

Part 3.1

Scheme of Delegation of Functions to Officers

WAVERLEY BOROUGH COUNCIL

SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS

Table of Contents

i.	Scheme of Delegation to Officers – Change log	5
ii.	General Principles	6
1.	Powers	6
2.	Exercise of Functions	6
3.	Sub-Delegation Scheme.....	7
4.	Chief Executive’s Urgent Action	7
5.	Schedule of Authorisations.....	7
6.	Amendments	7
7.	Interpretation	8
iii.	Schedule of Authorisations	9
A.1	.....	9
Legal Proceedings	9	
A.2	.....	9
Representing the Council in Legal Proceedings.....	9	
A.3	.....	9
Land, premises, samples, records, articles, equipment or information.....	9	
A.4	.....	9
Sealing of Documents	9	
A.5	.....	10
Instruments of Appointment.....	10	
A.6	.....	10
Serving of Notices.....	10	
A.7	.....	10
Cautions.....	10	
A.8	.....	10
Appeals	10	
A.9	.....	10
Consultant in Communicable Diseases Control.....	10	
STATUTORY OFFICERS	11	

B.	HEAD OF PAID SERVICE.....	11
C.	THE RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER.....	11
D.	THE MONITORING OFFICER.....	12
E.	THE SECTION 151 OFFICER	12
F.	CHIEF EXECUTIVE	13
G.	HEAD OF BUSINESS TRANSFORMATION.....	13
H.	HEAD OF COMMERCIAL SERVICES.....	13
	Building Control	13
I.	HEAD OF ENVIRONMENTAL SERVICES.....	14
	Licensing	14
	Environmental Protection	16
	Environmental Health.....	17
	Food and Health & Safety.....	18
	Land Drainage.....	19
	Car Parks	19
	Emergency Planning	19
	Closure of Streets	20
J.	HEAD OF FINANCE & PROPERTY.....	20
	Financial Management	20
	Council Tax and NNDR.....	21
	Estate Management	21
K.	HEAD OF HOUSING DELIVERY & COMMUNITIES.....	22
	Private Sector Housing	23
	Housing and Homelessness	24
	Burial or Cremation	24
	Community Safety	25
	Voluntary Organisations and Community Grants.....	25
L.	HEAD OF HOUSING OPERATIONS	25
	Housing and Homelessness	25
M.	HEAD OF PLANNING & ECONOMIC DEVELOPMENT.....	27
	Development Control and Planning Policy.....	27
	Licensing	31
	Street Naming and Numbering.....	31
N.	HEAD OF POLICY AND GOVERNANCE	32
	Members Meetings and the Constitution	32

Communications and PR.....	33
O. BOROUGH SOLICITOR.....	33
Data Protection Act 1998	33
Regulation of Investigatory Powers Act 2000	33

i. **Scheme of Delegation to Officers – Change log**

Approved	Version	Details of changes
Council 24 April 2017	Version 1	Approved in new format
Council 6 June 2017	Version 2	New Appendix 1 (Paragraph 4) (sealing documents) and Head of Service delegations
Council 20 February 2018	Version 3	Moves delegations on Meetings, Members and the Constitution from CEx to Head of P&G; updates CEx from Executive Director
Monitoring Officer* 29 March 2018	Version 4	Transfer of Licensing and Road Closures from Head of P&G to Head of Environmental Services.
Council 19 March 2019	Version 5	Exercise of CEx functions by Strategic Directors, plus delegations to the S151 officer (fees, CIL-in-kind), Head of Customer & Corp Service (grant or renewal of leases >25 yrs for qualifying applications under LRA1967), Head of P&G (continuing leave of absence of a councillor) and Borough Solicitor (charging a fee for certain Subject Access Requests).
Monitoring Officer* 4 April 2019	Version 5.1	Approved Delegations re-allocated to appropriate Heads of Service following changes to Senior Management Team effective 1 March 2019. Scheme of Delegation re-numbered.
Council 17 July 2019	Version 6	Amendment to M4 (g) to respond to recommendation from Local Government & Social Housing Ombudsman
Council 10 December 2019	Version 6.1	E.3 deleted following revision to Financial Regulation paragraph 7.2
Council 18 February 2020	Version 6.2	I.3.1 added to reflect authorisations under Surrey Joint Warranting arrangements
Executive 12 May 2020	Version 6.3	Sections I, K, L, and M amended to add Delegations under the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 Public Health (Control of Diseases) Act 1984
Council 9 June 2020	Version 6.4	Section M amended to reflect temporary changes to Planning Committees.

*authorised by the Monitoring Officer (General Principle 6.1.1)

SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS

ii. 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.
- 2.3 The Chief Executive or any Strategic Director reporting to the Chief Executive may exercise ANY of the delegated powers contained within this scheme 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.

iii. Schedule of Authorisations

A.1 Legal Proceedings

- A1.1 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.

A.2 Representing the Council in Legal Proceedings

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.

A.3 Land, premises, samples, records, articles, equipment or information

- A.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.

- A.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.

- A.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.

A.4 Sealing of Documents

- A.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.

A.5 Instruments of Appointment

- A.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.
- A.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.

A.6 Serving of Notices

- A.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.

A.7 Cautions

- A.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.

A.8 Appeals

- A.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.

A.9 Consultant in Communicable Diseases Control

- A.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

B. HEAD OF PAID SERVICE

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

C. THE RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER

	Authority	After Consultation with	Function
C.1	<p>Within the approved budget, to approve scales of remuneration of persons employed on Borough and Parish Council elections.</p>	Other local authorities in Surrey.	Non-executive

C.2	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
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D. THE MONITORING OFFICER

	Authority	Function
D.1.	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
D.2	To consider and determine requests for dispensations under Section 33 of the Localism Act 2011.	Non-executive
D.3	To appoint members to the Hearing Panel from the membership of the Standards Committee.	Non-executive
D.4	To amend any names and job titles within the Constitution and other constitutional documents resulting from reorganisation or changes in structure/position.	Non-executive

E. THE SECTION 151 OFFICER

	Authority	Function
E.1	The delegations and authorisations for the Section 151 Officer are as set out in the Constitution at Article 12, and the Financial Regulations	Executive
E.2	To include properties in the List of Assets of Community Value, and make decisions in relation to claims for compensation.	Executive
E.3	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. See Financial Regulations paragraph 7.2 (December 2019)	Non-executive

E.4	To determine, after consultation with the Portfolio Holder for Finance, applications from developers to meet some or all of their obligations to pay Community Infrastructure Levy (CIL) charges through 'payment in kind' (as defined in Waverley's <i>Phasing and CIL-in-kind policies</i>)	Executive
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DELEGATIONS TO OFFICERS

F. CHIEF EXECUTIVE

	Authority	Function
F.1	To hear and determine appeals relating to applications to include properties in the List of Assets of Community Value.	Executive

G. HEAD OF BUSINESS TRANSFORMATION

	Authority	Function
G.1	To make all day-to-day management decisions relating to the Council's functions as they relate to customer services.	Executive

H. HEAD OF COMMERCIAL SERVICES

	Authority	Function
H. 1	To make all day-to-day management decisions relating to the Council's Leisure and Green Space functions.	Executive

Building Control

	Authority	After Consultation with	Function
H. 2	To adjust Building Control charges appropriately to ensure income will cover the cost of the chargeable service	The relevant Portfolio Holder	Executive

	Authority	Function
H. 3	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	Executive

	service of all Notices, the making of requirements and the decision to carry out works in default.	
H. 4	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
H. 5	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 Building Control function: i. Building Act 1984	Non-Executive /Executive

I. HEAD OF ENVIRONMENTAL SERVICES

	Authority	After Consultation with	Function
I. 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
I. 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
I. 3	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:	Non-executive

- 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. Public Health (Control of Disease) Act 1984
- vi. Riding Establishments Acts 1964 and 1970
- vii. Dangerous Wild Animals Act 1976
- viii. the Local Government (Miscellaneous Provisions) Acts 1976 and 1982 (as amended),
- ix. Prevention of Damage by Pests Act 1949
- x. the Scrap Metal Dealers Act 2013
- xi. Sunday Trading Act 1994
- xii. Town Police Clauses Act 1847 and 1889
- xiii. Guard Dogs Act 1975
- xiv. Animal Health Act 1981
- xv. Animal Health and Welfare Act 1984
- xvi. 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;

	<ul style="list-style-type: none"> 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 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; 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. 	
I.3.1	To authorise officers of other Surrey Licensing Authorities participating in a Joint Warranting Scheme to enforce all relevant Hackney Carriage and Private Hire licensing legislation. [Council 18 February 2020].	Non-executive
I. 4	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: <ul style="list-style-type: none"> a) to make a relevant representation b) to apply for a review of a premises licence c) to apply for a review of a club premises certificate 	Non-executive
I. 5	On behalf of the Council as the Responsible Authority for Licensing under the Licensing Act 2003, subsequent amendments and all relevant legislation and regulations: <ul style="list-style-type: none"> a) to make a relevant representation b) to apply for a review of a premises licence c) to apply for a review of a club premises certificate 	Non-executive

Environmental Protection

	Authority	Function
I. 6	<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> <ul style="list-style-type: none"> i. the Control of Pollution Act 1974 (as amended) ii. the Environmental Protection Act 1990 iii. Dangerous Dogs Act 1991 iv. Noise & Statutory Nuisance Act 1993 	Executive

	<ul style="list-style-type: none"> v. the Environment Act 1995 vi. the Noise Act 1996 vii. the Dog (Fouling of Land) Act 1996 viii. The Anti-Social Behaviour Crime and Policing Act 2014 and Anti-Social Behaviour Act 2003 ix. Clean Neighbourhoods and Environment Act 2005 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>including but not limited to the following:</p> <ul style="list-style-type: none"> A. <i>Pollution control</i> B. <i>Air pollution control and clean air;</i> C. <i>smoke free premises</i> D. <i>Waste collection</i> E. <i>Recycling</i> F. <i>Controlled waste</i> G. <i>Contaminated land</i> H. <i>Statutory nuisance</i> I. <i>Litter</i> J. <i>Dangerous and Out of Control dogs</i> K. <i>Dog fouling</i> L. <i>Authorisations in relation to controlled processes</i> M. <i>High Hedges complaint</i> N. <i>Graffiti removal</i> O. <i>Noise nuisance</i> P. <i>Abandoned vehicles and other refuse</i> Q. <i>Prevention of crime and disorder</i> R. <i>Drug and alcohol abuse/misuse of substances</i> <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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I. 7	<p>To make all decisions, take all actions and exercise all powers in respect of the Council's environmental health functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's environmental health functions:</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) drains, private sewers, water closets or soil pipes (b) a satisfactory supply of wholesome water (c) the control rats and mice (d) filthy or verminous premises, articles or persons (e) the prevention and suppression of nuisances (f) emergency situations arising outside normal working hours. 	Executive
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Food and Health & Safety

	Authority	Function
I. 8	<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, vi. Public health (Control of Diseases) Act 1984 (and regulations made thereunder (with the exception of those dealt with under the health protection regulations)) vii. Game Act 1831 viii. Sea Fisheries (Shellfish) Act 1967 ix. Offices Shops and Railway Premises act 1963 x. (ix) Food and Environment Protection Act 1985 	Non-executive/ Executive

Land Drainage

	Authority	Function
I. 9.	<p>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 for the following which are reserved to the Executive:</p> <ul style="list-style-type: none"> 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
I.10	<p>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:</p> <ul style="list-style-type: none"> i. The adoption of and amendments to the Council's Car Parking Strategy; ii. The setting of off-street car parking charges. 	Non-executive
I.11	<p>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:</p> <ul style="list-style-type: none"> 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
I.12	<p>To make all decisions, take all actions and exercise all powers in respect of the Council's functions as a Category 1 Responder in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's emergency planning functions as a Category 1 Responder:</p>	Non-executive

	i. Civil Contingencies Act 2004.	
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Closure of Streets

	Authority	Function
I.13	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

Public Health

	Authority	Function
I.14	<p>Authorised under the Public Health (Control of Diseases) Act 1984 and the related public health protection regulations, including the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 (the Business Closure Regulations) and the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (the Restriction Regulations) and any updating and/or amending legislation.</p> <p>This delegation is also extended to the Head of Housing Delivery and Communities, the Head of Housing Operations, and the Head of Planning and Economic Development.</p>	Executive

J. HEAD OF FINANCE & PROPERTY

Financial Management

	Authority	After Consultation with	Function
J. 1	To set the Council Tax Base.	The relevant Portfolio Holder	Executive
J. 2	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
J. 3	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
J. 4	To determine rates of interest payable under: (a) Public Health Acts and Housing Acts (rechargeable works executed by the Council)		Non-executive

	(b) Local Government (Miscellaneous Provisions) Act 1976 (dangerous trees and restoration of supplies).	
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Council Tax and NNDR

	Authority	Function
J. 5.	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
J. 6	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
J. 7	To execute warrants of arrest for Council Tax and Non-Domestic Rate debts	Executive

Estate Management

	Authority	After Consultation with	Function
J. 8	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
J. 9	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
J.10	To undertake all actions in relation to the administration of the Council's estate and property portfolio, and its ownership of land or property, except acquisitions or disposals of land or property in excess of £250,000 which are reserved to the full Council and Executive (on the recommendation of the Investment Advisory Board).	Executive
J.11	To undertake all actions in relation to the administration of the Council's estate and property portfolio, and its interests in land or property Except the following matters which are reserved to the Executive:	Executive

	<p>(i) acquisitions or disposals of interests in land or property with a value in excess of £250,000; and</p> <p>(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.</p>	
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K. HEAD OF HOUSING DELIVERY & COMMUNITIES

	Authority	Function
K. 1	<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

K. 2	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
K. 3	To proceed to initial assessment of buy back or open market purchase if the opportunity meets the Council's criteria/policy.	Executive
K. 4	To proceed to initial assessment for a land purchase if the opportunity meets the Council's criteria/policy	Executive

	Authority	After Consultation with	Function
K. 5	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
K. 6	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
K. 7	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
K. 8	To negotiate on price of buy back or open market purchase	Strategic Director and Estates and Valuation Manager	Executive
K. 9	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
K.10	To negotiate on land purchases	Strategic Director and Estates and Valuation Manager	Executive
K.11	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
K.12	To determine the charges for default works undertaken pursuant to the Public Health and Housing Acts and	The relevant Portfolio Holder	Executive

	the clearance of private drains and private sewers, all in respect of Environmental Protection legislation.		
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	Authority	Function
K.13	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
K.14	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
K.15	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
K.16	To administer and approve loans under the Flexible Improvement Loans Scheme.	Executive

Housing and Homelessness

	Authority	Function
K.17	To make decisions to depart from the Council's Allocations Policy in special needs circumstances.	Executive
K.18	To review decisions under the Allocation of Housing and Homelessness (Review Procedures) Regulations 1999.	Executive

Burial or Cremation

	Authority	Function
K.19	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

Community Safety

	Authority	Function
K.20	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
K.21	To agree Service Level Agreements with voluntary organisations	The relevant Portfolio Holder	Executive

Public Health

	Authority	Function
K.22	<p>Authorised under the Public Health (Control of Diseases) Act 1984 and the related public health protection regulations, including the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 (the Business Closure Regulations) and the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (the Restriction Regulations) and any updating and/or amending legislation.</p> <p>This delegation is also extended to the Head of Environmental and Regulatory Services, the Head of Housing Operations, and the Head of Planning and Economic Development.</p>	Executive

L. HEAD OF HOUSING OPERATIONS

Housing and Homelessness

	Authority	Function
L. 1	<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 1985ii. Local Government and Housing Act 1985iii. Local Government (Miscellaneous Provisions) Acts 1976 and 1982iv. Housing Act 1996v. Children Act 1989	Executive/ Non-Executive

	<ul style="list-style-type: none"> 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 xxiv. Energy Act 2011 	
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	Authority	After Consultation with	Function
L. 2	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
L.3	To make decisions under Access to Personal Files (Housing) Regulations 1989.	Executive
L.4	To make decisions under the Rent Deposit Guarantee Scheme.	Executive

Public Health

	Authority	Function
L.5	Authorised under the Public Health (Control of Diseases) Act 1984 and the related public health protection regulations, including the Health Protection (Coronavirus, Business Closure) (England)	Executive

	<p>Regulations 2020 (the Business Closure Regulations) and the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (the Restriction Regulations) and any updating and/or amending legislation.</p> <p>This delegation is also extended to the Head of Environmental and Regulatory Services, the Head of Housing Delivery and Communities, and the Head of Planning and Economic Development.</p>	
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M. HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Development Control and Planning Policy

	Authority	After Consultation with	Function
M.1	To determine major planning applications where these are resubmitted applications previously refused only for SPA reasons which are now resolved and where: <ul style="list-style-type: none"> (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
M.2	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
M.3	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 functions:	Non-Executive /Executive

	<ul style="list-style-type: none"> 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 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 	
M.4	<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) (including but not limited to: enforcement notices, breaches of condition notices, temporary</p>	Non-executive

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

(H) in consultation with the relevant Planning Committee Chairman and Vice-Chairman, and relevant Ward Member(s), to determine planning applications with a connection to a Member or Officer, which satisfy all other requirements of a decision under delegation. *(temporary delegation to end on 7 May 2021, or on the expiry of the temporary WESTERN and EASTERN Planning Committees 2020/21, if sooner.)*

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
- iv. is a revised application for parcel of land within a development with an extant planning permission previously determined by Joint Planning Committee that increases the total number of dwellings on the total site; and/or
- v. where a revision to an extant planning permission brings the total number of dwellings on a site to 25 or more; 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

	<p>Committee and put forward relevant grounds as set out in c (i) to (v) above, the Chief Executive and Head of Planning will normally submit the application to the Joint Planning Committee;</p> <p>(b) any planning application where, within three weeks of the publication of the weekly list of planning applications, any councillor from the relevant Area Committee (for the Committee including all or part of the planning application site concerned) makes a 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, and not from the same individual or the same household) 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>	
M.5	To take action, make decisions (including determining applications for works to protected trees and prior notifications of the intention to carry 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)	Non-executive

	Act 1976, and any Regulations made in relation to this legislation or any amendments, except the confirmation or revocation of a tree preservation order where objections have been received which is reserved for decision by the Area Planning Committee.	
M.6	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
M.7	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
M.8	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
M.9	To exercise the street numbering function under the Public Health Act 1925 (including subsequent amending and replacement legislation).	Executive

Public Health

	Authority	Function
M .10	Authorised under the Public Health (Control of Diseases) Act 1984 and the related public health protection regulations, including the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 (the Business Closure Regulations)	Executive

	<p>and the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (the Restriction Regulations) and any updating and/or amending legislation.</p> <p>This delegation is also extended to the Head of Environmental & Regulatory Services, Head of Housing Delivery and Communities, and the Head of Housing Operations.</p>	
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N. HEAD OF POLICY AND GOVERNANCE

Members Meetings and the Constitution

	Authority	After Consultation with	Function
N. 1	To approve the annual timetable of meetings of the Council and Standing Committees.	The Leader	Non-executive
N. 2	To appoint members to the Independent Remuneration Panel.	Party Group Leaders. All decisions to be reported to all Members by email.	Non-executive
N. 3	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
N. 4	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
N. 5	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.	The party group leaders	Non-executive

Communications and PR

	Authority	Function
N. 6	To make all day to day management decisions relating to the Council's functions as they relate to communications and public relations.	Executive

O. BOROUGH SOLICITOR Data Protection Act 1998

	Authority	Function
O. 1	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	Executive
O. 2	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
O. 3	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
O. 4	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