

ANNEXE 1

[Section 8]

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 Chief Executive 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 Chief Executive, their authority will be exercised by the Deputy Chief Executive.

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

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

May/July 2012

[** The Environmental Health and Private Sector Housing delegations have been deleted from this document and are circulated separately as a revised annexe.

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May/July 2012

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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.	Chief Executive 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 Chief Executive 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.	Deputy Chief Executive 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.	Chief Executive after consultation with the Leader of the Council and Portfolio Holder(s) for Finance and Human Resources.
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 Chief Executive, Deputy Chief Executive 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	Deputy Chief Executive

Comment [SFR1]: Has this been superseded by Financial Regs?

POLICY AND RESOURCES ISSUES

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| 4. | Power to approve contributions towards the costs of appeal to a higher court incurred by 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. | Borough Solicitor in consultation with the Chief Executive after consultation in each case with the Leader and relevant portfolio holder. |
| 4a. | <u>Power to sign contracts on the Council's behalf for goods and services procured in accordance with Contract Procedure Rules</u> | <u>Chief Executive and Deputy Chief Executive</u> |
| 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. | Deputy Chief Executive |
| 7. | Application of 'discretionary areas' of the Scheme of Allowances towards costs of travelling, disturbances and removals incurred by new staff. | Deputy Chief Executive |
| 8. | Authority to approve attendance by Members at outside training courses and seminars, within existing training budgets. | Head of Democratic and Legal Services after consultation with the Leader and Deputy Leader. |
| 9. | Power to negotiate Bond Issues subject to the terms being favourable. | Deputy Chief Executive 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 Chief Executive. |
| 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 Deputy Chief Executive. |
| 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. | Deputy Chief Executive after consultation with the Leader and relevant Portfolio Holder. |
| 14. | Authority to revise annually surveyors' fees for estates and valuation work. | Deputy Chief Executive. |

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| 15. | Power to grant leases, licences or easements for periods not exceeding three-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 Waverley 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 <u>in respect of applications for easements up to a maximum of £20,000.</u> |) |
| 21. | Power to approve matters of routine management and maintenance of all properties. | |
| | <u>New Power to authorise sales of small areas of land with no strategic value, up to a maximum of £10,000.</u> | |
| 22. | 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 Customer and Office Services (and reports be submitted to the Executive). |
| 23. | 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. | Deputy Chief Executive in consultation with the Borough Solicitor. |
| 24. | 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. |
| 25. | 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. | Senior Environmental Health 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 | Borough Solicitor, Countryside Officer, Senior Environmental Health Manager, Environmental Health Officers, Principal |

1994.

~~Planning Officers, Planning Enforcement Officer, Housing Estates Manager, Countryside Rangers, Building Control Manager, Head of Environmental Services, Head of Planning Services.~~

Comment [SFR2]: Needs updating- just refer to Head of Planning

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, ~~Senior Environmental Health Manager, Environmental Health Officers, Principal Planning Officers, Planning Enforcement Officer, Head of Planning Services~~
Housing Estates Manager, Countryside Rangers, Head of Environmental Services.

Comment [SFR3]: Needs updating – just refer to Head of Planning

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 Chief Executive and Deputy Chief Executive.

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.

33. Authority to witness the sealing of Council documents.

Chief Executive, Deputy Chief Executive, Borough Solicitor, Head of Democratic and Legal Services and any Solicitor employed by the Council.

34. Authority for award of funding under the small grants (matched-funding) scheme.

Chief Executive or the Deputy Chief Executive 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 ~~AND PLANNING ISSUES~~

Comment [SFR4]: Change

~~36. To exercise the Council's policy in respect of grants for connection of soil drains of existing houses to main sewers where houses are in excess of 100 feet from the sewer (Building Act~~

~~Head of Environmental Services**~~

~~1984, S.21).~~

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| 37. | 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 |
| 38. | Powers relating to water supply to dwellings (Public Health Act 1936, SS.140 and 141 (as amended by the Environmental Protection Act 1990, S162(1) and Sched. 15, para 4(1) and (2)) and Building Act 1984, S.25 (as amended by Water Act 1989 and the Water Consolidation (Consequential Provisions) Act 1991)). | Head of Environmental Services.** |
| 39. | Powers relating to sewers, drains and sanitary conveniences (Public Health Act 1936 S 45; Public Health Act 1961 S 17, as substituted by the Local Government (Miscellaneous Provisions) Act 1982 S 27(1); Building Act 1984 SS 62-64 and 67. | Head of Environmental Services.** |
| 40. | Power to require information relating to water supplies under the Water Industry Act 1991, S 85(1). | Senior Environmental Health Manager.** |
| 41. | Power to serve notices and to undertake the remedial powers given to local authorities in relation to private supplies in pursuance of the Water Industry Act 1991, S 80. | Senior Environmental Health Manager.** |
| 42. | Power to enforce duties and functions imposed on the local authority in pursuance of the Water Industry Act 1991, SS 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, S 83(1) and (3). | Senior Environmental Health Manager.** |
| 43. | Power to take remedial action in respect of private water supplies where necessary as outlined in the Water Industry Act 1991, S 83(1). | Senior Environmental Health Manager.** |
| 44. | Power to act in accordance with the Public Health (Control of Diseases) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988 or any superseding legislation, with regard to food and water borne diseases and the exclusion of food handlers from food businesses. | Senior Environmental Health Manager.** |
| 45. | Power to act with regard to infectious diseases legislation under the Public Health (Control of Diseases) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988 or any superseding legislation. | Consultant in Communicable Disease Control, Health Protection Agency or any doctor holding an appointment that includes the duties of the current consultant.** |

46.	(i) Authority to carry out the duties of the local authority conferred by section 18 of the Health and Safety at Work Act 1974	Senior Environmental Health Manager.**
	(ii) Authority to appoint inspectors under section 19 for the purposes set out in the Health and Safety at Work Act 1974.	
47.	Powers contained in Regulation 6(2) of Control of Asbestos at Work Regulations 1987.	All Environmental Health Officers and Environmental Health Assistants or Technical Officers.
48.	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.	Senior Environmental Health Manager.**
49.	Authority to serve notices under Part III of the Food and Environment Protection Act 1985.	All Environmental Health Officers (including the Senior Environmental Health Manager).**
50.	Powers relating to removal of refuse and keeping of animals etc. (Public Health Act 1936 SS.79-82).	Senior Environmental Health Manager.**
51.	Powers relating to offensive trades (Public Health Act 1936, SS.107-110).	Senior Environmental Health Manager.**
52.	Powers relating to tents, vans, moveable dwellings etc. (Public Health Act 1936, SS.268 and 269 (as amended by the Building Act 1984 and the Environmental Protection Act 1990)).	Senior Environmental Health Manager.**
53.	Power to enforce the duties laid upon owners/occupiers under the provisions of Part I of the Prevention of Damage by Pests Act 1949 and to carry out operations authorised by those provisions.	Senior Environmental Health Manager.**
54.	Powers relating to heights of chimneys (Clean Air Act 1993 SS14-16).	Senior Environmental Health Manager.**
55.	(i) Appointment of "authorised officers" as defined in section 64 of the Act and for the purposes of the Clean Air Act 1993.	Senior Environmental Health Manager.**
	(ii) Powers of research and publicity under section 34 of the Clean Air Act 1993 (or as may be amended modified or re-enacted).	Senior Environmental Health Manager.
	(iii) Powers to obtain information under section 35 of the Clean Air Act 1993 (or as may be amended modified or re-enacted).	Senior Environmental Health Manager.
	(iv) Issuing of notice requiring information about air pollution under section 36 of the Clean Air Act 1993 (or as may be amended modified or re-enacted).	Senior Environmental Health Manager.

(v) Notification of occupiers of offences under section 51 of the Clean Air Act 1993 (or as may be amended modified or re-enacted).	Authorised officers duly appointed by the Senior Environmental Health Manager.
(vi) Power to enter upon land for the purposes prescribed in section 56 of the Clean Air Act 1993 (or as may be amended modified or re-enacted).	Authorised officers duly appointed by the Senior Environmental Health Manager.
(vii) Power to serve notices requiring information under section 58 of the Clean Air Act 1993 (or as may be amended modified or re-enacted).	Authorised officers duly appointed by the Senior Environmental Health Manager.
56. Powers relating to urgent defects in premises (Building Act 1984 S.76 (as amended by the Environmental Protection Act 1990)).	Senior Environmental Health Manager.
57. Powers relating to accumulation of rubbish and to filthy or verminous premises or articles (Public Health Act 1961, SS.34-37).	Senior Environmental Health Manager.
58. Functions of the local authority relating to nuisances under sections 79-81B (or as may be amended modified or re-enacted) of the Environmental Protection Act 1990.	Senior Environmental Health Manager.
59. Powers contained in Part III of the Control of Pollution Act 1974, together with the related supplementary provisions contained in Parts V and VI of that Act.	Senior Environmental Health Manager.
60. Issue of licences under the Caravan Sites and Control of Development Act 1960.	Senior Environmental Health Manager.
61. Power to take action in relation to persons in need of care and attention and protection of their premises (National Assistance Act 1948, SS.47 and 48, as amended).	Consultant in Communicable Disease Control, Health Protection Agency or any doctor holding an appointment that includes the duties of the current consultant, after consultation with Senior Environmental Health Manager.
62. Authority to deal with the Permitting system under the Pollution Prevention and Control Act 1999 and Pollution Prevention and Control (England and Wales) Regulations 2000, or as may be modified, amended or re-enacted.	
(i) issue Permits under regulation 9-15.	Senior Environmental Health Manager.
(ii) make Variations or transfers under regulations 17 and 18.	Senior Environmental Health Manager.
(iii) Serve enforcement notices and suspension notices under regulations 23-25.	Senior Environmental Health Manager.
(iv) Remedy or prevent pollution in cases of emergency under regulation 26 (where	Senior Environmental Health Manager. **

	regulation 25 is not appropriate).	
	(v) Require information by notice under regulation 21.	Senior Environmental Health Manager. <u>**</u>
	(vi)(i) Revoke a permit under regulation 21.	Executive (for decision)
63.	Authority to serve Notices for the control of noise and to institute summary proceedings where appropriate under Part III of the Control of Pollution Act 1974.	Senior Environmental Health Manager. <u>**</u>
64.	Authority to serve Notices to abate statutory nuisances under the Environmental Protection Act 1990, Section 80, out of normal office hours.	All Environmental Health Officers. <u>**</u>
65.	Authority to exercise the powers relating to the confiscation of sound equipment, and to charge a fee for return of confiscated equipment including storage charge.	All Environmental Health Officers. <u>**</u>
66.	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.
67.	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.
68.	Authority to enter into contracts for the recycling of all materials collected in the waste recycling schemes.	Head of Environmental Services.
69.	Authority to enter into arrangements with outside organisations for the recycling of material, with payments being made directly to charities.	Head of Environmental Services.
70.	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.
71.	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
72.	Authority to determine requests for utilisation of car park spaces by charitable and other similar organisations.	Head of Environmental Services
73.	Authority to issue season tickets in short-term car parks wherever considered appropriate.	Head of Environmental Services

74.	Authority to approve annual renewals of existing concessionary parking permits, subject to receipt of the appropriate information from the applicants.	Head of Environmental Services
75.	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.
76.	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.
77.	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
78.	Authority to cancel Penalty Charge Notices in accordance with guidance issued under the Traffic Management Act 2004, as agreed by the Deputy Chief Executive.	Head of Environmental Services, Parking Services Manager, Appeals Officer, Systems Manager, Notice Processing Administrators.
79.	Powers of entry under Section 108 of the Environment Act 1995 to investigate pollution control functions.	All Environmental Health Officers (including the Senior Environmental Health Manager) and Environmental Health Assistants. **
80.	Authority to exercise the powers of inspectors contained in Part V of the Environment Act 1995.	All Environmental Health Officers.
81.	Authority under Section 5 of the Dangerous Dogs Act 1991 in respect of power of entry, seizure of dogs and obtaining evidence.	Environmental Health Officers and Environmental Health Assistants
82.	Authority to enforce the Council's dog control byelaws.	Senior Environmental Health Manager Environmental Health Officers, Environmental Health Assistants (Animal Control) and other Environmental Health Assistants, the Countryside Officer, Countryside Rangers, Landscape Officer and Landscape Assistant.
83.	Authority to initiate legal proceedings for dog control byelaw infringements.	Senior Environmental Health Manager subject to the Borough Solicitor in consultation with the Chief Executive being satisfied with the evidence.
84.	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.	Senior Environmental Health Manager after consultation with the Leader and relevant Portfolio Holder; ward members to be informed of the action taken.
85.	Authority to serve notice on the owner of a dog seized as a stray under Section 149 of the Environmental Protection Act 1990, giving the information specified in subsection 4 of that section about how the dog can be reclaimed.	Environmental Health Manager and Animal Control Officers.

86. 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.	Animal Control Officers or Environmental Health Officers in consultation with the Head of Environmental Health or, in his absence, the Environmental Health Manager.
87. Designated officer to discharge functions under Section 149 of Environmental Protection Act 1990.	Animal Control Officers or Environmental Health Officers in consultation with the Head of Environmental Health or, in his absence, the Environmental Health Manager.
88. Under Section 78B(3) and (4) of the Environmental Protection Act 1990, authority to give notice to the appropriate agency, owner, occupier and appropriate person that land is contaminated land.	Senior Environmental Health Manager and in his absence the Environmental Health Manager.
89. Under Sections 78C(1), (3) and (5) of the Environmental Protection Act 1990, 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.	Senior Environmental Health Manager and in his absence the Environmental Health Manager.
90. Under Section 78D(1), (2) and (3) of the Environmental Protection Act 1990, 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.	Senior Environmental Health Manager and in his absence the Environmental Health Manager.
91. Section 78E(1), (2) and (3) of the Environmental Protection Act 1990, authority to serve remediation notices.	Senior Environmental Health Manager and in his absence the Environmental Health Manager.
92. Under Section 78H(6), (7), (8), (9) and (10) of the Environmental Protection Act 1990, 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.	Senior Environmental Health Manager and in his absence the Environmental Health Manager.
93. Section 78M (1), (2), (3) and (4) of the Environmental Protection Act 1990, authority to prosecute cases in the Magistrates Court for non-compliance with a remediation notice.	Senior Environmental Health Manager following consultation with the Borough Solicitor
94. Section 78M (5) of the Environmental Protection Act 1990, authority to take action in the High Court where Waverley is of the view that, following service of a remediation notice which	Executive.

has not been complied with, pursuit of the case in the Magistrates Court would not offer an effective remedy.

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| 95. Section 78N of the Environmental Protection Act 1990, 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. | Executive, or in the case of imminent danger, the Senior Environmental Health Manager and in his absence the Environmental Health Manager, following consultation with the Leader and relevant Portfolio Holder. |
| 96. Powers of entry and to carry out investigations as contained in Section 108 of the Environment Act 1995. | Senior Environmental Health Manager, Environmental Health Manager, Environmental Health Officers, Environmental Health Assistants and other persons (including consultants carrying out investigations for the Council temporarily authorised in writing for this purpose by the Senior Environmental Health Manager). |
| 97. Authority to appoint appropriate persons to undertake enforcement under the Health Act 2006 and associated Regulations. | Senior Environmental Health Manager. |
| 98. Authority to instigate legal proceedings for a prosecution under the Protection from Eviction Act 1977. | Senior Environmental Health Manager subject to the Legal Services Manager being satisfied with the evidence. |
| 99. Implementation of policy demanding the full repayment of renovation grants where the dwelling is sold within the five year grant condition period, in accordance with Section 45 of the Housing Grants, Construction and Regeneration Act 1996. | Senior Environmental Health Manager and Environmental Health Managers. |
| (N.B. where officers consider repayment in full to be inappropriate, having considered the merits of any such case, the matter be referred to the Executive for decision). | |
| 100. Authority to take enforcement action under Parts 1, 2, 3 and 4 and Schedules 3 and 6 of the Housing Act 2004 and to institute legal proceedings. | Senior Environmental Health Manager in consultation with the Borough Solicitor |
| 101. Authority to implement mandatory licensing of Houses in Multiple Occupation under provisions of Part 2 and Schedule 5 of the Housing Act 2004. | Senior Environmental Health Manager. |
| 102. Authority to exercise powers of entry and powers to require documents provided under Sections 131, 235 and 239 and Schedules 3 and 7 of the Housing Act 2004. | Senior Environmental Health Manager. |
| 103. Authority to serve or revoke an HMO Declaration under Sections 255 and 256 of the Housing Act 2004. | Senior Environmental Health Manager. |

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| <p>104. The Food Safety Act 1990; and any Orders, or Regulations or other instruments:-</p> <ul style="list-style-type: none"> i. made thereunder; or ii. relating thereto; or iii. having effect by virtue of the European Communities Act 1972 and relating to food safety or animal feedstuffs; and <p>any modification or re-enactment of the foregoing.</p> | <p>Senior Environmental Health Manager, Environmental Health Manager, Team Leader (Food, Health and Safety).</p> |
| <p>105. Authority to appoint named and suitably qualified officers to exercise the powers of an Inspector under the Food Safety Act 1990; and any Orders, or Regulations or other instruments made thereunder or having effect by virtue of the European Communities Act 1972 and relating to food safety or animal feedstuffs, and any modification or re-enactment of the foregoing.</p> | <p>Senior Environmental Health Manager, Environmental Health Manager, Team Leader (Food, Health and Safety).</p> |
| <p>106. Authority to sign documents in relation to Environmental Health functions (Section 16 Local Government (Miscellaneous Provisions) Act 1976).</p> | <p>Senior Environmental Health Manager, Environmental Health Manager, Team Leader (Food, Health and Safety), Team Leader (Housing), Team Leader (Pollution).</p> |
| <p>107. Authority to sign documents (Section 29 Local Government (Miscellaneous Provisions) Act 1982).</p> | <p>Senior Environmental Health Manager, Environmental Health Manager, Team Leader (Food, Health and Safety), Team Leader (Housing), Team Leader (Pollution).</p> |
| <p>108. Temporary closure of roads in accordance with Section 21 of the Town Police Clauses Act 1847 (for public processions, street fairs etc.).</p> | <p>Head of Democratic and Legal Services after consultation with appropriate local Ward Members.</p> |
| <p>108a. Enforcement of the relevant provisions of the Clean Neighbourhoods and Environment Act 2005</p> | <p>Officers nominated by the relevant Heads of Service in accordance with the schedule attached at Annexe 1.</p> |

PLANNING MATTERS

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| <p>109. The approval of details required as a condition of the original consent including listed building consent, except where the Committee specifically excludes this.</p> | <p>Head of Planning.</p> |
| <p>110. The determination of advertisement applications.</p> | <p>Head of Planning.</p> |
| <p>111. The authorisation of Tree Preservation Orders.</p> | <p>Head of Planning.</p> |
| <p>112. The determination of applications for consent to fell or lop trees the subject of a Tree Preservation Order.</p> | <p>Head of Planning.</p> |
| <p>113. Authority to submit observations to the Forestry Commission in relation to applications for Felling Licences.</p> | <p>Head of Planning and after consultation in each case with the Chairman and Vice-Chairman of the Area Planning Committee and at least one local member.</p> |

Comment [SFR5]: Delete covered by 115

Comment [SFR6]: Delete covered by 115

114. Authority to issue appropriate legal proceedings in the event of a breach of a Tree Preservation Order.

~~Legal Services Manager in consultation with the Head of Planning after consultation in each case with the Chairman and Vice-Chairman of the appropriate Area Planning Committee Borough Solicitor in Consultation with Head of Planning.~~

114a. 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 after consultation in each case with the Chairman and Vice-Chairman of the appropriate Area Planning Committee~~

115. 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 Orders Regulations 1969-2012 relating to the following:-

Head of Planning

a) the making, confirmation, variation and revocation of Tree Preservation Orders (including those which are provisional/on Crown land);

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.

Comment [SFR7]: Do we need power to issue caution?

YES WE DO IF WE GOING TO USE IT AS ALTERNATIVE TO PROSECUTION POWERS DELEGATED TO HEAD OF PLANNING. THE BULK OF THE POWERS TO ISSUE LEGAL PROCEEDINGS AND PROSECUTE ARE CONTAINED UNDER PARA 212 of SOD HOWEVER, IT WOULD BE SENSIBLE TO REPOSITION 114 AND 114a WITH 212 TO COVER ALL THE POWERS TO PROSECUTE OR CAUTION RATHER THAN HAVING THIS SEPARATE 114/a FOR JUST TREES MATTERS.....TS

Comment [SFR8]: Are these the latest Regulations?

Yes they are.....TS

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| 116. | 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 |
| 117. | Institution of any action pursuant to Sections 23 and 24 of Local Government (Miscellaneous Provisions) Act 1976 (Dangerous Trees). | Head of Planning. |
| 118. | 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, after consultation with the Legal Services Manager in consultation with the Chief Executive. |
| 119. | 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. |
| 120. | 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. |

Comment [SFR9]: Can this be put in a general power for all Officers to enter premises?
 PARA 217 COVERS ALL THE OTHER POWERS FOR PLANNING OFFICERS TO ENTER LAND. AGAIN AS MENTIONED ABOVE IWOULD REPOSITON 118 WITH ALL THE OTHER POWERS TO ENTER LAND UNDER PARA 217

HOUSING AND COMMUNITY WELFARE ISSUES

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| 121. | 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 after consultation with the Leader and relevant Portfolio Holder. |
| 122. | Authority to select tenderers for building maintenance and improvement works from the Standing List of Contractors; and) | Head of Housing after consultation with the Leader and relevant Portfolio Holder. |
| 123. | Authority to delete and/or include contractors on the Standing List based on performance.) | |
| 124. | Authority to make payments in accordance with the approved scale for disturbance to tenants where such tenants are required to move by the Council. | Head of Housing. |
| 125. | 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. |
| 126. | Approval of exchanges of tenancies within approved policy. | Head of Housing. |
| 127. | Approval of transfers of tenancies within approved policy. | Head of Housing. |

128.	Authority to lease properties for housing of the homeless.	Head of Housing.
129.	Home loss and disturbance payment.	Head of Housing.
130.	Authority to enter into nomination rights agreements with Registered Social Landlords.	Head of Housing.
131.	Authority to determine those tenants for whom internal redecoration should be carried out by virtue of their age or disability.	Head of Housing.
132.	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
133.	Authority to issue decoration vouchers.	Head of Housing.
134.	Authority to re-locate tenants whilst improvement works are carried out by the utilisation of void properties only when it is agreed in advance that it is impossible to carry out the works with the tenants "in-situ".	Head of Housing.
135.	Sale of Council houses - discretion to include occupation by spouse in calculating purchase price discount.	Head of Housing.
136.	To determine all applications for housing advances, including further advances, within the approved scheme.	Head of Housing after consultation with Deputy Chief Executive.
137.	Transfer of mortgages to sole or joint owners when consent cannot reasonably be withheld.	Deputy Chief Executive.
138.	Management of all the Council's Housing Advance loans.	Deputy Chief Executive.
139.	Authority to approve applications for maturity mortgages from both disabled persons and pensioners within the approved schemes.	Deputy Chief Executive.
140.	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 after consultation with Deputy Chief Executive.
141.	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 after consultation with the relevant Portfolio Holder.

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| 142. | 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. |
| 143. | <p>Authority to:-</p> <p>(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</p> <p>(ii) approve consequential variations to leases which are deemed necessary and are not to the detriment of the Council.</p> | Head of Housing. |
| 144. | Authority to take appropriate action to deal with squatters in property managed by the Council. | Head of Housing. |
| 145. | Institution and pursuance of proceedings to recover sums outstanding in respect of rent arrears. | Head of Housing. |
| 146. | 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. | Deputy Chief Executive after consultation with the Borough Solicitor. |
| 147. | 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 after consultation with the Leader and relevant Portfolio Holder. |

148.	<p>Authority to determine, in accordance with the Housing Grants, Construction and Regeneration Act 1996, grant applications of up to £20,000, provided that no Environmental Health Manager may determine an application for which they are also the case officers, and that where a grant is to exceed £20,000, this may only be approved by the Senior Environmental Health Manager provided that he is satisfied that renovation is the most satisfactory course of action following completion of a Neighbourhood Renewal Assessment in accordance with published DETR guidance and that the grant does not exceed £30,000 (any recommendation for a grant exceeding £30,000 to be referred to the Executive for decision).</p>	<p>Environmental Health Manager or Senior Environmental Health Manager following consultation with the Building Control Manager</p>
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Note:-

~~Any person aggrieved by a decision in respect of availability or amount of grant shall be able to appeal to the Strategic Director (Housing and Community) who may decide either to uphold~~

the original decision or raise the level of grant aid if it falls within the approved policy, or refer it to the Executive for approval if it falls outside the approved policy.

149. Authority to determine, in accordance with the Housing Grants, Construction and Regeneration Act 1996, applications for Disabled Facilities Grant up to £20,000.

Private Sector Housing Manager or Head of Housing following consultation with the Building Control Manager, provided that no such officer may determine an application for which he or she is also the case officer.

150. Authority to determine, in accordance with the Housing Grants, Construction and Regeneration Act 1996, applications for Disabled Facilities Grant up to £30,000 (any recommendation for a grant exceeding £30,000 to be referred to the Executive for decision).

Head of Housing

Note:-

Any person aggrieved by a decision not to award a grant, or to award a grant lower than that applied for, may appeal to the Strategic Director (Housing and Community) who may uphold the original decision or raise the level of grant aid if it falls within the approved policy, or refer it to the Executive for approval if it falls outside the approved policy.

150a. 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.

Private Sector Housing Manager, Head of Housing

150b. Authority to operate the property charge system for Disabled Facilities Grants.

Private Sector Housing Manager, Head of Housing

151. Authority to secure re-housing for homeless applicants in temporary accommodation accepted under the provisions of the Housing Act 1985.

Head of Housing.

152. Service of requisitions for information in respect of action by the Council.

Head of Democratic and Legal Services, Borough Solicitor and Senior Environmental Health Manager and Environmental Health Manager or Head of Planning.

153. Authority to allocate street numbers in respect of Council developments.

Head of Housing Building Control Manager

Comment [SFR10]: This is the role of Building Control Manager

154. Authority to negotiate on charges to Housing Associations and private developers with regard to the provision of a community alarm system.

Head of Housing.

155. In connection with duties under the Children Act 1989, authority to undertake leasing arrangements to the Surrey Community Development Trust, any action taken under such

Head of Housing.

arrangements to be reported to the Committee on a quarterly basis.

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| 156. | Provision of staff housing up to a maximum of 20 dwellings. | Head of Housing after consultation with the Deputy Chief Executive. |
| 157. | Authority to sign Notices to Quit and Notices to Terminate Licence. | Head of Housing, Housing Estate Manager, Area Team Leaders. |
| 158. | Authority to allocate Council properties to Council tenants and licensees. | Head of Housing, Housing Estates Manager, Housing Needs Manager, Elderly Services Manager. |
| 159. | 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 to the Council's interests, subject to payment of the Council's reasonable legal costs. | Head of Housing after consultation with the Chief Executive and the Borough Solicitor |
| 160. | Authority to select tenderers from the Standing List of Contractors. | Head of Housing. |
| 161. | 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 after consultation with the Leader and relevant Portfolio Holder. |
| 162. | 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 Chief Executive after consultation with the Head of Housing. |
| 163. | Authority to determine the most appropriate provisions to be contained in a Mortgage | Head of Housing and Borough Solicitor after consultation with the Deputy Chief |

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| <p>Indemnity Agreement depending on the individual circumstances of the case concerned, having regard to the interests of the Council.</p> | <p>Executive.</p> |
| <p>164. 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).</p> | <p>Head of Housing in consultation with the Borough Solicitor after consultation with the Deputy Chief Executive.</p> |
| <p>165. Authority to:-</p> <ol style="list-style-type: none"> 1. vary the Conditions of Tenancy of 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. | <p>Head of Housing after consultation with the Borough Solicitor in consultation with the Chief Executive.</p> <p>Head of Housing after consultation with the Borough Solicitor in consultation with the Chief Executive.</p> <p>Head of Housing after consultation with the Borough Solicitor in consultation with the Chief Executive.</p> |
| <p>166. 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 Housing Revenue Account Revenue Repairs Budget and Capital Improvement Budget for that particular financial year).</p> | <p>Head of Housing.</p> |
| <p>167. Authority to provide electrically-powered heaters to elderly and disabled tenants where open flue gas point heaters have been removed (subject to medical evidence of need being supplied by the tenant).</p> | <p>Head of Housing.</p> |

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| 168. | 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. | Head of Housing. |
| 169. | 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
(N.B. the leases to be subject to terms and conditions negotiated by the Director of Housing including payment of a rent to the Council | Head of Housing. |
| 170. | Authority for the issuing of Notices of Seeking Possession and Notices to Quit and court proceedings in respect of the Housing Act 1985, or as amended. | Head of Housing, Housing Services Manager, Deputy Housing Services Manager, Rent Accounts Manager, Rent Accounts Officers, Court Officer. |
| 171. | 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. |
| 172. | Authority to appoint a preferred energy supplier in respect of void properties. | Head of Housing. |

LEISURE ISSUES

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| 173. | Power to institute legal proceedings following any breach of the National Trust Byelaws. | Borough Solicitor in consultation with the Chief Executive, after consultation with the Head of Community Services. |
| 174. | Power to authorise the necessary action to deal with "live" trees in Farnham Park that have become a potential danger. | Head of Community Services after consultation with Chief Executive. |
| 175. | Power to deal with applications to hold events on public grounds. | Head of Community Services. |
| 176. | 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 Chief Executive) after consultation with the Leader and relevant Portfolio Holder and Head of Community Services. |
| 177. | 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 Chief Executive after consultation with the Head of Community Services. |

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| 178. | 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. |
| 179. | 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. |
| 180. | Authority to agree up to two dates per year for swimming galas to be held at Cranleigh Leisure Centre. | Head of Community Services. |
| 181. | 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. |
| 182. | 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). |
| 183. | 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. |
| 184. | Authority to determine applications for future increases in charges proposed by the lessee of Farnham Park Golf Course. | Head of Community Services. |
| 185. | 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. |
| 186. | Authority to institute an agreed notice - serving procedure as a means of resolving problems on common land. | Head of Community Services. |
| 187. | 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. |
| 188. | 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

189. 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. Deputy Chief Executive.
190. 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. Deputy Chief Executive.
- ~~191. Powers relating to watercourses, ditches, ponds, etc. (Public Health Act 1936, SS.259-266 (as amended by the Local Government Act 1972, S. 180 and Sched. 14 Pt. I of the Control of Pollution Act 1974 and the Environmental Protection Act 1990)). Senior Environmental Health Manager.~~
- ~~192. 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 (SS 14 and 25). Senior Environmental Health Manager.~~
- ~~193. Burial or cremation of the dead where no suitable arrangements are being made (Public Health (Control of Diseases) Act 1984 SS 46-48). Senior Environmental Health Manager.~~
- 193a. Variations to Mortgage Interest Rates Deputy Chief Executive

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.
194. The determination of applications for certificates of lawful use or development and certificates of lawfulness of proposed use or development Head of Planning after consultation with the Borough Solicitor.

Comment [SFR11]: This was extended to cover trees

	under Section 191 of the Town and Country Planning Act 1990 (as Amended).-	
194a.	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
*195.	Renewal of temporary planning permission and unimplemented permissions, including replacement permissions, when there are no material changes in circumstances.	Head of Planning.
196.	Responses to consultations by the statutory undertakers/utilities, other adjoining local planning authorities (including the County Council), or the County Council. <u>Government departments or other public bodies</u>	Head of Planning.
*197.	Variation of conditions attached to an existing planning permission.	Head of Planning
198.	The extensions of time to complete legal agreements already authorised.	Head of Planning after consultation with the Borough Solicitor.
199.	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.
200.	Authority, where applications for renewal of time extensions of planning permissions , or amendment to a previously approved application are for a development sufficiently similar to the previously approved development, to grant such applications provided that, in the opinion of the Head of Planning:	Head of Planning.
	1. there is no material change in circumstances from that at the time of the original decision;	
	2. any variations or amendments contained in the application under consideration are minor or small scale in nature; and	
	3. the development is not in conflict with the Council's planning policies.	
201.	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.
202.	Determination of whether prior approval is required for the siting and appearance of telecommunication proposals that are “permitted	Head of Planning.

development” and the giving or not of such approval.

*203. The refusal of applications clearly in conflict with the Council's policy.

Head of Planning.

~~*204. The refusal of applications for planning permission where these are subject to a recommendation from Surrey County Council to refuse permission on highway grounds and where the Head of Planning concurs with the County Council's views.~~

~~Head of Planning.~~

~~*205. The refusal of applications where the proposals are identical or essentially similar to applications refused during the previous three years.~~

~~Head of Planning.~~

206. (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;

Head of Planning.

Comment [SFR12]: 206-223 Shouldn't these move to the 'Planning Matters' section?

(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).

207. ~~Street naming and numbering - Authority to proceed with house numbering schemes where 75% or more of residents have voluntarily accepted the scheme~~ Serving of notices and taking of action under Public Health Act 1925 in respect of the following:

Head of Planning.

Section 17 – etct tec- objection to proposed street name
Section 18 – Alteration of street name
Section 19 – Insertion of street name

208. ~~Authority, once the annual Environmental Enhancement scheme has been agreed in principle, to decide details of and costs of schemes under £500.~~

Head of Planning.

209.

Head of Planning in consultation with the Borough Solicitor.

(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 be modified amended or re-enacted);

Comment [SFR13]: Issuing a replanting notice (see also 115)

- (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).

~~210. The determination of applications for Historic Building grants up to a maximum of £550.~~

~~Head of Planning after consultation with the Chairman and Vice-Chairman of the Area Planning Committee.~~

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

Head of Planning after consultation with a local ward member.

unsuitable.

212.

- (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

Borough Solicitor upon the request of the Head of Planning

Comment [SFR14]: Does this duplicate legal proceedings regarding breach of Tree Preservation Order

AS MENTIONED ABOVE PARA 114 DEALS WITH LEGAL [PROCEEDINGS RELATING TO BREACHES OF TREE PRESERVATION ORDERS WHICH ARE DEALT WITH UNDER DIFFERENT PROVISIONS OF THE TCPA BUT I AM SUGGESTING THAT ALL LEGAL PROCEEDINGS AND PROSECUTION POWERS AND CAUTION POWERS ARE BROUGHT TOGETHER IN THE SOD.....TS

section 194 of the Town & Country Planning Act 1990 (or as may be amended modified or re-enacted) to prosecute persons liable for an 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.

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| 213. | 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. |
| 214. | Power to determine applications under the Building Regulations and allied legislation. | Head of Planning. |
| 215. | Authority to take all necessary steps, including the service of statutory notices, to secure the enforcement of and compliance with the the Building Act 1984 and the Building Regulations. | Head of Planning |
| 216. | To respond on behalf of the Council to notification by the Mineral Planning Authority of proposals to carry out seismic surveys, exploratory boreholes or other excavations to ascertain the presence of minerals. | Head of Planning, after consultation with the Chairman of the Area Planning Committee, members representing the Ward in which the proposed development is situated and the Chairman of the Parish Council. |
| 217. | (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. |

Comment [SFR15]: Does this legislation still apply?

SECTION 119 TO WHICH THESE REGS RELATE WAS REPEALED BY PLANNING AND COMPENATION ACT 1991 BUT THIS PARA WAS PROBABLY RETAINED BECAUSE YOU STILL HAD TO DEAL WITH CLAIMS WHICH WERE LODGED BEFORE 1991. BUT AS WE ARE NOW 21 YEARS ON WE CAN SAFELY DELETE THIS PROVISION NOW!!!!.....TS

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| 218. | <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 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. | Borough Solicitor upon the request of the Head of Planning. |
| 219. | 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. |
| 220. | 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. |
| 221. | Authority to determine hedgerow notifications in accordance with the Hedgerow Regulations 1997. | Head of Planning. |
| 222. | Authority to sign and serve notices under Section 35 of the Local Government (Miscellaneous Provisions) Act 1976 (Powers to Remove Obstructions from Private Sewers). | Borough Solicitor in consultation with the Chief Executive, Senior Environmental Health Manager and Environmental Health Manager. ** |
| 223. | 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. |
| 224. | Authority to make 'Screening Opinions' and 'Scoping Opinions', in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations <u>1999-2011</u> . | Head of Planning. |

Comment [SFR16]: Also Extend to refer to the SEA Regs + judgement over whether SEA required + the scope of the SEA + module extension of time. Some legal advice needed

SEE ADDITIONAL PROVISION
224a...TS

224a To carry out the appropriate Strategic Environmental Assessments pursuant to the SEA Directive and the Environmental Assessment of Plans & Programmes Regulations 2004

***225. 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 ~~means: includes~~ all applications for domestic extensions and alterations including outbuildings; the construction or conversion of buildings to form a single dwelling 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). Engineering works

Insert new power:

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

***226. Approval of applications for worksto fell or top-prune?to trees that are the subject of a Tree Preservation Order.**

Head of Planning

227. Authority to decide not to take enforcement action for smallscale or other minor development.

Head of Planning.

Including non-compliance with conditions (see 225 for definition of small scale)

~~*[Small scale means: all applications for domestic extensions and alterations including outbuildings; the construction or conversion of buildings to form a single dwelling; minor extensions to commercial and institutional buildings. All changes of use except those that are likely to have significant 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].*~~

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228. 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

Head of Planning

Comment [SFR17]: See wording at end of 227

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where it is not expedient to do so.

~~228a Trees~~

~~228b Listed Buildings~~

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| 229. | Power pursuant to section 225 of the Town & Country Planning Act 1990 (or as may be amended modified or re-enacted) to remove or obliterate any placard or poster displayed in contravention of regulations made under section 220 of the said Act. | Head of Planning. |
| 230. | 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. |
| 231. | 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. |
| 232. | 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. |
| 232a. | Power to vary a legal agreement provided no additional positive obligations are placed on the Council. | Head of Planning. |
| 232b | Power to discharge a legal agreement where there is no longer a valid planning purpose for the agreement | Head of Planning |
| 233. | Determination of 'applications' or consultations submitted under Regulation 4 or 5 <u>of the Town and Country Planning Regulations (check)</u> for small-scale development where the Borough Council is the applicant or where the application is on Council owned land. | Head of Planning. |
| 234. | Authority to issue Temporary Stop Notices. | Head of Planning in consultation with the Legal Services Manager. |
| 235. | 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 Deputy Chief Executive. |
| 236. | Authority to discharge the functions of the local planning authority in respect of applications for | Head of Planning. |

Certificates of Appropriate Alternative Development made pursuant to Section 17 of the Land Compensation Act 1961.

New Power to make amendments to the Planning Validation Requirements List Head of Planning

Insert new Localism Act Powers regarding concealment and advertisements?

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.

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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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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LICENSING AND REGULATORY COMMITTEE

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| 237. | 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 Democratic and Legal Services on the advice of the Chief Executive and after consultation in each case with the Chairman and Vice-Chairman of the Committee. |
| 238. | Authority to increase automatically fees and | Deputy Chief Executive, after |

charges in line with the anticipated inflation level, rounded, where necessary, to ease collection.

consultation with the Corporate Management Team.

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| 239. | 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 Democratic and Legal Services. |
| 240. | Renewal of licences to keep pet shops (Pet Animals Act 1951). | Senior Environmental Health Manager.** |
| 241. | Registration and licensing of premises under the Rag Flock and other Filling Materials Act 1951. | Senior Environmental Health Manager** |
| 242. | Registration of acupuncturists, tattooists, ear-piercers and electrolysis establishments (Local Government (Miscellaneous Provisions) Act 1982). | Senior Environmental Health Manager** |
| 243. | Renewal of licences to keep animal boarding establishments (Animal Boarding Establishments Act 1963). | Senior Environmental Health Manager** |
| 244. | Registration and issue of permits for small lotteries (Gambling Act 2005). | Head of Democratic and Legal Services. |
| 245. | Registration of pools promoters (Betting, Gaming and Lotteries Act 1963). | Head of Democratic and Legal Services. |
| 246. | 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 1963). | Deputy Chief Executive. |
| 247. | Registration of scrap metal merchants (Scrap Metal Dealers Act 1964). | Senior Environmental Health Manager |
| 248. | Renewal of licences for Riding Establishments (Riding Establishments Acts 1964 and 1970). | Senior Environmental Health Manager |
| 249. | Power to deal with routine renewals of permits for use of machines for gaming by way of amusements with prizes. (Gambling Act 2005). | Senior Environmental Health Manager
<u>Head of Democratic and Legal Services</u> |
| 250. | Power to issue licences to keep establishments for the breeding of dogs (Breeding of Dogs Act 1973). | Senior Environmental Health Manager
after consultation with local members. |
| 251. | Power to deal with applications under the Dangerous Wild Animals Act 1976, including the appointment of a veterinary surgeon or practitioner on a consultancy basis. | Senior Environmental Health Manager |
| 252. | Authority to determine applications for consent to use loudspeakers in the street. | Senior Environmental Health Manager
after consultation with the Chairman and Vice-Chairman of the Committee. |

253.	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 Democratic and Legal Services after consultation with the Deputy Chief Executive and the Chairman and Vice-Chairman of the Committee.
254.	The management of Street and House-to-House Collections where the application is of a routine and regular nature.	Licensing Manager.
255.	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.	Senior Environmental Health Manager <u>Head of Democratic and Legal Services</u>
256.	Application for personal licence - if no objection made.	Head of Democratic and Legal Services.
257.	Application for premises licence/ club premises certificate - if no representation made.	Head of Democratic and Legal Services.
258.	Authority to issue refunds under the Licensing Act 2003.	Head of Democratic and Legal Services after consultation with the Deputy Chief Executive.
259.	Application for provisional statement - if no representation made	Head of Democratic and Legal Services.
260.	Application to vary premises licence/ club registration - if no representation made.	Chief Executive.
261.	Application to vary designated personal licence holder - all other cases.	Head of Democratic and Legal Services.
262.	Application for transfer of premises licence - all other cases.	Head of Democratic and Legal Services.
263.	Application for Interim Authorities - all other cases.	Head of Democratic and Legal Services.
264.	Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.	Head of Democratic and Legal Services.
265.	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 in order to deal appropriately with matters arising from the licensing of people, vehicles and premises.	Head of Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer.
265a.	Authority to approve applications within the Street Trading in Waverley policy, unless a valid	Senior Environmental Health Manager

~~objection is received during the consultation period.~~

~~265b. Authority to accept and consider late applications for street trading licences, provided that satisfactory responses have been received from the Police, Fire and Highways Authorities.~~

~~Senior Environmental Health Manager in consultation with the Chief Executive and Chairman of the Licensing and Regulatory Committee.~~

266. 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

Head of Democratic and Legal Services in consultation with the Chairman and Vice-Chairman of the Licensing and Regulatory Committee

- Where representations have been received

Licensing Act Sub-Committee

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

Head of Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer

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

Head of Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer

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

Head of Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer

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

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

Head of Democratic and Legal Services and the Licensing Manager in consultation with the Chairman and Vice-Chairman of the Licensing and Regulatory Committee.

Section 41D (see Section 25A above)

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

Head of Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer.

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

Head of Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer.

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

Head of Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer.

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

Head of Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer.

Section 59: Entry into premises the subject of an

Head of Democratic and Legal Services,

application and action to respond to obstruction of an officer requiring such entry.	Licensing Manager and Licensing Enforcement Officer.
Section 82/83: Failure to notify change of club name or rules or registered address.	Head of Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer.
Section 86A to 86C (see Sections 41A to 41C above)	Head of Democratic and Legal Services, 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 Democratic and Legal Services, 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 Democratic and Legal Services 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 Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer
Section 134: Failure to produce personal licence to Licensing Authority for endorsement of conviction on request.	Head of Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer
Section 135: Failure to produce personal licence when on premises and requested to do so.	Head of Democratic and Legal Services, 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 Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer
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 Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer

Section 134: Failure to produce personal licence to Licensing Authority for endorsement of conviction on request.	Head of Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer
Section 135: Failure to produce personal licence when on premises and requested to do so.	Head of Democratic and Legal Services, 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 Democratic and Legal Services, 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 Democratic and Legal Services, 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 Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer
267. 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 Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer.
268. 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 Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer..
269. 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 Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer.
270. Power to enter a Family Entertainment Centre for a purpose connected with the consideration of an application for a family entertainment centre gaming machine permit (Section 309(1) of the Gambling Act 2005).	Head of Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer.
271. 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 Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer.
272. Power to enter premises licensed for alcohol for	Head of Democratic and Legal Services,

- a purpose connected with the consideration of an application for a licensed premises gaming machine permit (Section 310(1) of the Gambling Act 2005).
273. 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)
274. 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).
275. 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).
276. 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).
277. 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).
278. 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).
279. 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).
280. 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).
281. 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).
- Licensing Manager and Licensing Enforcement Officer.
- Head of Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer.
- Head of Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer.
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- Head of Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer.

282. 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 Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer.
283. 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 Democratic and Legal Services, Licensing Manager and Licensing Enforcement Officer.
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http://emperor2/sites/democratic/Members/Constitution/Scheme_of_Delegation_Amendments_July_2012.docG:\bureau\comms\Special-Interest
Groupe\2010-11\Constitution-SIG\029-scheme-of-delegation-2011.doc