Powers

Game Act 1831
Town Police Clauses Acts 1847 and 1889
Dogs Act 1871
Public Health Acts 1875, 1936 and 1961
National Assistance Acts 1948 and 1951
Prevention of Damage by Pests Act 1949
Pet Animals Act 1951
Caravan Sites and Control of Development Act 1960
Animal Boarding Establishments Act 1963
Offices, Shops and Railway Premises Act 1963
Riding Establishments Acts 1964 and 1970
~~Scrap Metal Dealers Act 1964 [Removed by Council 15 October 2013]~~
Sea Fisheries (Shellfish) Act 1967
Caravan Sites Act 1968
Chronically Sick and Disabled Persons Act 1970
Defective Premises Act 1972
European Communities Act 1972
Local Government Act 1972, Section 180 and Schedule 14
Breeding of Dogs Acts 1973 and 1991
Control of Pollution Act 1974
Health and Safety at Work etc. Act 1974
Guard Dogs Act 1975

Dangerous Wild Animals Act 1976
Local Government (Miscellaneous Provisions) Act 1976
Protection From Eviction Act 1977
Rent Act 1977
Highways Act 1980
Animal Health Act 1981
Disabled Persons Act 1981
Local Government (Miscellaneous Provisions) Act 1982
Animal Health and Welfare Act 1984
Building Act 1984
Housing and Building Control Act 1984
Public Health (Control of Disease) Act 1984
Food and Environment Protection Act 1985
Housing Acts 1985, 1988, 1996 and 2004
Landlord and Tenant Acts 1985 and 1987
Housing and Planning Act 1986
Local Government & Housing Act 1989
Water Act 1989
Breeding and Sale of Dogs (Welfare) Act 1990
Environmental Protection Act 1990
Food Safety Act 1990
Dangerous Dogs Act 1991
Water Industry Act 1991
Control of Dogs Order 1992
Clean Air Act 1993
Noise and Statutory Nuisance Act 1993
Criminal Justice and Public Order Act 1994
Sunday Trading Act 1994
Disability Discrimination Act 1995
Environment Act 1995
Dogs (Fouling of Land) Act 1996
Housing Grants Construction & Regeneration Act 1996
Noise Act 1996
Protection From Harassment Act 1997
Pollution Prevention and Control Act 1999
Criminal Justice and Police Act 2001
[Removed by Council 15 October 2013]Licensing Act 2003
Anti-social Behaviour Act 2003
Clean Neighbourhoods and Environment Act 2005
Health Act 2006
Scrap Metal Dealers Act 2013 [Added by Council 15 October 2013]

Notes

In the absence of the Environmental Health Manager, the specified authority may be exercised by the Deputy Environmental Health Manager or the Head of Environmental Services.

Where appropriate this Scheme of Delegation indicates where responsibilities are undertaken by the Private Sector Housing Team. In the absence of the Private Sector Housing Manager, the specified authority may be exercised by the Head of Housing Operations or the Head of Housing Delivery and Strategy.

An officer to whom a power, duty or function is delegated may nominate or authorise another officer to exercise that power, duty or function, provided that officer reports to or is responsible to the delegator.

Anti-social Behaviour Act 2003

1. The Environmental Health Manager to be able to authorise suitably qualified professional and support Officers to take action to stop noise nuisance including power to close licensed premises for up to 24 hours where a public nuisance is being caused by noise and to issue fixed penalty notices in respect of night noise offences.

Clean Neighbourhoods and Environment Act 2005

2. Environmental Health Manager to be able to take action and authorise appropriately qualified and competent Officers to take action to deal with noise nuisance and nuisances in respect of light pollution and insects.
3. Environmental Health Manager to be able to draw up and, if approved by Council, enforce dog control orders, authorising appropriately qualified and competent Officers to perform these functions as appropriate.
4. Environmental Health Manager to be able to issue fixed penalty notices, and to authorise appropriately qualified and competent Officers, and take enforcement action in respect of noise, and dogs under sections 4, 18 to 27, 33, 35, 36, 40, 41, 42, 43, 44, 53, 59, 60, 61, 83 and 105, including the amendments made by the above sections to the Environmental Protection Act 1990 and other primary and secondary legislation.
5. Environmental Health Manager to be able to authorise officers to exercise powers of entry in relation to alarms under sections 77 to 80
6. Environmental Health Manager to be able to authorise appropriately qualified and competent Officers to exercise powers to investigate and take enforcement action for offences concerning the selling and repairing of vehicles on a road under sections 3 and 4.

Food and Environment Protection Act 1985

7. The Environmental Health Manager to be able to authorise as Enforcement Officers such members of the Service's professional and technical support Officers who are deemed to have suitable qualifications in respect of sections 3, 4, 19 and schedule 2 of the Food and Environment Protection Act 1985, as amended by the Pesticides (Fees and Enforcement) Act 1989.
8. The Environmental Health Manager to issue and sign written instruments of appointment under the Food and Environment Protection Act 1985 and to approve the issuing of appropriate enforcement action.
9. The Environmental Health Manager to grant authorised officers the power to sign and serve Notices under section 19 of the Food and Environment Protection Act 1985.
10. The Environmental Health Manager to grant to authorised officers, the power to sign and serve Notices under Part III of the Food and Environment Protection Act 1985 and to carry out any other duties and powers under the Act.

Public Health (Control of Disease) Act 1984

11. Private Sector Housing Manager to be able to authorise officers and action to carry out all the duties and use all the powers under section 50 in relation to canal boats.
12. Head of Housing Delivery and Strategy and Head of Housing Operations to be able to authorise appropriately qualified and competent Officers to carry out duties under Section 46 to arrange burials or cremations where it appears that suitable arrangements would not otherwise be made. The Environmental Health Manager or Private Sector Housing Manager to act as proper officer under section 48 in making applications to magistrates for the removal of bodies and subsequent burial or cremation.

Environment Act 1995 Part IV

13. Environmental Health Manager to discharge powers and duties in carrying out the review, assessment, and designation of air quality management areas.
14. Environmental Health Manager to appoint appropriately qualified and competent Officers as Inspectors under section 108 of the Act.
15. Environmental Health Offices to have authority to exercise the powers of inspectors contained in Part V of the Environment Act 1995.

Health and Safety at Work etc. Act 1974

16. The Environmental Health Manager to appoint professional and technical Officers who are deemed to have suitable qualifications and level of competence, as Inspectors under section 19 of the 1974 Act and for those Inspectors to exercise all statutory powers laid down in the Act, and in particular those in sections 20, 21, 22, 25, 38 and 39.
17. The Environmental Health Manager is to sign and issue written instruments of appointment for all persons appointed under the above. All properly appointed Inspectors to exercise all powers of Inspectors as laid down under the Act.
18. Authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings in relation to all offences under the Health and Safety at Work etc. Act 1974 and related legislation.
19. Environmental Health Manager to have authority to approve and endorse any agreed transfers or assignments with the Health and Safety Executive made under the Health and Safety (Enforcing Authority) Regulations 1989.

Food Safety Act 1990 (As amended) and A) any Orders or Regulations or other instruments made under the 1990 Act or relating to the 1990 Act or having effect by virtue of the European Communities Act 1972 and relating to food safety or animal feedstuff, and B) any modification to, or re-enactment of the Food Safety Act 1990.

20. Environmental Health Manager to register premises covered by Regulations made under section 19 of the Food Safety Act 1990.

[Amendments following Food Standards Agency Audit in 2013]

21. Environmental Health Manager to exercise powers and duties under the Food Safety and Hygiene (England) Regulations 2013 which will include but not be restricted to the grant and refusal of licences.
22. Environmental Health Manager to authorise appropriately qualified and competent officers to carry out duties under The Official Feed and Food Controls (England) Regulations 2009.
23. Environmental Health Manager to authorise appropriately qualified and competent officers to carry out duties under The General Food Regulations 2004.
24. Environmental Health Manager to authorise appropriately qualified and competent officers to carry out duties under The Trade in Animals and Related Products (TARP) Regulations 2011.
25. Environmental Health Manager to appoint such members of the Environmental Health professional and Technical Officers deemed to have suitable qualifications as authorised officers under section 5(6) of the Food Safety Act 1990.

26. Environmental Health Manager to appoint suitable specialists under section 32(4) of the Act in order to accompany officers authorised to execute a warrant issued by a justice of the peace.
27. For all properly authorised Officers, with the exclusion of those specifically appointed under section 32(4), to exercise all powers laid down under the Act.
28. Environmental Health Manager to exercise powers and duties to take enforcement action under the Act and related legislation.
29. Environmental Health Manager to exercise powers to appoint Public Analysts under section 27 of the Act.
30. Authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings in relation to all offences under the 1990 Act and related legislation.

Housing Act 1985 (as amended by Local Government and Housing Act 1989, and the Housing Act 1996) and the Housing Grants, Construction and Regeneration Act 1996.

31. Head of Housing Operations and Private Sector Housing Manager authorised to enter premises for the purposes set down in sections 319, 337 and 340 of the 1985 Act and to authorise other appropriately qualified and competent Officers to enter premises for the same purposes and to apply to a magistrates' court for a warrant in appropriate cases
~~Private Sector Housing Manager to exercise powers to serve Notice of entry and enter premises for the purposes set down in sections 319, 337 and 340 of the 1985 Act.~~
32. Private Sector Housing Manager to exercise powers to serve Notice to quit on any occupier of a dwelling subject to a Demolition Order (Section 270 of the 1985 Act).
33. Environmental Health Officers to exercise powers to serve Notice to cleanse a house to which a Demolition Order applies (Section 273 of the 1985 Act).
34. Environmental Health Officers to exercise powers to authorise the temporary use of a house in excess of the permitted numbers (Section 330 of the 1985 Act).
35. Environmental Health Officers to exercise powers to serve Notice to abate overcrowding (Section 338 of the 1985 Act).
36. Private Sector Housing Manager to exercise authority to determine applications for disabled facilities grants under the Housing Grants, Construction and Regeneration Act 1996 in accordance with approved Council policy.
37. Private Sector Housing Manager to determine applications for housing renewal assistance in accordance with the Council's Home Improvement Policy introduced under the Regulatory Reform Order 2002,
38. The Private Sector Housing Manager to exercise authority to approve grants in accordance with the Council's approved policy up to £20,000 and the Head of Housing Delivery and Strategy to exercise authority to approve grants up to £30,000 under the 1996 Act. All grants will be determined in accordance with the Council's approved Home Improvement Policy. Any recommendation for a grant exceeding £30,000 to be referred to the Executive for decision.
39. Private Sector Housing Manager to exercise authority to approve payments of up to £5,000 for urgent adaptations and fees associated with disabled adaptations using capital funding for Disabled Facilities Grants.
40. Private Sector Housing Manager to exercise authority to operate the property charge system for Disabled Facilities Grants in accordance with approved Council policy.

41. Private Sector Housing Manager to exercise authority to require repayment of grants in accordance with the 1996 Act and the Council's Home Improvement Policy introduced under the Regulatory Reform Order 2002
42. Authority to the Borough Solicitor, on the recommendation of the Private Sector Housing Manager, to institute legal proceedings in relation to all offences under the Housing Act 1985 (as amended by Local Government and Housing Act 1989, and the Housing Act 1996) and the Housing Grants, Construction and Regeneration Act 1996 and related legislation.

Housing Act 2004

43. The Private Sector Housing Manager to act as proper officer under section 4 of the Housing Act 2004 in relation to official complaints.
44. Private Sector Housing Manager to exercise powers to grant or refuse, vary and revoke licences for houses let in multiple occupation in accordance with sections 64, 69, 70 and schedule 5 of the Housing Act 2004.
45. Private Sector Housing Manager to exercise powers to grant, renew or refuse applications for a Temporary Exemption Notice for houses let in multiple occupation in accordance with section 62 of the Housing Act 2004.
46. [Environmental Health Officers](#) to exercise powers to require the production of documents, to use the information obtained there from for the relevant purpose, and authority to the Borough Solicitor, on the recommendation of the Private Sector Housing Manager, to institute legal proceedings and other enforcement action in relation to all offences under sections 235 to 238 of the Housing Act 2004.
47. [Environmental Health Officers](#) to exercise powers to take enforcement action under Part 1 and Schedule 3 of the Housing Act 2004 with respect to housing standards, including powers to carry out Emergency Remedial Action under section 41 and works in default under Schedule 3 and the recovery of expenses under section 42 and Schedule 3 .
48. [Environmental Health Officers](#) to exercise powers to issue, serve and enforce Overcrowding Notices under sections 139 to 144 of the Housing Act 2004, including the revocation and variation of such Notices.
49. Private Sector Housing Manager to exercise powers to issue, serve and enforce interim and final Management Orders, and Empty Dwelling Management Orders, including the variation, revocation and termination of such Orders under Chapter 1 and 2 of Part 4 and the power to enter premises to carry out work under section 131 and Schedule 7 paragraph 25.
50. [Head of Housing Operations and Private Sector Housing Manager authorised to enter premises for the purposes set down in section 239 and to exercise power of entry under Schedule 3 and to authorise other appropriately qualified and competent Officers to enter premises for the same purposes and to apply to a magistrates' court for a warrant in appropriate cases](#)

Private Sector Housing Manager to exercise powers and to authorise suitably qualified officers to enter premises under sections 239, 240 and 242 in order to carry out surveys or examinations and to enforce entry by way of the obtaining of a warrant under section 240 and to exercise power of entry under schedule 3 to carry out works in default.
51. Borough Solicitor, on the recommendation of the Private Sector Housing Manager, to issue proceedings for the obstruction of a relevant person under section 241.
52. Private Sector Housing Manager to exercise powers to issue and serve Notice of intended proceedings under section 73 with respect to Rent Repayment Orders.
53. Private Sector Housing Manager to exercise powers to issue and serve Notices with respect to a house in Multiple Occupation (HMO) under section 255 and the revocation of such a Notice under section 256.

54. Private Sector Housing Manager to exercise powers to make such reasonable charge under sections 49 and 50 as is appropriate with respect to Notices, Orders and remedial action taken under 11, 12, 20, 21, 28, 29, 40 and 43 of The Housing Act 2004, and section 265 of The Housing Act 1985.
55. Borough Solicitor, on the recommendation of the Private Sector Housing Manager, to exercise authority to institute legal proceedings in respect of operating a house in multiple occupation without a licence, exceeding the permitted number of persons, or not in accordance with the conditions of a licence under section 72 of the Housing Act 2004, and for failure to comply with an improvement notice, overcrowding notice and prohibition order served under the Housing Act 2004.
56. Authority to the Borough Solicitor, on the recommendation of the Private Sector Housing Manager, to institute legal proceedings in relation to all offences under the Housing Act 2004 and related legislation.

Building Act 1984

57. Environmental Health Officers to exercise powers to serve Notice for the satisfactory provision or repair of drainage (Section 59).
58. Environmental Health Officers to exercise powers to serve Notice requiring the ventilation of soil pipes (Section 60).
59. Environmental Health Officers to exercise powers to serve Notice to disconnect or seal drains (Section 62).
60. Environmental Health Officers to exercise powers to serve Notice to provide a WC and put into satisfactory condition (Section 64).
61. Environmental Health Officers to exercise powers to serve Notice to provide food storage accommodation in existing houses (Section 70).
62. Environmental Health Officers to exercise powers to serve Notice to raise chimney heights (Section 73).
63. Environmental Health Officers to exercise powers to ensure compliance with a notice served under section 73(1).
64. Environmental Health Officers to exercise powers to serve notice and arrange works necessary to remedy premises that are prejudicial to health or a nuisance (section 76).
65. Environmental Health Officers to exercise powers to serve Notice regarding ruinous & dilapidated buildings & neglected sites (Section 79).
66. Environmental Health Officers to exercise powers to serve Notice requiring drainage of yards and passages (Section 84).
67. Environmental Health Officers authorised to act as proper officer in respect of the signing of notices under The Building Act 1984 (section 93).
68. Environmental Health Officers authorised to enter premises and to execute works, and to authorise other suitably qualified officers to enter premises and execute works (sections 95, 96, 97 and 98).
69. Environmental Health Officers authorised to take steps to undertake works in default of complying with notices served, and to recover expenses thereby incurred (sections 99 and 107), also authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager or Private Sector housing Manager, to institute legal proceedings in relation to all offences under the Building Act 1984 and related legislation to issue proceedings for failure to comply with notices served under sections 59, 60, 62, 64, 70, 73, 76, 79 and 84.

Public Health Act 1936

70. Environmental Health Officers to exercise powers to serve Notice to repair defective WC's (Section 45).
71. Environmental Health Officers to exercise powers to examine and test drains believed to be defective (Section 48).
72. Environmental Health Officers to exercise powers to serve Notice re overflowing and leaking cesspools (S.50).
73. Environmental Health Manager or Private Sector Housing Manager to be the Proper Officer to exercise powers to require the removal of noxious matter (section 79).

Amendments by Council 15 October 2013

Environmental Health Officers to have authority to cause the cleansing and recovery of expenses of a common court, yard or passage. (Section 78).

74. Environmental Health Officers to exercise powers to serve Notice to cleanse filthy or verminous premises (Section 83).
75. Environmental Health Manager or Private Sector Housing Manager to be the Proper Officer to apply to a court and for the other purposes of exercising powers to cleanse or destroy filthy or verminous articles (Section 84).
76. Environmental Health Manager or Private Sector Housing Manager to be appointed as the 'Proper Officer' and to exercise powers, including making reports to a magistrates' court to cleanse verminous persons and their clothing (Section 85).
77. Environmental Health Officers authorised to apply to a magistrates' court for an order in respect of a polluted water supply (section 140).
78. Environmental Health Manager and Private Sector Housing Manager authorised to enter premises for the purposes defined in section 287, and to authorise other appropriately qualified and competent Officers to enter premises for same purposes and to apply to a magistrates' court for a warrant in appropriate cases.
79. Environmental Health Officers authorised to sign documents relating to powers delegated in respect of sections 45, 48, 50, 79, 80, 81, 82, 83, 84, 85, 140, 287 and 288.
80. Environmental Health Officers to exercise powers relating to tents, vans, moveable dwellings etc. (Sections 268 and 269) (as amended by the Building Act 1984 and the Environmental Protection Act 1990)).

Environmental Health Officers to exercise powers to deal with ponds, ditches etc. as defined by sections 260-265.

81. Environmental Health Officers authorised to make orders, take steps to undertake works in default of complying with notices served, and to recover expenses thereby incurred (sections 291 and 293), also authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager or Private Sector Housing Manager, to institute legal proceedings in relation to all offences under the Public Health Act 1936 and related legislation to issue proceedings for failure to comply with notices or for obstructing execution of the Act (section 288) served under sections 45, 48, 50, 79, 83, 84, 85, 140 and 287.

Prevention of Damage by Pests Act 1949

82. Environmental Health Officers to exercise powers to serve Notice requiring the destruction, of rats and mice (Section 4).
83. Environmental Health Officers to exercise powers to undertake works in default and recover expenses for such works (section 5).
84. Environmental Health Officers to exercise powers to serve Notice of intention to treat in relation to a group of premises and to exercise powers to undertake works in default and recover expenses for such works (Section 6).
85. Environmental Health Officers authorised to require information about interests in land for the purposes of this Act (section 9).
86. Environmental Health Manager and Private Sector Housing Manager authorised to enter premises for the purposes defined in section 22, and to authorise other appropriately qualified and competent Officers to enter premises for same purposes and to apply to a magistrates' court for a warrant in appropriate cases.
87. Environmental Health Manager and Private Sector Housing Manager authorised to make orders, take steps to undertake works in default of complying with notices served, and to recover expenses thereby incurred, or for failure to comply with notices or for obstructing execution of the Act (section 288) served under sections 4, 5, 6 and 9.
88. Authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager or Private Sector Housing Manager, to institute legal proceedings in relation to all offences under the Prevention of Damage by Pests Act 1949 and related legislation.

Public Health Act 1961

89. Environmental Health Officers to exercise powers to serve Notice to remedy blocked up drains, and to exercise powers in relation to drains and sewers (Section 17).

Amendment by Council 15 October 2013

90. Environmental Health Officers to exercise powers to **cleanse or repair** blocked up drains and to recover costs from doing so (Section 22).
91. Environmental Health Manager to exercise powers to reduce the numbers of pigeons for the purpose of mitigating nuisance, annoyance or damage (Section 74).
92. Environmental Health Officers to exercise powers to serve Notice to remove accumulations of rubbish (Section 34).
93. Environmental Health Officers to exercise powers to serve Notice to vacate premises for fumigation (S. 36).
94. Environmental Health Officers to exercise powers to take action required to remove, disinfest, disinfect or destroy verminous articles, also to recover costs (Section 37).

Amendments by Council 15 October 2013

95. Authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager or Private Sector Housing Manager, to institute legal proceedings in relation to all offences under the Public Health Act 1961 and related legislation.

Local Government (Miscellaneous Provisions) Acts 1976 and 1982

96. Environmental Health Officers to exercise powers and to serve Notices requiring details of persons having an interest in property or land (Section 16 of the 1976 Act).

97. Environmental Health Officers to exercise powers to serve Notice to provide sanitary appliances at relevant places under Section 20 of the 1976 Act.
98. Environmental Health Officers to exercise powers to serve Notices or undertake works under sections 29 and 30 of the 1982 Act and to take steps to recover costs.
99. Environmental Health Officers to exercise powers to serve Notice requiring removal of an obstruction in a private sewer and to recover costs under Section 35 of the Local Government (Miscellaneous Provisions) Act 1976.
100. Environmental Health Officers to exercise powers to restore or ensure continuation of supply of gas, water or electricity where this has been or is likely to be discontinued as a result of actions or inactions of an owner or occupier of a dwelling, and to recover any costs incurred under the Local Government (Miscellaneous Provisions) Act 1976.
101. Authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager or Private Sector Housing Manager, to institute legal proceedings in relation to all offences under the Local Government (Miscellaneous Provisions) Acts 1976 and 1982 and related legislation.

Clean Air Act 1993

102. Environmental Health Manager to exercise powers to approve arrestment plant in relation to smoke, grit, dust and fumes control (Sections 6 & 8).
103. Environmental Health Manager to exercise powers to serve Notice regarding measurement of grit, dust and fumes (Section 10).
104. Environmental Health Manager to exercise powers to approve chimney heights (Sections 14-16).
105. Environmental Health Manager to exercise the power of research and publicity under section 34 of the Clean Air Act 1993 (or as may be modified or re-enacted).
106. Environmental Health Manager to exercise powers to require information about air pollution (Sections 35 and 36).
107. Environmental Health Manager to issue notice requiring information about air pollution under section 36 of the Clean Air Act 1993 (or as may be modified or re-enacted).
108. Authorised officers duly appointed by the Environmental Health Manager to notify occupiers of offences under section 51 of the Clean Air Act 1993 (or as may be modified or re-enacted).
109. Authorised officers duly appointed by the Environmental Health Manager to exercise the power to enter upon land for the purposes prescribed in section 56 of the Clean Air Act 1993 (or as may be modified or re-enacted).
110. Environmental Health Manager to exercise power to serve notice requiring information under section 58 of the Clean Air Act 1993 (or as may be modified or re-enacted).
111. Environmental Health Manager may appoint "authorised officers" (Section 64).
112. Authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings in relation to all offences under the Clean Air Act 1993 and related legislation.

Environmental Protection Act 1990 (as amended)

113. Under Section 78B(3) and (4) of the Environmental Protection Act 1990, the Head of Environmental Services and in his absence the Environmental Health Manager to have authority to give notice to the appropriate agency, owner, occupier and appropriate person that land is contaminated land.

114. Under Sections 78C(1), (3) and (5) of the Environmental Protection Act 1990, the Head of Environmental Services and in his absence the Environmental Health Manager to have authority to give notice to relevant persons that contaminated land is designated as a special site, requesting advice from the appropriate agency about whether contaminated land should be a special site and deciding whether contaminated land which has been notified to Waverley as a special site by an appropriate agency should be so designated.
115. Under Section 78D(1), (2) and (3) of the Environmental Protection Act 1990, the Head of Environmental Services and in his absence the Environmental Health Manager to have authority to refer special site decisions, disputed by the appropriate agency to the Secretary of State, together with a statement of reasons for making the decision, and a notification of this to the relevant persons.
116. Section 78E(1), (2) and (3) of the Environmental Protection Act 1990, the Head of Environmental Services and in his absence the Environmental Health Manager to have authority to serve remediation notices.
117. Under Section 78H(6), (7), (8), (9) and (10) of the Environmental Protection Act 1990, the Head of Environmental Services and in his absence the Environmental Health Manager, to have authority to prepare and publish remediation declarations, require responsible persons to prepare and publish remediation statements, and where this is not done within a reasonable period to prepare and publish the required remediation statement itself and recover the costs of doing so.
118. Section 78M (1), (2), (3) and (4) of the Environmental Protection Act 1990, the Head of Environmental Services and in his absence the Environmental Health Manager to have authority to prosecute cases in the Magistrates Court for non-compliance with a remediation notice
119. Section 78M (5) of the Environmental Protection Act 1990, the Executive to have authority to take action in the High Court where Waverley is of the view that, following service of a remediation notice which has not been complied with, pursuit of the case in the Magistrates Court would not offer an effective remedy.
120. Section 78N of the Environmental Protection Act 1990, the Executive, or in the case of imminent imminent danger, the Head of Environmental Services and in his absence the Environmental Health Manager, following consultation with the Leader and relevant Portfolio Holder to have power of the local authority to carry out remediation itself, including cases where remediation notices are not complied with and where it is necessary to do anything itself to prevent serious harm or imminent danger.
121. Environmental Health Officers to exercise powers to serve Notices under section 80 requiring the abatement of nuisances or restricting their occurrence or recurrence and to exercise any other powers and serve any other Notices under the Act, including the powers to abate nuisances and to recover costs incurred (section 81)
122. Environmental Health Manager may authorise additional, appropriately qualified and competent Officers to serve Notices under section 80 outside working hours.
123. Environmental Health Officers to exercise powers to defer duty to serve abatement notices under section 80(2A) to (2D) as amended.
124. The Environmental Health Manager is the person appointed under section 149 for the purpose of dealing with stray dogs. The Environmental Health Manager to exercise powers to appoint additional suitably qualified persons under Section 149.
125. Authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager or Private Sector Housing Manager, to institute legal proceedings in relation to all offences under the Environmental Protection Act 1990 (as amended) and related legislation.

Stray Dogs and other powers associated with dogs

126. The Environmental Health Manager is the person appointed under section 149 for the purpose of dealing with stray dogs. The Environmental Health Manager to exercise powers to appoint additional suitably qualified persons under Section 149.
127. Environmental Health Officers, Student Environmental Health Officers and Technical Officers in consultation with the Deputy Environmental Health Manager or, in his absence the Environmental Health Manager to have authority to arrange for the destruction of a stray dog where, in the opinion of a veterinary surgeon, it is necessary to avoid suffering by the animal.
128. Environmental Health Officers, Student Environmental Health Officers and Technical Officers to have authority under Section 5 of the Dangerous Dogs Act 1991 in respect of power of entry, seizure of dogs and obtaining evidence.
129. Environmental Health Officers, Student Environmental Health Officers and Technical Officers to have authority to enforce the Council's dog control byelaws.
130. Environmental Health Officers, Student Environmental Health Officers and Technical Officers to have authority to initiate legal proceedings for dog control byelaw infringements.
131. Environmental Health Officers, Student Environmental Health Officers and Technical Officers, (after consultation with the Leader and relevant Portfolio Holder); authority to institute legal proceedings, by complaint or laying of information (as appropriate in each case), under the terms of the Dogs Act 1871, the Dangerous Dogs Act 1991, the Animal Health Act 1981 and Waverley Dog Control Byelaws.

Pollution Prevention and Control (England & Wales) Regulations 2000 as amended

132. Environmental Health Officers to exercise the functions and duties of the Regulations in relation to Part B installations.
133. The Environmental Health Officers to exercise powers to prevent or remedy pollution, including the recovery of costs (Regulation 26), to serve enforcement, and suspension notices (Regulations 24 & 25).
134. The Borough Solicitor to have authority, on the recommendation of the Environmental Health Manager, to institute legal proceedings in relation to all offences under the Pollution Prevention and Control (England & Wales) Regulations 2000 as amended and related legislation (regulation 32).

Control of Pollution Act 1974 (amended by Noise & Statutory Nuisance Act 1993)

135. Environmental Health Officers to exercise powers to serve Notice to control noise on construction sites and to issue proceedings in the event of failure to comply with the Notice (Section 60).
136. Environmental Health Officers to exercise powers to serve Notice to give prior consent and impose conditions regarding construction sites, also authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings in relation to all offences under the Control of Pollution Act 1974 (amended by Noise & Statutory Nuisance Act 1993) and related legislation (Section 61).
137. Environmental Health Officers to determine applications for consent to use loudspeakers in the street. (Section 62).

Health Act 2006

138. Environmental Health Manager to exercise powers to authorise appropriately qualified professional and technical Officers to issue fixed penalty notices in relation to smoke-free premises, places and vehicles, and take any other action under the provisions of Part 1, Sections 1-12 (inclusive) and Schedules 1-2 of the Act including the recovery of costs.
139. Authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings in relation to all offences under the Health Act 2006 and related legislation.

Licensing and Associated Powers

140. Environmental Health Manager to exercise powers to grant, renew, and vary but not refuse applications for Licences under the Animal Boarding Establishments Act 1963 and Breeding of Dogs Act 1973.
141. Environmental Health Manager to exercise powers to authorise appropriately qualified professional and support Officers to enter premises licensed under the Animal Boarding Establishments Act 1963 and those premises licensed under the Breeding of Dogs Act 1973, also, in accordance with the Breeding of Dogs Act 1991, to enter those relevant premises not licensed under the Breeding of Dogs Act 1973.
142. Authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings in relation to all offences under the Animal Boarding Establishments Act 1963, Breeding of Dogs Act 1973 and the Breeding of Dogs Act 1991 in the event of those responsible not having a licence where they are required to do so, or in the event of non-compliance with the licence or in the event of obstruction of inspectors.
143. The Environmental Health Manager to appoint veterinary practitioners to inspect and report upon Animal Boarding, Dog Breeding and Animal Riding Establishments, and Pet Shops requiring a licence.
144. Environmental Health Manager to exercise powers to grant, vary, and renew but not refuse Licences under the Pet Animals Act 1951 and Riding Establishments Acts 1964 and 1970, and the Dangerous Wild Animals Act 1976.
145. Environmental Health Manager to exercise powers to authorise appropriately qualified professional and Technical Officers to enter premises licensed under the Pet Animals Act 1951 and Riding Establishments Acts 1964 and 1970, and the Dangerous Wild Animals Act 1976.
146. Environmental Health Manager to exercise powers to approve applications within the Street Trading in Waverley Policy, unless a valid objection is received within the consultation period.
147. The Environmental Health Manager may, in consultation with the Executive Director and the Chairman of the Licensing and Regulatory Committee, accept, consider, approve or refuse late applications for street trading licences, provided licences are only approved if satisfactory responses have been received from the Police, Highways and Fire Authorities.
148. Authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings in relation to street trading offences in the event of non-compliance with licence conditions or in the event of obstruction or in the event of not having a licence where required.
149. Environmental Health Manager to exercise powers to grant, vary, and renew but not refuse applications for registration of acupuncture, tattooing, ear-piercing and electrolysis practices under the Local Government (Miscellaneous Provisions) Act 1982. Environmental Health Manager to exercise powers to authorise appropriately qualified professional and Technical Officers to enter premises licensed under the Local Government (Miscellaneous Provisions) Act 1982, and authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings in the event of non-compliance with licence conditions or in the event of obstruction or in the event of not having a licence where required.
150. Environmental Health Manager to exercise powers to grant, vary and renew but not refuse Licences under the Zoo Licensing Act 1981. Environmental Health Manager to exercise powers to authorise appropriately qualified professional and support Officers to enter premises licensed under the Zoo Licensing Act 1981, and authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings in the event of non-compliance with licence conditions or in the event of obstruction or in the event of not having a licence where required.

151. Environmental Health Manager to exercise powers to issue and refuse approval under the Dairy Products (Hygiene) (Amendment) Regulations 1996. Environmental Health Manager to exercise powers to authorise appropriately qualified professional and support Officers to enter, inspect and sample from premises under these and related regulations and legislation, and authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings in the event of non-compliance with approval conditions or in the event of obstruction or in the event of not having a valid approval where required.
152. Private Sector Housing Manager to exercise powers to grant, vary, renew, or revoke, but not refuse, applications under the Caravan Sites and Control of Development Act 1960, and the Borough Solicitor, on the recommendation of the Private Sector Housing Manager, is authorised to institute legal proceedings for permitting use of land without a Caravan Site or for failure to comply with site licence conditions.

153.

Amendments by Council 15 October 2013

Environmental Health Manager to exercise powers to grant, renew, refuse, vary, impose conditions on and revoke scrap metal licences under the Scrap Metal Dealers Act 2013 (except where Schedule 1 Paragraphs 7(7) and 7(8) representations are made) and to issue notices under Section 4(7) of the Act. Environmental Health Manager to exercise powers to issue and withdraw closure notices under the Act, to certify that the need for a closure notice/closure order has ceased to exist and to authorise appropriately qualified professional and support Officers to enter and inspect sites licensed under the Scrap Metal Dealers Act 2013, and to obtain and execute warrants of entry to premises in accordance with the Act. Environmental Health Manager to exercise powers to authorise appropriately qualified professional and support Officers to assess the suitability of applicants under the Act. Authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager, to institute legal proceedings for offences contrary to the Scrap Metal Dealers Act 2013 and for application for closure orders under the Act.

The Head of Environmental Services to consider written representations and be the person appointed to hear oral representations in accordance with Schedule 1 Paragraphs 7(7) and 7(8) Scrap Metal Dealers Act 2013, and to exercise powers to grant/refuse applications and revoke/vary licences following consideration of such representations.

Sunday Trading Act 1994

154. Deputy Environmental Health Manager to have authority to determine applications for consent to make deliveries prior to 9.00 a.m. on Sundays under Section D2 and Schedule 3 of the Sunday Trading Act 1994.

Water Industry Act 1991

155. Environmental Health Officers to exercise the power to serve notices and to undertake the remedial powers given to local authorities in relation to private supplies. (Section 80).
156. Environmental Health Officers to exercise the power to enforce duties and functions imposed on the local authority (Sections 78 and 79) to notify any water undertaker concerning unwholesomeness or insufficiency of supply with a view to ensuring water quality and to enforce powers given to local authorities under the Water Industry Act 1991, Section 83.
157. Environmental Health Officers to exercise the power to take remedial action in respect of private water supplies where necessary. (Section 83(1)).
158. Environmental Health Manager and Private Sector Housing Manager to exercise the power to require information relating to water supplies(Section 85).

Land Drainage Act 1991

159. Environmental Health Officers authority to issue all necessary notices under the Land Drainage Act 1991 to maintain existing works, improve existing works, construct new works and to require removal of obstruction within a watercourse (Sections 14 and 25).

Miscellaneous Matters

160. The Environmental Health Manager and Private Sector Housing Manager shall have power to appoint Proper Officers and Alternative/Deputy Proper Officers pursuant to the following legislation:
- Public Health (Control of Disease) Act 1984 (power to act in relation to notifiable disease and related matters)
 - Public Health (Infectious Diseases) Regulations 1988
 - National Assistance Act 1948 and National Assistance (Amendment) Act 1951 (power to deal with persons in need of care and attention)
 - Section 61 of the Public Health (Control of Disease) Act 1984 (Power of Entry) and the Public Health (Infectious Diseases) Regulations 1988.
161. Environmental Health Officers to act in accordance with Public Health (Control of Diseases) Act 1984 and the Public Health Diseases Regulations 1988 or any superseding legislation, with regard to food and water borne diseases and the exclusion of food handlers from food businesses.
162. Authority to the Borough Solicitor, on the recommendation of the Private Sector Housing Manager , to institute legal proceedings in relation to all offences under the Protection From Eviction Act 1977.

Powers of Entry

163. The Environmental Health Manager and the Private Sector Housing Manager shall have power to authorise appropriately qualified professional and Technical Officers to enter land and premises in the course of their duties in accordance with the powers contained in the Table of Environmental Health Powers set out in this Scheme of Delegation and if entry is refused to seek powers of entry from the relevant authority or Court and authority to the Borough Solicitor, on the recommendation of the Environmental Health Manager or Private Sector Housing Manager, to issue proceedings in the event of obstruction.