

To: All Members of the STANDARDS PANEL  
(Other Members for Information)

When calling please ask for:

Ema Dearsley, Democratic Services Officer  
**Policy and Governance**

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Calls may be recorded for training or monitoring

Date: 26 May 2017

### Membership of the Standards Panel

Cllr Mike Band  
Cllr Carole Cockburn  
Cllr Kevin Deanus  
Cllr David Else  
Cllr Pat Frost

Cllr Michael Goodridge  
Cllr Stephen Hill  
Cllr David Hunter  
Cllr John Williamson

Dear Member

A meeting of the STANDARDS PANEL will be held as follows:

DATE: TUESDAY, 6 JUNE 2017

TIME: 10.00 AM

PLACE: COMMITTEE ROOM 4, COUNCIL OFFICES, THE BURYS,  
GODALMING

The Agenda for the meeting is set out below.

Yours sincerely

ROBIN TAYLOR

Head of Policy and Governance

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## NOTE FOR MEMBERS

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

## AGENDA

1. APPOINTMENT OF CHAIRMAN

To appoint the Chairman of the Standards Panel for the Council Year 2017/18.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. DISCLOSURE OF INTERESTS

To receive from members, declarations of interests in relation to any items included on the agenda for this meeting in accordance with the new Waverley Code of Local Government Conduct.

4. QUESTIONS BY MEMBERS OF THE PUBLIC

The Chairman to respond to any questions received from members of the public of which notice has been given in accordance with Procedure Rule 10.

5. SCHEME OF DELEGATION REVIEW AND REVISIONS TO THE CONSTITUTION (Pages 5 - 46)

The purpose of this report is to consider revisions to the Scheme of Delegation to officers and to agree amended wording to the constitution which relates to the decision taken by the Council in 2014 to appoint substitutes to the Joint Planning Committee.

Recommendation

**It is recommended that the Standards Panel reviews the report and recommends to the Executive and Council that:**

1. **the revised Scheme of Delegation, as attached as Annexe 1, be approved and adopted; and**
2. **the amendments to the Constitution, to reflect the Council decision regarding the appointment of substitutes to the Joint Planning Committee, as set out at Annexe 2, be agreed.**

6. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:

## Recommendation

That, pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified at the meeting in the revised Part 1 of Schedule 12A to the Local Government Act 1972.

### 7. LEGAL ADVICE

To consider any legal advice relating to any applications in the agenda.

**For further information or assistance, please telephone  
Ema Dearsley, Democratic Services Officer, on 01483 523224 or by  
email at [ema.dearsley@waverley.gov.uk](mailto:ema.dearsley@waverley.gov.uk)**

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## WAVERLEY BOROUGH COUNCIL

### STANDARDS PANEL – 6 JUNE 2017

#### EXECUTIVE – 6 JUNE 2017

#### EXTRAORDINARY COUNCIL – 6 JUNE 2017

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#### Title:

### **SCHEME OF DELEGATION REVIEW AND REVISIONS TO THE CONSTITUTION**

**[Portfolio Holder: Cllr Julia Potts]  
[Wards Affected: All]**

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#### Summary and purpose:

The purpose of this report is to consider revisions to the Scheme of Delegation to officers and to agree amended wording to the constitution which relates to the decision taken by the Council in 2014 to appoint substitutes to the Joint Planning Committee.

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#### How this report relates to the Council's Corporate Priorities:

The Council's Constitution and Scheme of Delegation relate to the full spectrum of the Council's activities so changes to it are likely to relate to all of the Council's Corporate Priorities. However, the aim of streamlining and simplifying decision-making processes by reviewing the documents aims to progress the Council's objectives of providing excellent customer service and achieving value for money.

#### Financial Implications:

There will be savings in officer and member time in amending the scheme further to ensure it is kept up to date and enables actions to be taken more quickly.

#### Legal Implications:

It is the Legal Services team's view that the proposed updates to the Council's Scheme of Delegation will result in a more robust scheme and reduce the risk of officer decisions being challenged.

In the event the Judicial Review claim is successful, it is the Legal Services team's and Counsel's view that the Council should protect its ability to make representations at the subsequent Inquiry. The Council is advised to take the steps outlined in the body of this report in order to achieve this outcome by regularising its Constitution in respect of appointing JPC substitutes.

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#### Background

1. The Council, at its meeting on 25 April 2017, adopted a new Scheme of Delegation to Officers based on a new approach of operating as an 'exception' scheme, wherein all powers and functions are delegated down to officers with the exception

of any powers and functions that either must remain with a specific Committee (or with the Council), or which the Council has previously decided must rest with members. This approach has been adopted by local authorities across the Country, and as a starting point, the Council used the scheme in operation at Surrey Heath Borough Council.

2. At the point of adopting the scheme, members were mindful that with such a significant change in approach and ways of working, the scheme would need to be kept under regular review and any proposed adjustments reported back to members at the appropriate time.
3. Subject to a successful outcome at the Judicial Review Hearing in respect of the Farnham Neighbourhood Plan due to take place on 15 June, the Council's Head of Planning will need to 'make' the Farnham Neighbourhood Plan under delegated authority. Because the legislation relating to the Council's powers in relation to neighbourhood plans stems from the Localism Act rather, than the Town and Country Planning Acts to which the scheme specifically refers, officers advise that it would be prudent, as part of this early review of the scheme of delegation, to include additional wording within the scheme to ensure that the Council's process is beyond any potential challenge on this point.
4. Alongside this proposal, a number of additional amendments are proposed and these are shown as tracked changes. In particular, the opportunity has been taken to ensure that the optimum balance is achieved between the delegation of specific powers and of general wide-ranging authority (whenever the stated exceptions do not apply). The aim in doing so is to provide a scheme which is transparent and which enables officers to achieve service outcomes more quickly and efficiently.
5. All proposed amendments are shown as tracked changes in the revised document, attached as Annexe 1. The document has also been further formatted for ease of understanding so that each delegation is clearly and individually numbered and exceptions are shown in red text. This is consistent with the Council's approach of re-branding constitutional documents and making them more user-friendly and accessible on our website.

### **Joint Planning Committee – Substitution Scheme**

6. In December 2014, the Council agreed to the introduction of a scheme that allowed for substitute members to be appointed at meetings of the Joint Planning Committee with effect from January 2015. The justification for seeking this change was to improve the attendance at meetings of the Joint Planning Committee which had started to fluctuate, and members were particularly concerned that there should be more consistent attendance levels following the amendment to the constitution earlier in 2014 which had resulted in planning applications proposing housing schemes with a net increase of more than 25 dwellings being determined at Joint Planning Committee level rather than Area Planning Committees. It was also envisaged that the appointment of substitute members would help to ensure that the Committee was well represented by councillors from across the Borough when dealing with large-scale planning applications, particularly when a number of apologies had been received.

7. Following the decision of the Joint Planning Committee in December 2016 to grant planning permission for an application at Dunsfold Park, the Council's use of substitutes has been challenged, in part because the associated references in the Constitution were not updated at the same time as the Council decision being made. Waverley Borough Council refutes the suggestion that its approach to appointing JPC substitutes is unlawful and is accordingly defending its position in the Judicial Review.
8. Legal advice provided to the Council has, to date, been that the Council need not amend its constitution and should continue to operate the decision-making process around Joint Planning Committees in the same way that it had been since the Council decision was taken. However, because the Public Inquiry in relation to Dunsfold Park (following the subsequent call in of that application by the Secretary of State) has been scheduled to take place less than a week after the Judicial Review hearing concludes, the Council has now been advised that it would be prudent to update its constitution prior to the outcome of the Judicial Review in order to insure against any unnecessary inhibition of proceedings at the inquiry. It is for this reason that the matter is being brought forward for the attention of the Council at this time.
9. The proposed textual changes needed to resolve this issue are set out at Annexe 2. Only the relevant pages of the constitution have been reproduced as part of this annexe. Since 2014 when the original decision was taken, there has been a marked improvement in the level of attendance at meetings of the Joint Planning Committee, and the statistics which demonstrate this are set out at Annexe 3.

### **Changes to the Constitution**

10. In accordance with the Council's constitution, the proposed changes to these documents will be commented upon by the Standards Panel prior to their consideration by the Executive and Council.
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### **Recommendation**

It is recommended that the Standards Panel reviews the report and recommends to the Executive and Council that:

1. the revised Scheme of Delegation, as attached as Annexe 1, be approved and adopted; and
2. the amendments to the Constitution, to reflect the Council decision regarding the appointment of substitutes to the Joint Planning Committee, as set out at Annexe 2, be agreed.

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### **Background Papers**

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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**SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS**

- 1. General Principles**
- 2. Statutory Officers**
  - 2.1 Head of Paid Service
  - 2.2 Returning Officer and Electoral Registration Officer
  - 2.3 Monitoring Officer
  - 2.4 Chief Finance Officer – ‘Section 151 Officer’
- 3. Executive Director**
- 4. Head of Community Services and Major Projects**
- 5. Head of Customer and Corporate Services**
- 6. Head of Environmental Services**
- 7. Head of Finance**
- 8. Head of Housing Operations**
- 9. Head of Planning Services**
- 10. Head of Policy and Governance**
- 11. Head of Strategic Housing and Delivery**
- 12. Borough Solicitor**

# SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS

## General Principles

### 1. Powers

- 1.1 This Scheme of Delegation is made pursuant to the Local Government Act 1972 Section 101 and by reference to Section 100G and the Local Government Act 2000 Section 15 and The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended) and all other enabling powers.
- 1.2 The powers in this Scheme of Delegation are only exercisable within the limitations in the Scheme and are subject to the provisions of the Council's Constitution, including Financial Regulations and Contract Procedure Rules.
- 1.3 Where the Council, a Committee, Sub-Committee, the Leader, the Executive, Portfolio Holder or this Scheme of Delegation gives authority for any action, the officer designated shall be entitled to take all necessary steps to do so.
- 1.4 In the event that a Strategic Director or a Head of Service's post ceases to exist or his or her responsibilities are transferred to another officer (as the case may be), temporarily or permanently, then the powers given by this Scheme of Delegation shall be exercisable by the officer in whose area of responsibility the power falls to be exercised.
- 1.5 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.
- 1.6 Any Head of Service may seek permission to submit a planning application for development to be carried out by the Council (Regulation 4) and for development to be carried out by other parties on land vested in the Council (Regulation 5).

### 2. Exercise of Functions

- 2.1 All decisions by officers made under this Scheme of Delegation, may only be exercised provided they are within budgetary provision and in accordance with proper authorities, in particular Financial Regulations.
- 2.2 The Executive Director may appoint one or more deputies to exercise his or her functions owing to absence or illness.
- 2.3 The Executive Director may exercise the powers delegated to any Strategic Director, ~~or~~ Head of Service or the Borough Solicitor except in relation to those functions allocated to the Chief Finance Officer (within the meaning of Section 151 of the Local Government Act 1972 and Section 112-114A of the

Local Government Finance Act 1988) and to the Monitoring Officer (within the meaning of Sections 5, 5A of the Local Government and Housing Act 1989).

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

3.1 Where the Executive Director, Strategic Director, ~~or~~ Head of Service or Borough Solicitor are authorised to take decisions, action to implement such decisions will be taken.

3.1.1 in the name of (but not necessarily personally by) the Executive Director, Strategic Director, ~~or~~ Head of Service or Borough Solicitor; or

3.1.2 by any other officer authorised by Executive Director, Strategic Director, ~~or~~ Head of Service or Borough Solicitor to take such action in their name or the sub-delegate's own name.

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

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

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

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

### **4. Executive Director's Urgent Action**

4.1 The Executive Director is authorised to determine matters of an urgent nature within the remit of the Executive and which cannot wait for the next meeting of the Executive, which are not key decisions and which do not contravene established policies or budgets, after consultation with the Leader and relevant Portfolio Holder.

4.2 Any matters will be reported to the next meeting of the Executive.

### **5. Schedule of Authorisations**

5.1 A schedule of authorisations is attached at Appendix 1.

## **6. Amendments**

6.1 Amendments to this Scheme will be approved by the Council with the following exceptions

6.1.1 in respect of the officers designated to exercise delegated authorities where changes in the management structure and post titles have resulted from organisational restructures – by the Monitoring Officer.

6.1.2 updates to reflect new legislation where there is no extension to the limit of the existing delegation – the Monitoring Officer.

## **7. Interpretation**

7.1 Any reference to a statute or statutory instrument should be taken to include any subsequent statute or statutory instrument that replaces, amends or extends it, or contains related provisions.

7.2 The terms “officer”, “staff” or “employee” include any person employed by the Council irrespective of the particular terms and conditions under which they are employed.

7.3 Where a delegation is shown as being both an Executive and Non-Executive Function, advice should be sought from the Monitoring Officer regarding the individual circumstances.

## Schedule of Authorisations

### **1. Legal Proceedings**

- 1.1 In accordance with Article 14 of the Constitution the Borough Solicitor is authorised to institute, defend or participate in legal proceedings in respect of all functions of the Council.

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

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

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

- 3.1 The Executive Director, Strategic Director, Head of Service, and any other officer authorised by those officers, are authorised to
- 3.1.1 enter, visit or inspect premises,
  - 3.1.2 procure samples,
  - 3.1.3 inspect, seize, detain or destroy any goods, articles or equipment;
  - 3.1.4 inspect, seize and detain any records, including records held in electronic form;
  - 3.1.5 demand or require information in accordance with and as provided for by any legislation covering any Council function.
- 3.2 The Executive Director, Strategic Director, Head of Service, Borough Solicitor and any other officer authorised by those officers, may apply to the Justices of the Peace to obtain warrants to enter premises as provided for by any legislation covering any Council function.
- 3.3 A record of any other officers authorised as set out above, will be kept by the Executive Director, Strategic Director, Head of Service or Borough Solicitor as appropriate in accordance with the Sub-Delegation Scheme referred to in the General Principles.

### **4. Sealing of Documents**

- 4.1 The Executive Director, Strategic Director, Borough Solicitor, Head of Policy and Governance and any lawyer employed by the Council is authorised to witness the sealing of Council documents.

## **54. Instruments of Appointment**

**54.1** The Executive Director is authorised to issue Instruments of Appointment to the Head of Environmental Services as an inspector under the Health & Safety at Work Act 1974 and associated Acts together with all related Regulations and Orders specifying the powers exercisable, having regard to that inspector's qualifications and duties.

**54.2** The Head of Environmental Services is authorised to issue Instruments of Appointment to an inspector under the Health & Safety at Work etc Act 1974 and associated Acts together with all related Regulations and Orders specifying the powers exercisable having regard to that inspector's qualifications and duties.

## **65. Serving of Notices**

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

## **76. Cautions**

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

## **87. Appeals**

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

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

**98.1** The Consultant in Communicable Diseases Control is authorised by the Council to carry out the following actions:

- 98.1.1 To apply to Justices for orders and certificates with a view to preventing spread of disease.
- 98.1.2 To apply to Justices for orders and certificates for the removal of aged or infirm persons to hospital, after consultation with the patient's General Practitioner and the Head of Environmental Services.
- 98.1.3 To serve notices relating to infected food and control of notifiable diseases.

The Council operates an 'Executive and Leader' model. Therefore the majority of the Council's functions (decision-making) lie with the Executive. However, a range of the Council's functions are 'non-Executive' meaning that those matters are determined either by full Council or by another Committee of the Council in accordance with the Council's Constitution. Where a Function is referred to below as 'Non-Executive', that function cannot be determined by the Executive and would, in the absence of delegation to an officer(s), be decided by full Council or the relevant Committee.

This Scheme of Delegation to Officers must therefore be read in conjunction with the Council's Constitution.

## STATUTORY OFFICERS

### HEAD OF PAID SERVICE

	<b>Authority</b>	<b>Function</b>
1.	<p>To make all decisions in relation to Human Resources functions in accordance with the Council's Policies and within budgetary provision, except (a), (b), (c), (d), and (e) below which are reserved to Full Council:</p> <p>(a) the appointment of the Executive Director or Strategic Directors and the statutory posts;</p> <p>(b) amendments to Terms and Conditions of Employment for Staff and Human Resources Policies where there are additional budget implications;</p> <p>(c) the adoption of the annual Pay Policy Statement;</p> <p>(d) the approval of and amendments to the Pension Policy Statement;</p> <p>(e) the settlement of any staff pay award.</p>	Non-executive

## THE RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER

	<b>Authority</b>	<b>After Consultation with</b>	<b>Function</b>
<u>24.</u>	Within the approved budget, to approve scales of remuneration of persons employed on Borough and Parish Council elections.	Other local authorities in Surrey.	Non-executive
<u>32.</u>	To amend the designation of a Polling Place, where within six months of an election, (a) a designated polling place unexpectedly becomes unavailable; and (b) it is impractical to report to Council.	Ward councillors, local party agents and, if applicable, official candidates	Non-executive

## THE MONITORING OFFICER

	<b>Authority</b>	<b>Function</b>
<u>44.</u>	The general delegations and authorisations for the Monitoring Officer are as set out in the Constitution at Article 12, the Members' Code of Conduct Part 5 Section A, and the Monitoring Officer Protocol at Part 5, Section J.	Non-executive
<u>52.</u>	To appoint members to the Hearing Sub-Committee from the membership of the Standards Panel.	Non-executive

## THE SECTION 151 OFFICER

	<b>Authority</b>	<b>Function</b>
<u>64.</u>	The delegations and authorisations for the Section 151 Officer are as set out in the Constitution at Article 12, and Financial Regulations at Part 4, Section H.	Executive



## EXECUTIVE DIRECTOR

### Meetings, Members and the Constitution

	<b>Authority</b>	<b>After Consultation with</b>	<b>Function</b>
<u>74.</u>	To appoint members to the Independent Remuneration Panel.	Party Group Leaders.  All decisions to be reported to all Members by email.	Non-executive
<u>82.</u>	In respect of ad hoc appointments during the year, to appoint or nominate members and representatives on outside bodies; to appoint trustees; and to identify the meetings of outside bodies which are an approved duty for paying allowances.	The party group leaders.  All decisions to be reported to all Members by email.	Non-executive
<u>93.</u>	To make changes to the membership of any of the Council's Committees as necessary during the Council year in accordance with the wishes of the respective group leaders. Any changes made to be reported to the next meeting of the Council.	The party group leaders.	Non-executive

	<b>Authority</b>	<b>Function</b>
<u>104.</u>	To include properties in the List of Assets of Community Value, and make decisions in relation to claims for compensation.	Executive

## HEAD OF COMMUNITY SERVICES AND MAJOR PROJECTS

<b>11.</b>	To make all day-to-day management decisions relating to the Council's Leisure and Green Space functions.	Executive
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### Community Safety

	<b>Authority</b>	<b>Function</b>
<b>12.</b>	To carry out the Council's functions and any actions authorised by the Community Incident Action Group, relating to anti-social behaviour, in accordance with the Anti-Social Behaviour Crime and Policing Act or subsequent legislation	Executive

### Voluntary Organisations and Community Grants

	<b>Authority</b>	<b>After Consultation with</b>	<b>Function</b>
<b>13.</b>	To agree Service Level Agreements with voluntary organisations	The relevant Portfolio Holder	Executive

## HEAD OF CUSTOMER AND CORPORATE SERVICES

	<b>Authority</b>	<b>Function</b>
14.	To make all day-to-day management decisions relating to the Council's functions as they relate to customer services.	Executive

### Estate Management

	<b>Authority</b>	<b>After Consultation with</b>	<b>Function</b>
15.	To agree, with Laser, or any other supplier as agreed by the Council, changes to the cost of supplying gas and electricity services at different times within the contract period in accordance with the terms of the contract	The relevant Portfolio Holder	Executive
162.	To approve expenditure from the Repairs and Maintenance Fund on individual or related items up to £20,000.	The Leader or the appropriate Portfolio Holder	Non-executive or Executive as appropriate to the function being exercised

	<b>Authority</b>	<b>Function</b>
17.	To undertake all actions in relation to the administration of the Council's estate and property portfolio, and its interests in land or property, <b>except</b> the following matters which are reserved to the Executive: (a) Acquisitions or disposal of land or property, and interests in land or property, with a value in excess of £100,000; (b) the grant or renewal of all leases in excess of 15 years; <del>(c) the renewal of existing leases not subject to the provisions of the Landlord and Tenant Act 1954.</del>	Executive

## HEAD OF ENVIRONMENTAL SERVICES

### Licensing

	<b>Authority</b>	<b>After Consultation with</b>	<b>Function</b>
4.	<p>On behalf of the Council, to submit objections, and pursue such objections at a public inquiry if needed, to:</p> <p>(a) applications for operators licences (including variations) made under the Goods Vehicles (Licensing of Operators) Act 1995; and</p> <p>(b) reviews undertaken of existing licences.</p>	The appropriate ward councillors.	Non-executive

	<b>Authority</b>	<b>Function</b>
<u>183.</u>	<p>To make all decisions, <u>take all actions and exercise all powers in respect of the Council's licensing functions in accordance with any one or number of the following legislation and/or any in accordance the Council's adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's licensing functions: under the following Acts</u></p> <p>(i) the Public Health Acts <u>1875</u>, 1936 and 1961 <u>(as amended)</u></p> <p>(ii) <del>T</del>he Pet Animals Act 1951 <u>(as amended)</u></p> <p>(iii) <del>Caravan Sites and Control of Development Act 1960</del> <u>Public Health (Control of Disease) Act 1984</u></p> <p>(iv) Animal Boarding Establishments Act 1963</p> <p>(v) Riding Establishments Acts 1964 and 1970</p> <p>(vi) Dangerous Wild Animals Act 1976</p> <p>(vii) the Local Government (Miscellaneous Provisions) Acts <u>1976 and 1982 (as amended)</u>,</p> <p>(viii) Breeding and Sale of Dogs (Welfare) Act 199<u>0</u><del>9</del>, Breeding of Dogs Act 1991 and Breeding of Dogs Act 1973</p> <p><u>(ix) Prevention of Damage by Pests Act 1949</u></p> <p><del>(ix)</del> the Scrap Metal Dealers Act 2013</p> <p><u>(x) Sunday Trading Act 1994</u></p> <p><u>(xi) Town Police Clauses Act 1847 and 1889</u></p> <p><u>(xii) Guard Dogs Act 1975</u></p> <p><u>(xiii) Animal Health Act 1981</u></p> <p><u>(xiv) Animal Health and Welfare Act 1984</u></p>	Non-executive

	<p><u>(xv) Control of Dogs Order 1992</u></p> <p><del>and any subsequent legislation to take all actions relating to the Council's licensing functions,</del> including but not limited to the following:</p> <p>A. Street trading  B. Scrap metal dealers  C. Animal boarding establishments, riding establishments, dog breeders, pet shops and dangerous wild animals  <del>D. Caravan, camping sites and gypsy sites</del>  <u>ED. Game dealers</u>  <del>FE. Tattooing, acupuncture, ear piercing, bodycosmetic</del>  piercing and electrolysis  <u>F. Sunday trading</u></p> <p><b>except for</b></p> <p><del>(b)</del> approval and amendments to policies relating to functions under the <u>above legislation</u><del>Aets set out above</del> which is reserved to the Licensing Committee;</p>	
<u>194.</u>	<p>On behalf of the Council as the Responsible Authority for Environmental Health <u>and/or</u>, the Responsible Authority for Health and Safety, under the Licensing Act 2003, subsequent amendments and all relevant legislation and regulations:</p> <p>(a) to make a relevant representation  (b) to apply for a review of a premises licence  (c) to apply for a review of a club premises certificate</p>	Non-executive
<u>205.</u>	<p>On behalf of the Council as the Responsible Authority for Licensing under the Licensing Act 2003, subsequent amendments and all relevant legislation and regulations:</p> <p>(a) to make a relevant representation  (b) to apply for a review of a premises licence  (c) to apply for a review of a club premises certificate</p>	Non-executive

### Environmental Protection

	Authority	Function
<u>21.</u>	<u>To make all decisions, take all actions and exercise all powers in respect of the Council's environmental protection functions in accordance</u>	Executive

with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's environmental protection functions:~~To make all decisions in accordance the Council's adopted policies under the following Acts~~

- (i) the Control of Pollution Act 1974 (as amended)
  - (ii) the Environmental Protection Act 1990
  - (iii) Dangerous Dogs Act 1991
  - (iv) Noise & Statutory Nuisance Act 1993
  - (v) the Environment Act 1995
  - (vi) the Noise Act 1996
  - (vii) the Dog (Fouling of Land) Act 1996
  - (viii) The Anti-Social Behaviour Crime and Policing Act 2014 and Anti-Social Behaviour Act 2003
  - ~~(ix) Clean Neighbourhoods and Environment Act 2005~~
  - ~~(ix) the Health Act 2006~~
  - ~~(xi) the Refuse Disposal (Amenity) Act 1978~~
  - ~~(xii) Zoo Licensing Act 1981~~
  - ~~(xiii) Water Industry Act 1991~~
  - ~~(xiv) Environment Act 1995~~
  - ~~(xv) Health Act 2006~~
  - ~~(xvi) Sunday Trading Act 1994~~
  - ~~(xvii) Clean Air Act 1993~~
  - ~~(xviii) Pollution Prevention and Control (England & Wales) Regulations 2000 (as amended)~~
  - ~~(xix) Pollution Prevention and Control Act 1999~~
  - ~~(xx) Criminal Justice and Public Order Act 1994~~
  - ~~(xxi) Criminal Justice and Police Act 2001~~
- ~~and any subsequent legislation to take all actions relating to the Council's functions,~~

including but not limited to the following:

- A. Pollution control*
- B. air pollution control and clean air;*
- C. smoke free premises*
- D. Waste collection*
- E. Recycling*
- F. Controlled waste*
- G. Contaminated land*
- H. Statutory nuisance*
- I. Litter*
- J. Dangerous and Out of Control dogs*
- K. Dog fouling*
- L. Authorisations in relation to controlled processes*
- M. High Hedges complaint*

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

	Authority	Function
224.	<p><u>To make all decisions, take all actions and exercise all powers in respect of the Council's environmental health functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's environmental health functions: <del>To make all decisions in accordance the Council's adopted policies under the following Acts</del></u></p> <p>(i) the Local Government Act 1972  (ii) the Local Government (Miscellaneous Provisions) Act 1976  (iii) the Public Health Act 1961  (iv) the Clean Neighbourhoods <del>and(v) the</del> Environment Act 2005  <u>(v) the Prevention of Damage by Pests Act 1961</u>  <u>(vi) National Assistance Acts 1948 and 1951</u>  <u>(vii) Water Act 1989</u>  <u>(viii) Disability Discrimination Act 1995</u></p> <p><del>and any subsequent legislation to take all actions relating to the Council's functions,</del> including but not limited to the following:</p> <p><i>(a) drains, private sewers, water closets or soil pipes</i>  <i>(b) a satisfactory supply of wholesome water</i>  <i>(c) the control rats and mice</i>  <i>(d) filthy or verminous premises, articles or persons</i>  <i>(e) the prevention and suppression of nuisances</i>  <i>(f) emergency situations arising outside normal working hours.</i></p>	Executive

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**Food and Health & Safety**

	<b>Authority</b>	<b>Function</b>
234.	<p><u>To make all decisions, take all actions and exercise all powers in respect of the Council's food safety and health &amp; safety functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation and any associated regulations relating to the Council's food safety and health &amp; safety and pesticides functions: To make all decisions in accordance the Council's adopted policies under the following Acts</u></p> <p>(i) the European Communities Act 1972  (ii) the Food and Environmental Protection Act 1985,  (iii) the Food Safety Act 1990,  (iv) the Health &amp; Safety at Work etc Act 1974,  <u>(v) Sunday Trading Act 1994,</u>  <u>(vi) Public health (Control of Diseases) Act 1984 (and regulations made thereunder (with the exception of those dealt with under the health protection regulations))</u>  <u>(vii) Game Act 1831</u>  <u>(viii) Sea Fisheries (Shellfish) Act 1967</u>  <u>(ix) Offices Shops and Railway Premises act 1963</u>  <u>(x) Food and Environment Protection Act 1985 and any associated regulations and any subsequent legislation, to take all actions relating to the Council's functions in respect of food and health &amp; safety and pesticides.</u></p>	Non-executive/Executive

**Land Drainage**

	<b>Authority</b>	<b>Function</b>
244.	<p>To take all actions to alleviate flooding under the Water Management Acts, <u>Water Act 1989 and Land Drainage Act 1991</u> relating to the Council's land drainage functions, except the following which are reserved to the Executive:</p> <p>(i) approval of the annual Drainage Works Programme;</p>	Executive



	(ii) authority to submit funding bids for projects requiring external funding for drainage works on third party land where this would require the Council to part fund from the Drainage Reserve	
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### Car Parks

	<b>Authority</b>	<b>Function</b>
<u>254.</u>	To make all day to day management decisions relating to the management and use of the Council's car parks, except for the following which are reserved to the Council: (a) The adoption of and amendments to the Council's Car Parking Strategy; (b) The setting of off-street car parking charges.	Non-executive
<u>26.</u>	<u>To make all decisions, take all actions and exercise all powers in respect of the Council's parking functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's parking functions:</u>  <u>(i) Highways Act 1980</u> <u>(ii) Road Traffic Regulation Act 1984</u> <u>(iii) Road Traffic Regulation Act 1991</u> <u>(iv) Traffic Management Act 2004</u>	<u>Executive</u>

### Emergency Planning

	<b><u>Authority</u></b>	<b><u>Function</u></b>
<u>27.</u>	<u>To make all decisions, take all actions and exercise all powers in respect of the Council's functions as a Category 1 Responder in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's emergency planning functions as a Category 1 Responder:</u>  <u>Civil Contingencies Act 2004</u>	<u>Non-executive</u>

## HEAD OF FINANCE

### Financial Management

	<b>Authority</b>	<b>After Consultation with</b>	<b>Function</b>
<u>281.</u>	To set the Council Tax Base.	The relevant Portfolio Holder	Executive
<u>29.</u>	To monitor and manage the revenue reserves and provisions of the Council, including the release of such funds within agreed policy guidelines.	The Executive Director and the relevant Portfolio Holder.	Executive

	<b>Authority</b>	<b>Function</b>
<u>301.</u>	To determine areas and levels of cover for insurance.	Executive
<u>312.</u>	To approve spending from the Insurance Fund in individual projects or a group of related projects or a group of related items up to a maximum of £20,000.	Executive
<u>32.</u>	To determine rates of interest payable under: (a) Public Health Acts and Housing Acts (rechargeable works executed by the Council) (b) Local Government (Miscellaneous Provisions) Act 1976 (dangerous trees and restoration of supplies).	Non-executive

### Council Tax and NNDR

	<b>Authority</b>	<b>Function</b>
<u>331.</u>	To apportion rates under Section 44A of the Local Government Finance Act 1988, and any subsequent legislation, on premises partially unoccupied for short periods.	Executive
<u>342.</u>	To grant applications for discretionary rate relief which meet the adopted criteria and can be funded within the approved budget	Executive
<u>35.</u>	To execute warrants of arrest for Council Tax and Non-Domestic Rate debts	Executive

## HEAD OF HOUSING OPERATIONS

### Housing and Homelessness

	<b>Authority</b>	<b>Function</b>
<u>361.</u>	<p><u>To make all decisions, take all actions and exercise all powers in respect of the Council's housing and homelessness functions in accordance with any one or number of the following legislation and/or any in accordance the Council's adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's housing and homelessness functions: <del>To make all decisions, take all actions and exercise all powers in accordance the Council's adopted policies under the following Acts</del></u></p> <ul style="list-style-type: none"> <li>(i) Housing Act 1985</li> <li>(ii) Local Government and Housing Act 1985</li> <li>(iii) Housing Act 1996</li> <li>(iv) Children Act 1989</li> <li>(v) Regulation 3 of the Town and Country Planning (General) Regulations 1992 – except for the determination of planning applications which is reserved to the relevant Area or Joint Planning Committee</li> <li>(vi) Housing Act 2004</li> <li>(vii) Anti-Social Behaviour, Crime and Policing Act 2014</li> <li>(viii) Clean Neighbourhoods and Environment Act 2005</li> <li>(ix) Leasehold Reform, Housing and Urban Development Act 1993</li> <li>(x) Leasehold Reform Act 1967</li> <li>(xi) Housing and Planning Act 2016</li> <li>(xii) Homelessness Act 2002</li> <li>(xiii) Housing, Grants, Construction and Regeneration Act 1996</li> <li>(xiv) Prevention of Damage by Pests Act 1949</li> <li>(xv) Public Health Acts 1936 and 1961</li> <li>(xvi) Caravan Sites and Control of Development Act 1960</li> <li>(xvii) Environmental Health Act 1990</li> </ul>	Non-Executive/Executive

	<b>Authority</b>	<b>After Consultation with</b>	<b>Function</b>
<u>371.</u>	To review decisions taken under the Personal Files (Housing)	The relevant Portfolio Holder	Executive

	Regulations Act 1989 concerning access to, or correction or erasure of information held in housing records of which a tenant (or member of his family) is aggrieved.		
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	<b>Authority</b>	<b>Function</b>
<u>381.</u>	To make decisions under Access to Personal Files (Housing) Regulations 1989.	Executive
<u>392.</u>	To make decisions under the Rent Deposit Guarantee Scheme.	Executive

## HEAD OF PLANNING

### Development Control and Planning Policy

	Authority	After Consultation with	Function
<u>404.</u>	To determine major planning applications where these are resubmitted applications previously refused only for SPA reasons which are now resolved and where: (a) the application is not materially different from the original application; (b) the material considerations affecting the decision have not changed; (c) there is no request from a councillor to call in the application for determination by the Committee as set out in 3(b) below.	The Chairman of the Joint Planning Committee and Ward Councillors	Non-executive
<u>412.</u>	To agree variations to Section 106 legal agreements under the Town and Country Planning Act 1990 which relate to planning applications determined by the Area Planning Committees and Joint Planning Committee	The Chairman of the Joint Planning Committee and Ward Councillors	Non-executive

	Authority	Function
<u>42.</u>	<u>To make all decisions, take all actions and exercise all powers in respect of the Council's Development Control, Planning Policy and Planning Enforcement functions in accordance with any one or number of the following legislation (and any regulations and/or statutory instruments made thereunder) and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's Development Control, Planning Policy and Planning Enforcement functions:</u>  <u>(i) Caravan Sites and Control of Development Act 1960</u> <u>(ii) Countryside and Rights of Way Act 2000</u> <u>(iii) Enterprise and Regulatory Reform Act 2013</u> <u>(iv) Environment Act 1995</u> <u>(v) Environmental Protection Act 1990</u> <u>(vi) Growth and Infrastructure Act 2013</u> <u>(vii) Housing Act 1996</u>	<u>Non-Executive/Executive</u>

	<p><u>(viii) Housing Act 2004</u>  <u>(ix) Human Rights Act 1998</u>  <u>(x) Infrastructure Act 2015</u>  <u>(xi) Local Democracy, Economic Development and Construction Act 2009</u>  <u>(xii) Local Government Act 2003</u>  <u>(xiii) Localism Act 2011</u>  <u>(xiv) Planning (Hazardous Substances) Act 1990</u>  <u>(xv) Planning (Listed Buildings and Conservation Areas) Act 1990</u>  <u>(xvi) Planning Act 2008</u>  <u>(xvii) Planning and Compensation Act 1991</u>  <u>(xviii) Planning and Compulsory Purchase Act 2004</u>  <u>(xix) Pollution Prevention and Control Act 1999</u>  <u>(xx) Town and Country Planning Act 1990</u>  <u>(xxi) Building Act 1984</u></p>	
43.	<p>(A) to determine planning applications, applications for advertisement consent, non-material and minor material amendments applications, details to comply with conditions, variation/removal of condition applications, prior notifications/prior approval notices and certificates of lawfulness <u>(after consultation with the Borough Solicitor for applications of certificates of lawfulness)</u>;</p> <p>(B) to determine applications for listed building consent and to take action in relation to listed buildings and Conservation Areas; and</p> <p>(C) to respond to consultations and notifications from other local authorities, public bodies, etc.;</p> <p>(D) to determine the need for an environmental impact assessment;</p> <p>(E) to take direct action/seek injunctions in relation to breaches of planning control, remove unauthorised signage/advertisements and remedying the condition of land;</p> <p>(F) <u>to serve, amend, vary, withdraw, revoke any notices, permissions, certificates as appropriate (including but not limited to: enforcement notices, breaches of condition notices, temporary stop notices, stop notices, amenity notices, planning contravention notices, certificates of lawfulness)</u><del>to serve notices (including enforcement notices, breaches of condition notices, temporary stop notices, stop notices planning contravention notices);</del> under the Town and Country Planning Acts and any Regulations made in relation to this legislation or any amendments;,-</p> <p><u>(G) the making and/or adoption of any plan for the</u></p>	Non-executive

purposes of neighbourhood planning

**except:**

(a) planning applications that must be referred to the Joint Planning Committee in accordance with Part 3 of the Constitution;

(b) any planning application, where within three weeks of the publication of the weekly list of planning applications, any councillor from the relevant Area Committee (for the Committee including all or part of the planning application site concerned) makes a requests to the Head of Planning (or an officer(s) nominated by them), supported in writing by the relevant Town or Parish Council, putting forward matters that are relevant planning grounds, to refer an application to the next appropriate meeting of the Area or Joint Planning Committee for determination.

(c) any planning application, where within three weeks of the publication of the weekly list of planning applications, any councillor from the relevant Area Committee (for the Committee including all or part of the planning application site concerned) makes a requests to the Head of Planning (or an officer(s) nominated by them), putting forward matters that are relevant planning grounds, to refer an application to the next appropriate meeting of the Area or Joint Planning Committee for determination.

(For (b) and (c)) Where the three-week call-in period has expired, but the Head of Planning is satisfied that the circumstances are so exceptional and the application has not been determined, they may, after consultation with the Chairman of the relevant Committee, arrange for that application to be referred to the Committee;

(d) any planning application submitted by or on behalf of a serving Councillor or employee of the Council, or the spouse or partner of any of the above persons;

(e) any planning application where an objection from a statutory consultee remains unresolved and the officer's recommendation is to approve the application;

	(f) any planning application where the Council is the applicant;  (g) any planning application which is required to be referred to the Secretary of State.	
44.	To take action, make decisions, serve notices and carry out works relating to trees pursuant to the Town and Country Planning Act 1990, the Hedgerow Regulations 1997 and Section 23 of the Local Government (Miscellaneous Provisions) Act 1976, and any Regulations made in relation to this legislation or any amendments, <b>except</b> the confirmation or revocation of a tree preservation order where objections have been received which is reserved for decision by the Area Planning Committee.	Non-executive
45.	To agree the terms of, and variations to, Section 106 Legal Agreements under the Town and Country Planning Act 1990 in connection with the grant of planning permission under delegated powers and Section 106 agreements following a refusal on appeal	Non-executive

### Licensing

	Authority	Function
461.	Under the Licensing Act 2003 (a) to respond to the licensing authority in connection with consultations on applications on behalf of the local planning authority; (b) to apply for a review of a premises licence or a club premises certificate.	Non-executive

### Street Naming and Numbering

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

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



## Building Control

	<b>Authority</b>	<b>After Consultation with</b>	<b>Function</b>
<u>494.</u>	To adjust Building Control charges appropriately to ensure income will cover the cost of the chargeable service	The relevant Portfolio Holder	Executive

	<b>Authority</b>	<b>Function</b>
<u>504.</u>	To exercise the Council's powers in relation to Building Control legislation, including, but without prejudice to the generality of the foregoing, the determination of applications for the approval of plans and specifications, applications for relaxations, the issue and service of all Notices, the making of requirements and the decision to carry out works in default.	Executive
<u>512.</u>	To exercise the powers and duties of the Council, including the recovery of costs, relating to dangerous, dilapidated or defective buildings or structures, hoardings, scaffolding and the demolition of buildings	Executive

## HEAD OF POLICY AND GOVERNANCE

### Members Meetings and the Constitution

	Authority	After Consultation with	Function
<u>524.</u>	To approve the annual timetable of meetings of the Council and Standing Committees.	The Leader	Non-executive
<u>532.</u>	The determination of applications for street collections to provide funding to meet a major local, <del>national</del> , <u>or</u> <del>international</del> disaster.	The Chairman of the Licensing and Regulatory Committee.	Non-executive
<u>54.</u>	<u>On behalf of the Council, to submit objections, and pursue such objections at a public inquiry if needed, to:</u> <u>(a) applications for operators licences (including variations) made under the Goods Vehicles (Licensing of Operators) Act 1995; and</u> <u>(b) reviews undertaken of existing licences.</u>	<u>The appropriate ward councillors.</u>	<u>Non-executive</u>

	Authority	Function
<u>554.</u>	<u>To make all decisions, take all actions and exercise all powers in respect of the Council's licensing functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's licensing functions: <del>To make all decisions in accordance with the Council's adopted policies under the following Acts</del></u> (i) the Local Government (Miscellaneous Provisions) Act 1976 (ii) the Town Police Clauses Act 1847 (iii) the Local Government (Miscellaneous Provisions) Act 1982 (iv) The Regulatory Reform Act 2001 (v) Licensing Act 2003, (vi) the Gambling Act 2005 and any subsequent legislation to take all actions relating to the Council's licensing functions, including but not limited to the following:	Non-Executive

	<p><i>A. Personal, premises, club premises licences and Temporary Event Notices</i></p> <p><i>B. Hackney carriage drivers and vehicles, and private hire drivers, vehicles and operators (except any applications that reveal convictions for offences that might affect the suitability of a person to hold a licence)</i></p> <p><i>C. House to house and street collections</i></p> <p><i>D. Club gaming/club machine permits and small society lotteries</i></p> <p><i>E. Sexual Entertainment Venues</i></p> <p>except for</p> <p>(a) approval of and amendments to the Statement of Licensing Policy and the Gambling Policy which are reserved to Council;</p> <p>(b) approval and amendments to policies relating to functions under the Acts set out above which is reserved to the Licensing Committee;</p> <p>(c) approval of increases in the hackney carriage fare scale and amendments to the scale of charges for hackney carriage and private hire licence fees, which is reserved to the Licensing and Regulatory Committee;</p> <p>(d) the designation of and amendments to hackney carriage vehicle ranks which is reserved to the Licensing and Regulatory Committee;</p> <p>(e) the power to make an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption which is reserved to the Licensing and Regulatory Committee;</p> <p>(f) all applications and appeals reserved to the Licensing Sub Committee as set out in its Terms of Reference at Part 3, Section E of the Constitution.</p>	
562.	To make all day to day management decisions relating to the Council's functions as they relate to communications and public relations.	Executive

**Closure of Streets (suggest reallocation)**

	<b>Authority</b>	<b>Function</b>
571.	To make and issue temporary street closures orders in connection with special events in	Executive

	accordance with Section 21 of the Town Police Clauses Act 1847.	
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## HEAD OF STRATEGIC HOUSING AND DELIVERY

	Authority	Function
584.	<p><u>To make all decisions, take all actions and exercise all powers in respect of the Council's housing and homelessness functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's housing and homelessness functions: To make all decisions, take all actions and exercise all powers in accordance the Council's adopted policies under the following Acts</u></p> <ul style="list-style-type: none"> <li>(i) Housing Act 1985</li> <li>(ii) Local Government and Housing Act 1985</li> <li>(iii) Housing Act 1996</li> <li>(iv) Children Act 1989</li> <li>(v) Regulation 3 of the Town and Country Planning (General) Regulations 1992 – except for the determination of planning applications which is reserved to the relevant Area or Joint Planning Committee</li> <li>(vi) Housing Act 2004</li> <li>(vii) Anti-Social Behaviour, Crime and Policing Act 2014</li> <li>(viii) Clean Neighbourhoods and Environment Act 2005</li> <li>(ix) Leasehold Reform, Housing and Urban Development Act 1993</li> <li>(x) Leasehold Reform Act 1967</li> <li>(xi) Housing and Planning Act 2016</li> <li>(xii) Homelessness Act 2002</li> <li>(xiii) Housing, Grants, Construction and Regeneration Act 1996</li> <li>(xiv) Prevention of Damage by Pests Act 1949</li> <li>(xv) Public Health Acts 1936 and 1961</li> <li>(xvi) Caravan Sites and Control of Development Act 1960</li> <li><u>(xvii) Environmental Health Act 1990</u></li> <li><u>(<del>xvii</del>) (xviii) Public Health (Control of Disease) Act 1984</u></li> </ul>	Non-Executive/Executive
59.	<p><u>To evaluate opportunities to buy back all or part of a former Council property (to include determining right of first refusal and percentage of ownership)</u></p>	<u>Executive</u>
60.	<p><u>To proceed to initial assessment of buy back or</u></p>	<u>Executive</u>

	<u>open market purchase if the opportunity meets the Council's criteria/policy</u>	
61.	<u>To proceed to initial assessment for a land purchase if the opportunity meets the Council's criteria/policy</u>	<u>Executive</u>

	<u>Authority</u>	<u>After Consultation with</u>	<u>Function</u>
62.	<u>To proceed to initial assessment of buy back or open market purchase if the opportunity does not meet the Council's criteria/policy</u>	<u>Portfolio Holders on the Housing Delivery Board</u>	<u>Executive</u>
63.	<u>To proceed to initial assessment for a land purchase if the opportunity does not meet the Council's criteria/policy</u>	<u>Portfolio Holders on the Housing Delivery Board</u>	<u>Executive</u>
64.	<u>To proceed to negotiation stage of buy back or open market purchase if the purchase price falls within overall budget</u>	<u>Portfolio Holders on the Housing Delivery Board</u>	<u>Executive</u>
65.	<u>To negotiate on price of buy back or open market purchase</u>	<u>Strategic Director of Finance and Resources and Estates and Valuation Manager</u>	<u>Executive</u>
66.	<u>To proceed with buy back or open market purchase if within budget or purchase price and works are needed</u>	<u>Portfolio Holders on the Housing Delivery Board</u>	<u>Executive</u>
67.	<u>To negotiate on land purchases</u>	<u>Strategic Director of Finance and Resources and Estates and Valuation Manager</u>	<u>Executive</u>
68.	<u>To proceed with land purchase if within agreed financial limits</u>	<u>Portfolio Holders on the Housing Delivery Board</u>	<u>Executive</u>

## Private Sector Housing

	<b>Authority</b>	<b>After Consultation with</b>	<b>Function</b>
<b>694.</b>	To determine the charges for default works undertaken pursuant to the Public Health and Housing Acts and the clearance of private drains and private sewers, all in respect of Environmental Protection legislation.	The relevant Portfolio Holder	Executive

	<b>Authority</b>	<b>Function</b>
<b>704.</b>	To undertake all actions relating to the Council's functions under the Housing Grants, Regeneration and Construction Act 1996 and any subsequent legislation, including but not limited to the following: (a) Disabled facilities grants (b) Renovation grants (c) common parts grants, (d) house in multiple occupation grants (e) major repair grants	Executive
<b>712.</b>	To undertake all actions relating to the Council's functions under the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 for the securing of loans given for the improvement or repair of dwellings as a formal Land Charge.	Executive
<b>72.3</b>	To undertake all actions relating to the Council's functions under the Housing Acts and any subsequent legislation regard to unfit housing and houses in multiple occupation.	Executive
<b>73.</b>	To administer and approve loans under the Flexible Improvement Loans Scheme.	Executive

### **Housing and Homelessness**

	<b>Authority</b>	<b>Function</b>
<b>744.</b>	To make decisions to depart from the Council's Allocations Policy in special needs circumstances.	Executive
<b>752.</b>	To review decisions under the Allocation of Housing and Homelessness (Review Procedures) Regulations 1999.	Executive

### **Burial or Cremation**

	<b>Authority</b>	<b>Function</b>
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<u>764.</u>	To arrange the burial or cremation of persons for whom no other suitable arrangements for the disposal of their remains have been made (under Section 46 of the Public Health (Control of Disease) Act 1984) and any necessary administration of the deceased's estate in liaison with the Treasury Solicitor.	Executive
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## BOROUGH SOLICITOR

### Data Protection Act 1998

	Authority	Function
<u>774.</u>	To waive in cases of hardship the subject access fee allowed for under the Data Protection Act 1998.	Executive
<u>78.</u>	<u>To evaluate opportunities to buy back all or part of a former Council property (to include determining right of first refusal and percentage of ownership)</u>	<u>Executive</u>

### Regulation of Investigatory Powers Act 2000

	Authority	After Consultation with	Function
<u>794.</u>	To amend the Council's Regulation of Investigatory Powers Act 2000 Policy and Procedure, to reflect changes to the legislation or for better performance of the Policy	The relevant Portfolio Holder and the Leader	Executive
<u>802.</u>	To add to, or delete from, the list of authorised officers in the Council's Policy and Procedure pursuant to the Regulation of Investigatory Powers Act 2000.	The relevant Portfolio Holder and the Leader	Executive



**4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

**4.1 Allocation**

As well as allocating seats on committees, the Council will allocate seats in the same manner for substitute members.

**4.2 Number**

For each committee, the Council will appoint the agreed number of substitutes in respect of each political group in proportion to the number of ordinary seats as that group holds on that committee, Sub-Committee or Panel.

**4.3 Powers and duties**

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

**4.4 Substitution**

The following procedure will apply to the appointment of substitutes when members are not able to attend a meeting of an Overview and Scrutiny or Licensing Committee or Sub-Committee, including in the case of a vacancy:-

- (a) The member unable to attend a Committee or Sub-Committee meeting will submit their apologies to the Head of Policy and Governance by noon at the latest on the day of the meeting and ask that a substitute be appointed.
- (b) The Head of Policy and Governance will then approach substitutes from the appropriate political group in the order agreed by the Council or the parent Committee.
- (c) The Head of Policy and Governance will notify the Committee or Sub-Committee of any substitutions at the start of the meeting.
- (d) Substitutes shall exercise the full voting rights of a member of a Committee or Sub-Committee when attending a Committee or Sub-Committee meeting.
- (e) Substitute members shall be eligible for payment of travelling and subsistence allowances.
- (f) Members on substitute lists will be sent the full agenda for meetings.

There are no substitute members appointed to the Audit Committee, Executive and Area Planning Committees.

For the Joint Planning Committee, the following procedure will apply to the appointment of substitutes when members are not able to attend a meeting:-

1. all members of the Area Planning Committees who are not already members will be listed as substitutes of the Joint Planning Committee;
2. upon receipt of any apology from a member of the Joint Planning Committee by 12 noon on the day of the meeting, substitute members will continue to be arranged by the Democratic Services Team;
3. a substitute will be called from the same Area Planning Committee as the member giving their apology from the Joint Planning Committee; and
4. the substitute member must be from the same political group as the member giving the apology, and in the event that no substitute is available, no substitution will be made for that member.

2016/17							
	16-May	17 May	25-May	01-Jun	22-Jun	05-Jul	15-Aug
Site	Little Meadow, Alfold Road, Cranleigh GU6 8NQ	Garden Style Nursery, Wrecclesham Hill, Wrecclesham	Land between Birth Road and Pond Farm, Farncombe	Woodside Park, Godalming	Land at East Street	The Woolmead, East Street	Land at North End of Tongham Road, Runfold
Application	Outline	Full	Full	Outline	Full	Outline	Hybrid
Decision	Approved	Approved	Deferred	Refused	Granted	Granted	Deferred
<b>Attendance</b>							
Present	17	19	14	18	17	16	18
Subs in attendance	1	1	0	1	0	1	1
<b>Total</b>	<b>18</b>	<b>20</b>	<b>14</b>	<b>19</b>	<b>17</b>	<b>17</b>	<b>19</b>
<b>Total Percentage</b>	<b>78%</b>	<b>87%</b>	<b>61%</b>	<b>83%</b>	<b>74%</b>	<b>74%</b>	<b>83%</b>
Apologies	6	4	9	5	6	7	5
Other observing				1			

24-Aug	14-Sep	26-Sep	03-Oct	24-Oct	08-Nov	16-Nov	14-Dec	19-Dec
Land at 106 and The Chantry Bungalow and land Southwest of Horsham Road	Land South of Amlets Lane and North of Roberts Way, Cranleigh	Little Acres Nursery, St Georges Road, Farnham	Land at 106 and The Chantry Bungalow and land Southwest of Horsham Road	Land Between Birch Road and Pond Farm, Furze Lane, Farncombe	Land at Tongham Road AND Land South of Amlets Lane/North of Roberts Way	Land to the North of Nugent Close, Dunsfold AND Baker Oates Stables, Gardeners	Dunsfold Park, Stovolds Hill, Cranleigh	Woodside Park, Catteshall Lane, Godalming
Reserved Matters	Reserved Matters	Outline	Reserved Matters (repeat)	Reserved Matters	Hybrid (repeat) AND Reserved Matters (repeat)	Full AND Reserved Matters	Hybrid	Outline
Deferred	Deferred	Granted	Granted	Granted	Refused AND Granted	Granted AND Refused	Granted	Deferred
20	15	13	13	14	20	19	12	18
1	0	0	2	2	0	2	6	3
<b>21</b>	<b>15</b>	<b>13</b>	<b>15</b>	<b>16</b>	<b>20</b>	<b>21</b>	<b>18</b>	<b>21</b>
<b>91%</b>	<b>65%</b>	<b>57%</b>	<b>65%</b>	<b>70%</b>	<b>87%</b>	<b>91%</b>	<b>78%</b>	<b>91%</b>
3	8	10	9	8	2	3	10	4
		1					2	

1 vacancy 1 vacancy 1 vacancy 1 vacancy 1 vacancy 1 vacancy 1 vacancy

15-Feb	28-Feb
Land South of High Street between Alfold Road and Knowle Lane, Cranleigh	Woodside Park, Catteshall Lane, Godalmimn
Variation of Conditions	Outline (repeat)
Granted	Granted
21	15
1	1
<b>22</b>	<b>16</b>
<b>96%</b>	<b>70%</b>
1	7

1 vacancy 1 vacancy

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