

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE STANDARDS COMMITTEE - 12 MARCH 2019

SUBMITTED TO THE COUNCIL MEETING – 19 MARCH 2019

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr Michael Goodridge (Chairman)
Cllr Kevin Deanus

Cllr John Gray
Cllr John Ward

Apologies

Cllr Mike Band, Cllr Carole Cockburn, Cllr David Else, Cllr David Hunter and Cllr Robert Knowles

STD 23/18MINUTES (Agenda item 1.)

The Minutes of the Meeting held on 21 January 2019 were confirmed as a correct record and signed.

STD 24/18APOLOGIES FOR ABSENCE (Agenda item 2.)

Apologies for absence had been received from Councillors Mike Band, Carole Cockburn, David Else, David Hunter, and Robert Knowles.

The Town & Parish representative, Mrs Joan Holroyd was not required for this meeting.

STD 25/18DISCLOSURES OF INTERESTS (Agenda item 3.)

There were no disclosures of interests.

STD 26/18QUESTIONS BY MEMBERS OF THE PUBLIC (Agenda item 4.)

There were no questions from members of the public.

STD 27/18QUESTIONS FROM MEMBERS (Agenda item 5.)

There were no questions from Members.

PART I - RECOMMENDATIONS TO THE COUNCIL

Background Papers

Unless specified under an individual item, there are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to the reports in Part I of these minutes.

STD 28/18 APPOINTMENT OF INDEPENDENT PERSONS - UPDATE (Agenda item 6.)

- 28.1 The Monitoring Officer updated the Committee on recruitment to the panel of Independent Persons with effect from May 2019. As previously reported to the Standards Committee, Waverley was participating in a joint recruitment process with Guildford, Epsom & Ewell, Mole Valley, Reigate & Banstead, Spelthorne, and Surrey Heath to appoint a panel of at least three Independent Persons for a 4-year term commencing May 2019, with any of the appointed Independent Persons being able to act for any of the councils.
- 28.2 Since the meeting of the Standards Committee on 21 January 2019, the positions had been advertised on the websites of the seven councils. Seven applications had been received: four from current Independent Persons to Surrey districts, who had applied to continue in their role; and three new applications.
- 28.3 The respective Monitoring Officers recommended the re-appointment of the four current Independent Persons for a further term. The three new applicants had been interviewed by a panel of Monitoring Officers from the participating councils, and all three were recommended for appointment.
- 28.4 As a result of the joint recruitment exercise, therefore, the Monitoring Officers of the seven Surrey districts recommended that the following be appointed as Independent Persons, with any of the councils able to use any of the Independent Persons:

**Recommended for re-
appointment:**

Vivienne Cameron
Roger Pett
Bernard Quorroll
John Smith

**Recommended for
appointment:**

Paul Eaves
Bill Donnelly
Liz Lawrence

- 28.5 The Committee was pleased to see that there had been a good response to the advertisement and felt that the number of Independent Persons recommended for appointment was sufficient for the number of councils they would be supporting. The Committee noted that the Independent Persons were not paid an allowance under the Scheme of Allowances, but were able to claim expenses incurred whilst acting for a council.
- 28.6 The Standards Committee RESOLVED to recommend to Council that the above named be appointed as Independent Persons for Waverley, for a 4-year term from May 2019.

STD 29/18 MEMBERS' CODE OF CONDUCT (Agenda item 7.) (Pages 7 - 16)

- 29.1 The Standards Committee reviewed the proposed changes to the Members' Code of Conduct at its meeting on 21 January 2019. The Committee had noted that the proposed amendments aimed to provide additional clarification on the core principles of the Code, and address some procedural matters on

which the Code was currently silent in relation to recording sensitive information on the Register of Interests, removal of entries from the Register, and dispensations.

- 29.2 The Committee had noted that the proposed amendments did not impose any additional burdens on Members, and they had been broadly supportive of the clarifications proposed. However, there had been three parts of the proposed changes that the Committee had felt needed more clarification.
- 29.3 The new text at paragraphs 1(7) and 1(8) had previously been presented as one paragraph. At the request of the Committee, the separate elements had been split across two paragraphs.
- 29.4 The wording of Paragraph 5(6), relating to recording of sensitive interests on the Register of Interests, had been simplified as far as possible. The inclusion of this paragraph was important, as it made clear to councillors that there were circumstances when an interest legitimately might not be included in the published Register of Interests; and it made clear to the public that there were situations when with the agreement of the Monitoring Officer, a councillor might withhold the detail of a specific interest from the published Register. The Minister for Local Government, in his letter to Local Authority Leaders dated 7 March 2019, had encouraged Monitoring Officers to look sympathetically on requests by councillors to treat interests as 'sensitive' where there were legitimate concerns about abuse or intimidation.
- 29.5 At the previous meeting, Committee members had been concerned that the wording of Paragraph 7 would preclude them from taking part in any decisions other than those of the types specified. Officers explained that this paragraph had to be read in the context of previous paragraph 5(1) which stated that councillors should not participate in decisions where they could be reasonably seen as having an interest. For example, a councillor who has registered an interest (ownership) of a property in Waverley might be seen as having an interest in the setting of council tax. For the avoidance of any doubt, Paragraph 7 provided a dispensation to all members to take part in decisions on setting council tax, setting councillor allowances, and setting council house rents.
- 29.6 The Committee was satisfied with the further clarification provided on these parts of the Code of Conduct.
- 29.7 The Committee noted that at the end of January 2019, the Committee on Standards in Public Life published its long-awaited report on Local Government Ethical Standards. Officers would be reviewing the Code of Conduct, the Members' Planning Code of Good Practice, and the Arrangements for dealing with complaints against councillors, in the light of the recommendations in the report and recent experience of applying the Arrangements, and bringing forward a report to a future meeting of the Committee.

- 29.8 The Committee RESOLVED to RECOMMEND to Council that the revised Members' Code of Conduct (attached) be approved, and that all Waverley Town and Parish Councils be sent the revised Code of Conduct and encouraged to adopt the changes in their own Codes in order to maintain consistency with their Principal Authority.

STD 30/18 REVIEW OF SCHEME OF DELEGATION (Agenda item 8.) (Pages 17 - 48)

- 30.1 The Standards Committee reviewed the proposed changes to the Scheme of Delegation to Officers, which officers had requested in the light of experience since the revision of the Scheme in 2017. The Committee had reviewed the proposals at its meeting on 21 January 2019 and had been broadly supportive. However, there were three aspects of the proposed revisions on which the Committee had asked for further information.
- 30.2 New Paragraph 8A (Delegation to the Section 151 Officer) would avoid the need to take new or revise fees and charges to Council mid-year, such as the new Animal Welfare (Licensing of Activities Involving Animals) fee schedule that had been approved by Council in December 2018, and so avoid potential loss of income whilst waiting for Council approval. The delegation to the S151 Officer would be in consultation with the Portfolio Holder for Finance, and Council would still retain responsibility for approving the complete Schedule of Fees and Charges as part of the annual budget-setting. The Committee noted that setting of car parking charges was outside the scope of the Fees and Charges Schedule.
- 30.2 The Committee had asked for Officers to review the wording for the delegation to the Head of Customer and Corporate Service on administration of the Council's estate and property portfolio, at Paragraph 17, as it did not reflect the role of the Investment Advisory Board in making recommendations to the Executive on acquisitions or disposals of land or property.
- 30.3 The Committee noted that a distinction had been made in the new proposals between administration of the Council's ownership of land or property (in Paragraph 17A) and the Council's other interests in land or property, such as easements or leases, that fell outside of the remit of the Investment Advisory Board (in Paragraph 17B).
- 30.4 The Committee suggested some further amendments to the wording, subject to which they were happy to recommend the revisions to Council. The Committee also noted that the Scheme would need to be updated to reflect the changes in responsibilities of the Senior Management Team with effect from 1 March 2019, and the opportunity would be taken to tidy up the numbering of the sections and paragraphs within the Scheme.
- 30.5 Subject to the further clarification of Paragraphs 17A and 17B, the Standards Committee RESOLVED to RECOMMEND to Council that the revised Scheme of Delegation to Officers (attached) be approved.

PART II - MATTERS OF REPORT

There were no matters of report.

The meeting commenced at 4.00 pm and concluded at 4.45 pm.

Chairman

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The Waverley Members' Code of Conduct

The Waverley Members' Code of Conduct was adopted by Council on 17 July 2012, and amended by Council on 18 October 2016.

Introduction and Interpretation

1. (1) This Code applies to you as a Member of Waverley Borough Council ("the Council") when you act in your role as a Member, **including the use of email or social media platforms.**
- (2) You are a representative of the Council and the public will view you as such. Your actions can impact on how the Council as a whole is viewed.
- (3) **Waverley is under a duty to promote and maintain high standards of conduct by Members.** This Code is based on and is consistent with the seven "Nolan principles" of public life set out in Section 28 Localism Act 2011 which Waverley endorses:
 - (a) **Selflessness.** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
 - (b) **Integrity.** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
 - (c) **Objectivity.** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
 - (d) **Accountability.** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
 - (e) **Openness.** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
 - (f) **Honesty.** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
 - (g) **Leadership** Holders of public office should promote and support these principles by leadership and example.

~~Waverley is under a duty to promote and maintain high standards of conduct by members.~~

(4) It is your responsibility to comply with the provisions of this Code when acting in your capacity as a Member.

(5) In this Code:

(i) “Member” includes **elected councillors**, and co-opted or appointed members ~~and an appointed member~~.

(ii) A “Disclosable Pecuniary Interest” is an interest within the prescribed descriptions set out in Annexe 1 that you have personally, or that is an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners, and you are aware that that person has the interest.

(ii) “meeting” means any meeting of

(a) the Council

(b) the Executive

(c) any of the Council’s committees, sub-committees, joint committees, joint sub-committees, area committees, ~~Special—~~
~~interest Groups~~, working groups, panels or Boards.

~~“Member” includes a co-opted member and an appointed member.~~

(6) If you are unsure about whether or not the code of conduct applies to a particular situation, you should consult the Monitoring Officer or Deputy Monitoring Officer.

(7) A failure of a Member to comply with this Code of Conduct will be dealt with in accordance with the Arrangements approved by the Council under which allegations of such failure can be investigated and decisions on such allegations be made.

(8) Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may also result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to five years.

General Obligations

2. (1) **You must** always treat **others** (including member colleagues, officers, other organisations and members of the public) with respect.

(2) **You must not do** anything which may cause the Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2010).

- (3) **You must not** conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members.
- (4) **You must not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (aa) reasonable and in the public interest;
 - (bb) made in good faith and in compliance with the reasonable requirements of the Council; and
 - (cc) you have consulted the Monitoring Officer or taken other independent legal advice prior to its release.

This particularly includes Waverley Borough Council reports which are exempt, which remain confidential until released by a resolution of the Executive or Committee of the Council.

- (5) **You must not** prevent another person from gaining access to information to which that person is entitled by law.
- (6) **You must not** use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.
- (7) **You must not** undertake any action that could be regarded as harassment, intimidation and/or bullying of member colleagues, officers, or members of the public.
- (8) **In addition to compliance with this Member Code of Conduct, you are expected to comply with the following codes:**
 - (i) **Planning Code of Best Practice**
 - (ii) **Member/Officer Protocol**

3. When using or authorising the use by others of the resources of the Council:
 - (1) **Do** act in accordance with the Council's reasonable requirements and policies;
 - (2) **Do** ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (3) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Gifts and Hospitality

4. (1) **Do** exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member.
- (2) **Do not** accept significant gifts or hospitality from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.
- (3) **Do** register with the Monitoring Officer any gift with an estimated value of at least £50 or hospitality with an estimated value of at least £100 within 28 days of its receipt.

Registration of Interests

5. (1) **As a Member of the Council you must avoid participating in any decision where you could reasonably be seen as having an interest which compromises your honesty or objectivity. Equally, you should avoid any action which might reasonably lead others to conclude that you were not acting selflessly or with integrity. In order to assist with this and promote openness and accountability, the Monitoring Officer must, by law, establish and maintain a register of interests, open for inspection by the public at the Council's offices and publicly accessible on the Council's website.**
- (2) **You must** notify the Monitoring Officer of your Disclosable Pecuniary Interests, or other interests which the Council has decided are appropriate for registration (those listed in paragraph 5(4)). On election, you must do this within 28 days of being elected or appointed to office. Details of disclosable pecuniary interests are set out in the Annexe to this Code. You should give sufficient detail of the interests for a member of the public to understand where there might be a conflict of interest.
- (3) **Do** similarly notify the Monitoring Officer of any Disclosable Pecuniary Interest or other interests not already registered within 28 days of your re-election or re-appointment to office. If any of these change you should update your Register of Interests entry promptly.

- (4) **Do** be aware that Disclosable Pecuniary Interests include not only your interests but also the interests of your spouse or civil partner, a person with whom you are living as husband or wife or a person with whom you are living as if they were a civil partner, so far as you are aware of the interests of that person. They also apply to any past and reasonably expected future occupational pension, office, trade, profession or vocation as well as present ones.
- (5) **Do** be aware that the Council has decided that it is appropriate for you to register and disclose non-pecuniary interests that arise from your membership of or your occupation of a position of general control or management in the following bodies –
- (i) bodies to which you have been appointed or nominated by the Council;
 - (ii) bodies exercising functions of a public nature;
 - (iii) bodies directed to charitable purposes;
 - (iv) bodies one of whose principal purposes include the influence of public opinion or policy.
- (6) **Sensitive Information** Where a Member ~~councillor or co-opted member~~ of the council has an interest (whether or not a Disclosable Pecuniary Interest) and the nature of the interest is such that they ~~-councillor or co-opted member~~, and the Monitoring Officer, consider that disclosure of the details of the interest could lead to the Member ~~councillor or co-opted member~~ (or a person connected to them ~~with that councillor or co-opted member~~) being subject to violence or intimidation, then;
- (a) if the interest is entered in the Register of Interests, copies of the register that are made available for inspection or ~~and any version of the Register~~ published on the Council's website, must not include details of the interest (but may state that the Member ~~councillor or co-opted member~~ has an interest the details of which are withheld under this provision of the Code).
 - (b) where a disclosable pecuniary interest is not entered on the Register of Interests and would otherwise require disclosure at a meeting, the Member ~~councillor or co-opted member~~ shall be entitled to merely disclose at the meeting the fact that they have such an interest in the matter concerned.
- (7) **Removal of entries in the register** An entry in the register of interests will be removed once the person concerned no longer has the interest or is neither a

councillor not a co-opted Member of the council (other than transitorily on re-election or re-appointment).

Disclosure of Interests and Participation

6. (1) **Do** disclose to a meeting at which you are present any disclosable pecuniary interest, or other interest which the Council has decided is appropriate for disclosure (see paragraph 5(4) above) as soon as you become aware of it.
- (2) **Do** notify the Monitoring Officer of any interest not already registered that is disclosed to a meeting under paragraph 6(1) above within 28 days of the disclosure.
- (3) **Do not** participate in any discussion, or vote, where you have a disclosable pecuniary interest in a matter. **Do** withdraw from the meeting during the consideration of the matter.
- (4) **Do** declare any other non-pecuniary interest(s) that you consider to have sufficient weight so as to undermine your ability to make an open-minded and objective decision. Where this is the case, **do** exclude yourself from consideration of the item by withdrawing from the chamber for the duration of it being discussed.

In making a judgement about whether a non-pecuniary interest is of sufficient weight as to undermine your objectivity, you should consider what an ordinary member of the public, with knowledge of the relevant facts, would think.

7. Notwithstanding the provisions of Paragraph 5 (1), **you may** participate in any business of the Council where that business relates to the Council's functions in respect of:
 - (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (b) agreeing an allowance, payment or indemnity given to councillors or co-opted members; and
 - (c) setting council tax or a precept under the Local Government Finance Act 1992.

Decision-making and Predetermination

8. (1) Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as a Member.
- (2) However, **do not** place yourself under any financial or other obligation to outside individuals or organizations that might seek to influence you in the performance of your official duties.

- (3) When making a decision, **do** consider the matter with an open mind and on the facts before the meeting at which the decision is to be made, listening to the advice of relevant parties, including advice from officers, and taking all relevant information into consideration, remaining objective and making decisions on merit. Whilst this is particularly relevant for Planning and Licensing Committees, it also applies to other decision-making.

Dispensations

9. (1) A councillor or co-opted member with a disclosable pecuniary interest in a matter may submit a written request to the Monitoring Officer for the grant to a dispensation allowing that councillor or co-opted member to participate in any discussion and/or vote on that matter at a meeting.
- (2) The Monitoring Officer may, after having had regard to all relevant circumstances, grant a dispensation allowing that councillor or co-opted member only if they consider that without the dispensation:
- (a) the number of persons prohibited from participating in any particular business in relation to the matter would be so great a proportion of the body transacting the business as to impede the transaction of that business, or
 - (b) each member of the Executive would be prohibited from participating in any particular business to be transacted by the Executive in relation to the matter.
 - (c) the representation of different political groups on the body transacting the particular business would be so upset as to alter the likely outcome of any vote relating to that business, or
 - (d) granting the dispensation is in the interests of persons living in the borough, or
 - (e) it is otherwise appropriate to grant the dispensation.
- (3) Any dispensation granted must specify the period for which it has effect, and the period specified may not exceed four years.

ANNEXE 1 – DISCLOSABLE PECUNIARY INTERESTS

1. Employment, office, trade, profession or vocation

Any employment, occupational pension, office, trade, profession or vocation carried on for profit or gain. If your employment relates to any Waverley service or function you should give full details, including any details of past, present or future contracts with an organisation seeking any permission or licence for Waverley.

2. Sponsorship

Any payment or provision of any other financial benefit (other than from the Council) made or provided within the period of 12 months ending with the day on which you give a notification for the purposes of section 30(1) or section 31(7) of the Localism Act 2011 in respect of any expenses incurred in carrying out your duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

3. Contracts

Any contract which is made between you (or a body in which you have a beneficial interest) and the Council-

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

4. Land and property

Any beneficial interest in land or property which is within the area of the Council. This includes your own home if you own it.

5. Licences or Tenancies

Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.

6. Corporate Tenancies

Any tenancy where (to your knowledge)-

- (a) the landlord is the Council; and
- (b) the tenant is a body in which you have a beneficial interest.

7. Securities and Shares

Any beneficial interest in securities of a body where-

- (a) that body (to your knowledge) has a place of business or land in the area of the Council; and
- (b) either-
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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WAVERLEY BOROUGH COUNCIL

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. Chief Executive**
- 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 this Scheme and are subject to the provisions of the Council's Constitution, including the Financial Regulations and the Contract Procedure Rules.
- 1.3 Where the Council, a Committee, Sub-Committee, the Leader, the Executive, a 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 3) and for development to be carried out by other parties on land vested in the Council (Regulation 4).

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 the Financial Regulations.
- 2.2 Any Strategic Director may exercise the powers granted to The Chief Executive (including in his capacity as Head of Paid Service, Returning Officer, Electoral Registration Officer) by this scheme. This can be at the Chief Executive's request or at the Strategic Director's discretion in cases where the Chief Executive is absent or unavailable. may appoint one or more deputies to exercise his or her functions owing to his or her absence or illness.
- 2.3 The Chief Executive or any Strategic Director reporting to the Chief Executive may exercise the ANY of the delegated powers contained within this scheme ~~delegated to any Strategic Director, 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 Chief Executive, Strategic Directors, Heads of Service or the 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 Chief Executive, Strategic Director, Head of Service or Borough Solicitor; or

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

3.2 The Chief Executive, Strategic Directors, 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 Chief Executive [or relevant Strategic Director](#) for consideration.

4. Chief Executive's Urgent Action

4.1 The Chief Executive 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 determined by the Chief Executive under 4.1 above will be reported to the next meeting of the Executive.

[4.3 As per paragraph 2.2, any Strategic Director may act on the Chief Executive's behalf in respect of authorising urgent actions either at the Chief Executive's request or if the Chief Executive is absent or unavailable.](#)

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 – by 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 Chief Executive, Strategic Directors, Heads of Service, and any other officer authorised by those officers, are authorised to
- 3.1.1 enter, visit or inspect premises,
 - 3.1.2 procure samples,
 - 3.1.3 inspect, seize, detain or destroy any goods, articles or equipment;
 - 3.1.4 inspect, seize and detain any records, including records held in electronic form;
 - 3.1.5 demand or require information in accordance with and as provided for by any legislation covering any Council function.
- 3.2 The Chief Executive, Strategic Directors, Heads 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 Chief Executive, Strategic Directors, Heads 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 Chief Executive, Strategic Directors, Borough Solicitor, Head of Policy and Governance and any lawyer employed by the Council are authorised to witness the sealing of Council documents.

5. Instruments of Appointment

5.1 The Chief Executive [or any Strategic 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.

5.2 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.

6. Serving of Notices

6.1 The Chief Executive, Strategic Directors, Heads of Service, 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 Chief Executive, Strategic Directors, Heads of Service or Borough Solicitor (as appropriate) in accordance with the Sub-Delegation Scheme referred to in the General Principles.

7. Cautions

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

8. Appeals

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

9. Consultant in Communicable Diseases Control

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

9.1.1 To apply to Justices for orders and certificates with a view to preventing spread of disease.

9.1.2 To apply to Justices for orders and certificates for the removal of aged or infirm persons to hospital, after consultation with the patient's General Practitioner and the Head of Environmental Services.

9.1.3 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

	Authority	Function
1.	To make all decisions in relation to Human Resources functions in accordance with the Council's Policies and within budgetary provision, except (a), (b), (c), and (d), below which are reserved to Full Council: (a) the appointment of the Chief Executive or Strategic Directors and the statutory posts; (b) the adoption of the annual Pay Policy Statement; (c) the approval of and amendments to the Pension Policy Statement; (d) the settlement of any staff pay award.	Non-executive

THE RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER

	Authority	After Consultation with	Function
2.	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
3.	To amend the designation of a Polling Place, where within six months of an election,	Ward councillors, local party agents and, if	Non-executive

(a) a designated polling place unexpectedly becomes unavailable; and (b) it is impractical to report to Council.	applicable, official candidates	
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THE MONITORING OFFICER

	Authority	Function
4.	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>4A</u>	<u>To consider and determine requests for dispensations under Section 33 of the Localism Act 2011.</u>	<u>Non-executive</u>
5.	To appoint members to the Hearing Panel Sub-Committee from the membership of the Standards Panel <u>Committee</u> .	Non-executive
6.	To amend any names and job titles within the Constitution and other constitutional documents resulting from reorganisation or changes in structure/position.	Non-executive

THE SECTION 151 OFFICER

	Authority	Function
7.	The delegations and authorisations for the Section 151 Officer are as set out in the Constitution at Article 12, and the Financial Regulations	Executive
8.	To include properties in the List of Assets of Community Value, and make decisions in relation to claims for compensation.	Executive
<u>8A</u>	<u>To approve the adoption of new or increased fees and charges within the Schedule of Fees and Charges, after consultation with the Portfolio Holder for Finance, and subject to the annual approval by Council of the complete Schedule of Fees and Charges as part of the Budget-setting.</u>	<u>Non-executive</u>
<u>8B</u>	<u>To determine, after consultation with the Portfolio Holder for Finance, applications from developers to</u>	<u>Executive</u>

meet some or all of their obligations to pay Community Infrastructure Levy (CIL) charges through 'payment in kind' (as defined in Waverley's Phasing and CIL-in-kind policies).

CHIEF EXECUTIVE

Meetings, Members and the Constitution

	Authority	After Consultation with	Function
9.	LEFT BLANK ^[c1] (UNUSED)		

	Authority	Function
10.	To hear and determine appeals relating to applications to include properties in the List of Assets of Community Value.	Executive

HEAD OF COMMUNITY SERVICES AND MAJOR PROJECTS

11.	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

	Authority	Function
12.	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

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

HEAD OF CUSTOMER AND CORPORATE SERVICES

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

Estate Management

	Authority	After Consultation with	Function
15.	To agree, with any supplier 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
16.	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

	Authority	Function
17A.	<p>To undertake all actions in relation to the administration of the Council's estate and property portfolio, and its <u>ownership of interests in</u> land or property,</p> <p>except <u>acquisitions or disposals of land or property in excess of £250,000 the following matters</u> which are reserved to the <u>full Council and -Executive (on the recommendation of the Investment Advisory Board).</u>:-</p> <p>(a) Acquisitions or disposal of land or property, and interests in land or property, with a value in excess of £250,000;</p> <p>(b) the grant or renewal of all leases in excess of 25 years.</p>	Executive
17B	<p><u>To undertake all actions in relation to the administration of the Council's estate and property portfolio, and its interests in land or property</u></p> <p><u>Except the following matters which are reserved to</u></p>	Executive

	<p><u>the Executive:</u></p> <p><u>(i) acquisitions or disposals of interests in land or property with a value in excess of £250,000; and</u></p> <p><u>(ii) the grant or renewal of all leases in excess of 25 years, other than qualifying applications made under the Leasehold Reform Act 1967 to extend the lease or acquire the freehold where the price reflects the independent valuation and all costs are met by the applicant.</u></p>	
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HEAD OF ENVIRONMENTAL SERVICES

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

Licensing

	Authority	Function
18.3	<p>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:</p> <p>(i) the Regulatory Reform Act 2001 (ii) Licensing Act 2003 (iii) Gambling Act 2005 (iv) the Public Health Acts 1875, 1936 and 1961 (as amended) (v) the Pet Animals Act 1951 (as amended) (vi) Public Health (Control of Disease) Act 1984 (vii) Animal Boarding Establishments Act 1963 (viii) Riding Establishments Acts 1964 and 1970 (vix) Dangerous Wild Animals Act 1976 (viii) the Local Government (Miscellaneous Provisions) Acts 1976 and 1982 (as amended), (xi) Breeding and Sale of Dogs (Welfare) Act 1990, Breeding of Dogs Act 1991 and Breeding of Dogs Act 1973 (ix) Prevention of Damage by Pests Act 1949 (xiii) the Scrap Metal Dealers Act 2013 (xiv) Sunday Trading Act 1994 (xii) Town Police Clauses Act 1847 and 1889</p>	Non-executive

- (xiii~~v~~) Guard Dogs Act 1975
- (xiv~~ii~~) Animal Health Act 1981
- (xv~~iii~~) Animal Health and Welfare Act 1984
- (xvi~~x~~) Control of Dogs Order 1992
- (xvii) Animal Welfare Act 2006
- (xviii) The Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018
- (xix) Zoo Licensing Act 1981

including but not limited to the following:

- A. Personal, premises, club premises licences and Temporary Event Notices*
- 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)*
- C. House to house and street collections*
- D. Club gaming/club machine permits and small society lotteries*
- E. Sexual Entertainment Venues*
- F. Street trading*
- G. Scrap metal dealers*
- H. Animal boarding establishments, riding establishments, dog breeders, pet shops and dangerous wild animals*
- I. Game dealers*
- J. Tattooing, acupuncture, ear piercing, cosmetic piercing and electrolysis*
- K. Sunday trading*

except for

- (a) approval of and amendments to the Statement of Licensing Policy and the Gambling Policy which are reserved to Council;
- (b) approval and amendments to policies relating to functions under the Acts set out above which is reserved to the Licensing and Regulatory Committee;
- (c) approval of increases in the hackney carriage fare scale and amendments to the scale of charges for hackney carriage and private hire licence fees, which is reserved to the Licensing and Regulatory Committee;
- (d) the designation of and amendments to hackney carriage vehicle ranks which is reserved to the Licensing and Regulatory Committee;

	<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>	
19.	<p>On behalf of the Council as the Responsible Authority for Environmental Health and/or 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</p> <p>(b) to apply for a review of a premises licence</p> <p>(c) to apply for a review of a club premises certificate</p>	Non-executive
20.	<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</p> <p>(b) to apply for a review of a premises licence</p> <p>(c) to apply for a review of a club premises certificate</p>	Non-executive

Environmental Protection

	Authority	Function
21.	<p>To make all decisions, take all actions and exercise all powers in respect of the Council's environmental protection 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 protection functions:</p> <p>(i) the Control of Pollution Act 1974 (as amended)</p> <p>(ii) the Environmental Protection Act 1990</p> <p>(iii) Dangerous Dogs Act 1991</p> <p>(iv) Noise & Statutory Nuisance Act 1993</p> <p>(v) the Environment Act 1995</p> <p>(vi) the Noise Act 1996</p> <p>(vii) the Dog (Fouling of Land) Act 1996</p> <p>(viii) The Anti-Social Behaviour Crime and Policing Act 2014 and Anti-Social Behaviour Act 2003</p> <p>(ix) Clean Neighbourhoods and Environment Act</p>	Executive

	<p>2005</p> <p>(x) the Health Act 2006</p> <p>(xi) the Refuse Disposal (Amenity) Act 1978</p> <p>(xii) Zoo Licensing Act 1981</p> <p>(xiii) Water Industry Act 1991</p> <p>(xiv) Environment Act 1995</p> <p>(xv) Health Act 2006</p> <p>(xvi) Sunday Trading Act 1994</p> <p>(xvii) Clean Air Act 1993</p> <p>(xviii) Pollution Prevention and Control (England & Wales) Regulations 2000 (as amended)</p> <p>(xix) Pollution Prevention and Control Act 1999</p> <p>(xx) Criminal Justice and Public Order Act 1994</p> <p>(xxi) Criminal Justice and Police Act 2001</p> <p>including but not limited to the following:</p> <p><i>A. Pollution control</i></p> <p><i>B. Air pollution control and clean air;</i></p> <p><i>C. smoke free premises</i></p> <p><i>D. Waste collection</i></p> <p><i>E. Recycling</i></p> <p><i>F. Controlled waste</i></p> <p><i>G. Contaminated land</i></p> <p><i>H. Statutory nuisance</i></p> <p><i>I. Litter</i></p> <p><i>J. Dangerous and Out of Control dogs</i></p> <p><i>K. Dog fouling</i></p> <p><i>L. Authorisations in relation to controlled processes</i></p> <p><i>M. High Hedges complaint</i></p> <p><i>N. Graffiti removal</i></p> <p><i>O. Noise nuisance</i></p> <p><i>P. Abandoned vehicles and other refuse</i></p> <p><i>Q. Prevention of crime and disorder</i></p> <p><i>R. Drug and alcohol abuse/misuse of substances</i></p> <p>except for</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
22.	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	Executive

	<p>subsequent new or replacing legislation relating to the Council's environmental health functions:</p> <ul style="list-style-type: none"> (i) the Local Government Act 1972 (ii) the Local Government (Miscellaneous Provisions) Act 1976 (iii) the Public Health Act 1961 (iv) the Clean Neighbourhoods and Environment Act 2005 (v) the Prevention of Damage by Pests Act 1961 (vi) National Assistance Acts 1948 and 1951 (vii) Water Act 1989 (viii) Disability Discrimination Act 1995 <p>including but not limited to the following:</p> <ul style="list-style-type: none"> (a) <i>drains, private sewers, water closets or soil pipes</i> (b) <i>a satisfactory supply of wholesome water</i> (c) <i>the control rats and mice</i> (d) <i>filthy or verminous premises, articles or persons</i> (e) <i>the prevention and suppression of nuisances</i> (f) <i>emergency situations arising outside normal working hours.</i> 	
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Food and Health & Safety

	Authority	Function
23.	<p>To make all decisions, take all actions and exercise all powers in respect of the Council's food safety and health & 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 & safety and pesticides functions:</p> <ul style="list-style-type: none"> (i) the European Communities Act 1972 (ii) the Food and Environment Protection Act 1985, (iii) the Food Safety Act 1990, (iv) the Health & Safety at Work etc. Act 1974, (v) Sunday Trading Act 1994, (v) Public health (Control of Diseases) Act 1984 (and regulations made thereunder (with the exception of those dealt with under the health protection regulations)) (vi) Game Act 1831 (vii) Sea Fisheries (Shellfish) Act 1967 (viii) Offices Shops and Railway Premises act 1963 	Non-executive/Executive

	(ix) Food and Environment Protection Act 1985	
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Land Drainage

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

Car Parks

	Authority	Function
25.	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
26.	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: (i) Highways Act 1980 (ii) Road Traffic Regulation Act 1984 (iii) Road Traffic Regulation Act 1991 (iv) Traffic Management Act 2004	Executive

Emergency Planning

	Authority	Function
27.	To make all decisions, take all actions and exercise all powers in respect of the Council's functions as a Category 1 Responder in	Non-executive

	<p>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:</p> <p>(i) Civil Contingencies Act 2004.</p>	
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Closure of Streets

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

HEAD OF FINANCE

Financial Management

	Authority	After Consultation with	Function
28.	To set the Council Tax Base.	The relevant Portfolio Holder	Executive
29.	To monitor and manage the revenue reserves and provisions of the Council, including the release of such funds within agreed policy guidelines.	Chief Executive and the relevant Portfolio Holder.	Executive

	Authority	Function
30.	To determine areas and levels of cover for insurance.	Executive
31.	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
32.	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

	Authority	Function
33.	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
34.	To determine applications for Discretionary Rate Relief and Discretionary Council Tax Reduction in accordance with the adopted policy criteria and with discretion to grant applications which can be funded from within the approved budget.	Executive
35.	To execute warrants of arrest for Council Tax and Non-Domestic Rate debts	Executive

HEAD OF HOUSING OPERATIONS

Housing and Homelessness

	Authority	Function
36.	<p>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:</p> <ul style="list-style-type: none"> (i) Housing Act 1985 (ii) Local Government and Housing Act 1985 (iii) Local Government (Miscellaneous Provisions) Acts 1976 and 1982 (iv) Housing Act 1996 (v) Children Act 1989 (vi) 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 (vii) Housing Act 2004 (viii) Anti-Social Behaviour, Crime and Policing Act 2014 (ix) Clean Neighbourhoods and Environment Act 2005 	Non-Executive/Executive

	<ul style="list-style-type: none"> (x) Leasehold Reform, Housing and Urban Development Act 1993 (xi) Leasehold Reform Act 1967 (xii) Housing and Planning Act 2016 (xiii) Homelessness Act 2002 (xiv) Housing, Grants, Construction and Regeneration Act 1996 (xv) Prevention of Damage by Pests Act 1949 (xvi) Public Health Acts 1936 and 1961 (xvii) Caravan Sites and Control of Development Act 1960 (xviii) Environmental Protection Act 1990 (xix) Caravan Sites Act 1968 and Mobile Homes Act 2013 (xx) Protection from Eviction Act 1977 (xxi) Criminal Law Act 1977 (xxii) Building Act 1984 (xxiii) Energy Act 2013 (xxiv) Energy Act 2011 	
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	Authority	After Consultation with	Function
37.	To review decisions taken under the Personal Files (Housing) Regulations Act 1989 concerning access to, or correction or erasure of information held in housing records of which a tenant (or member of his family) is aggrieved.	The relevant Portfolio Holder	Executive

	Authority	Function
38.	To make decisions under Access to Personal Files (Housing) Regulations 1989.	Executive
39.	To make decisions under the Rent Deposit Guarantee Scheme.	Executive

HEAD OF PLANNING

Development Control and Planning Policy

	Authority	After Consultation with	Function
40.	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
41.	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
42.	To make all decisions, take all actions and exercise all powers in respect of the Council's Development Management, 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 Management, Planning Policy and Planning Enforcement and Building Control functions: (i) Caravan Sites and Control of Development Act 1960 (ii) Countryside and Rights of Way Act 2000 (iii) Enterprise and Regulatory Reform Act 2013 (iv) Environment Act 1995 (v) Environmental Protection Act 1990	Non-Executive/Executive

	<ul style="list-style-type: none"> (vi) Growth and Infrastructure Act 2013 (vii) Housing Act 1996 (viii) Housing Act 2004 (ix) Human Rights Act 1998 (x) Infrastructure Act 2015 (xi) Local Democracy, Economic Development and Construction Act 2009 (xii) Local Government Act 2003 (xiii) Localism Act 2011 (xiv) Planning (Hazardous Substances) Act 1990 (xv) Planning (Listed Buildings and Conservation Areas) Act 1990 (xvi) Planning Act 2008 (xvii) Planning and Compensation Act 1991 (xviii) Planning and Compulsory Purchase Act 2004 (xix) Pollution Prevention and Control Act 1999 (xx) Town and Country Planning Act 1990 (xxi) Building Act 1984 (xxii) Self-build and Custom Housebuilding Act 2015 (xxiii) Neighbourhood Planning Act 2017 (xxiv) Anti-Social Behaviour Act 2003 	
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;</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 and/or a Strategic Environmental 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) to serve, amend, vary, withdraw, revoke any notices, permissions, certificates (as appropriate)</p>	Non-executive

(including but not limited to: enforcement notices, breaches of condition notices, temporary stop notices, stop notices, amenity notices, planning contravention notices, community infrastructure stop notices, certificates of lawfulness);

(G) the making and/or adoption of any plan for the 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 and as set out below:-

(a.1) To review all housing schemes which propose a net increase of more than 25 dwellings, where the recommendation is for permission to be granted

(a.2) To consider applications defined as major, as defined by the Government (10 or more units of residential accommodation, more than 1,000 sqm commercial floorspace and site area of more than 1 hectare)

and which, in the judgement of the Chief Executive, after consultation with the Head of Planning and the appropriate Area Planning Committee Chairman, meet the following criteria

- i. have a significant planning impact beyond the Area in which they are situated, and/or
- ii. are of strategic importance, and/or
- iii. involve new planning issues for the Borough; or

(a.3) where within three weeks of the application appearing on the Waverley weekly list of planning applications, the Chairman and Vice-Chairman of the relevant Area Planning Committee and the ward member request that it be referred to the Joint Planning Committee and put forward relevant grounds as set out in c (i) to (iii) above, the Chief Executive and Head of Planning will normally submit the application to the Joint Planning Committee;

(b) any planning application where, within three

	<p>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 request to the Head of Planning (or any officer(s) nominated by them), which may or may not be 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;</p> <p><i>(For (b) above)</i> Where the three-week call-in period has expired, but the Head of Planning is satisfied that there is sufficient justification on planning grounds 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;</p> <p>(c) 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;</p> <p>(d) any planning application where an objection from a statutory consultee remains unresolved and the officer’s recommendation is to approve the application;</p> <p>(e) any planning application where the Council is the applicant;</p> <p>(f) any planning application which is required to be referred to the Secretary of State;</p> <p>(g) planning applications, where by the time of the expiry of the 21 day consultation period, have received 5 or more letters of objection or 5 or more letters of support (but not a combination of both) shall only be determined under delegated powers after the Head of Planning (or any officer nominated by them) has received written confirmation from the relevant ward members(s) that they do not wish the matter to be determined by the relevant Planning Committee.</p>	
44.	To take action, make decisions (including determining applications for works to protected trees and prior notifications of the intention to carry	Non-executive

	<p>out works to trees in conservation areas), 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,</p> <p>except</p> <p>the confirmation or revocation of a tree preservation order where objections have been received which is reserved for decision by the Area Planning Committee.</p>	
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
46.	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
47.	To determine the names of highways under the Public Health Act 1925 (including subsequently amending and replacement legislation).	The appropriate Portfolio Holder and appropriate ward councillors	Executive

	Authority	Function
48.	To exercise the street numbering function under the Public Health Act 1925 (including subsequent amending and replacement legislation).	Executive

Building Control

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

	Authority	Function
50.	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
51.	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
52.	To approve the annual timetable of meetings of the Council and Standing Committees.	The Leader	Non-executive
52A.	To appoint members to the Independent Remuneration Panel.	Party Group Leaders. All decisions to be reported to all Members by email.	Non-executive
52B.	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
52C.	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
<u>52 D</u>	<u>To grant a continuing leave of absence to a councillor in relation to the Local Government Act 1972 s 85, in consultation with the group leaders. All decisions to be reported to all Members.</u>	<u>The party group leaders</u>	<u>Non-executive</u>

Communications and PR

	Authority	Function
55.	To make all day to day management decisions relating to the Council's functions as they relate to communications and public relations.	Executive

HEAD OF STRATEGIC HOUSING AND DELIVERY

	Authority	Function
58.	<p>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:</p> <ul style="list-style-type: none"> (i) Housing Act 1985 (ii) Local Government (Miscellaneous Provisions) Acts 1976 and 1982 (iii) Local Government and Housing Act 1985 (iv) Housing Act 1996 (v) Children Act 1989 (vi) 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 (vii) Housing Act 2004 (viii) Anti-Social Behaviour, Crime and Policing Act 2014 (ix) Clean Neighbourhoods and Environment Act 2005 (x) Leasehold Reform, Housing and Urban Development Act 1993 (xi) Leasehold Reform Act 1967 (xii) Housing and Planning Act 2016 (xiii) Homelessness Act 2002 (xiv) Housing, Grants, Construction and Regeneration Act 1996 (xv) Prevention of Damage by Pests Act 1949 (xvi) Public Health Acts 1936 and 1961 (xvii) Caravan Sites and Control of Development Act 1960 (xviii) Environmental Protection Act 1990 (xix) Public Health (Control of Disease) Act 1984 (xx) Caravan Sites Act 1968 and Mobile Homes Act 2013 (xxi) Protection from Eviction Act 1977 (xxii) Criminal Law Act 1977 (xxiii) Building Act 1984 (xxiv) Energy Act 2013 (xxv) Energy Act 2011 	Non-Executive/Executive

59.	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).	Executive
60.	To proceed to initial assessment of buy back or open market purchase if the opportunity meets the Council's criteria/policy.	Executive
61.	To proceed to initial assessment for a land purchase if the opportunity meets the Council's criteria/policy	Executive

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

Private Sector Housing

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

	Authority	Function
70.	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
71.	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
72.	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
73.	To administer and approve loans under the Flexible Improvement Loans Scheme.	Executive

Housing and Homelessness

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

Burial or Cremation

	Authority	Function
76.	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

BOROUGH SOLICITOR

Data Protection Act 1998

	Authority	Function
77.	To waive in cases of hardship the subject access fee allowed for under the Data Protection Act 1998. <u>To authorise the charging of a fee in respect of any manifestly unfounded or excessive Subject Access Request under the Data Protection Act 2018/General Data Protection Regulation</u>	Executive
78.	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).	Executive

Regulation of Investigatory Powers Act 2000

	Authority	After Consultation with	Function
79.	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
80.	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

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