

## Part 3b: Officer Scheme of Delegation

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1	General
2	Finance
3	Land & Property
4	Environmental Health
5	Housing and other residential accommodation
6	Human Resources
7	Planning & Development
8	Street scene
9	Leisure, parks, and open spaces

## General Principles

1. The authorised Officers, as defined in this Officer Scheme of Delegation (“the Scheme”), acting personally, shall only exercise the delegated powers referred to in the Scheme and also such powers as may be specifically authorised to a particular Officer from time to time.
2. The authorised Officers may authorise other officers to take decisions under the Scheme. Authorisations must be set out in writing and be signed and dated by the authorised officer. A copy of all authorisations should be sent to the Monitoring Officer and relevant Executive Member. Responsibility for decisions remains with the authorised officer, as set out in the Scheme.
3. The exercise of delegated powers shall be subject to compliance with statutory requirements, Procedure Rules and the Council’s policy and budget framework, as set out in the Constitution and in particular as described in the Scheme.
4. Where a post to which a function has been delegated is vacant, or where the post holder is absent (i.e. on annual or sickness leave), the Managing Director or in his absence the relevant Director shall designate another Officer to exercise the delegation, or the delegation shall be exercised by the Managing Director or Director, subject to compliance with Note 3 above.
5. Where reference is made to any Statute, Order, Regulation, Byelaw or other provision this Scheme shall be construed as relating to any modification, amendment, or re-enactment. Reference to any statute includes any Order, Regulations or Byelaw made under it and any Guidance or Codes of Practice in respect of it, as well as any new statutory provision related to that function, other than those where a specific delegation is required by Members.
6. For the avoidance of doubt, this means that where new legislative provisions are introduced for a delegated function, the relevant authorised Officer responsible for the function to which it relates will automatically be authorised to exercise any powers in that Act unless the legislation specifically reserves such actions to Members or requires their formal adoption by the Council.
7. The Officer initiating action is under a duty to consult with other Officers as appropriate, **and in particular the Chief Finance Officer and the Monitoring Officer.**
8. Unless otherwise stated the Officer exercising the delegated powers shall also be authorised as the “Proper Officer” for those powers in accordance with the relevant legislation.
9. Where two Officers are shown e/g/ “HOS/CFO” there is full delegation to the first named officer only but that delegated power shall only be exercisable after consultation with the second named officer.
10. Where delegations refer to finance or procurement, they should be read in conjunction with the appropriate Procedure Rules.

## Part 3b – Officer Scheme of Delegation

11. Whilst general delegations have been authorised under the Finance and Contract Procedure Rules, these must be read in conjunction with and do not override any specific delegations granted under the following sections.
12. The Monitoring Officer shall determine any issues as to the form and manner of the Scheme's operation, implementation or interpretation, for example, where clarification is required as to which officers can exercise a delegation or which Executive Member(s) must be consulted, or referred to in paragraph 6 above.
13. Alterations, amendments and additions to the Scheme are approved in the following ways:
  - a. Non- Executive Functions – by full Council;
  - b. Executive Functions – by the Leader of the Council.

**Where a delegation is listed as being both Executive and Non-Executive functions, advice should be sought from the Monitoring Officer regarding the individual circumstances.**

14. In the event that a post ceases to exist or where responsibilities are transferred to another post holder, temporarily or permanently, then the powers given by this Scheme of Delegation will be exercisable by the Officer in whose area of responsibility the power falls to be exercised; or to the Managing Director.

## Abbreviations

MD	Officer appointed as the Managing Director (Head of Paid Service) under Section 4 of the Local Government & Housing Act 1898
CFO	Officer appointed to discharge the Chief Finance Officer's duties under Section 151 of the Local Government Act 1972
MO	Officer appointed as the Council's Monitoring Officer under Section 5 of the Local Government & Housing Act 1898
D	Director of Service
HOS	Head of Service
ERO	Electoral Registration Officer
RO	Returning Officer
EM	Executive Member – a Member of the Executive to whom the Leader has allocated responsibility for a portfolio of services
Committee Chairman	The Member elected to act as Chairman of any of the Council's Committees
Technical Officer	Officer(s) with professional or technical expertise specifically appointed to act under defined legislation

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive/ Executive Function
<b>1. GENERAL</b>				
<b>Legal</b>				
<p>1.1 Authorise and institute legal proceedings (including the appointment of any Legal Assistants or Counsel) in respect of any Statute, Order, Regulation, Byelaw or other provisions of the common law, whereby the Council, or its Chief Officers has a right other than where specific authority has been given to another officer as set out in the scheme:</p> <p>(i) to take action in any Court, or before any Tribunal, Hearing or any Commission, or any Commissioners</p> <p>(ii) for the recovery or enforcement of any debt, penalty, or right to which the Council is believed to be entitled, including (without prejudice to the generality of the foregoing), any expenses incurred by the Council in carrying out works in default of compliance with any Notice or requirement of the Council</p> <p>(iii) to make application for, or to oppose or support any other person or body's application for any Licence, Justices Licence, Warrant, Order, Notices, or other legal./judicial applications</p>	<p>Local Government Act 1972</p> <p>Local Government Finance Act 1988 &amp; 1992.</p> <p>Courts and Legal Services Act 1990</p> <p>And all other enabling legislation</p>	<p>HOS with responsibility for Legal</p>	<p>-</p>	<p>Non-Executive / Executive</p>

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive/ Executive Function
1.2 Institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where it is considered that such action is necessary to protect the Council's interests	Local Government Act 1972 And all other enabling legislation	HOS with responsibility for Legal	-	Non-Executive / Executive
1.3 Sign any document(s) necessary to any legal procedure or proceedings on behalf of the Council, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person	Local Government Act 1972 And all other enabling legislation	HOS with responsibility for Legal	-	Non-Executive / Executive
1.4 Seal any document with the Common Seal of the Council, where necessary to give effect to the decision	Local Government Act 1972 And all other enabling legislation	HOS with responsibility for Legal	-	Non-Executive / Executive
1.5 Give, make, publish or serve any Notices, Summonses or other documents in connection with proceedings, or arising out of any enactment the enforcement of which relates to the Council	Local Government Act 1972 Local Government Finance Act 1988 & 1992. Courts and Legal Services Act 1990 And all other enabling legislation	HOS with responsibility for Legal	-	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive/ Executive Function
1.6 Take any necessary steps in connection with the conduct of legal proceedings, or the defence of any proceedings, including the instruction of Counsel or expert witnesses and the preparation of any necessary documentation / evidence	Local Government Act 1972 Local Government Finance Act 1988 & 1992 Courts and Legal Services Act 1990 And all other enabling legislation	HOS with responsibility for Legal	-	Non-Executive / Executive
1.7 Subject to budget approval, carry out works in default of compliance with any Notice or requirement of the Council	Town and Country Planning legislation as above Highways legislation Building Control legislation	Relevant HOS	HOS with responsibility for Legal CFO	Non-Executive / Executive
1.8 Determination of the Council's Advocate, the Council's witness, the form of the Council's Pre-Inquiry Statement and the list of documents and venue for all public Inquiries and Hearings	Town and Country Planning legislation as above	HOS with responsibility for Legal	Appropriate HOS	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive/ Executive Function
1.9 Waive any solicitor and client privilege attaching to documents in the Council's possession in any case where a complaint is made to the Ombudsman	-	HOS in respect of which the complaint is made  Note: such waiver only to be exercised with the agreement of the MO	MO agreement required	Non-Executive / Executive
1.10 To determine any issues as to the form and manner of the Officer Scheme's operation, implementation or interpretation, for example, where clarification is required as to which officers can exercise a delegation or which Executive Member(s) must be consulted, or referred to in paragraph 6 above under Notes (ref new legislative provisions).	Section 37 of the Local Government Act 2000 (as amended by the Localism Act 2011)	MO	-	Non-Executive / Executive
1.11 To make administrative and consequential amendments to the Constitution, arising from key principles and decisions taken by Council, to clarify points in the Constitution that do not change the key principles of its origin.	Section 37 of the Local Government Act 2000 (as amended by the Localism Act 2011)	MO	Group Leaders to be consulted on the proposed changes two weeks in advance of their publication for any comments	Non-Executive

<b>Appointments</b>					
1.12	<p>Appoint authorised Officers of the Council to undertake general powers of enforcement, to include but not limited to:</p> <ul style="list-style-type: none"> <li>(i) enter any land or premises in connection with their statutory duties</li> <li>(ii) Take samples in connection with their statutory duties</li> <li>(iii) Carry out enforcement action in connection with their statutory duties</li> <li>(iv) Requiring information in connection with their statutory duties</li> <li>(v) Issue any Fixed Penalty Notices / Penalty Charge Notices that the Council has a statutory power, or is acting on behalf of the statutory agency, to issue</li> </ul>	<p>Town and Country Planning Act 1990 Highways Act 1980 Building Act 1984 Public Health Act 1936 Land Drainage Act 1976 Environmental Protection Act 1990 Dangerous Dogs Act 1991 Dogs (Fouling of Land) Act 1996 Clean Neighbourhood and Environment Act 2005 And any other enabling legislation</p>	<p>Relevant Director HOS or other specifically designated and authorised Technical Officer.</p>	<p>HOS with responsibility for Legal</p>	<p>Non-Executive / Executive</p>
1.13	<p>Authorise and appoint appropriately qualified and competent persons:</p> <ul style="list-style-type: none"> <li>(i) as Inspectors; or</li> <li>(ii) to accompany inspectors onto premises</li> </ul>	<p>Health and Safety at Work etc Act 1974</p>	<p>Relevant HOS or other specifically designated and authorised Technical Officer.</p>	<p>HOS with responsibility for Legal</p>	<p>Non-Executive / Executive</p>



1.14	Appoint representatives to outside bodies in cases where the nominations do not exceed the number of vacancies	Local Government Acts 1972, 2000	HOS with responsibility for Democratic Services	-	Executive
1.15	Appoint representatives to outside bodies in cases where the nominations do exceed the number of vacancies	Local Government Acts 1972, 2000	HOS with responsibility for Democratic Services	Relevant EM and respective Group Leaders	Executive
1.16	Confirm appointment of representatives to outside bodies in cases where the appointment has been subject to the election process	Local Government Acts 1972, 2000	HOS with responsibility for Democratic Services	Relevant EM and relevant Group Leader(s)	Executive
1.17	Authorise directed surveillance and use of covert human intelligence sources	Regulation of Investigatory Powers Act, 2000	Authorised Officers and Senior Responsible Officer	-	Non-Executive
1.18	Authorised to make all necessary arrangements with Public Sector Audit Appointments to secure the appointment of external auditors	Local Audit and Accountability Act 2014	CFO		Executive
<b>Partnership</b>					
1.19	Work in partnership with other local authorities, not-for-profit organisations and government agencies in relation to ad hoc initiatives subject to the Council or its residents benefiting and without additional costs falling to the Council	-	Relevant HOS	-	Non-Executive / Executive
1.20	Represent the Council on partnership groups, boards and bodies	-	MD Directors	Relevant EM	Non-Executive / Executive

1.21	Respond to consultations from Government, Agencies, Local Authorities or other organisations on behalf of the Council	-	Relevant HOS	-	Non-Executive / Executive
<b>Elections</b>					
1.22	Maintain Register of Electors; and	Representations of the People Acts 1949, 1983, 1985, 1989 and 2000	ERO	-	Non-Executive
1.23	Increase fees in respect of staff employed at elections in line with the annual pay award for Local conditioned staff	Representations of the People Acts 1949, 1983, 1985, 1989 and 2000	ERO	-	Non-Executive
1.24	Where it is impractical to report to Council, designate Polling Places subject to the usual consultation on any changes being proposed	Representation of the People Act, 1983	ERO	-	Non-Executive
1.25	To declare any vacancy in office under Section 86 of the Local Government Act 1972	Section 86 of the Local Government Act 1972	Managing Director	-	Non-Executive
<b>Service Delivery</b>					
1.26	In the case of the failure of a contract, take the necessary action to ensure least disruption to service (for report to the next meeting of the Executive)	-	Relevant HOS	CFO and appropriate EM	Executive
<b>Access to Information</b>					

1.27	Process applications for access to information held by the Council	Freedom of Information Act 2000 Data Protection Act 2018 & GDPR Environmental Information Regulations 2004 Local government transparency code 2015	HOS with responsibility for Access to Information	-	Executive
		Access to Personal Files (Housing) Regulations 1989	HOS with responsibility for Housing / Access to Information	-	
1.28	Amend from time to time, as required, the Publication Scheme	Freedom of Information Act 2002.	HOS with responsibility for Access to Information	-	Executive
1.29	Determine whether any complaints or petitions are vexatious, abusive or otherwise inappropriate	-	HOS with responsibility for Democratic Services	-	Non-Executive
<b>Appointment to Committees</b>					
1.30	Make changes to party representation on line committees (including adding/removing substitutes)	-	HOS with responsibility for Democratic Services	Group Leaders	Non-Executive
<b>Customer Services</b>					

1.31 Implement customer service changes, including the premises aspects to deliver the objectives set out in the Customer Services Framework subject to being satisfied that resident needs will continue to be met and suitable alternative provision is available to partner organisations	Section 3 of the Local Government Act 1999	HOS with responsibility for Customer Services	EM with responsibility for customer service and relevant Ward Members	Non-Executive
<b>Community Right to Bid</b>				
1.32 Determine Nominations to List Assets of Community Value for the area in which the property is located	Localism Act 2011	HOS with responsibility for Legal Services	Appropriate EM and the Ward Members	Executive
1.33 Agree and arrange the payment of compensation under the Right to Bid scheme	Localism Act 2011	MD	Appropriate EM and the Ward Members	Executive
1.34 Determine appeals in relation to the listing and compensation reviews	Localism Act 2011	HOS with responsibility for Legal Services	-	Executive
<b>Member Code of Conduct</b>				
1.35 Establish and maintain registers of interest for the Borough and Parish Councils	Localism Act 2011	MO	-	Non-Executive
1.36 Authority to pay reasonable expenses to the Independent Person to the Borough Council	Localism Act 2011	MO	-	Executive

1.37 Implement the procedures for dealing with complaints under the Member Code of Conduct	Localism Act 2011	MO	-	Non-Executive
<b>Safeguarding</b> 1.38 Refresh the Safeguarding Children and Vulnerable Adults Policy regularly as and when new legislation comes into force, except when any significant variations of approach are proposed	Children Act 2004	HOS with responsibility for Wellbeing and Intervention	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<b>2. FINANCE</b>				
<b>Local Taxation</b>				
2.1 Determine all aspects of Council Tax administration, inspection, recovery, collection, refund and exercise of discretion in accordance with any statute or statutory regulations except for matters specifically reserved for Council or Executive or requiring consultation first with the Monitoring Officer or the CFO	Local Government Act 1972 Local Government Finance Act 1988 & 1992 Local Government Act 2003	HOS with responsibility for Revenues and Benefits	CFO	Non-Executive / Executive
2.2 Employ Bailiffs, including power to appoint additional Bailiffs as required	Local Government Act 1972 Local Government Finance Act 1988 & 1992 Local Government Act 2003	HOS with responsibility for Revenues and Benefits	-	Executive
2.3 Determine all aspects of National Non Domestic Rates (Business Rates) administration, inspection, recovery, collection, relief, refund and exercise of discretion in accordance with any statute or statutory regulations except for matters specifically reserved for Council or Executive or requiring consultation first with the Monitoring Officer or the CFO	Local Government Finance Act 1988 & 1992	HOS with responsibility for Revenues and Benefits	EM with responsibility for Finance and CFO	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.4 Consider applications from recreational organisations for discretionary rate relief for business rates taking into account the evaluation criteria	-	HOS with responsibility for Revenues and Benefits	EM with responsibility for Finance and CFO	Executive
<b>General Financial Management</b>				
2.5 Authorised to undertake any minor amendments to the Contract Procedure Rules as may be necessary to comply with any future legislative requirements.	Section 135 of the Local Government Act 1972	MO	EM with responsibility for Finance and CFO	Executive
2.6 Authorised to undertake any minor and administrative amendments to the Contract Procedure Rules as may be necessary to achieve internal practical implementation and compliance	Section 135 of the Local Government Act 1972	MO	EM with responsibility for Finance and CFO	Executive
2.7 Design, set, waive and levy individual fees and charges which the Council is entitled to levy (statutory and non-statutory)	All enabling legislation	HOS for appropriate service	CFO and appropriate EM	Non-Executive / Executive
2.8 Determine applications the small and medium sized grants fund on the basis of the financial limits and criteria determined by the Executive.	Localism Act 2011	HOS with responsibility for Voluntary Sector funding	EM with responsibility for the Voluntary Sector funding and CFO	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.9 Enter into and manage service level agreements for commissioned VCS services on the basis of the financial limits and criteria determined by the Executive.	Local Government Act 2000	HOS with responsibility for Voluntary Sector funding	EM with responsibility for the Voluntary Sector funding and CFO	Executive
2.10 Approve grants to local businesses in accordance with the agreed criteria	Local Government Act 2000	HOS with responsibility for business grants	EM with responsibility for the economy	Executive
2.11 Incur necessary expenditure in the event of a civil emergency in conjunction with the Council's response to the incident	-	MD	CFO	Non-Executive
2.12 Authority to spend from the total budget allocated to manage each service and to make changes between budget headings within the total budget allocated during the year.	-	HOS (incur expenditure within allocated budgets and make transfers between budgets allocated to their service area)	CFO	Executive
Note: See also the Policy & Budget Framework and the Financial Procedure Rules on budget virements.		MD (budget transfers between more than one HOS's allocated budgets)	CFO	



Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.13 Take any steps necessary for the recovery of debts and write off irrecoverable amounts up to the limits determined by the Financial Procedure Rules	Local Government Act 1972 Local Government Finance Act 1988 & 1992 Companies Acts & Insolvency Act 1986	HOS with responsibility for Revenues and Benefits and CFO	-	Executive
2.14 Prove debts in liquidation and bankruptcy proceedings and sign any relevant documents	Local Government Act 1972 Companies Acts & Insolvency Act 1986 Local Government Finance Act 1988 & 1992	HOS with responsibility for Revenues and Benefits	-	Executive
2.15 Propose and determine the Schedule of Payments to precepting Authorities	Local Government Finance Act 1988 & 1992	CFO	-	Non-Executive
2.16 Authorise the collection of revenues and disbursements of monies from the Collection Fund	Local Government Act 1972 Local Government Finance Act 1988	CFO	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.17 Determine whether expenditure, including that which is to be reimbursed or met out of funds provided by another person or body, is to be capitalised	Local Government and Housing Act 1989	CFO	HOS	Non-Executive
2.18 Determine the Capital Financing Requirement (CFR)	Local Government and Housing Act 1989	CFO	-	Non-Executive
2.19 Determine if usable capital receipts are to be applied: (a) to meet expenditure incurred for capital purposes; or (b) as (voluntary) provision for credit liabilities and where voluntary provision for credit liabilities is made, provide credit cover for the entering into of a credit arrangement where a determination to this effect is required	Local Government and Housing Act 1989	CFO	-	Non-Executive
2.20 Determine the amount (being not less than the required minimum revenue provision for the year) to be set aside from revenue account as provision for credit liabilities and where such provision is made to provide credit cover for entering into a credit arrangement	Local Government and Housing Act 1989	CFO	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.21 Take all executive decisions in respect of implementing the Council's Treasury Management Policy and Annual Treasury Management Strategy	-	CFO (Note: In the case of any investment transaction above £1 million this delegation can only be exercised by the CFO and cannot be delegated further – see 2008/09 Minute 93).	-	Executive
2.22 Estimate and notify to the relevant authorities any amounts in respect of a surplus or deficit on the Council's collection fund for any year	Local Government Finance Act 1988	CFO	-	Executive
2.23 Manage the Insurance fund and determine the Council's insurance requirements	Local Government Finance Act, 1988	CFO	-	Executive
2.24 Submit Annual Trustee Reports and Accounts to the Charity Commission (2002/03 Minute 68, page 151)	-	MO (Trustee Reports) CFO (Accounts)	EM with responsibility for Finance & Governance.	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>2.25 Subject to the CFO confirming that sufficient funding remains and certifying that the proposed expenditure is in accordance with the terms of the relevant section 106 obligation(s), (including those related to affordable housing), in consultation with the Executive Member, permit expenditure as follows:</p> <p>(a) Sums up to and including £75,000</p> <p>(b) Sums more than £75,000 up to and including £250,000</p> <p>2.26 Make recommendations to Executive on the establishment and purpose of earmarked reserves and the allocation of funds to them.</p>	-	<p>HOS with responsibility for Regeneration</p> <p>HOS with responsibility for Housing</p> <p>HOS with responsibility for Regeneration</p> <p>HOS with responsibility for Housing</p> <p>CFO</p>	<p>Relevant EM</p> <p>CFO</p> <p>Relevant EM</p> <p>EM with responsibility for Finance &amp; Governance.</p>	<p>Executive</p> <p>Executive</p> <p>Executive</p>

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.27 Subject to the CFO confirming that sufficient funding remains, agree spend from earmarked Reserves	-	MD	CFO, MO and Directors	Executive
2.28 Charge commercial customers who pay for goods and services by a credit card, a transaction charge that equates to the cost that the Council has incurred in processing that transaction	-	CFO	-	Non-Executive / Executive
2.29 Administer and release partnership funds in accordance with Government guidance and criteria	-	CFO	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.30 Submit bids for funding of less than £20,000 to government and government agencies, subject to the Council or its residents benefiting, and without additional costs falling to the Council; and where successful, implement schemes for expenditure.  For funding bids over £20,000	-	HOS	Relevant EM and CFO	Non-Executive / Executive
2.31 Disposal of Redundant Assets <ul style="list-style-type: none"> <li>- Items valued up to £1,000</li> <li>- Items valued £1,000 to £10,000</li> <li>- Items valued over £10,000</li> </ul>	-	HOS Director CFO	MD, Directors, CFO and MO  EM responsible for Finance	Executive
2.32 Disposal of obsolete stock <ul style="list-style-type: none"> <li>- valued at less than £1,000</li> <li>- valued over £1,000</li> </ul>	-	HOS Director	CFO CFO	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p><b>Benefits</b></p> <p>2.33 Determine all aspects of housing benefit, council tax benefit and second adult rebate administration, application, and determination including payment, overpayment, recovery, refund, and exercise of discretion in accordance with any statute or statutory regulations excluding matters reserved for consideration by an Appeals Tribunal</p>	<p>Social Security Contributions &amp; Benefits Act 1992</p> <p>Child Support, Pensions and Social Security Act 2000</p> <p>Social Security Administration Act 1992</p> <p>Welfare Reform Act 2007</p> <p>Social Security (Consequential Provisions) Act 1992</p> <p>Social Security Act 1998</p> <p>And all other enabling legislation and regulations</p>	<p>HOS with responsibility for Revenues and Benefits</p>	<p>CFO (where there is a change in policy or where there are subsidy/budget implications)</p>	<p>Non-Executive / Executive</p>

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>2.34 Approve hardship relief in appropriate cases under the discretionary fund established as part of the Council Tax Support Scheme</p> <p>Note: There is no discretionary fund in operation at present so this delegation is dormant until such time as it is required.</p>	The Local Government Administration Act	HOS with responsibility for Council Tax	EM with responsibility for Housing  CFO (where there is a change in policy or where there are budget implications)	Non-Executive



Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p><b>Fraud</b></p> <p>2.35 Undertake all functions in relation to the prevention, detection, investigation and prosecution of acts of fraud and corruption against the Council (2010/11 Minute 7, page 25)</p>	<p>The Local Government Act 1972</p> <p>The Local Government Finance Act 1988 &amp; 1992</p> <p>Social Security Administration Act 1992</p> <p>The Fraud Act 2006</p> <p>Together with all amendments thereto and any re-enactments thereof and such other appropriate legislation</p>	<p>HOS with responsibility for Revenues and Benefits</p>	<p>Subject to the approval of the Monitoring Officer, where the alleged fraudulent or corrupt activity has been committed by a Member of the Council</p> <p>CFO (where the fraud is against this Council or where it involves allegations of Money Laundering)</p>	<p>Non-Executive</p>

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.36 Undertake an annual review of anti fraud policies, plans and protocols and making minor changes to those documents, for example, to give effect to those that arise from legislative changes. (2010/11 Minute 7, page 25)	The Local Government Act 1972 The Local Government Finance Act 1988 & 1992 Social Security Administration Act 1992 The Fraud Act 2006 Together with all amendments thereto and any re-enactments thereof and such other appropriate legislation	HOS with responsibility for Revenues and Benefits except that where the amendments are significant a report will be taken to the Executive for approval	EM with responsibility for Finance and CFO	Executive
2.37 Take all action as appropriate as the Council's designated Money Laundering Officer	Money Laundering Regulations 2019	CFO	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<b>3. LAND &amp; PROPERTY</b>				
3.1 Require information as to interests in land	Local Government (Miscellaneous Provisions) Act 1976	HOS with responsibility for Legal	-	Non-Executive (Local Choice)
3.2 Take any necessary steps against encroachments on Council owned or managed land	Local Government Act 1972	HOS with responsibility for Property HOS with responsibility for Legal	Banstead Commons Conservators where appropriate	Executive
3.3 Take all action necessary in relation to property where miscellaneous Licences, Grants, Wayleaves, Easements and other agreements are required	Local Government Act 1972	HOS with responsibility for Property/HOS with responsibility for Legal	Subject in politically sensitive or financially significant cases to consultation with the EM with responsibility for Finance, the EM with responsibility for Investments, the CFO and Relevant Director	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
3.4 Determine requests for permission to site telecommunications masts on Council owned land	-	HOS with responsibility for Development Management subject to: (i) such decisions being made on the same basis and using the same criteria as those used to determine the Council's response as Planning Authority (i) HOS with responsibility for Property being satisfied as to the terms and conditions of any offer	Appropriate EM(s) and Ward Members	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
3.5 Approve rent, charges and serve Notices in respect of properties subject to rent review provisions	Local Government Act 1972	HOS with responsibility for Property.	-	Executive
3.6 Take all action necessary in relation to property subject to the Landlord and Tenant Acts, including grant of leases and service of all Notices, approval of terms and consent to assign and change of use  Note: The definition of financially significant relates to the Key Decisions definition.	Local Government Act 1972	HOS with responsibility for Property  HOS with responsibility for Legal	Subject in politically sensitive or financially significant cases to consultation with the EM with responsibility for Finance, EM for Investments Relevant Director and the HOS (Legal) and CFO	Executive
3.7 Acquire land and/or buildings using the budget in the approved Capital Programme subject to the principles agreed for the management of property assets and the Council's agreed financial strategies	Localism Act 2011	HOS with responsibility for Property	Leader of the Council, the EMs with responsibility for Finance, Regeneration, Property and Planning and the CFO	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
3.8 Consider and determine applications for the release, variation or modification of covenants attached to former Council dwellings.	Housing Act 1985	HOS with responsibility for Property	-	Executive
3.9 In relation to voluntary sector support, determine the level of rental grant subsidy in conjunction with the use of the Council's property/assets by the voluntary community sector (2004/05 Minute 34, page 89)	-	HOS with responsibility for the Voluntary Sector.	EMs with responsibility for the Voluntary Sector, CFO and the relevant service and the HOS with responsibility for Property	Executive
3.10 Maintain Local Land Charges Register, issue Official Searches and deal with all other matters pertaining thereto	Local Land Charges Act 1975	HOS with responsibility for Legal	-	Executive
3.11 Authorise any exemptions from charges (additional to those detailed at 1990/91 Minute 109, Page 907) for use at the Town Hall, Reigate and other meeting facilities where alternative arrangements do not exist	-	HOS with responsibility for Property	EM with responsibility for Property	Executive
3.12 Submit Planning Applications in respect of Council owned land and buildings	Town and Country Planning Act 1990	HOS with responsibility for Property HOS with responsibility for Place Delivery	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>3.13 Amend the Capital Programme to increase capital spend on a development scheme, subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• The net impact of any development scheme cost (compared to the estimated income) is neutral or positive</li> <li>• A report being provided to the following Council meeting explaining the reason for the amendment</li> <li>• The increase in capital spend does not exceed 10% of the development scheme value approved within the capital programme</li> </ul>	-	CFO	Leader, Deputy Leader and EMs with responsibility for Finance and Property	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<b>4. ENVIRONMENTAL HEALTH<sup>1</sup></b>				
<b><i>Water supply and drainage</i></b>				
4.1 Close or restrict use of water from polluted source of supply	Public Health Act 1936	HOS with responsibility for Environmental Health	-	Non-Executive / Executive (Local Choice)
4.2 Exercise the Council's powers in relation to the drainage of buildings, yards and passages	Building Act 1984	HOS with responsibility for Environmental Health	-	Executive
4.3 Exercise the Council's powers, duties and functions in relation to the regulation of private water supplies	Private Water Supplies Regulations 2009	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
4.4 Exercise the Council's powers, duties and functions in relation to the regulation of private water supplies.	Private Water Supplies Regulations 2016	HOS with responsibility for Environmental Health	-	Executive
<b><i>Pest Control</i></b>				

<sup>1</sup> Please see also delegations 5.26 – 5.55 under *Private Sector Housing (and general public health)*.



Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.5 Take any action necessary to reduce numbers of pigeons and other birds in built up areas	Public Health Acts 1936 & 1961	HOS with responsibility for Environmental Health	-	Non-Executive (Local Choice)
4.6 Exercise the Council's power in relation to the control of rats and mice	Prevention of Damage by Pests Act 1949	HOS with responsibility for Environmental Health	-	Non-Executive (Local Choice)
<b>Licensing</b>				
4.7 Consider and determine all applications, that is Grant, renew, transfer, suspend, refuse, revoke, attach or vary Conditions, regarding Licences, Registrations, Certificates and Permits and appeals for the licensing or registration of persons or premises	All legislation relating to the Council's Licensing Functions, not otherwise covered in the Scheme	HOS with responsibility for Licensing	-	Non-Executive
4.8 Suspend hackney carriage vehicle and drivers licences, private hire vehicles, drivers and operators licences	Town Police Clauses Act 1847 Local Government (Miscellaneous Provisions) Act 1976	HOS with responsibility for Licensing	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.9 Make representations about an application for a premises Licence, Club Premises certificate or Provisional Statement, and for applications to vary conditions	Licensing Act 2003 Gambling Act 2005	In respect of Licensing Act 2003: HOS with responsibility for Licensing, Environmental Protection Health and Safety  In respect of Gambling Act 2005: HOS with responsibility for Licensing	-	Non-Executive
4.10 Grant in cases where there are no representations: (i) Application for a Personal Licence (ii) Application for a Premises Licence (iii) Application for a Club Premises Certificate (iv) Application for a Provisional Statement (v) Application to vary a Premises Licence (vi) Application to vary a Club Premises Certificate (vii) Application to vary Designated Premises Supervisor (viii) Application for transfer of premises licence (ix) Application for interim Authorities	Licensing Act 2003	HOS with responsibility for Licensing	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.11 Determine minor variation applications for premises licences and club premises certificates, including the decision whether to consult with the responsible authorities under sections 41A to 41C and 86A to 86C of the Act (2010/11 Minute 20)	Licensing Act 2003	HOS with responsibility for Licensing	-	Non-Executive
4.12 Determine applications for community premises that wish to apply to sell alcohol without a Designated Premises Supervisor and Personal Licence holder under sections 25A and 41D of the Act, where no relevant representations have been received (2010/11 Minute 20)	Licensing Act 2003	HOS with responsibility for Licensing	-	Non-Executive
4.13 Grant Request to be removed as designated premises supervisor	Licensing Act 2003	HOS with responsibility for Licensing	-	Non-Executive
4.14 Decide whether a representation is irrelevant, frivolous, vexatious etc.	Licensing Act 2003	HOS with responsibility for Licensing	-	Non-Executive
4.15 Issue Counter Notices where the limitations relating to temporary event notices are exceeded (2004/05 Minute 84, page 265)	Licensing Act 2003	HOS with responsibility for Licensing	-	Non-Executive
4.16 Attach such conditions as are deemed appropriate and to decide an application for consent in accord with relevant provisions of the Sunday Trading Act 1994.	Sunday Trading Act 1994	HOS with responsibility for Licensing	Chairman of Licensing and Regulatory Committee	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.17 In connection with a Notice of Intention to open on Sundays, waive the requirement for 14 days prior notice to be given and similarly where ownership changes in respect of a "large shop" that previously traded on Sundays, the 14 day prior notice in respect of the new owner	Sunday Trading Act 1994	HOS with responsibility for Licensing	Chairman of Licensing and Regulatory Committee	Non-Executive
4.18 Determine applications by Motor Salvage Operators (2002/03 Minute 67, page 151)	Vehicles (Crime) Act 2001	HOS with responsibility for Licensing	-	Non-Executive
4.19 Make an application to review a premises licence	Gambling Act 2005	HOS with responsibility for Licensing	-	Non-Executive
4.20 Grant in cases where there are no representations: (i) Application for Premises licences (ii) Application for a variation to a licence (iii) Application for a transfer of a licence (iv) Application for a Provisional Statement (v) Application for club gaming/club machine permits (vi) Application for permits	Gambling Act 2005	HOS with responsibility for Licensing	-	Non-Executive
4.21 Determine applications for other permits	Gambling Act 2005	HOS with responsibility for Licensing	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.22 Cancel licensed premises gaming machine permits	Gambling Act 2005	HOS with responsibility for Licensing	-	Non-Executive
4.23 Decide whether a complaint is irrelevant, frivolous, vexatious, or will certainly not influence the authority's determination of the application	Gambling Act 2005	HOS with responsibility for Licensing	-	Non-Executive
4.24 Determine applications to register, or revoke small scale lotteries where the applicant does not wish to make representation	Gambling Act 2005	HOS with responsibility for Licensing	-	Non-Executive
4.25 Determine licence applications, revoke licences and undertake enforcement action in relation to scrap metal dealers	The Scrap Metal Dealers Act 2013	HOS with responsibility for Licensing	-	Non-Executive
<b>Food Safety</b>				
4.26 Enforce relevant statutory provisions	Food Safety Act 1990 and all other enabling legislation	HOS with responsibility for Food Safety	-	Non-Executive / Executive
4.27 Exercise the Council's power in relation to the slaughter of animals including:	Slaughterhouses Act 1974 (as amended by the Welfare of Animals at Slaughter Act 1991)	HOS with responsibility for Food Safety	-	Non-Executive
(i) Registration of knackers yards where slaughter takes places				
(ii) Licensing of Slaughtermen				

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.28 Require access to and ensure appropriate provision of sanitary facilities for the disabled at premises open to the public	Sick and Disabled Persons Act 1981	HOS with responsibility for Food Safety	-	Non-Executive
4.29 Serve notices requiring information to be provided (in relation to water supply)	Water Industry Act 1991	HOS with responsibility for Food Safety	-	Executive
4.30 Serve notices in respect of water that is not wholesome	Water Industry Act 1991	HOS with responsibility for Food Safety	-	Non-Executive / Executive
4.31 Notification of the water undertaken of any unwholesome or insufficient supply of any supply that may cause danger to life or health	Water Industry Act 1991	HOS with responsibility for Food Safety	-	Non-Executive / Executive
4.32 Grant, refuse or revoke approvals to premises under the relevant provisions of any product specific Regulations	Food Safety Act 1990	HOS with responsibility for Food Safety	-	Non-Executive
4.33 Authorise members of staff, and individuals in partner organisations where appropriate, to take enforcement function, in line with the relevant Enforcement Policy (2007/08 Minute 15, page 72)	Health Act 2006 (Section 10) and the Smoke Free (Premises and Enforcement) Regulations 2006	HOS with responsibility for Food Safety	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.34 Exercise the Council's powers, duties and functions in relation to major food contamination	Food and Environment Protection Act 1985	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
4.35 Exercise the Council's powers, duties and functions in relation to the regulation of consumer information on allergens in food  Note: In accordance with Schedule 8, paragraph 37 of EU Withdrawal Act 2018 – general transitional, transitory or saving provision, continuation of existing Acts.	Food Safety Addition (Dec 2014) EU Food Information to Consumers Regulation (EU) No. 1169/2011	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
4.36 Exercise powers available in relation to enforcement of food hygiene and safety provision under the European law  Note: In accordance with Schedule 8, paragraph 37 of EU Withdrawal Act 2018 – general transitional, transitory or saving provision, continuation of existing Acts.  <b>Health and Safety at Work</b>	European Communities Act Regulation EC Nos. 178/2002 852/2004 853/2004 854/2004 2073/2005	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
4.37 Agree transfers and assignments between the Health and Safety Executive and the Council	Health & Safety at Work Act, etc 1974	HOS with responsibility for Health and Safety	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.38 Enforce relevant statutory provisions	Health & Safety at Work Act, etc 1974	HOS with responsibility for Health and Safety	-	Non-Executive
4.39 Exercise the Council's powers, duties and functions in relation to the regulation of sunbeds	Sunbeds (Regulation) Act 2010	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
4.40 Exercise the Council's powers, duties and functions in relation to Acupuncture, Tattooing, Ear-Piercing and Electrolysis	The Local Government (Miscellaneous) Provisions Act 1982	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
<b>Environmental Protection</b>				
4.41 Exercise the power to deal with a statutory nuisance including noise nuisance	Environmental Protection Act 1990	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.42 Serve Abatement Notices and abate statutory nuisances where an Abatement Notice has not been complied with and recovery of expenses	Environmental Protection Act 1990.	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)





Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.45 Exercise the powers and duties in connection with the prevention and remediation of prescribed pollution incidents	Environmental Damage (Prevention and Remediation) Regulations 2009	HOS with responsibility for Environmental Protection	-	Non-Executive
4.46 Carry out any necessary functions	Noise Act 1996	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.47 Exercise the powers of Inspector contained within Part V of the Environment Act 1995	Environment Act 1995	All Technical Officers appointed by the HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.48 Issue notices, exemptions and authorisations in relation to emissions into the atmosphere	Environment Act 1995	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.49 Arrange for the review of air quality under the Environment Act 1995, and assessments against air quality standards and objectives	Environment Act 1995	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.50 Identify sites and determine whether land is contaminated and to carry out any necessary investigatory, enforcement or remediation action, including the service of notices, under Part IIA of the Environment Act 1990	Environment Act 1995	HOS with responsibility for Environment Protection	-	Non-Executive (Local Choice)
4.51 Administer all the provisions of the Clean Air Act 1993 where the Council is the enforcing authority for the purposes that include monitoring, preventing and controlling air pollution	Clean Air Act 1993	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.52 Exercise powers relating to (a) the control of noise from construction sites and (b) the investigation and requirement of information in relation to the control of noise (2004/05 Minute 98, page 229)	Control of Pollution Act 1974	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.53 Exercise powers and take action under Sections 77, 78 and 79 of Part 7 of the Act (2005/06 Minute 211, page 611)	Clean Neighbourhoods and Environment Act 2005	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.54 Agree appointments of proper officers outside of the authority	Public Health (Control of Disease) Act 1984, National Assistance Act 1948 and the Milk and Dairies	HOS with responsibility for Environmental Health	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.55 Make minor or technical changes to the Contaminated Land Inspection Strategy to ensure that it is up to date	Environmental Protection Act 1990	HOS with responsibility for Environmental Health	-	Executive
<p><b>Enforcement Policy</b></p> <p>4.56 Refresh the Environmental Health Enforcement Policy regularly as and when new legislation comes into force, except when any significant variations of approach to regulation changes are proposed</p>	Legislative and Regulatory Reform Act 2006	HOS with responsibility for Environmental Health	-	Executive
<p><b>Community Safety</b></p> <p>4.57 Exercise the Council's powers, duties and functions to address anti-social behaviour in relation to the use of Civil Injunctions</p> <p>Note: Decisions to be taken by relevant Head of Service for their respective areas of responsibility.</p>	Anti-social Behaviour, Crime and Policing Act 2014	<p>HOS with responsibility for Community Partnership</p> <p>HOS with responsibility for Neighbourhood Operations</p>	-	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>4.58 Exercise the Council's powers, duties and functions to address anti-social behaviour in relation to the use of Community Protection Notices and its breach including:</p> <ul style="list-style-type: none"> <li>(i) destruction or disposal of an item forfeited by court order</li> <li>(ii) seizure of an item used in the offence under a warrant</li> <li>(iii) issue of a Fixed Penalty Notice</li> </ul> <p>Note: Decisions to be taken by relevant Head of Service for their respective areas of responsibility.</p>	Anti-social Behaviour, Crime and Policing Act 2014	<p>HOS with responsibility for Community Partnerships</p> <p>HOS with responsibility for Neighbourhood Operations</p>	-	Non-Executive / Executive
<p>4.59 Exercise the Council's powers, duties and functions to address anti-social behaviour in relation to the making of Public Spaces Protection Orders and its breach including:</p> <ul style="list-style-type: none"> <li>(i) issue of a Fixed Penalty Notice</li> </ul> <p>Note: Decisions to be taken by relevant Head of Service for their respective areas of responsibility.</p>	Anti-social Behaviour, Crime and Policing Act 2014	<p>HOS with responsibility for Community Partnerships</p> <p>HOS with responsibility for Neighbourhood Operations</p>	-	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>4.60 Exercise the Council's powers, duties and functions to address anti-social behaviour in relation to the making of Closure Notices</p> <p>Note: Decisions to be taken by relevant Head of Service for their respective areas of responsibility.</p> <p><b>Parking Services</b></p>	Anti-social Behaviour, Crime and Policing Act 2014	<p>HOS with responsibility for Community Partnerships</p> <p>HOS with responsibility for Neighbourhood Operations</p>	-	Non-Executive / Executive
4.61 Manage and operate on-street parking controls on behalf of and by agreement with Surrey County Council (the Highways Authority)	Traffic Management Act 2004 and associated legislation	HOS with responsibility for Parking Services	-	Executive
4.62 Manage and operate the Council's car parks and any other car parks which the Council is authorised to operate	-	HOS with responsibility for Parking Services	-	Executive
4.63 Grant all permission, authorisations, relaxations or exemptions as the Council may be so authorised under the provisions of the Borough of Reigate and Banstead (Off-Street Parking Places) Order 2009 and all amendments thereto	-	HOS with responsibility for Parking Services	-	Executive
4.64 Agree any free parking in each Town Centre	-	HOS with responsibility for Parking Services	EM with responsibility for Parking Services	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.65 Make decisions and issue all subsequent notices to vary the charges for off-street parking as detailed in the Off-Street Parking Order	Road Traffic Regulation Act 1984 and regulations made thereunder	HOS with responsibility for Parking Services	EM with responsibility for Parking Services	Executive
4.66 Make decisions, issue all notices required and deal with all consultation responses to amend the Off-Street Parking Order	Road Traffic Regulation Act 1984 and regulations made thereunder	HOS with responsibility for Parking Services	EM with responsibility for Parking Services	Executive
<b><i>Licensing (while the provisions of the Business and Planning Act 2020 are in force)</i></b>				
4.67 Consider and determine and enforce all Pavement Licence applications, and licences; that is grant, renew, transfer, refuse, revoke (including recovery of costs), set and attach or vary conditions.	Business and Planning Act 2020	HOS with responsibility for Licensing	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<b>5. HOUSING AND OTHER RESIDENTIAL ACCOMMODATION</b>				
5.1 Exercise the Council's powers, duties and functions in relation to individuals or households that are homeless or potentially homeless, including: determining and reviewing applications; and providing temporary and emergency accommodation	Housing Act 1985 Homelessness Act 2002 and other relevant legislation	HOS with responsibility for Housing	-	Executive
5.2 Enter into short term tenancies of properties to enable the Council to comply with its statutory duties as a housing authority	Housing Acts 1985, 1988 and 1996 Homelessness Act 2002 and other relevant legislation	HOS with responsibility for Housing	-	Executive
5.3 Approve applications for advances for house purchase and construction within the Scheme approved from time to time by the Council	Housing Acts 1985, 1988 and 1996 Homelessness Act 2002 and other relevant legislation	HOS with responsibility for Housing	EM with responsibility for Housing and CFO	Executive
5.4 Exercise the Council's powers, duties and functions in relation to complaints of, or potential, illegal eviction and harassment concerning residential accommodation, including: investigating complaints, instituting and conducting proceedings	Protection from Eviction Act 1977 (as amended by the Housing Act 1988)  And any other legislation	HOS with responsibility for Housing	-	Executive



Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>5.5 Exercise the Council's powers duties and functions in relation to the provision of information and advice to landlords, tenants, and homeowners including: the statutory rights and duties of landlords and tenants</p>	<p>Rent Act 1977 Housing Acts Homelessness Acts And other relevant legislation</p>	<p>As appropriate: HOS with responsibility for Housing HOS with responsibility for Environmental Health</p>	<p>-</p>	<p>Executive</p>
<p>5.6 Exercise the Council's powers duties and functions in relation to maintaining a housing register or list, including: processing, determining, refusing, and reviewing applications; removing and suspending applicants; determining priority of applicants and suitability of accommodation; running a choice-based allocation system; and nominating applicants to housing providers</p>	<p>Housing Act 1996 Homelessness Act 2002 and other relevant legislation</p>	<p>HOS with responsibility for Housing</p>	<p>-</p>	<p>Executive</p>
<p>5.7 Make minor changes to the housing register, nomination, homelessness &amp; transfer policies and also, where necessary, agree local lettings policies for new and existing affordable housing</p>	<p>Housing Act 1996 Homelessness Act 2002 and other relevant legislation</p>	<p>HOS with responsibility for Housing</p>	<p>-</p>	<p>Executive</p>

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.8 Enter into reciprocal, nomination and referral arrangements with other housing authorities, housing providers, statutory bodies and also for specific initiatives, including for witness protection and domestic violence and managing transfer lists on behalf of agreed housing providers	Housing Act 1996 Homelessness Act 2002 and other relevant legislation	HOS with responsibility for Housing	-	Executive
5.9 Rehouse families where requested to do so by statutory bodies including when the Police ask the Council to move a family because there is risk to safety or to the life of one of the family members and also where a child in a family is in danger		HOS with responsibility for Housing	EM with responsibility for Housing	Executive
5.10 Exercise the Council's powers, duties and functions in relation to all types of grants and loans in respect of residential accommodation, including authorising the waiving of grant and loan repayments	Housing Grants, Construction and Regeneration Act 1996  And other relevant legislation	HOS with responsibility for Housing	HOS with responsibility for Legal and CFO	Non-Executive
5.11 Waive grant and loan repayments where there is evidence of both financial hardship and specific evidence of the grounds on which the waiving of grant repayment is sought	Housing Grants, Construction and Regeneration Act 1996  And other relevant legislation	HOS with responsibility for Housing	EM with responsibility for Housing and CFO	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.12 Exercise the Council's powers, duties and functions to require means of escape from certain buildings	Building Act 1984 And other relevant legislation	HOS with responsibility for Building Control	-	Non-Executive
5.13 Manage agreements and other housing related deeds entered into with Registered Social Landlords and housing providers, including the Large Scale Voluntary Transfer Agreement (LSVT), and specifically to vary agreements where no additional cost would fall on the Council, including LSVT	-	HOS with responsibility for Housing	HOS with responsibility for Legal and CFO for variations	Executive
5.14 Determine the Council's support for bids by Registered Providers and others to the Homes & Communities Agency for affordable housing funding; or for funding for affordable housing from other sources	Housing Act 1996 Housing & Regeneration Act 2008 And other relevant legislation	HOS with responsibility for Housing	CFO	Executive
5.15 Exercise the Council's powers duties and functions in relation to the periodic review of the housing needs, housing supply, and housing conditions in the Borough	Housing Act 1985 Housing Act 2004 And other relevant legislation	As appropriate HOS with responsibility for Housing HOS with responsibility for Environmental Health	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.16 Approve applications for advances for house purchase, construction, improvement and repair within the Scheme approved from time to time by the Council	-	HOS with responsibility for Housing	CFO and EM with responsibility for Housing	Executive
5.17 Consider and determine applications for home loss and disturbance payments and make payments as necessary	Land Compensation Act 1973 Planning and Compensation Act 1991	HOS with responsibility for Housing	HOS with responsibility for Legal	Non-Executive / Executive
5.18 Exercise the Council's powers, duties and functions in relation to appeals to the First-tier Tribunal	Housing Act 2004 Section 231	HOS with responsibility for Environmental Health	HOS with responsibility for Legal	Non-Executive
5.19 Utilise up to £33,000 of the home repair capital budget to make grants or loans to organisations delivering relevant services	-	HOS with responsibility for Environmental Health	EM with responsibility for Environmental Health and CFO	Executive
5.20 Approve and confirm acceptance of the Homes & Communities Agency's Grant Funding Conditions, as necessary, for affordable housing; and for other housing projects and initiatives	-	HOS with responsibility for Housing	CFO	Executive
5.21 Make minor amendments to the Tenancy Strategy	Localism Act 2011	HOS with responsibility for Housing	EM with responsibility for Housing	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.22 Use Section 106 affordable housing contributions for the provision of temporary accommodation  5.23 Authorise expenditure on the provision of Section 106 affordable housing contributions as follows:  (a) up to and including £75,000	Housing Act 1985  Housing Act 1985	HOS with responsibility for Housing  HOS with responsibility for Housing	EMs with responsibility for Housing & Welfare and Property & Regeneration and CFO  EMs with responsibility for Housing & Welfare, and Property & Regeneration and CFO	Executive  Executive
(b) from £75,000 to £250,000		Relevant Director	EMs with responsibility for Housing & Welfare, and Property & Regeneration and CFO	Executive



Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.29 Exercise the Council's powers, duties and functions to arrange the clearance of blocked private sewers, drains or cesspools/septic tanks where there is the likelihood of a risk to public health and subject to a maximum cost of £1,000 in any one case	Public Health Act 1936	HOS with responsibility for Environmental Health	-	Executive
5.30 Exercise the Council's, duties, powers and functions in relation to the declaration and revocation of declarations of houses in multiple occupation	Housing Act 2004	HOS with responsibility for Environmental Health	-	Executive
5.31 Exercise the Council's, duties, powers and functions in relation to the maintenance of registers of notices, orders and licences and management orders for houses in multiple occupation	Housing Act 2004	HOS with responsibility for Environmental Health	-	Executive
5.32 Approve applications for advances for house improvement and repair within the Scheme approved from time to time by the Council	Housing Acts 1985, 1988 and 1996 Homelessness Act 2002 and other relevant legislation	HOS with responsibility for Environmental Health	EM with responsibility for Housing and the CFO	Executive
5.33 Exercise the Council's powers duties and functions in relation to adaptations for people with disabilities in respect of residential accommodation, including: determining and reviewing applications for grants, payment and recovery of grants; and authorising Charges and Local Land Charge entries	Housing Grants Construction and Regeneration Act 1996 and other relevant legislation	HOS with responsibility for Environmental Health	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>5.34 Exercise the Council's powers, duties and functions in relation to applications for grants and loans in respect of repairs and minor works for residential accommodation including determining applications, payments of grants and loans, authorising Charges and Local Land Charge entries</p>	<p>Housing Grants, Construction and Regeneration Act 1996</p> <p>And other relevant legislation</p>	<p>HOS with responsibility for Environmental Health</p> <p>Note: Any review must be undertaken by a different Officer to that tasking the initial decision</p>	<p>-</p>	<p>Non-Executive</p>
<p>5.35 Exercise the Council's powers, duties and functions in relation to all types of grants and loans in respect of residential accommodation, including authorising the waiving of grant and loan repayments in the following circumstances:</p> <p>(i) where breach of conditions occur in the case of a property which is the subject of mortgage repossession and the owner is unable to fund repayment of both the outstanding mortgage and grant from the proceeds of the property sale; and</p> <p>(ii) where an owner makes a disposal of the property which is not an exempt disposal in order to take up residence in sheltered housing.</p> <p>and recovery of sums due to breaches in grant or loan conditions or where circumstances allow</p>	<p>Housing Grants, Construction and Regeneration Act 1996</p> <p>And other relevant legislation</p>	<p>HOS with responsibility for Environmental Health</p>	<p>HOS with responsibility for Legal and CFO</p>	<p>Non-Executive</p>



Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.36 Waive grant and loan repayments where there is evidence of both financial hardship and specific evidence of the grounds on which the waiving of grant repayment is sought	Housing Grants, Construction and Regeneration Act 1996  And other relevant legislation	HOS with responsibility for Environmental Health	EM with responsibility for Housing and CFO	Executive
5.37 Approve any further applications for extensions to the Home Improvement Scheme to include other interested local authorities and not-for-profit organisations, subject to the Council not being involved in additional costs	-	HOS with responsibility for Environmental Health	EM with responsibility for Housing	Executive
5.38 Carry out full procurement exercises to secure Home Improvement Agency and Handyperson services for so long as Surrey County Council provide funding for those services and in accordance with the funding and specifications they provide, and cancel any contracts for any such services	-	HOS with responsibility for Environmental Health	-	Executive
5.39 In relation to private sector housing repairs, adaptations and other works, agree exception cases up to the value of £1,000	-	HOS with responsibility for Environmental Health	EM with responsibility for Housing	Executive
5.40 Exercise the Council's powers, duties and functions in relation to the restoration or continuation of supply of water, gas or electricity to residential accommodation	Local Government (Miscellaneous Provisions) Act 1976	HOS with responsibility for Environmental Health	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.41 Exercise the Council's powers, duties and functions in relation to mobile homes and mobile home sites, including the service of notices, determining applications for licences, licensing sites, site conditions standards and improvements	Caravan Sites and Control of Development Act 1960 Caravan Sites Act 1968 Mobile Homes Act 2013	HOS with responsibility for Environmental Health	-	Non-Executive
5.42 Exercise the Council's powers, duties and functions in relation to the enforcement of The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020	The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020	HOS with responsibility for Environmental Health	-	Executive
5.43 Review the Fees and Charges Policy for Licensed Mobile Home Sites annually and as and when new legislation or guidance comes into force, except when any significant variations of approach to setting fees and charges are proposed.	Legislative and Regulatory Reform Act 2006	HOS with responsibility for Environmental Health	EM with responsibility for Environmental Health and CFO	Non-Executive
5.44 Exercise the Council's powers, duties and functions in relation to control of moveable dwellings	Public Health Act 1936	HOS with responsibility for Environmental Health	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.45 Sign, serve (including by electronic means) and issue Notices and Orders, take actions in default or otherwise and recover expenses, administration costs etc, in relation to housing and other residential accommodation including houses in multiple occupation; and for drainage purposes in respect of housing, other residential accommodation and non-residential premises as necessary	Local Government (Miscellaneous Provisions) Act 1976 Local Government (Miscellaneous Provisions) Act 1982 Public Health Act 1936 & 1961 Prevention of Damage by Pests Act 1949 Building Act 1984 Caravan Sites and Control of Development Act 1960 Caravan Sites Act 1968 Housing Acts and other relevant legislation	HOS with responsibility for Environmental Health	-	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.46 Authorise members of staff to request information and enter premises, residential accommodation, caravans, moveable dwellings, houses in multiple occupation and mobile home sites to inspect, take samples and collect evidence, including taking photographic evidence	Caravan Sites and Control of Development Act 1960 Caravan Sites Act 1968 Building Act 1984. Public Health Acts 1936 & 1961. Local Government (Miscellaneous Provisions) Acts 1976 & 1982 Local Government & Housing Act 1988	HOS with responsibility for Environmental Health	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.47 Exercise the Council's powers duties and responsibilities in relation to standards and category 1 & 2 Hazards (as defined in Section 2 of the Housing Act 2004) in housing and residential accommodation including: <ul style="list-style-type: none"> <li>(i) setting standards, inspecting properties, and enforcing standards;</li> <li>(ii) service, suspension and enforcement of hazard awareness and improvement notices and prohibition orders;</li> <li>(iii) emergency action and emergency prohibition orders</li> </ul>	Housing Act 2004	HOS with responsibility for Environmental Health	CFO for recovery of monies only	Non-Executive / Executive
5.48 Exercise the Councils powers in relation to empty properties, including making and authorising of interim and final empty dwelling management orders, actions resulting from interim and final empty dwelling management orders; and payment of compensation as necessary	Housing Act 2004	HOS with responsibility for Environmental Health	EM with responsibility for Housing	Executive
5.49 Consult with the Fire and Rescue Service in respect of fire risk in certain residential accommodation	Housing Act 2004	HOS with responsibility for Environmental Health	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.50 Exercise the Council's powers duties and functions in relation to licensing of houses in multiple occupation, including: <ul style="list-style-type: none"> <li>(i) deciding which are to be licensed;</li> <li>(ii) temporarily exempt some from licensing;</li> <li>(iii) granting and refusing licences;</li> <li>(iv) tests of suitability, variation and revocation of licences;</li> <li>(v) licences, and procedures and appeals</li> </ul>	Housing Act 2004	HOS with responsibility for Environmental Health	-	Executive Note: Licensing and Regulatory Committee are responsible for individual applications

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.51 Exercise the Council's powers duties and functions in relation to standards in, the management of, and overcrowding in, houses in multiple occupation, including: <ul style="list-style-type: none"> <li>(i) making and operating interim management orders;</li> <li>(ii) variation and revocation of interim management orders;</li> <li>(iii) making and operation of final management orders;</li> <li>(iv) variation and revocation of final management orders, procedural requirements and appeals;</li> <li>(v) management, termination of final management orders;</li> <li>(vi) making and enforcement of management regulations;</li> <li>(vii) and overcrowding notices and enforcement</li> </ul>	Housing Act 2004	As appropriate HOS with responsibility for Environmental Health	HOS responsible for Legal regarding appeals only	Executive
5.52 To reduce HMO standards where it is considered unreasonable to meet them, i.e. they would result in the loss of a unit of accommodation or would lead to excessive costs	Housing Act 2004	HOS with responsibility for Environmental Health	EM with responsibility for Housing	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.53 Exercise the Council's, duties, powers and functions in relation to: <ul style="list-style-type: none"> <li>(i) requirements to produce documents;</li> <li>(ii) entry to premises;</li> <li>(iii) notice requirements for the protection of owners;</li> <li>(iv) dispensing with notices;</li> <li>(v) service of documents and service of documents in electronic form</li> </ul>	Housing Act 2004	HOS with responsibility for Environmental Health	-	Executive
5.54 Exercise the Council's powers duties and functions to deal with the abatement of overcrowding of residential properties	Housing Act 1985 And other relevant legislation	HOS with responsibility for Environmental Health	-	Executive
5.55 Exercise the Council's powers, duties and functions in relation to the imposition of civil financial penalties	Housing and Planning Act 2016	HOS with responsibility for Environmental Health	-	Executtive
5.56 Exercise the Council's powers, duties and functions in relation to the imposition of rent repayment orders	Housing and Planning Act 2016	HOS with responsibility for Environmental Health	-	Executive
5.57 Exercise the Council's powers, duties and functions in relation to the enforcement of smoke and carbon monoxide alarm provisions	Smoke and Carbon Monoxide Alarm (England) Regulations 2015	HOS with responsibility for Environmental Health	-	Executive



Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.58 Refresh the Housing Enforcement Policy regularly as and when new legislation comes into force, except when any significant variations of approach to regulation changes are proposed.	Legislative and Regulatory Reform Act 2006	HOS with responsibility for Environmental Health	-	Non-Executive
5.59 Exercise the Council's powers, duties and functions in relation to the enforcement of the Energy Performance Certificate (EPC) requirements.	Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015	HOS with responsibility for Environmental Health	-	Executive
5.60 Exercise the Council's powers, duties and functions in relation to the enforcement of the requirement to belong to an approved scheme.	Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014	HOS with responsibility for Environmental Health	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.61 Exercise the Council's powers, duties and functions in relation to the enforcement of The Electrical Safety Standards in the Private Rented Sector Regulations 2020.	The Electrical Safety Standards in the Private Rented Sector Regulations 2020	HOS with responsibility for Environmental Health	-	Executive
5.62 Exercise the Council's powers duties, responsibilities and functions in relation to the implementation and ongoing operation of affordable housing schemes initiated by Government, Homes England or other body on their behalf including: issuing application forms, processing, determining, authorising, refusing and reviewing applications; providing information, advice and instructions to applicants, housing providers and third parties; authorising the purchase, transfer or sale of individual affordable homes in accordance with the scheme.		HOS with responsibility for Housing	Legal Services Manager and MO	Executive
5.63 Exercise the Council's powers, duties, functions in relation to the use of the Homelessness Prevention Grant or equivalent funding on activities, projects, or initiatives to prevent homelessness and to improve or provide housing options		HOS with responsibility for Housing	Legal Services Manager, MO, CFO and Executive Member for Housing.	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<b>6. HUMAN RESOURCES</b>				
6.1 Take the necessary action to implement Local Conditions of Service:  (i) in respect of qualification or determination of payment  (ii) in respect of payment	Local Government Act 1972	HOS with responsibility for Human Resources  CFO	-  -	Non-Executive
6.2 Determine additional leave in accordance with the Additional Leave Policy	Local Government Act 1972	HOS for relevant service	-	Non-Executive
6.3 Move an existing Officer to a higher point within the existing grade, above a pay bar or above the maximum progression level	Local Government Act 1972	Relevant HOS	With the agreement of the HOS with responsibility for Human Resources and CFO	Non-Executive
6.4 Carry out grading reviews for existing posts and move a position to a different grade where justified	Local Government Act 1972	Relevant HOS	HOS with responsibility for Human Resources and CFO	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
6.5 Approve payment of honoraria: <ul style="list-style-type: none"> <li data-bbox="271 470 943 534">(i) in accordance with employment terms and conditions</li> <li data-bbox="271 671 853 735">(ii) in excess of employment terms and conditions</li> </ul>	Local Government Act 1972	Relevant HOS  MD	With the agreement of the HOS with responsibility for Human Resources and CFO  With the agreement of HOS with responsibility for Human Resources and the Chairman of the Employment Committee and CFO	Non-Executive
6.6 Agree the Human Resource Plan in accordance with the approved budget.	Local Government Act 1972	MD	-	Non-Executive
6.7 Appoint and dismiss staff	Local Government Act 1972	MD or HOS in accordance with the Employment Procedure Rules and other HR requirements	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
6.8 Appoint an independent person in respect of any disciplinary action in relation to the statutory Chief Officers	Local Government Act, 2000	HOS with responsibility for Human Resources	-	Non-Executive
6.9 In relation to recruitment and retention of staff, where there is a need for considering market supplements in other areas, the agreed criteria be applied and, where a payment is warranted, approve accordingly (2003/04 Minute 222)	Local Government Act 1972	Relevant HOS	HOS with responsibility for Human Resources, CFO and the Chairman of the Employment Committee	Non-Executive
6.10 In relation to recruitment and retention of staff, where there is no longer a need for market supplements, remove accordingly	Local Government Act 1972	HOS with responsibility for Human Resources	CFO and relevant HOS	Non-Executive
6.11 Hear and determine grievances and appeals in accordance with the Council's approved Grievance Procedure (2006/07 Minute 50, page 218)	Local Government Act 1972	MD / HOS in accordance with the Council's Grievance and appeals Procedures	-	Non-Executive
6.12 Agree minor changes, for example those that arise from legislative changes, to all Human Resources policies and procedures (2009/10 Minute 124, page 464)	-	HOS with responsibility for Human Resources	Attendees to the Local Joint Forum	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
6.13 Agree new, or significant changes to, Human Resources policies and procedures	Local Government Act 1972	MD	Attendees to the Local Joint Forum	
6.14 Make amendments to the Equality Policy and Equality Objectives	Equality Act 2010	HOS with responsibility for Corporate Policy	EM with responsibility for Equalities Relevant HOS	Executive
6.15 Approve Early or Flexible Retirement on efficiency grounds where there is a clear business benefit to be gained	The Local Government Act 1972	MD	HOS with responsibility for Human Resources; CFO and the Chairman of the Employment Committee.	Non-Executive
6.16 To negotiate and conclude pay award proposals with Trade Unions, Staff Association and others to an amicable solution.	The Local Government Act 1972	MD	EMs with responsibility for Organisational Development and Finance and CFO	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<b>7. PLANNING &amp; DEVELOPMENT</b>				
7.1 Issue, service, publish, modify and withdraw all Notices, Counter notices, Objections to Notices, Certificates, Requisitions for Information, Orders, Directions and any other documents of a legal nature, together with the certification of such documents pursuant to any powers of the Council in connection with the Town and Country Planning legislation	All Town and Country Planning legislation	HOS with responsibility for Legal	-	Non-Executive
7.2 Issue, service, publish, modify and withdraw Planning Contravention Notices	Town and Country Planning Act 1990	HOS with responsibility for Development Management	-	Non-Executive
7.3 Determine the following types of application (other than applications by Members or Officers of the Council or members of their families or where an Officer or Member is known to have an interest) including any related agreements or obligations arising from the granting of such applications:  (i) extensions or alterations to residential dwellings including garages and other ancillary works  (ii) erection of single dwellings  (iii) residential development resulting in a net increase of one dwelling	Town and Country Planning legislation	HOS with responsibility for Development Management	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>(iv) conversion of a building(s) into flats including associated alterations and extension</p> <p>(v) shop fronts</p> <p>(vi) consent to display advertisements</p> <p>(vii) all reserved matters</p> <p>(viii) Conservation Area and Listed Building consents, or the demolition or alteration of a building within a Conservation Area either where required in connection with a development where the HOS with responsibility for Development Management has delegated power to grant planning permission or where planning permission is not required;</p> <p>(ix) renewal of temporary permissions</p> <p>(x) Agricultural/ Telecommunication (including public call boxes and ancillary radio equipment houses)/Demolition development</p> <p><i>(N.B. In the case of agricultural determinations, details should always be requested in Areas of Outstanding Natural Beauty and Areas of Great Landscape Value. In all other cases, details will be requested only following consultation with any Ward Member(s) concerned and in accordance with Department of the Environment Guidelines)</i></p>				



Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
(xi) changes of use not conflicting with Council policy and refusal of changes of use conflicting with Council policy (xii) demolition of buildings (xiii) provision of vehicular accesses (xiv) erection of fences/walls or other means of enclosure (xv) institutional, educational or commercial works not exceeding 250 sq. metres (gross external floorspace) – not including changes of use proposals (xvi) consent to store hazardous substances subject to the decision being in accordance with the views of the statutory consultees (xvii) variations of a minor nature to existing Section 52 or Section 106 Agreements (xviii) refusal of planning permission, listed building consent or conservation area consent in all other circumstances		HOS with responsibility for Development Management,	Subject to prior consultation with the Chairman of the Planning Committee	

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>All the foregoing to be subject to the proviso that such powers will not be exercisable by the HOS with responsibility for Development Management until either:</p> <p>(a) the expiry of 21 days from the date of circulation of details of such applications to all Members of the Council and no objections to the level of delegation having been received in writing from any Member of the Council by the expiry of that period;</p> <p>(b) in the event of such objection being received, the withdrawal of such objection; or</p> <p>(c) in the event of amendments being received to such applications, a further 3 days be allowed to enable Members to raise an objection to the level of delegation</p>				Non-Executive
<p>7.4 Determine applications for:</p> <p>(i) A Certificate of Lawfulness of existing use or development</p> <p>(ii) A Certificate of Lawfulness of proposed use or development</p> <p>(iii) The removal of or operations to preserved trees or trees in Conservation Areas</p> <p>(iv) Prior Approval Notifications</p>		HOS with responsibility for Development Management	-	Non-Executive

Delegated Function		Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
7.5	Determine applications for proposals which are identical or not significantly different from previous permissions	Town and Country Planning Act 1990	HOS with responsibility for Development Management	-	Non-Executive
7.6	Determine an application for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted	Section 73 Town and Country Planning Act 1990	HOS with responsibility for Development Management	Chairman of Planning Committee as appropriate	Non-Executive
7.7	Determine an application for non-material amendment	Section 96A Town and Country Planning Act 1990	HOS with responsibility for Development Management	-	Non-Executive
7.8	Exercise the Council's power to decline to determine an application for planning permission for the development of land	Section 70A Town and Country Planning Act 1990	HOS with responsibility for Development Management	-	Non-Executive
7.9	Exercise the Council's powers in relation to any notices including the decision to issue, serve, withdraw, modify or vary notices, the making and confirmation of orders, directions, etc., and the decision to carry out works in default	Town and country Planning legislation	HOS with responsibility for Development Management / HOS with responsibility for Legal	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
7.10 Exercise the Council's powers in relation to the decision to issue, serve, withdraw, modify or vary Planning Contravention Notices	Town and Country Planning Act 1990	HOS with responsibility for Development Management	-	Non-Executive
7.11 Recommend to the Department of Culture, Media and Sport spot listing of buildings of Architectural or Historic Interest	Town and Country Planning legislation as above	HOS with responsibility for Development Management	-	Non-Executive
7.12 Spotlist any historic gardens following consultation with the Surrey County Council historic gardens adviser and the Surrey Gardens Trust	-	HOS with responsibility for Development Management	Chairman of the Planning Committee	Non-Executive
7.13 Keeping of Registers in respect of: (i) Planning applications (ii) Notifications of Intentions to fell trees in Conservation Areas (iii) Enforcement Notices and Stop Notices  Issue appropriate Decision Notices or Certificates following the determination of applications	Town and Country Planning Legislation	HOS with responsibility for Development Management	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
7.14 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	Building Control legislation	HOS with responsibility for Building Control	-	Non-Executive / Executive
7.15 Exercise the powers and duties of the Council relating to dangerous, dilapidated or defective buildings or structures, hoardings, scaffolding and the demolition of buildings	Building Control legislation	Any one of the Technical Officers specifically appointed for this purpose by the HOS with responsibility for Building Control	-	Non-Executive / Executive
7.16 Authorise the service of consents for hedgerows removal, hedgerow retention notices, hedgerow replanting notices and any other matters in relation to the operation of the Hedgerow Regulations 1997	Hedgerow Regulations 1997	HOS with responsibility for Development Management	-	Non-Executive / Executive
7.17 Vary Building Regulation Charges when considered necessary	The Building (Local Authority Charges) Regulations 1998	HOS with responsibility for Building Control	EM with responsibility for Planning or Chairman of the Planning Committee as appropriate	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
7.18 Decide whether to serve a High Hedge Remedial Notice or not and authorise and exercise the Council's power of entry (2005/06 Minute 7, page 33)	Anti-Social Behaviour Act 2003	HOS with responsibility for Development Management	-	Non-Executive
7.19 Take direct action pursuant to a High Hedge Remedial Notice (2008/09 Minute 149, page 345)	Anti-Social Behaviour Act 2003	HOS with responsibility for Development Management	-	Non-Executive
7.20 Local Community Infrastructure Levy Subject to the CFO confirming that sufficient Community Infrastructure Levy funding remains, permit expenditure as follows: (a) Sums up to and including £75,000 (b) Sums from £75,000 to £250,000	-	(a) HOS with responsibility for Planning (b) Relevant Director	CFO	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>7.21 Authorised to transfer Community Infrastructure Levy monies to infrastructure providers for projects on the Strategic Infrastructure Programme</p> <p>7.22 Authorisation for up to 10% of the CIL strategic element be used each year to fund urgent strategic infrastructure projects, including Corporate priority projects, outside those outlined within the agreed Strategic Infrastructure Programme (SIP).</p>	<p>Planning Act 2008 and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended)</p> <p>Planning Act 2008 and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended)</p>	<p>Relevant Head of Service</p> <p>Director</p>	<p>Relevant Portfolio Holder(s) and the CFO to confirm that sufficient funds exist</p> <p>CFO, Head of Planning, Leader, Deputy Leader and EMs with responsibility for Finance and Planning</p>	<p>Executive</p> <p>Executive</p>
<p>7.23 Exercise the Council's duties and powers in relation to the enforcement of the Community Infrastructure Levy</p> <p>7.24 Exercise the Council's duties and powers in relation to the calculation of the chargeable amount and determination of liability, in respect of the Community Infrastructure Levy</p>	<p>Planning Act 2008 and Community Infrastructure Levy Regulations 2010</p> <p>Planning Act 2008 and Community Infrastructure Levy Regulations 2010</p>	<p>HOS with responsibility for Planning/HOS with responsibility for Legal</p> <p>HOS with responsibility for Planning</p>	<p>-</p> <p>-</p>	<p>Non-Executive</p> <p>Non-Executive</p>

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
7.25 Exercise the Council's duties and powers in respect of appeals relating to the Community Infrastructure Levy	Planning Act 2008 and Community Infrastructure Levy Regulations 2010	HOS with responsibility for Planning	-	Non-Executive
7.26 Exercise the Council's duties in relation to the assessment of claims for exemption and/or relief from the Community Infrastructure Levy, in accordance with any relevant policies adopted by the Council	Planning Act 2008 and Community Infrastructure Levy Regulations 2010	HOS with responsibility for Planning	-	Non-Executive
7.27 Exercise the Council's duties in relation to administration of CIL, including determination of applications to satisfy CIL through the provision of land and/or infrastructure in-kind, and completion of any associated agreements.	Planning Act 2008 and Community Infrastructure Levy Regulations 2010	HOS with responsibility for Planning	-	Non-Executive
7.28 Exercise the Council's function and powers in respect of temporary changes to planning legislation introduced by the Business and Planning Act.	Town and Country Planning Act 1990 S74A to S74D and Town and Country Planning Act 1990 S93A to S93F	HOS with responsibility for Development Management	-	Non-Executive



Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<b>8. STREET SCENE</b>				
8.1 Exercise the Council's functions under the Highways legislation including authorisation and issue, service, publication, modification and withdrawal of all Notices, Counter notices, objections to Notices, Requisitions for Information, Orders, Directions, and any other documents of a legal nature, and the certification of such documents	All legislation relating to Highways issues	HOS with responsibility for Street Scene	-	Non-Executive / Executive
8.2 Discharge functions relating to control of unauthorised encampments	Criminal Justice and Public Order Act 1994	HOS with responsibility for Development Management	-	Non-Executive
8.3 Exercise powers under Land Drainage Acts and Byelaws made thereunder including entry on to land, service of notices and action requiring works in default up to a value of £20,000 per incident	Land Drainage Acts	HOS with responsibility for Drainage	-	Executive
8.4 Exercise power to collect and dispose of abandoned vehicles	Refuse Disposal (Amenity) Act 1978	HOS with responsibility for Street Scene	-	Executive

Delegated Function		Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
8.5	Act as necessary to deal with the collection of waste	Environmental Protection Act 1990 Public Health Act, 1936 Refuse Disposal (Amenity) Act, 1978	HOS with responsibility for Refuse and Recycling	-	Executive
8.6	Issue and serve Notices in relation to requirements for type of refuse containers; recycling arrangements and litter abatement	Environmental Protection Act, 1990	HOS with responsibility for Refuse and Recycling	-	Executive
8.7	Execute the provisions relating to abandoned trolleys	Environmental Protection Act, 1990	HOS with responsibility for Street Scene	-	Executive
8.8	Street cleansing	Environmental Protection Act 1990.	HOS with responsibility for Street Scene	-	Executive
8.9	Prepare and amend zoning plans as required by the Environmental Protection Act	Environmental Protection Act, 1990	HOS with responsibility for Street Scene	-	Executive
8.10	Provide bins for litter	Environmental Protection Act, 1990	HOS with responsibility for Environmental Health	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
8.11 Decide on the location of new recycling sites (2004/05 Minute 78, page 188)	-	HOS with responsibility for Street scene	-	Executive
8.12 Street Numbering	Public Health Act 1925	HOS with responsibility for street naming		Executive
8.13 Street Naming	Public Health Act 1925	HOS with responsibility for street naming	EM with responsibility for street naming and subject to prior consultation with relevant Ward Members	Executive
8.14 Street Naming and Numbering Policy (minor amendments thereto)	Public Health Act 1925	HOS with responsibility for street naming and numbering	EM for Planning Policy	
8.15 Issue Fixed Penalty Notices for dog fouling	Clean Neighbourhoods and Environment Act 2005	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
8.16 Take appropriate action under the Community Safety Accreditation Scheme	Police Reform Act 2002	HOS with responsibility for Environmental Health	-	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
8.17 Deal with instances of fly posting/unauthorised advertising	Town & Country Planning Act 1990	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
8.18 Deal with instances of unauthorised trading	Local Government (Miscellaneous Provisions) Act 1982	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
8.19 Issue litter clearance notices	Environmental Protection Act 1990	HOS with responsibility for Environmental Health	-	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<b>9. LEISURE, PARKS AND OPEN SPACES</b>				
9.1 Grant or refuse permission for the use of leisure land including Parks, Recreation Grounds, Gardens, Commons and open spaces and all other recreational facilities in accordance with approved policies	Open Spaces Act 1906 Public Health Acts 1875 – 1961 (as amended) Local Government Act 1972	HOS with responsibility for Parks	Subject to agreement of HOS with responsibility for Legal in respect of Common land	Executive
9.2 Deal with letting or hiring of sports facilities and leisure facilities provided by the Council	Public Health Acts Amendment Act 1907 The Public Health Acts 1925 and 1961 Reigate Corporation Act 1945 Local Government Act 1972 Local Government (Miscellaneous Provisions) Act 1976	As appropriate: HOS with responsibility for Parks HOS with responsibility for Leisure	-	Executive

Delegated Function		Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
9.3	Close parks and pleasure grounds or part thereof or allow their use for a show or other special purpose, in particular, the letting of Redhill and Earlswood Commons and Reigate Heath for Fairs, Circuses and similar events	Public Health Acts Amendment Act 1890 as amended by the Public Health Act 1961	HOS with responsibility for Parks	HOS with responsibility for Legal	Executive
9.4	Deal with any applications affecting access over, or laying of services in, over or under common land or leisure land	Metropolitan Commons (Banstead) Supplemental Act 1893 Reigate Corporation Act 1945	HOS with responsibility for Legal	EM with responsibility for Open Spaces and Banstead Commons Conservators where appropriate	Executive
9.5	Grant Grazing and Haycutting Licences	-	HOS with responsibility for Parks	-	Executive
9.6	Grant Catering, Fishing and Boating Licences	Local Government (Miscellaneous Provisions) act 1976	HOS with responsibility for Parks	-	Executive
9.7	Manage and control the Council's statutory/non-statutory allotment sites	Allotment Acts 1908-1950	HOS with responsibility for Allotments	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
9.8 On the basis that every effort is made to achieve good value in terms of price and quality, negotiate and enter into contracts with Theatre Companies, producers, artistes or theatrical managements, up to the value of £150,000 without employing the tender process, in accordance with Contract Procedure Rules	-	HOS with responsibility for Theatre	EM with responsibility for Finance, CFO and MO	Executive
9.9 Deal with all matters relating to burial, the grant of Burial Rights, subscriptions and memorials	Local Government Act 1972	HOS with responsibility for Cemeteries	-	Executive
9.10 Agree all consultations and amendments to Dog Control Orders	Dog Control Orders (Procedures) Regulations 2006	HOS with responsibility for Parks	EM with responsibility for Parks and the Ward Members	Executive
9.11 Enter into Service Level Agreements for the management and operation of greenspaces and countryside areas such as the Downlands Countryside Management Service; Reigate Heath; Banstead Commons Conservators, Earlswood Common	-	HOS with responsibility for Neighbourhood Operations	EM with responsibility for Parks and Countryside	Executive
9.12 To enter into Management Agreements (including the appointment of RBBC representatives where appropriate) for the operation of community focussed groups established in the Borough eg Jubilee Woodlands, Tadworth		Relevant HOS	HOS with responsibility for Legal and Governance Relevant EM	Executive