

WAVERLEY BOROUGH COUNCIL

SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS

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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 | Other local authorities in Surrey. | Non-executive |

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|----|---|--|---------------|
| | Parish Council elections. | | |
| 3. | 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

| | 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 Committee. | 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 revised fees and charges, after consultation with the Portfolio Holder for Finance.</u> | <u>Non-executive</u> |

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

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| 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 |
|-----|---|-----------|
| 17. | <p>To undertake all actions in relation to the administration of the Council's estate and property portfolio, and its interests in land or property,</p> <p>except the following matters which are reserved to the Executive:</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, <u>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> | Executive |

HEAD OF ENVIRONMENTAL SERVICES

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| 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 (xiii) Guard Dogs Act 1975</p> | Non-executive |

- (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;
- (e) the power to make an Order identifying a place

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| | <p>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 2005</p> | Executive |

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| <p>(x) 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</p> <p>including but not limited to the following:</p> <p><i>A. Pollution control</i> <i>B. Air pollution control and clean air;</i> <i>C. smoke free premises</i> <i>D. Waste collection</i> <i>E. Recycling</i> <i>F. Controlled waste</i> <i>G. Contaminated land</i> <i>H. Statutory nuisance</i> <i>I. Litter</i> <i>J. Dangerous and Out of Control dogs</i> <i>K. Dog fouling</i> <i>L. Authorisations in relation to controlled processes</i> <i>M. High Hedges complaint</i> <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>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 |
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| 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 subsequent new or replacing legislation relating to | Executive |

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| <p>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"> <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> | |
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Food and Health & Safety

| | Authority | Function |
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| 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 (ix) Food and Environment Protection Act 1985 | Non-executive/Executive |

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Land Drainage

| | Authority | Function |
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| 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 accordance with any one or number of the | Non-executive |

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| | <p>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 (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 | Non-Executive/Executive |

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| | (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 |

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|-----|---|---------------|
| | <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

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| | <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 |

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| | <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. | <p>Under the Licensing Act 2003:</p> <p>(a) to respond to the Licensing Authority in connection with consultations on applications on behalf of the local planning authority;</p> <p>(b) to apply for a review of a premises licence or a club premises certificate.</p> | 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 |

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| 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 |
|--|------------------|-----------------|
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| 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 |
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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 |