

King George V House, King George V Road,
Amersham, Buckinghamshire, HP6 5AW

Telephone: 01494 729000 **DX:** 50711

Fax: 01494 586506

Website: www.chiltern.gov.uk

Email: info@chiltern.gov.uk



CHILTERN
District Council



CDC Governance and Electoral Arrangements Committee

Wednesday, 12th April, 2017 at 6.30 pm

Cabinet Room, King George V House, King George V Road, Amersham

A G E N D A SUPPLEMENT

5 Review of the Council's Constitution (Pages 3 - 6)

Appendix 2: Delegations to Named Officers (Pages 3 - 88)

Note: All Reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

**Membership: CDC Governance and Electoral Arrangements
Committee**

Councillors: J A Burton
I A Darby
A J Garth
P M Jones
N M Rose
M W Shaw
M J Stannard
D M Varley
H M Wallace
E A Walsh (Chairman)
D J Bray

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SECTION B SCHEME OF DELEGATIONS TO OFFICERS INCLUDING PROPER OFFICERS**4. DELEGATIONS TO NAMED OFFICERS**

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Chief Executive	<p>To act as the Council's As Head of the Paid Service with authority to carry out the duties of Head of the Paid Service imposed by the Local Government and Housing Act 1989 (including but not limited to acting as the Proper Officer for the purposes of Section 2 and 21 – re list of politically restricted posts);</p> <p><u>To determine the council's establishment, numbers of staff, remuneration and deployments and agree terms and conditions for the employment of staff</u></p> <p>A authority to take such steps as are necessary to ensure that in the recruitment, remuneration and termination of employment of staff and in the conditions of service generally, the Council complies with all relevant mandatory legislation;</p> <p><u>To approve any redundancies, retirements, settlement of claims, secondments, unpaid leave request, pensions related matters, annual increments and any other employment related matters</u> and</p> <p>A authority to sign offers and contracts of employment.</p>	<p>Note – Council to appoint Head of Paid Service – Officer Employment Procedure Rules Para 3.1</p> <p><u>Fundamental changes to the organisation structure to be agreed by Joint Committee</u></p> <p><u>In consultation with the Cabinet Leader or in his/her absence the Deputy Leader for settlement of claims. Proposals for enhanced benefits to be determined by Personnel Committee</u></p>	C1	

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	Authority to approve and publish the Forward Plan at any time when it cannot conveniently be considered and approved for publication at an ordinary meeting of the Cabinet,	In consultation with the Cabinet Leader or in his absence, the Deputy Cabinet Leader		E1	Comment [JS1]: Superseded by 28 Day Notice
	In any month when a Committee or Sub- Committee of the Council does not meet, to take any action required to give effect to the duties powers and functions of that Committee or Sub-Committee.	In consultation with the appropriate Committee Chairman and subject to the action being reported to the next available meeting of the Committee/Sub-Committee.	C2		
	In cases of urgency to take any action required to give effect to the powers and duties of the Cabinet.	In consultation with the Cabinet Leader or in his absence the Deputy Cabinet Leader and subject to the action taken being reported to the next available meeting of the Cabinet.		E12	
	In the period between the date of the election of councillors and the day following the subsequent Annual General Meeting of Council to exercise any of the duties and powers of the Council or the Cabinet or any of their Committees or Sub- Committees	In consultation with the Chairman of the Council or in his absence the Vice Chairman of the Council	C3	E23	
	The power to give or withhold the Councils consent to any proposed expenditure funded in whole or in part from the CADEX Pooled Budget	In consultation with the Cabinet Leader or in his absence the Deputy Cabinet Leader		E4	Comment [JS2]: Discontinued

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	Authority to sign or where appropriate, seal in conjunction with the Chairman or Vice-Chairman of the Council, any document required to implement or give effect to any decision taken by the Council or one of its Committees and Sub-Committees or the Cabinet.		C4	E5	Comment [JS3]: Now delegated to HoLDS
	In connection with any application for the post of Director or Head of Service in his department, to prepare long lists and interview and shortlist suitable candidates for consideration by <u>JAIC</u> the Personnel Committee.	In consultation with the <u>HR Manager</u> read of Personnel.	<u>C4.5</u>		
	Authority to approve attendance by Members at appropriate Conferences/Seminars and the payment of travel and subsistence in connection therewith subject to there being adequate budgetary provision.		<u>C5.6</u>	<u>E3.6</u>	
	Overall responsibility for the implementation of the Council's Health and Safety Policies			<u>E4.7</u>	
	Responsibility under the Health and Safety at Work etc. Act 1974 for the implementation of all Regulations and Codes of Practice in respect of employees under his/her direction and control.			<u>E5.8</u>	
	Authority to conduct Parish Polls demanded under The Parish and Community Meetings (Polls) Rules 1987 as the Returning Officer.		<u>C6.7</u>		

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	Authority to act as Registration Officer and Returning Officer for all local (Parish, District and County), General and European elections.		Council function	
	Authority to respond to neighbouring local authorities and other external organisations on non-strategic proposals	In consultation with the appropriate Cabinet Portfolio holder.		E6_9
	Terminating employment on grounds of ill health	Following consultation with the appropriate Chief Officer. Head of Personnel to report to next available meeting of the Cabinet	C8	
	Responding to notices of sale of property			E10
	Authority to waive the Financial Procedure Rules where expenditure is incurred in direct support of a major emergency, direct action in connection with the Enforcement of Planning Control or other appropriate incident – be it internal or external to the Council – where it is impractical or inappropriate to invoke them FPR 1.22-1.25 – June 2009 See Contract Procedure Rules for exemptions in an emergency – Appendix A – June 2009.	Where it is impractical or inappropriate to invoke them. Report to the next available meeting of the Council or Cabinet (as appropriate). NB – FPR – In absence of CEx – the Director of Planning and the Environment has the power or any 2 Heads of Service – also see Appendix A of CPR	C7_9	E7_11

Comment [JS4]: Covered in C1

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	<p>The following matters concerning employees within his department:-</p> <p>advertising vacancies in accordance with the existing grade for the post;</p> <p>selecting, interviewing and appointing candidates for all departmental posts other than a Head of Service post and confirming or otherwise such appointments after the expiry of the relevant probationary periods;</p> <p>overlapping on appointments for periods not exceeding one month or engaging temporary employees at times of long term sickness or in emergency and other situations;</p> <p>approving the payment of removal allowances including the power to make payments within the limits laid down by the Scheme even where the eligibility requirements may not be fully met;</p> <p>taking disciplinary action in accordance with agreed procedures including suspension or dismissal of staff;</p> <p>authorising visits by staff on matters of interest to the Council, to other authorities and organisations;</p> <p>authorising training and study courses and post entry training, including financial assistance and special leave for examinations and revision within the annual estimates and in accordance with policy; and</p> <p>granting concessionary leave on compassionate grounds.</p>		<p>C10</p>		<p>Comment [JS5]: Now in the General Delegations for all senior mgt team</p>
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	<p>The following staffing matters are delegated to be exercised collectively with the other members of the Management Team:-</p> <ul style="list-style-type: none"> • accelerating staff within linked grades; • payment of honoraria; • payment of performance related pay; • employment of temporary staff for holidays, maternity absences and for peak workloads provided the cost is within the estimates; • authorising changes to grades, where a review of the department or part of the department results in minor structural changes, (subject to no additional cost being incurred); • authorising any individual grade change arising from job evaluation following changed duties and responsibilities, providing this is by no more than one grade, up or down for posts up to scale 6; • authorising minor changes to current conditions of service, providing these are achieved by agreement with the employees concerned; • approving participation in the Equity Share Scheme; 		<p>C8 11</p>	
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	<ul style="list-style-type: none"> • approving essential and casual user car allowances; • reviewing and determining the levels of travelling and subsistence allowances; • reviewing and determining the car loan interest rate when providing assistance to purchase a car; <p>reviewing and determining the level of lease car/car cash allowance in order to maintain the value of the existing scheme;</p> <ul style="list-style-type: none"> • reviewing and determining the mileage allowances paid to lease car and car cash users; and • dealing with employees' claims for compensation. 			
	<p>As a member of Management Team the approval of new projects in support of the Community Development and Revitalisation Action Plan which exceed £2,000 provided the costs can be contained within the overall budget provision. (Executive Minute 251/2001 refers)</p>	<p>In consultation with the relevant portfolio holder. All projects are to be assessed against the criteria from time to time approved by the Cabinet.</p>	<p>£12</p>	<p>Comment [JS6]: Now Head of Healthy Communities</p>

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Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Director of Services Planning and the Environment	Leading and managing the range of services in the Directorate	.		E101
	Progressing achievement against strategic objections and delivering on major projects within the Directorate			E102
	Leading programmes of change and development			E103
	Authority to respond to neighbouring local authorities and other external organisations on non-strategic proposals including Local Plans from neighbouring authorities.	In consultation with the appropriate Cabinet Portfolio holder		E104
	Authority to respond to consultation documents on local/regional transport proposals	In consultation with the appropriate Cabinet Portfolio holder.		E105_2
	Authority to take binding decisions or actions in relation to the implementation of the Local Development Framework where statutory timetables or non negotiable closing dates do not permit prior reporting to the Cabinet or the Council	In consultation with the appropriate Cabinet Portfolio holder for Strategies and Planning and subject to an information report being submitted to the next ordinary meeting of the Cabinet.	C101	E106_3
	Authority to support bids made by Registered Social Landlords to the Housing Corporation for new social and affordable housing schemes	In consultation with the appropriate Cabinet Portfolio holder.		E104

Comment [JS7]: Superseded

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	In connection with any application for the post of Head of Service in his/her Directorate, to prepare long lists and interview and shortlist suitable candidates for consideration by JAIC the Personnel Committee	In consultation with the Chief Executive and HR Manager read of Personnel	C102	
	Authority to process applications, short list, interview and appoint staff below Heads of Service	In consultation with the Head of Personnel	C103	Comment [JS8]: Covered in General powers
	In absence of Chief Executive – authority to waive the Financial Procedure Rules where expenditure is incurred in direct support of a major emergency, direct action in connection with the Enforcement of Planning Control or other appropriate incident – be it internal or external to the Council – where it is impractical or inappropriate to invoke them (FPR 1.22-1.25 – June 2009) See Contract Procedure Rules for exemptions in an emergency – Appendix A – June 2009.	Where it is impractical or inappropriate to invoke them. Report to the next available meeting of the Council or Cabinet (as appropriate). NB – FPR – In absence of CEx – the Director of Planning and the Environment has the power or any 2 Heads of Service – also see Appendix A of CPR	C104	Comment [JS9]: Covered in General powers
	Responsibility under the Health and Safety at Work etc. Act 1974 for the implementation of all Regulations and Codes of Practice in respect of employees under his/her direction and control.			E107_5
	The following matters concerning employees within his/her department:- advertising vacancies in accordance with the existing grade for the post; selecting, interviewing and appointing candidates for all departmental posts other than a Head of Service post and confirming or otherwise such appointments after the expiry of the relevant		C105	Comment [JS10]: Covered in General Powers

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	<p>probationary periods;</p> <p>overlapping on appointments for periods not exceeding one month or engaging temporary employees at times of long term sickness or in emergency and other situations;</p> <p>approving the payment of removal allowances including the power to make payments within the limits laid down by the Scheme even where the eligibility requirements may not be fully met;</p> <p>taking disciplinary action in accordance with agreed procedures including suspension or dismissal of staff;</p> <p>authorising visits by staff on matters of interest to the Council, to other authorities and organisations;</p> <p>authorising training and study courses and post entry training, including financial assistance and special leave for examinations and revision within the annual estimates and in accordance with policy; and</p> <p>granting concessionary leave on compassionate grounds</p>			
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	<p>The following staffing matters are delegated to be exercised collectively with the other members of the Management Team:-</p> <p>Accelerating staff within linked grades;</p> <p>payment of honoraria;</p> <p>payment of performance related pay;</p> <p>employment of temporary staff for holidays, maternity absences and for peak workloads provided the cost is within the estimates;</p> <p>authorising changes to grades, where a review of the department or part of the department results in minor structural changes, (subject to no additional cost being incurred);</p> <p>authorising any individual grade change arising from job evaluation following changed duties and responsibilities, providing this is by no more than one grade, up or down for posts up to scale 6;</p> <p>authorising minor changes to current conditions of service, providing these are achieved by agreement with the employees concerned;</p> <p>approving participation in the Equity Share Scheme;</p> <p>approving essential and casual user car allowances;</p> <p>reviewing and determining the levels of travelling and subsistence allowances;</p>		<p>€106</p>	<p>Comment [JS11]: Duplication</p>
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	<p>reviewing and determining the car loan interest rate when providing assistance to purchase a car;</p> <p>reviewing and determining the level of lease car/car cash allowance in order to maintain the value of the existing scheme;</p> <p>reviewing and determining the mileage allowances paid to lease car and car cash users; and</p> <p>dealing with employees' claims for compensation.</p>			
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	As a member of Management Team the approval of new projects in support of the Community Development and Revitalisation Action Plan which exceed £2,000 provided the costs can be contained within the overall budget provision. (Executive Minute 251/2001 refers)	In consultation with the relevant portfolio holder. All projects are to be assessed against the criteria from time to time approved by the Cabinet.		E106	Comment [JS12]: Dealt with by HoHC in consultation with portfolio holder
	Authority to award Discretionary Rate Relief	In consultation with the Cabinet Portfolio holder for Community. When considering the award of top up discretionary rate relief to registered amateur sports clubs, regard will be had to the Sports & Leisure Policies from time to time adopted by the Council		E52	Comment [JS13]: Now Head of Customer Services
	Authority to write off Council Tax, Community Charge, irrecoverable Housing Benefit and NNDR debts and irrecoverable sundry debts under £10,000	The Head of Financial Services also has delegated authority to write off irrecoverable debts under £10,000 and the Head of Revenues and Customer Services (Revenue debts only)		E53	Comment [JS14]: Now Head of Customer Services
	To respond to consultations in relation to the registration of land as Town and Village Greens – Commons Act 2006.	In consultation with the ward member (such consultation to be carried out electronically) and a report on the action taken be submitted to the next available Planning Committee.		Con-Rev 6.10.09 Council 27.10.09	Comment [JS15]: Now Head of Sustainable Development

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Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head of Building Control Manager	<p>Dealing with all Building Control matters under concerning Sections 4, 8,9,10,15, 16 to 25, 31 to 41, 47 to 57, 95 to 97, 99 and 100 of the Building Act 1984, the Building Regulations 2000, the Building (Approved Inspectors etc.) Regulations 2000 and the Building (Local Authority Charges) Regulations 1998 (or any statutory amendments, updates or re-enactments thereof) including :- Determining, signing and issuing Decision Notices;</p> <p>Notifying applicants that minor alterations and amendments may be construed as complying with plans previously approved under the Buildings Regulations; and</p> <p>subject to any necessary consultations, issuing notices on non-contentious applications for relaxation or dispensation under the Building Regulations.</p>			E151
	<p>Serving notice requiring contravening work to be pulled down, removed opened up or altered</p>			E152
	<p>Taking enforcement action, including action in default and instituting court proceedings, for breach of the Building Regulations and related legislation</p>	<p>Institution of Prosecution proceedings to be in consultation with the Head of Legal Services</p>		E153
	<p>Authority under Regulation 3 of the Building (Local Authority Charges) Regulations 1998 to fix charges by means of a scheme and to recover the same</p>	<p>In consultation with the Head of Sustainable Development Director of Planning and the Environment</p>		E152_4
	<p>Authority to agree payment in instalments under Regulation 10(g)</p>	<p>In consultation with the Head of</p>		E153_5

Comment [JS16]: Covered in General Powers

Comment [JS17]: Covered in General Powers

Comment [JS18]: Covered in General Powers

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	of the Building (Local Authority Charges) Regulation 1998	Sustainable Development Director of Planning and the Environment		
	Authority to appoint consultants in connection with any of the powers granted to the Head of Building Control Manager by this Scheme of Delegations.	Subject to adequate budgetary provision		E154_6
	<p>Taking all actions, including serving and rescinding notices, making applications to court, executing work in default and recovering expenses incurred, in relation to the following :-</p> <ul style="list-style-type: none"> Non compliance with Section 61 of the Building Act 1984 (repair etc. of drain) Provision of exits, entrances, passages and gangways to buildings; Provision of means of escape from fire; raising of chimneys or flues; construction of cellars below the subsoil water level; defective premises; dangerous buildings or structures including the taking of emergency measures; demolition notices; paving and drainage of yards and passages; and maintenance of entrances to courtyards. 	Institution of prosecution proceedings to be in consultation with the Head of Legal Services		E157
	Responding to consultation by the Fire Authority under the Regulatory Reform (Fire Safety) Order 2005		C151	

Comment [JS19]: Covered in General Powers

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	Authority to act as the Appointing Officer under Section 10(8) of the Party Wall etc. Act 1996			E155_8
	Dealing with matters arising under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 relating to undertaking works to buildings which are not effectively secured	Head of Engineering and Contract Services has an identical delegation		E156_9
	Dealing with dangerous excavations pursuant to Section 25 of the Local Government (Miscellaneous Provisions) Act 1976			E157_60
	Responding to consultations from Bucks County Council re issuing, amending and/or replacing safety certificates (whether general or special) for sports grounds pursuant to the Safety of Sports Grounds Act 1975.	Head of Healthy <u>Communities and Housing</u> has an identical delegation	C152	
	<p>Pursuant to Part 8 of the Anti Social Behaviour Act 2003 (the Act) authority to:-</p> <ul style="list-style-type: none"> • reject any complaint that is not accompanied by such fee as the Cabinet may determine from time to time to be payable in connection with making of such a complaint and to notify the complainant accordingly; • determine not to proceed with a complaint where it appears that the complainant has not taken all reasonable steps to resolve the matters complained of without proceeding by way of a complaint to the Council and to notify the complainant of the reasons for such a determination; • determine not to proceed with a complaint where it appears that the complainant is 		C153	Comment [JS20]: High hedges now dealt with by Environmental Health

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		<p>unreasonable or vexatious and to notify the complainant of the reasons for such a determination;</p> <ul style="list-style-type: none"> • determine to take no action on the grounds that the hedge complained of does not adversely affect the reasonable enjoyment of the complainant's domestic property and /or that it is not expedient to take any action in respect of the hedge and in either case to notify the complainant and any other appropriate person of the reasons for such a determination • issue and serve on the complainant and every owner and every occupier of neighbouring land a Remedial Notice under Section 69 of the Act giving the reasons for doing so and any such notice to contain such initial action or preventative action and time for compliance as is reasonable in all the circumstances of the case; • waive or relax or withdraw a Remedial Notice (but without prejudice to the power to issue a revised Remedial Notice) • exercise the power under Section 74 of the Act to enter neighbouring land and to authorise Officers to also exercise such powers; 	<p>A copy of the Remedial Notice shall be passed to the Head of Legal Services for registration as a Local Land Charge</p> <p>The Head of Legal Services shall be notified of any waiver or relaxation or withdrawal so that the Local Land Charges Register can be amended accordingly</p> <p>The Head of Legal Services shall be consulted on the institution of any civil or criminal proceedings</p>		
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	<ul style="list-style-type: none"> • defend appeals made by the complainant or the owners or occupiers of neighbouring land pursuant to Section 71 of the Act; • institute criminal proceeding against any person who at the relevant time was the owner or occupier of neighbouring land and failed to comply with the requirements of a Remedial Notice then in force, the time for compliance therewith having expired. • institute works in default to secure compliance with a Remedial Notice and for that purpose to exercise the powers of entry under Section 77 of the Act and to authorise Officers to also exercise such powers; and • institute proceedings to recover the expenses incurred in connection with the institution of works in default 	<p>The expenses of carrying out works in default shall be notified to the Head of Legal Services for registration as a Local Land Charge</p>		
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Note

Cabinet 3.11.09 Council 8.12.09

Building Control Surveyors employed by Wycombe District Council can undertake building control duties within the administrative area of Chiltern for Chiltern District Council under Section 101 of the Local Government Act 1972

And officers of Chiltern District Council are authorised to undertake building control duties within the district of Wycombe on behalf of Wycombe District Council pursuant to Section 113 of the Local Government Act 1972.

Comment [JS21]: Superseded

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Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number	
Head of Environment Engineering and Contract Management	Authority to deal with the maintenance <u>deal with the maintenance</u> in of Council buildings within approved budgets including the appointment of cleaning contractors.			E201	
	<u>Day to day responsibility for Caretaking and Cleaning Services</u>			E202	
	<u>Authority to let the Council Chamber and Committee Rooms in accordance with prescribed charges and to remit charges for cancelled bookings</u>			E203	
	Authority to take action including the service of notices and/or the institution of civil or criminal proceedings in relation to unauthorised camping or stationing of caravans under the Caravan Sites and Control of Development Act 1960, the Public Health Act 1936 and the Criminal Justice and Public Order Act 1994.	<u>In consultation with the Head of Legal Services</u>		E202	Comment [JS22]: Moved to Licencing
	Authority to deal the Council's functions relating to watercourses with obstructions to and the condition of, ordinary watercourses under Section 23 and 25 of the Land Drainage Act 1991, including the service of Notice under Section 25 prior to entering land to carry out works.				E204 <u>3</u>
	Authority to serve Notice or take action under Sections 260, 262 and 264 of the Public Health Act 1936 (culverting of watercourses).				E204
	Authority to respond to the Highways Authority on consultation draft Traffic Regulation Orders.				E205
	To grant of short term tenancies including licences and non-				E206

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	protected leases of no more than 7 years with an annual rent not exceeding £35k across the Council's property portfolio.			
	Dealing with matters arising under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 relating to undertaking works to buildings which are not effectively secured	Head of Building Control has an identical delegation		E207
	Authority to deal with all the Council's street naming and numbering functions The provision of street name boards			E207 8
	Authority to make decisions on requests for street naming pursuant to Section 17 of the Public Health Act 1925.			E209
	Authority to take all actions associated with the removal of abandoned vehicles from the highway and private land, including discretion as to whether to make a charge or not, in accordance with The Refuse Disposal (Amenity) Act 1978			E208 10
	Responsibility for the management, control and maintenance of all Council land and property holdings including Commons and open spaces which are not within the direct responsibility of another service, subject to the consideration for any long leases or disposals being assessed by a qualified Valuer Authority to refuse applications for permission to site mobile food stalls or similar operations in Council-owned car parks including authority to institute civil or criminal proceedings against the owner of	In consultation with the relevant Cabinet Portfolio Holder, the Head of Finance and the Head of Legal & Democratic Services in respect of any long leases or disposals Legal Proceedings to be instituted in consultation with the Head of Legal Services		E209 11

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		any mobile food stall or similar operator parked on a Council owned car park without consent			
		Responsibility for the day to day management, control and maintenance of the Council's London Road Depot site, including the granting of annual licences or short term non protected leases for the use and occupation of land and buildings subject to the consideration for <u>any long leases</u> such licences or leases being assessed by a qualified Valuer.	<u>In consultation with the relevant Cabinet Portfolio Holder, the Head of Finance and the Head of Legal & Democratic Services in respect of any long leases</u>		E210_2
		<u>Authority</u> to deal with unauthorised deposits of waste or of things abandoned in the open air or on land forming part of a highway, including authority to institute prosecution proceedings - Section 33 and 59 of Environmental Protection Act 1990 and Section 6 of the Refuse Disposal (Amenity) Act 1976	<u>In consultation with the Head of Legal Services</u>		E213
		Responsibility <u>Day to day responsibility</u> for managing and monitoring any contracts let for the collection of household or commercial waste.			E211_4
		Authority for the day to day management of the Paper Sort Facility and for related decision making	<u>In consultation with the Council's partners via the Technical Officer Group and provided that costs are contained within the overall budgetary provision</u>		E215
		Responsibility <u>Day to day responsibility</u> for managing and monitoring any contracts let in respect of grass cutting, verge mowing or grounds maintenance.			E215_6
		Responsibility <u>Day to day responsibility</u> for managing and monitoring any contracts let in			E216_7

Comment [JS23]: BCC currently lead on this through the Joint Waste Partnership

Comment [JS24]: Contracted out

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		respect of <u>street cleaning</u> <u>highways cleansing</u> and/or litter control <u>including fly-tipping not dealt with by under the Joint Waste Partnership</u>			
		Authority to negotiate and enter into Supply Agreements with gas water electricity and telephony utility supply companies			E217_8
		Authority in respect of Part IV of the Environmental Health Act 1990 (litter etc.) including :- (1) instituting prosecution proceedings under Section 87 (2) serving Litter Abatement Notices and Street Litter Notices under Sections 92 and 93.	In consultation with the Head of Legal & <u>Democratic Services</u>		E218_9
		The use of commons and other open spaces for local fêtes, shows, etc., and the erection of temporary structures and parking of vehicles in connection with such functions.			E219_20
		Enforcement of bylaws relating to playing fields, open spaces, etc. including instituting prosecution proceedings.	In consultation with the Head of Legal & <u>Democratic Services</u>		E220_1
		Authority to grant periodic or short fixed term tenancies of Gardeners Cottage, Blizzards Yard Chalfont St Giles provided such lettings are non-secure and at open market rentals.			E222 Comment [JS25]: No longer relevant
		Dealing with requests for short-term lettings or similar requests in respect of the Council's car parks.			E223 Comment [JS26]: Covered by general delegation at E209
		Where a business or agricultural tenant of the Council has a protected tenancy, authority to serve a notice of termination and negotiate the terms of a renewal tenancy subject to the consideration for such tenancy being assessed by a qualified Valuer.	In consultation with the Head of Legal Services.		E224 Comment [JS27]: Covered by general delegation at E209

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		Authority to approve the grant of licence to assign or licences for alterations and to accept the surrender or variation of an existing lease or to serve any notices or grant any other licence required or able to be served or granted under the terms of such lease.	In consultation with the Head of Legal Services.	E225	Comment [JS28]: Covered by general delegation at E209
		Authority to agree rent reviews subject to the approval of the reviewed rent by a qualified Valuer.		E226	Comment [JS29]: Covered by general delegation at E209
		Authority to grant wayleaves over or under any Council owned land to statutory undertakers.		E227	Comment [JS30]: Covered by general delegation at E209
		Authority to grant easements over or under any Council owned land at full market value	In consultation with the Head of Legal Services.	E228	Comment [JS31]: Covered by general delegation at E209
		Authority to grant easements for vehicular access over Council owned Commons to service residential dwellings in existence on or before 4 July 1982 in accordance with the compensation regime set out in the Vehicular Access Across Common Land (England) Regulations 2002 including the power to appoint a qualified valuer to advise on the compensation payable.	In consultation with the Head of Legal & Democratic Services	E221_9	
		Authority to grant short term licences determinable by notice of 12 months or less over Council owned land (including commons) to facilitate vehicular access to existing residential dwellings.	In consultation with the Head of Legal Services.	E230	Comment [JS32]: Covered by general delegation E209
		Authority to release restrictive covenants subject to market value being obtained for such release.	In consultation with the Head of Legal Services.	E231	Comment [JS33]: Covered by general delegation E209
		Authority to under let, sub let or assign leases where no material change of use is involved.	In consultation with the Head of Legal Services.	E232	Comment [JS34]: Covered by general delegation E209
		Authority to make planning and building regulation applications in		E233	Comment [JS35]: Covered in General Powers

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Classification: OFFICIAL

		the interests of the good management of the Council's property portfolio			
		Authority to appoint Catering Contractors			E222_34
		Authority to serve notices requiring the removal of structures which obstruct rights of way.	Buckinghamshire County Council has delegated this power to the Council pursuant to Section 101 of the Local Government Act 1972 and Sections 134 and 135 of the Highways Act 1980 (as amended by the Rights of Way Act 1990)		E235
		Authority to respond to consultations by the Buckinghamshire County Council as the Highways Authority in relation to:- <ul style="list-style-type: none"> road traffic and road safety proposals proposals for alterations or modifications to the Definitive Map proposals for the stopping up or diversion of a public path. 	In consultation with the appropriate Cabinet Portfolio holder for Environmental Management (in relation to road traffic and road safety proposals) or Strategies and Planning (in relation to public paths)		E223_6
		Authority to authorise free "school run" car parking schemes where they form part of a School Travel Plan and any loss of income would be minimal.			E224_38

Comment [JS36]: Covered in General Powers

Classification: OFFICIAL

Classification: OFFICIAL

	<p>In accordance with the Road Traffic(Vehicle Emissions)(Fixed Penalty)(England) Regulations 2002 authority to issue or authorise an appointed officer to issue a fixed penalty notice to a driver of a vehicle who has left his engines running unnecessarily and who has failed to switch it off when requested to do so, together with authority to withdraw a fixed penalty notice or require a driver to furnish certain particulars or to recover an unpaid fixed penalty</p>	<p>The recovery of an unpaid fixed penalty shall be in consultation with the Head of Legal Services</p> <p>NB The Head of Health & Housing and the Chief Constable of Thames Valley Police have identical delegations in order that the powers to issue a fixed penalty notice can also be exercised by Environmental Health Officers and by Police and Community Support Officers</p>		<p>E239</p>	<p>Comment [JS37]: Now environmental health</p>
	<p>Authority to deal with :</p> <ul style="list-style-type: none"> Exposing vehicles for sale; Repairing vehicles on a road; <p>including authority to institute legal proceedings or to issue or authorise other agencies to issue a Fixed Penalty Notice.</p>	<p>The institution of legal proceedings to be in consultation with the Head of Legal Services.</p>		<p>E225_40</p>	
	<p>Authority to deal with :</p> <ul style="list-style-type: none"> Abandoned vehicles; Illegally parked vehicles; <p>including authority to institute immediate removal, disposal or destruction of abandoned vehicles or vehicles without licence and registration and/or to issue or authorise other agencies to issue a Fixed Penalty Notice.</p>	<p>The institution of legal proceedings to be in consultation with the Head of Legal Services</p>		<p>E226_41</p>	

Classification: OFFICIAL

Classification: OFFICIAL

	<p>Authority to deal with :</p> <ul style="list-style-type: none"> • Litter; • Restricting the distribution of leaflets and printed matter to designated areas • Landowners permitting dumping on their land <p>including authority to grant conditional or unconditional consent for the distribution of leaflets and printed materials in a designated areas and authority to institute legal proceedings or to issue a Litter Clearing Notices in relation to any land and/or issue or authorise other agencies to issue a Fixed Penalty Notice.</p>	<p>The institution of legal proceedings to be in consultation with the Head of Legal Services</p>		<p>E227_42</p>
	<p>Authority to serve a Graffiti Removal Notice in respect of graffiti or unlawful advertising including authority to institute legal proceedings or to issue or authorise other agencies to issue a Fixed Penalty Notice for unlawful advertising or failing to comply with a Graffiti Removal Notice.</p>	<p>The institution of legal proceedings to be in consultation with the Head of Legal Services</p>		<p>E228_43</p>
	<p>Authority to search, seize and impound a vehicle involved in fly-tipping including the authority to institute legal proceedings or to issue or authorise other agencies to issue a Fixed Penalty Notice to a waste carrier for:-</p> <ul style="list-style-type: none"> • Failing to produce registration details • failing to produce a waste transfer notice 	<p>The institution of legal proceedings to be in consultation with the Head of Legal Services</p>		<p>E229_44</p>

Classification: OFFICIAL

Classification: OFFICIAL

	<p><u>Parking services including in relation to the Chiltern Special Parking Area:-</u></p> <ul style="list-style-type: none"> <u>management and maintenance of Council car parks</u> responsibility for the enforcement of on an off street parking loading and waiting restrictions (ex)cluding the recovery of penalty charge notices and the administration of appeals <u>authority to waive the recovery of a penalty charge notice where a request for waiver has been received and the reasons stated in the request are considered to be reasonable;</u> and authority to maintain on street signs and lines in accordance with the terms of the Partnership Agreement with Bucks County Council and subject to the costs thereof being attributed to, and recoverable from, the On Street Parking Account 	<p><u>The power to waive the recovery of a penalty charge notice is subject to the following limitation and to any other guidelines issued from time to time by the Cabinet:-</u></p> <p><u>A penalty charge notice issued in respect of a vehicle of which the owner, driver or registered keeper is a member or employee of Chiltern District Council shall not be waived without the prior written consent of the Head of Paid Service and a record shall be kept of the reasons for any such waiver.</u></p>		<p>E230_45</p>
	<p>Authority to make Temporary Road Closure Orders under the Town Police Clauses Act 1847.</p>	<p>In compliance with current policy.</p>		<p>E231_46</p>
	<p>Authority to determine nominations to list land/property as an Asset of Community Value and deal with any matters arising therefrom.</p>			<p>E232</p>

Classification: OFFICIAL

Classification: OFFICIAL

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Director of Resources Head of Financial Services	Authority to carry out the duties of the Chief Finance Officer imposed by the Local Government Finance Act 1988. (Council 15.1.08) and Treasurer to the Chilterns Crematorium Joint Committee.		C251	
	Leading and managing the range of services in the Directorate			E251
	Progressing achievement against strategic objections and delivering on major projects within the Directorate			E252
	Leading programmes of change and development			E253
	Authority to respond to consultations from neighbouring local authorities and other external organisations on proposals that have significant financial implications for the authority	In consultation with the appropriate Cabinet Portfolio holder		E254
	Authority to respond to technical or professional consultations related to the services falling under the remit of the Director of Resources			E255
	In connection with any application for the post of Head of Service in his/her Directorate, to prepare long lists and interview and shortlist suitable candidates for consideration by Members	In consultation with the Chief Executive and HR Manager		E256
	Responsibility for Information Management as the SIRO for the Council			E257
	Responsibility under the Health and Safety at Work etc. Act 1974 for the			E258

Classification: OFFICIAL

Classification: OFFICIAL

		<u>implementation of all Regulations and Codes of Practice in respect of employees under his/her direction and control</u>			
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Classification: OFFICIAL

Classification: OFFICIAL

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head of Finance	To arrange for the investment of the Council's funds in accordance with the annually approved Treasury Management Policy and to be responsible for the Council's banking arrangements. Authority to carry out the duties of the Chief Finance Officer imposed by the Local Government Finance Act 1988. (Council 15.1.08) and Crematorium Treasures.	Appointment of the Council's Bankers and Investment Fund Managers to be subject to the approval of the Cabinet		E300
	To be responsible for the provision of effective accounting systems			E301 252
	To arrange for the proper auditing of all accounts and associated activities of the Council including the provision of an effective system of internal audit.			E302 253
	To be responsible for insurances and risk management and to deal with insurance claims.	The appointment of the Council's Brokers and Insurers to be subject to the approval of the Cabinet		E303 254
	To operate and maintain the Collection Fund		C301 251	
	To be responsible for payroll and implementing national awards concerning wages, salaries and conditions of service		C302 252	
	To negotiate CPA and Best Value related fees with the CPA Inspectorate and the External Auditor.			E255
	Administering the staff lease car scheme and De dealing with applications for staff car purchase loans.	In accordance with terms of the approved schemes.	C303 253	

Classification: OFFICIAL

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	Approval of applications for loans to connect drains to main sewerage systems under Public Health legislation.	Following technical approval of connection proposals by the Head of Engineering and Contract Management	
	Dealing with all matters relating to the following:- Applications to convert house purchase loans from fixed instalments to annuity repayments; Housing advances; Mortgagees wishing to secure a second charge; Maturity loans for improvements and/or repairs to property; Fixing interest rates for new and existing housing loans; and Mortgagors wishing to let temporarily or to sell off part of the land and/or grant easements	In accordance with relevant Council policies.	E256 Comment [JS38]: No mortgages left
	Taking action, including possession proceedings where necessary in respect of Mortgagors in arrears or other breach	Possession proceedings to be instituted in consultation with the Head of Legal Services	E257
	Exercising the option to tax for VAT purposes in respect of land and buildings owned by the Council		E304 258
	Writing off any irrecoverable debt in accordance with the Council's Financial Procedure Rules up to the value of £10,000	The Director of Planning and the Environment also has delegated authority to write off irrecoverable debts under £10,000 – and the Head of Revenues and Customer Services (Revenue debts only).	E305 259

Classification: OFFICIAL

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		Determining borderline cases with the Concessionary Fares Scheme and to exclude any resident or transport operator from the Scheme.	Subject to a right of appeal to the Cabinet	E260	Comment [JS39]: Discontinued
		Enforcement of the Council's Off-Street Parking Places Orders including instituting prosecution proceedings for the recovery of excess charges. This delegation includes the power to discontinue enforcement measures where a request for waiver has been received and the reasons stated in the request are considered to be reasonable.	Prosecution proceedings to be instituted in consultation with the Head of Legal Services. The power to discontinue enforcement measures will be subject to any guidelines issued by the Cabinet.	E261	Comment [JS40]: Superseded by Chiltern Special Parking Area
		In relation to the Chiltern Special Parking Area :- <ul style="list-style-type: none"> responsibility for the recovery of penalty charge notices and for liaising with the Parking Adjudicator in relation to appeals; and authority to waive the recovery of a penalty charge notice where a request for waiver has been received and the reasons stated in the request are considered to be reasonable. 	The power to waive the recovery of a penalty charge notice is subject to the following limitation and to any other guidelines issued from time to time by the Cabinet:- A penalty charge notice issued in respect of a vehicle of which the owner, driver or registered keeper is a member or employee of Chiltern District Council shall not be waived without the prior written consent of the Head of Paid Service and a record shall be kept of the reasons for any such waiver.	E262	Comment [JS41]: Now Environment
		Authority to let the Council Chamber and Committee Rooms in accordance with prescribed charges and to remit charges for cancelled bookings		E263	Comment [JS42]: Now Environment

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		Day to day responsibility for Caretaking and Cleaning Services			E264
From Director of Corporate Services		Authority to negotiate and agree external audit fees.			E54
		Authority to amend interest rates in respect of Housing Advances and Renew the Local Average Rate and declare a new rate where circumstances are such that it would be beneficial to the Council.			E55
		Authority to receive and approve suggestions on alternative methods of financing expenditure and the utilisation of financial resources (Local Government Finance Act 1982 – Closing of Accounts).			E306_56

Classification: OFFICIAL

Classification: OFFICIAL

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
<p>Head of Healthy Communities and Housing Reviewed Constitution Review Committee 12.2.08, Council 26.2.08 and added to by the Licensing and Regulation Committee 22.10.09 and Council 27.10.09.</p>	<p>Authority to deal with all the Council's food hygiene and safety functions appoint Inspectors for all purposes in connection with the Food Safety Act 1990 and any statutory instruments made under the European Communities Act 1972 relating to food safety and/or food hygiene and all subordinate and/or related enactments thereto including (without prejudice to the generality of the foregoing):-</p> <p>the Products Of Animal Origin (Third Country Imports) (England) Regulations 2006, Animals and Animal Products (Import and Export) (England) Regulations 2006 (as amended), the Food Safety (Fishery Products and Live Shellfish (Hygiene) Regulations 1998, Food Premises (Registration) Regulations 1991, the Food (Chilli, Chilli Products, Curcuma and Palm Oil) (Emergency Control) (England) Regulations 2005, the Food (Jelly Confectionary) (Emergency Control) (England) Regulations 2002 (as amended), the Rice Products (Restriction on First Placing on the Market) (England) Regulations 2006, the General Food Regulations 2004, the Official Feed and Food (England) Regulations 2006, the Contaminants in Food (England) Regulations 2006 and the Food Hygiene (England) Regulations 2006.</p>		C3501	

Comment [JS43]: No longer necessary to list legislation

Classification: OFFICIAL

Classification: OFFICIAL

		<p>Authority to exercise or to authorise appointed Inspectors to exercise any of the powers specified within the enactments referred to in Delegation C301 above, including powers of:-</p> <ul style="list-style-type: none"> • Entry and inspection of premises, equipment, and articles; • Approval and refusal of licences; • Approval and refusal of premises; • Acceptance of registration of premises • Service of improvement, prohibition and emergency prohibition notices; • Seizure and detention; and • taking of samples. 		<p>C302</p>
		<p>Authority to institute prosecution proceedings or issue formal cautions in connection with any offences created by the enactments referred to in Delegation C301 above.</p>	<p>In consultation with the Head of Legal Services.</p>	<p>C303</p>
		<p>Authority to deal with all the Council's health and safety at work functions appoint Inspectors for all purposes in connection with the Health and Safety at Work etc. Act 1974 and subordinate and related enactments.</p>	<p>Corporate Health and Safety is the responsibility of the Chief Executive</p>	<p>C35204</p>
		<p>Authority to exercise or to authorise appointed Inspectors to exercise any of the powers specified within the enactments</p>		<p>C305</p>

Comment [JS44]: Covered by General Powers

Classification: OFFICIAL

Classification: OFFICIAL

		referred to in Delegation C304 above, including powers of:- <ul style="list-style-type: none"> • Entry and inspection of premises, equipment, and articles; • service of improvement prohibition and emergency prohibition notices; • seizure and detention; • taking of samples; and • waiver of notification periods for control of asbestos at work. 			
		Authority to authorise appointed Inspectors to institute prosecution proceedings or issue formal cautions in connection with offences created by the enactments referred to in Delegation C304 above.	In consultation with the Head of Legal Services.	C306	
		Authority to agree the transfer or assignment of enforcement responsibilities under the Health and Safety Enforcing Authority Regulations		C35307	
		Authority to deal with all matters relating to <u>the Council's licensing, registration and public safety functions licences, authorisations, consents and registrations including, applications, approvals, refusals, revocations, variations, extensions, the imposition of licence conditions and the service of notices in respect of all enactments (whether contained in primary or subordinate legislation) relating to:-</u> <ul style="list-style-type: none"> • Pet Shops; • Animal Boarding Establishments; • Riding Establishments; • Breeding of dogs; • Guard Dogs; • Dangerous Wild Animals; 	<u>Applications to license establishments are to be determined by the Licensing Sub-Committee</u> <u>Applications under the Licensing Act 2013 have to be submitted to the Licensing Sub-Committee in the following circumstances:-</u> <u>Personal Licence – where an objection is made</u> <u>Premises/Club Premises Licence – if there is a relevant representation</u> <u>Provisional Statement -</u>	C35408	E35101

Classification: OFFICIAL

Classification: OFFICIAL

		<ul style="list-style-type: none"> • Rodent and Pest Control; • Control of Pesticides; • Persons and premises in respect of acupuncture; tattooing, ear and body piercing and electrolysis; • Hairdressers and Premises; • Caravan Sites, moveable dwellings and camping sites; • Scrap Metal dealers; • Sunday Trading; • Late night refreshment houses; • Markets and Street Trading; • Houses in Multiple Occupation; • Game Dealers; and • Noise on Construction Sites 	<p><u>if there is a relevant representation</u></p> <p><u>Variation of premises/Club Premises Licence - if there is a relevant representation</u></p> <p><u>Variation of Designated Premises Supervisor – if there is a Police objection</u></p> <p><u>Transfer of a Premises Licence- if there is a Police objection</u></p> <p><u>Interim Authorities – if there is a Police objection</u></p> <p><u>Delegated authority under the Gambling Act 2005 is set out separately</u></p>		
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Classification: OFFICIAL

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	Licensing of Hackney Carriages and Private Hire Vehicles, Drivers and Operators.	In accordance with the Taxi and Private Hire Licensing Policy as adopted by the Licensing & Regulation Committee from time to time. Cases of doubt or difficulty shall be referred to the next available meeting of the Taxi and Private Hire Licensing Sub-Committee for a decision	C309	
	Authority to institute prosecution proceedings or issue formal cautions in connection with offences created by any of the enactments controlling or regulating the matters referred to in Delegations C308/E301 and C309 above.	In consultation with the Head of Legal Services.	C310	E302 Comment [JS45]: Covered in the General Powers
	Authority to annually publish a revised Table of Fares in respect of Hackney Carriages, consider objections thereto and make a final determination thereon.	In accordance with the Policy and Procedures for the revision of the Table of Fares approved from time to time by the Executive and in consultation with the Licensing & Regulation Committee. Objections by the trade shall be heard before the Licensing & Regulation Committee		E303
	Approval to allow advertising on Hackney Carriage Vehicles constructed to be accessible to disabled people sitting in their wheelchairs.	In accordance with the Taxi and Private Hire Licensing Policy as adopted by the Licensing & Regulation Committee from time to time.	C311	
	Accepting quotations for the provision of veterinary services associated with the annual inspection of animal establishments requiring a		C355 12	

Classification: OFFICIAL

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	licence.			
	Authorising veterinary surgeons employed by the Council's Veterinary Adviser to inspect premises under various animal welfare legislation.		C35613	
	<p>Authority to deal with all matters related to the Council's public health and environmental protection functions appoint authorised officers to deal with all matters under environmental legislation including (but without prejudice to the generality of the foregoing):-</p> <p>Public Health Acts 1875 to 1961, (including the Public Health (Amendment) Acts 1890 & 1907);</p> <p>Prevention of Damage by Pests Act 1949;</p> <p>Control of Pollution Act 1974;</p> <p>Local Government (Miscellaneous Provisions) Acts 1976 & 1982;</p> <p>Noise Act 1996;</p> <p>Public Health (Control of Disease) Act 1984;</p> <p>Building Act 1984;</p> <p>Water Act 1989;</p> <p>Environmental Protection Act 1990;</p> <p>Dangerous Dogs Act 1991;</p> <p>Water Industry Act 1991;</p> <p>Noise and Statutory Nuisance Act 1993;</p> <p>Clean Air Act 1993;</p> <p>Environment Act 1995;</p> <p>Dogs (Fouling of Land) Act 1997;</p> <p>Pollution Prevention and Control</p>	Carrying out of works in default to be reported to the next meeting of the Cabinet or Licensing and Regulation Committee (as the case may be). Actions in respect of the management of air quality to be reported to the next meeting of the Cabinet. The institution of legal proceedings for the recovery of expenses or the service and enforcement of a charging notice in respect of contaminated land, to be in consultation with the Head of Legal & Democratic Services	C35714	E35204

Classification: OFFICIAL

Classification: OFFICIAL

		<p>Act 1999; Clean Neighbourhoods and Environment Act 2005 Animal Welfare Act 2006 Health Act 2006;— and</p> <p>any subordinate or related enactments including the enforcement of byelaws made thereunder in respect of the following matters:-</p> <p>Private sewers and drains, ponds, ditches, water courses culverts cesspools, water closets, sanitary conveniences, cisterns, public conveniences cellars, yards, passages and courtyards;</p> <p>Pests;</p> <p>Filthy and verminous premises including tents, vans and sheds used for human habitation;</p> <p>Control of pollution including management of air quality and contaminated land;</p> <p>Statutory nuisance;</p> <p>Water supplies,</p> <p>Urgent repairs to premises;</p> <p>Security and protection of buildings;</p> <p>Means of escape from fire;</p> <p>Dogs, including dangerous dogs and dog fouling; and</p> <p>Moveable Dwellings.</p> <p>Smokefree workplaces and enclosed public place</p> <p>Waste on land</p> <p>Animal Welfare</p> <p>(Constitution Review Committee</p>			
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Classification: OFFICIAL

Classification: OFFICIAL

		14.11.07 Council 15.1.08); (Constitution Review Committee 12.2.08 and Council 26.2.08);			
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Classification: OFFICIAL

Classification: OFFICIAL

	<p>Authority to exercise and to authorise appointed authorised officers to exercise any of the powers specified within the enactments set out at Delegations C314 and E304 above in respect of the matters set out therein, including powers of :-</p> <ul style="list-style-type: none"> ● Entry and inspection of premises articles and equipment and records; ● Obtaining warrants of entry; ● Seizure of equipment and/or taking any necessary action and to enter, open or remove vehicles, machinery or equipment etc. under Schedule 3 of the Environmental Protection Act 1990; ● Taking of samples; ● Seizure, detention and disposal of stray dogs; ● Maintenance of, and exclusion of information from, statutory registers; ● Service of notices; ● Granting authorisations, issuing enforcement, prohibition and revocation notices and authorising variations in respect of the management of air quality; ● In respect of contaminated land, the identification of such land including special sites, the giving of notice to relevant persons, the determination of appropriate persons, the service of remediation notices, the defence of appeals against remediation notices, the carrying out of remediation and the recovery of the costs of 	<p>Carrying out of works in default to be reported to the next meeting of the Executive or Licensing and Regulation Committee (as the case may be). Actions in respect of the management of air quality to be reported to the next meeting of the Executive. The institution of legal proceedings for the recovery of expenses or the service and enforcement of a charging notice in respect of contaminated land, to be in consultation with the Head of Legal Services</p>	<p>C315</p>	<p>E305</p>
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Classification: OFFICIAL

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	<p>remediation including the service and enforcement of a charging notice;</p> <ul style="list-style-type: none"> • Demand and collection of fees; • Carrying out of works in default; • Issuing of Fixed Penalty Notice of any description • Recovery of expenses (including an unpaid Fixed Penalty Notice). • Service of improvement notices on persons failing to comply with a duty to ensure animal welfare, the taking of steps immediately necessary to alleviate animal suffering and if accompanied by a constable in uniform, to stop detain and search vehicles. <p>(Constitution Review Committee 14.11.07. Council 15.1.08) (Constitution Review Committee 12.2.08. Council 26.2.08).</p>			
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Classification: OFFICIAL

Classification: OFFICIAL

	<p>Authority to institute prosecution proceedings or issue formal cautions in connection with offences created by the enactments referred to in Delegation C314 and E304 above in respect of the matters referred therein.</p>	<p>In consultation with the Head of Legal Services.</p>	<p>C316</p>	<p>E306</p>	<p>Comment [JS46]: Covered by General Powers</p>
	<p>Authority to appoint authorised officers and to exercise the powers specified in the Public Health (Control of Disease) Act 1984 and the Public Health (Infectious Diseases) Regulation 1988, in relation to notifiable and infectious diseases, including the powers to make Orders or applications to a Justice of the Peace (other than the powers reserved in these enactments to the proper officer).</p>			<p>E307</p>	
	<p>Authority to appoint the Consultant in Communicable Diseases for the Buckinghamshire Health Authority to act as the proper officer in relation to the following provisions of the Public Health (Control of Disease) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988 :-</p> <ul style="list-style-type: none"> • Reporting of notifiable diseases and food poisoning — Section 11; • Information to be furnished by occupier in case of notifiable disease or food poisoning — Section 18; • Stopping work to prevent spread of disease — Section 20; • List of day pupils at school having case of notifiable disease — Section 22; • Disinfection of premises — Section 31; • Removal of person from infected house — Section 32; • Medical examination of groups 			<p>E308</p>	<p>Comment [JS47]: Functions transferred to Bucks CC</p>

Classification: OFFICIAL

Classification: OFFICIAL

		<p>of persons believed to comprise carrier of notifiable disease— Section 36;</p> <ul style="list-style-type: none"> • Medical examination of inmates of common lodging house— Section 40; • Person dying in hospital of notifiable disease— Section 43; • Removal of body to mortuary or for immediate burial— Section 48; • Cases of infectious disease to specially reported— Regulation 6; • Weekly and quarterly returns— Regulation 8; • Provisions for preventing the spread of certain diseases— Regulation 9 and Schedules 3 and 4; and • Immunisation and vaccination— Regulation 10 			
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Classification: OFFICIAL

Classification: OFFICIAL

	Authority to institute prosecution proceedings or issue formal cautions in respect of offences created by the enactments referred to in Delegation E308 above.	In consultation with the Head of Legal Services		E309
	Burial and Cremation pursuant to Section 46 of the Public Health (Control of Disease) Act 1984 including the recovery of expenses from the estate of the deceased.			E35310
	Officially recognising natural mineral water sources under the Natural Mineral Water Regulations 1985.			E35411
	Dealing with all matters under the Private Water Supplies Regulations including charging, sampling and analysis of supplies and authorising relaxation of standards as appropriate.			E35512
	Authority to deal with <u>all matters relating to the Council's housing standards and private sector housing functions, including licensing and registration functions</u> : <ul style="list-style-type: none"> • Disabled Facilities Grants; • Decent Homes Equity Loans; • Essential Works Grants; • Houses in Multiple Occupation Grants; • Mobile Homes Grants; • Home Energy Grants; and • Relocation Grants including authority to institute legal proceedings to recover grant and loans when grant conditions have not been complied with.	In accordance with Executive Policy. The institution of legal proceedings to recover grant or loans to be in consultation with the Head of Legal Services.		E35614
	Authority to deal with all matters under the Housing Acts 1985, 1996 and 2004 and subordinate legislation in respect of:- <ul style="list-style-type: none"> • Hazards under the Housing Health & Safety Rating System; 			E315

Comment [JS48]: Covered by General Powers

Classification: OFFICIAL

Classification: OFFICIAL

		<ul style="list-style-type: none">• Overcrowding; and• Licensing of and management of Multiple Occupancy Homes. <p>(Constitution Review Committee 12.2.08. Council 26.2.08).</p>			
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Classification: OFFICIAL

Classification: OFFICIAL

	<p>Authority to exercise the powers specified within the enactments set out in Delegations E315 above including powers of:-</p> <ul style="list-style-type: none"> • Entry and inspection of premises, facilities and equipment; • Service of notices, orders and directions; • Undertaking works in default; • Recovery of expenses; • Maintaining a register of Licences and Management Order in relation to Multiple Occupancy Homes (Constitution Review Committee 12.2.08. Council 26.2.08). 	<p>Carrying out of works in default to be reported to the next meeting of the Executive. The institution of legal proceedings for the recovery of expenses to be in consultation with the Head of Legal Services.</p>		E316
	<p>Authority to institute prosecution proceedings or issue formal cautions in respect of offences created by the enactments referred to in Delegation E315 above.</p>	<p>In consultation with the Head of Legal Services.</p>		E317
	<p>Authorising home loss payments and disturbance allowances.</p>	<p>In accordance with Executive Policy</p>		E318
	<p>Dealing with properties previously unfit for human habitation which have now become fit</p>	<p>In accordance with Executive Policy</p>		E319
	<p>Authority to deal with all the Council's housing needs and advice, housing partnerships and strategy and affordable housing development functions Authorising Paradigm Housing Association to offer temporary accommodation in order to comply with the Council statutory duties under the Housing Act 1996 including authority to make payments for the provision of such accommodation or the entering in to accommodation leasing schemes in accordance with Housing and Homelessness Strategy</p>			E35720
	<p>Authority to determine applications from homeless persons or those threatened with homelessness under part VII of the Housing Act</p>	<p>A request for a further review of a determination that an applicant fell into a</p>	C35817	

Comment [JS49]: To bring procedure in line with SBDC and save staff/member resources

Classification: OFFICIAL

Classification: OFFICIAL

	1996, including authority to carry out an officer level review <u>as required</u> of homelessness decisions under the Allocation of Housing and Homelessness (Review Procedures and Amendments) Regulations 1996.	priority group but became homeless or threatened with homelessness intentionally, stands referred to the Homelessness Committee for determination.			
	Authority to enter in to discussions with the Housing Corporation over allocations of housing subsidy for specific housing sites.			E321	Comment [JS50]: Housing Corporation abolished
	Authority to determine that an applicant be not eligible for inclusion on the Housing Register, <u>including authority to carry out a review as required in accordance with Bucks Home Choice Allocations Policy</u>	A request for a review of a determination that an applicant be not eligible for inclusion on the Housing Register, stands referred to the Homelessness Committee for determination.	C35918		Comment [JS51]: Superseded by Bucks Home Choice Allocations Policy
	Authority to deal with all matters arising under the <u>Council's housing energy efficiency functions</u> Home Energy Conservation Act 1995, including the preparation of Energy Conservation Reports and their submission to the Secretary of State together with the power to enter into contracts, agreements or partnership arrangements that are conducive to or calculated to facilitate the energy conservation measures set out in any approved report	Energy Conservation Reports <u>to be</u> must be approved by the <u>appropriate Cabinet portfolio holder</u> Executive prior to submission to the Secretary of State		E35822	
	Authority to exercise or to authorise nominated officers to exercise all powers in connection with the closure of unlicensed premises pursuant to the Sections 19 to 28 (inclusive) of the Criminal Justice & Police Act 2001 (as amended) including the power to:-		C319		Comment [JS52]: Covered by delegation C354 and E351

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	<ul style="list-style-type: none">• Serve or withdraw a Closure Notice;• Apply to the magistrates court for a Closure Order;• Issue a certificate to the effect that a Closure Order has ceased ;and• Exercise all necessary powers of entry.			
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	Taking decisions on requests for grant aid in an emergency	In consultation with the appropriate Cabinet portfolio holder Executive Portfolio Holder for Community first and report to the next available meeting of the Executive		E35923
	The approval of new projects in support of the Community Development Programme and Community Safety Initiatives and Revitalisation Action Plan which do not exceed £2,000 provided the costs can be contained within the overall budget provision. (Executive Minute 251/2001 refers)	In consultation with the relevant portfolio holder for expenditure exceeding £2,000. -All projects are to be considered against objectives in the Joint Business Plan, assessed against the criteria from time to time approved by the Executive.		E36023
	In accordance with the Road Traffic(Vehicle Emissions)(Fixed Penalty)(England) Regulations 2002 authority to issue or authorise an appointed officer to issue a fixed penalty notice to a driver of a vehicle who has left his engines running unnecessarily and who has failed to switch it off when requested to do so, together with authority to withdraw a fixed penalty notice or require a driver to furnish certain particulars or to recover an unpaid fixed pen	The recovery of an unpaid fixed penalty shall be in consultation with the Head of Legal Services NB The Head of Engineering & Contract Management and the Chief Constable of Thames Valley Police have identical delegations in order that the powers to issue a fixed penalty notice can also be exercised by the Councils Parking Warden and by Police and Community Support Officers	C36020	
	Authority to establish and maintain a register of persons carrying on business as a motor salvage operator		C321	

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	<p><u>Authority to deal with all matters relating to the Council's functions in respect of scrap metal dealers and vehicle salvage operations Pursuant to Part 1 of the Vehicles (Crime) Act 2001 and the Motor Salvage Operators Regulations 2002 authority to :-</u></p> <ul style="list-style-type: none"> • <u>Grant applications to register as a person carrying on business as a motor salvage operator;</u> • <u>Grant applications to renew registration as a person carrying on business as a motor salvage operator;</u> • <u>Serve notice on an applicant proposing to refuse the application to register or renew registration as a person carrying on business as a motor salvage operator;</u> • <u>Serve notice on a person proposing to cancel a registration as a person carrying on business as a motor salvage operator;</u> • <u>Refuse an application to register or renew a registration where the person served with a notice of proposed refusal has stated that he does not wish to make representations or the time given for making representations has passed without any representations being made; and</u> • <u>Cancel a registration where the person serves with a notice of proposed cancellation has stated that he does not wish to make representations or the time given for making</u> 	<p><u>Where a person served with a notice of proposed refusal or cancellation makes representations within the time given for making representations, the matter stands referred to the Licensing & Regulation Committee for final determination</u></p>	<p>C36122</p>	
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Comment [JS53]: Superseded by Scrap Metal Dealers Act 2013

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		representations has passed without any representations being made			
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Classification: OFFICIAL

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	Authority to institute prosecution proceedings for offences committed under Part I of the Vehicles (Crime Act) 2001	In consultation with the Head of Legal Services.	€324		<p>Comment [JS54]: Covered by General Powers</p>
	In connection with his appointment to the Supporting People Commissioning Body, authority to take decisions that are consistent with the Buckinghamshire Supporting People Strategy as approved from time to time			E36124	
	Authority to enter into guarantees in respect of tenancies secured through the Rent Deposit Guarantee Scheme and to recover from tenants the cost of any Deposit paid to a Landlord under the Scheme.	On condition that the total potential commitment under the Rent Deposit Guarantee Scheme shall not exceed the approved budget such level as the Head of Financial Services considers to be prudent in relation to the level of the Rent Deposit Guarantee Reserve Fund.		E36225	
	Authority to act as or appoint other persons to act as, an "authorised person" as defined by Section 13 (2) (a), (d) and (f) and Section 69 (2) (a),(d) and (f) of the Licensing Act 2003 or as an "authorised officer" as defined by Section 108(5) of the Licensing Act 2003.		€325		<p>Comment [JS55]: Covered in the General Powers</p>
	Authority to exercise or to authorise an authorised person or authorised officer to exercise, any of the following powers under the Licensing Act 2003:-		€326		<p>Comment [JS56]: Covered in the general powers</p>
	<ul style="list-style-type: none"> • Entry and inspection of premises, including the power to use reasonable force; • Requiring a person to produce a premises licence, personal licence, club 				

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	premises certificate or temporary event notice.			
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	<p>Authority to make determinations under the Licensing Act 2003 in respect of the following matters :-</p> <ul style="list-style-type: none"> • Applications for, or for a renewal of, a personal licence; • Applications for a premises licence or a club premises certificate; • Applications for a provisional statement; • Applications to vary a premises licence or club premises certificate; • Applications to vary a premises licence to specify an individual as an designated premises supervisor; • Requests to be removed as a designated premises supervisor; • Applications for a transfer of a premises licence; • Receipt of interim authority notices • Issue of a Temporary Event Notice Counter Notice <p>The following were added by Licensing and Regulation Committee 22.10.09</p> <ul style="list-style-type: none"> • Determination of whether the variations to a Premises Licence applied for pursuant to Section 41A of the Act fall within the definition of "Minor Variations" taking into account the Act and DCMS Guidance • Determination of an Application for a minor variation to a 	<p>The authority conferred by this delegation is subject to the following limitations:-</p> <ul style="list-style-type: none"> • If relevant representations are made in relation to an application for a personal licence or if an applicant for a personal licence has unspent criminal convictions, the application stands referred to the Licensing Sub-Committee for determination; • If a relevant representation is made in relation to an application for a premises licence, club premises certificate or a provisional statement the application stands referred to the Licensing Sub-Committee (or the Licensing & Regulation Committee in the case of a relevant representation relating to cumulative impact) for determination unless, prior to the date of the hearing, all such representations have been withdrawn or relevant 	<p>C327</p>	<p>Comment [JS57]: Now incorporated into C354</p>
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	<p>Premises Licence— Section 41A of the Act</p> <ul style="list-style-type: none"> • Determination of whether the variations to a Club Premises Certificate applied for pursuant to Section 86A of the Act fall within the definition of “Minor Variations” taking into account the Act and DCMS Guidance • Determination of an Application for a Minor Variation to a Club Premises Certificate— Section 86A of the Act • Determination of whether an applicant fulfils the criteria of the statutory definition of “Management Committee” regarding applications made pursuant to Sections 25A and 41D of the Act taking into account DCMS Guidance • Determination of whether a premises falls within the statutory definition of “Community Premises” regarding applications made pursuant to Sections 25A and 41D of the Act taking into account DCMS Guidance • Determination of an Application for a new Premises Licence which includes an application for an Alternative Licence Condition— Section 25A of the Act— if no relevant representation received. 	<p>representations were made by one or more responsible authorities only and the applicant and the responsible authorities have reached agreement on the imposition of suitable conditions and have further agreed that a hearing can be dispensed with. (Amended by Constitution Review Committee 18.2.09 Council 31.3.09).</p> <ul style="list-style-type: none"> • If a police representation is made in relation to an application to vary a designated personal licence holder or to transfer a premises licence or in relation to an application for an interim authority, the application stands referred to the Licensing Sub— Committee for determination • When the statutory maximum number of Temporary Event Notices has been reached in a calendar year Counter Notice can be issued to this effect <p>Section 25A</p>		
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	<p>◆ Determination of an Application to vary a Premises Licence to include the Alternative Licence Condition or an Application which includes an application for the Alternative Licence Condition—Section 41D of the Act— if no relevant representation received.</p>	<p>determination— to the Licensing Sub-Committee if relevant representation received</p> <p>Section 41D determination— to the Licensing Sub-Committee if relevant representation received</p>		
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	<p>Authority to establish and maintain the Register of Personal Licences, Premises Licences and Club Premise Certificates issued and Temporary Permitted Event Notices received, pursuant to Section 8 and Schedule 3 of the Licensing Act 2003</p>		C36228	
	<p>Authority to make determinations under the Gambling Act 2005 in respect of the following matters: -</p> <ul style="list-style-type: none"> • applications for the grant, variation or transfer of a casino premises licence, bingo premises licence, adult entertainment centre licence, family entertainment centre licence or betting premises licence; • applications for a provisional statement; • applications for the grant, renewal or variation of a club gaming permit, club machine permit, licensed premises gaming machine permit or family entertainment centre gaming machine permit • applications for the grant or renewal of a prize gaming permit; • applications for house-to-house and street collections; • registration or revocation of registration of small society lotteries 	<p>Applications for the grant, variation or transfer of a casino premises licence, bingo premises licence, adult entertainment centre licence, family entertainment centre licence or betting premises licence or for a provisional statement stand referred to the Licensing Sub Committee for hearing and determination if representations have been made and have not withdrawn before the date fixed for a hearing.</p> <p>If the Gambling Commission or Police object to the grant or renewal of a club gaming permit or club machine permit or if the applicant holds a Club Premises Licence under the Licensing Act 2003 and the Head of Health and Housing has declined to grant an application for a club gaming permit or club premises licence or if the Head of Health and Housing has refused an application</p>	C36329	

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		to vary a club gaming permit or club machine permit, then the matter stands referred to the Licensing Sub Committee for hearing and determination.		
	Pursuant to Section 224 of the Gambling Act 2005 authority to issue a counter notice to a Temporary Use Notice		C36430	
	Authority under the Gambling Act 2005 to give notice of intention to cancel a club gaming permit or club machine permit or to give notice of intention to cancel or vary a license premises machine permit and if in any such case the permit holder does not request a hearing before the Licensing Sub Committee, authority to cancel or vary (as the case may be) such permit.	If a permit holder requests a hearing the matter stands referred to the Licensing Sub Committee for determination.	C36531	
	<p>Authority to exercise or to appoint authorised officers to exercise any of the powers under Sections 305 to 317 (inclusive) of the Gambling Act 2005 including the power to—</p> <ul style="list-style-type: none"> • Enter and inspect premises, including the power to use reasonable force; • Question any person; • Require a person to produce a licence, permit or certificate of any description or a temporary use notice; • Require access to any written or electronic records on the premises; • Require to be supplied with a copy of an entry in a written or electronic record; • Remove and retain evidence of the commission of an offence under the Act or 		C332	Comment [JS58]: Now covered in the General Powers

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		<p>breach of a term or condition of any licence issued under the Act; and</p> <ul style="list-style-type: none">Remove or retain anything being used in the commission of an offence under the Act			
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	<p>Authority to institute prosecution proceedings in respect of the any of the offences mentioned in Section 346 of the Gambling Act 2005</p>	<p>In consultation with the Head of Legal Services</p>	<p>C333</p>		<p>Comment [JS59]: Covered in the General Powers</p>
	<p>Authority to establish and maintain the following statutory Registers pursuant to the Gambling Act 2005:-</p> <ul style="list-style-type: none"> • Register of Premises Licences - Section 156 • Register of Temporary Use Notices - Section 234 • Register of Family Entertainment Centre Gaming Machine Permits – Section 247 and Paragraph 23 of Schedule 10 • Register of Small Lottery Societies - Section 258 and Paragraph 44 of Schedule 11 • Register of Club Gaming Permits and Club Machine Permits - Section 274 and Paragraph 26 of Schedule 12 • Register of Licensed Premises Gaming Machine Permits - Section 283 and Paragraph 22 of Schedule 13 • Register of Prize Gaming Permits - Section 289 and Paragraph 23 of Schedule 14 		<p>C36634</p>		
	<p>Authority to appoint authorised officers to deal with all matters under Crime and Disorder Act 1998 (as amended) and to</p> <ul style="list-style-type: none"> • agree anti-social behaviour contracts • apply for Anti Social Behaviour Orders • make Individual Support Orders • publicise Orders under the Act 	<p>Orders may only be made in consultation with the Head of Legal & Democratic Services</p>		<p>E36326</p>	

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	Authority to exercise or to authorise duly appointed officers to exercise powers to enter and inspect premises and apply for Empty Property Management Orders			E36427
	<p>Authority to deal with:</p> <ul style="list-style-type: none"> • Exposing vehicles for sale; • Repairing vehicles on a road; <p>including authority to institute legal proceedings or issue or authorise other agencies to issue a Fixed Penalty Notice. (Council 26.2.08)</p>	<p>The institution of legal proceedings to be in consultation with the Head of Legal Services.</p> <p>NB Head of Engineering & Contract Management and Head of Planning Services have an identical delegation.</p>		E328
	<p>Authority to deal with:</p> <ul style="list-style-type: none"> • Abandoned vehicles; • Illegally parked vehicles; <p>including authority to institute immediate removal, disposal or destruction of abandoned vehicles or vehicles without licence and registration and/or to issue or authorise other agencies to issue a Fixed Penalty Notice. (Council 26.2.08)</p>	<p>The institution of legal proceedings to be in consultation with the Head of Legal Services</p> <p>NB Head of Engineering & Contract Management has an identical delegation.</p>		E329
	<p>Authority to deal with:</p> <ul style="list-style-type: none"> • Litter; • Restricting the distribution of leaflets and printed matter to designated areas • Landowners permitting dumping on their land <p>including authority to grant conditional or unconditional consent for the distribution of leaflets and printed materials in a designated areas and authority to institute legal proceedings or to issue a Litter</p>	<p>The institution of legal proceedings to be in consultation with the Head of Legal Services</p> <p>NB Head of Engineering & Contract Management has an identical delegation.</p>		E330

Comment [JS60]: Now under Head of Environment

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Comment [JS61]: Now under Head of Environment

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	Clearing Notices in relation to any land and/or issue or authorise other agencies to issue a Fixed Penalty Notice.			
	Authority to serve a Graffiti Removal Notice in respect of graffiti or unlawful advertising including authority to institute legal proceedings or to issue or authorise other agencies to issue a Fixed Penalty Notice for unlawful advertising or failing to comply with a Graffiti Removal Notice	The institution of legal proceedings to be in consultation with the Head of Legal Services NB Head of Engineering & Contract Management and Head of Planning Services have an identical delegation.		E331
	Authority to search, seize and impound a vehicle involved in fly-tipping including the authority to institute legal proceedings or to issue or authorise other agencies to issue a Fixed Penalty Notice to a waste carrier for:- <ul style="list-style-type: none"> • Failing to produce registration details • failing to produce a waste transfer notice (Council 26.2.08)	The institution of legal proceedings to be in consultation with the Head of Legal Services NB Head of Engineering & Contract Management has an identical delegation.		E332
	Authority to issue Dog Control Orders in relation to:- <ul style="list-style-type: none"> • Dog Fouling • Letting a dog off the lead • Allowing dogs on to land from which they are banned • Working more than a set number of dogs including authority to institute legal proceedings or to issue or authorise other agencies to issue a Fixed Penalty Notices in relation to a breach of an Order	The institution of legal proceedings to be in consultation with the Head of Legal & Democratic Services		E36533

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	<p>Authority to:</p> <ul style="list-style-type: none"> • Designate an area an alarm notification area • Enter and silence an alarm • institute legal proceedings or to issue a Fixed Penalty Notice in relation to a breach of the Noise Act 1996 	<p>The institution of legal proceedings be in consultation with the Head of Legal & Democratic Services</p>		<p>E36634</p>
	<p>Authority to issue an abatement notice in respect of :-</p> <ul style="list-style-type: none"> • any emission from trade or industrial premises that is prejudicial to health or a nuisance; • artificial light emitted from any premises which is prejudicial to health or a nuisance except for artificial light emitted from an airport harbour, rail tram or bus premises, goods vehicle operating centre, lighthouse or prison. • insects <p>including authority to institute legal proceeding for breach of an abatement notice.</p>	<p>The institution of legal proceedings be in consultation with the Head of Legal & Democratic Services</p>		<p>E36735</p>

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Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head Business Support of ICT	To act as Proper Officer for the purposes of the Council's responsibilities under the Data Protection Act 1984			E401
	To be responsible for co-ordinating compliance with the requirements of the Freedom of Information Act 2000 and Re-Use of Public Sector Information, throughout the Council, including providing guidance and promoting compliance with relevant legislation, codes and guidance, so as to assist with the easy, appropriate and timely retrieval and provision of information			E402

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Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head of Legal & Democratic Services	Authority to carry out the duties of the Monitoring Officer imposed by the Local Government and Housing Act 1989.	Appointment otherwise subject to full Council approval	C45101	
	Pursuant to Section 223 of the Local Government Act 1972, to prosecute and appear on behalf of the Council at hearings of any legal proceedings and to take all necessary steps in connection therewith to protect the Council's interests and for the expeditious conduct of such action.		C45202	E45101
	Pursuant to Section 223 of the Local Government Act 1972, the power to grant authorisations to members of the Legal Section to prosecute or defend proceedings in the Magistrates' Court.		C45303	E45201
	Make temporary road closure under the Town Police Clauses Act 1847.	Following consultation with the Head of Engineering and Contract Services, the relevant Cabinet Portfolio holder and appropriate local Members		E403
	Authority to acquire land where such acquisition has been approved by the Cabinet.	In consultation with the Head of Environment Engineering and Contract Management		E45304
	Authority to make Orders under Highways and Town and Country Planning legislation creating, extinguishing or diverting Public Rights of Way where, as a result of consultation (including local member consultation), no objections have been received.	In consultation with the Head of Engineering and Contract Management or Head of Planning Services as appropriate	C404	
	Prepare, issue and serve, or, in case of injunctions, apply for :-		C45405	

Comment [JS62]: Now Head of Environment

Comment [JS63]: Now Head of Environment

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	<ul style="list-style-type: none"> (i) Enforcement Notices, including Listed Building Enforcement Notices; (ii) Stop Notices including Temporary Stop Notices ; (iii) Injunctions restraining breaches of Planning Control; (iv) Notices under Section 215 of the Town and Country Planning Act 1990 Act relating to untidy land; (v) Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990; and (vi) Planning Contravention Notices under Section 171 C of the Town and Country Planning Act 1990. 	<p>Following Planning Committee approval to take action and in consultation with the Head of Sustainable Development Planning Services except in cases of emergency when action may be taken in consultation with the Head of Sustainable Development Planning Services and the Chairman of Planning Committee (or in his/her absence the Vice- Chairman). Urgent action shall be reported to the next meeting of the Planning Committee.</p>		
	Serve requisitions for information as to interests in land under Section 330 of the Town and Country Planning Act 1990, or Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.		C45596	
	In circumstances where further Enforcement Notices were being issued to withdraw any Enforcement or Stop Notice (but without prejudice to the power to serve another as circumstances warrant).	In consultation with the Head of Sustainable Development Planning Services	C45697	
	Deferring enforcement action pending an appeal against a refusal of planning permission	In consultation with the Head of Sustainable Development Planning Services	C45708	
	Institute legal action in respect of failure to respond to a requisition	In consultation with the Head of Sustainable	C45809	

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	for information as to interests in land, or to a Planning Contravention Notice under Section 171 C and D of the Town and Country Planning Act 1990.	Development Planning Services		
	Institute prosecution proceedings for breach of Town and Country Planning (Control of Advertisements) Regulations 1992 or for fly-posting contrary to Section 224 of the Town and Country Planning Act 1990	In consultation with the Head of Sustainable Development Planning Services	C45910	
	Institute proceedings under the Building Act 1984 in respect of contraventions of, or failure to comply with, any of the provisions of the Building Regulations.	In consultation with the Head of Building Control Manager		E45405
	Make Tree Preservation Orders and confirm any Tree Preservation Order where no objections have been received	In consultation with the Head of Planning Services	€411	Comment [JS64]: Now Head of Sustainable Development
	Institute proceedings in the Magistrates' Court for any contravention of the Council's Parking Places Orders.	In consultation with the Head of Revenues and Customer Services		E406 Comment [JS65]: Superseded by Chiltern Parking Area
	Instruct where necessary any Barrister at Law or Solicitor of the Supreme Court.	In consultation with the relevant Director/Head of Service	C46012	E45507
	Pursuant to Section 234 of the Local Government Act 1972, to authenticate documents and to sign on behalf of the Council any notice, order or other document which the Council is authorised or required by or under any enactment to give, make or issue.		C46113	E45608
	In the absence of the Chief Executive, In accordance with Article 13 authority to sign or where appropriate, seal in conjunction with the Chairman or Vice Chairman of the Council, any document required to implement or give effect to any decision taken by the Council or one of its Committees and Sub-Committees		C46214	E45709

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	or the Cabinet.				
	Authority to make temporary diversion orders under Section 29 of the Countryside Act 1968 in respect of rights of way to enable ploughing to take place.	Buckinghamshire County Council has delegated this power to the Council pursuant to Section 101 of the Local Government Act 1972 and Sections 134 and 135 of the Highways Act 1980 (as amended by the Rights of Way Act 1990)		E410	Comment [JS66]: Now Head of Environment
	Authority to serve notices and grant statutory access easements over Council owned commons pursuant to the Countryside and Rights of Way Act 2000 and any Regulations made thereunder including the power to appoint a qualified valuer to determine the market value or represent the Council in any arbitration proceedings .			E45811	
	Authority to keep the Council's Publication Scheme under review and to amend the Scheme in accordance with the outcome of any review	In consultation with Management Team		E412	Comment [JS67]: Now Head of Business Support
	Authority to act or appoint a member of the legal section to act as the Council's Data Protection Officer and to make determinations in relation to subject access requests under the Data Protection Act 1998, including the power to demand and recover such fees as may be prescribed from time to time.			E413	Comment [JS68]: Now Head of Business Support
	Pursuant the Freedom of Information Act 2000 (FOIA) and/or the Environmental Information Regulations 2004 (EIR), authority to determine whether the Council			E414	Comment [JS69]: Now Head of Business Support

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	should confirm or deny that it holds information of any description or determine whether or not such information should be communicated to any person including in appropriate cases authority to determine whether prejudice would be caused to any person or legitimate interest by the disclosure of information and whether the public interest lies in maintaining an exemption under the FOIA or EIR or in disclosing the information.			
	Authority to institute prosecution proceedings for offences under the Licensing Act 2003 and the Gambling Act 2005	In consultation with the Chairman of the Licensing & Regulation Committee or in his absence, the Vice - Chairman	C46315	
	To act as the Senior Responsible Officer for the purposes of RIPA (Regulation of Investigatory Powers Act 2000) – responsible for managing compliance within Council and engaging with OSC.		Cabinet appointment 27.4.10	E459
	Authority to determine request to review a decision to list land/property as an Asset of Community Value			E460
	To act as Proper Officer for the purposes of the Local Government Act 1972 and section 100 of the Access to Information Act 1985 in respect of the authentication , certification and deposit of documents and the administrative arrangements for council meetings, reports and agendas, minutes and background papers		C464	
	To deal with all matters relating to the Council Local Land Charges functions			E461

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NOTE - That the Principal Solicitor ~~(Planning and Litigation)/Legal Services Manager and the Principal Solicitor (Property and Contracts)~~ be authorised to carry out and perform the delegations allocated to the Head of Legal & Democratic Services under the Council's Constitution (particularly the Scheme of Delegation to Officers and Article 13) and ~~to the Principal Solicitor (Planning and Litigation)/Legal Services Manager also be authorised to act and sign in the name of the Head of Legal & Democratic Services; in the absence of the Principal Solicitor (Planning and Litigation)/Legal Services Manager—such delegation to be carried out by the Chief Executive.~~
Council 19.5.09.

NOTE ~~Authority given to the Head of Legal Services to authorise Legal Officers of Bucks County Council, Aylesbury Vale District Council, Wycombe District Council and/or South Bucks District Council to prosecute/defend various legal actions in the Magistrates/Crown Court on behalf of the Council.~~
Cabinet 28.7.09
Council 4.8.09

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Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head of Personnel	Authority to sign offers and contracts of employment.		E451	
	Authority to engage Occupational Health Consultants			E451
	Authority to enter into contracts for the provision of staff counselling services			E452

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Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head of Sustainable Development Planning Services Updated Constitution Review Committee 18.2.09	Determining whether or not prior approval is necessary for the siting, design and external appearance of agricultural buildings and the siting and means of construction of a private way, before the development commences and following submission of such an application to determine whether this can be approved, approved subject to conditions, or refused.	Following consultation with the Chairman of the Planning Committee or in his absence, the Vice-Chairman		
	Submitting comments or objections to the County Council, if deemed necessary, on all County Matter planning applications including mineral and waste disposal applications; such comments or objections to include internal consultations on highway, drainage and environmental health matters and including the power to call a meeting of the Planning Committee if necessary.	Following consultation with the Chairman – or in his absence the Vice – Chairman of the Planning Committee	C502	
	Determining whether or not prior approval is necessary for the method of demolition and any proposed restoration of the site before the demolition commences and following submission of such an application	Following consultation with the Chairman of the Planning Committee or in his absence, the Vice-Chairman	C503	

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	to determine whether this can be approved, approved subject to conditions, or refused			
	Determining the notification for the siting and appearance of a telecommunications development before it commences	<p>Following consultation with the Chairman of the Planning Committee or in his absence, the Vice-Chairman</p> <p>Unless the Head of Sustainable Development Planning Services considers that it would not be possible for the Planning Committee to determine a Notification and inform the Applicant accordingly before the 56 day prior notification period had expired, an application shall not be approved or refused under this delegation if, within 21 days of receipt of the Notification, a written request to the Head of Sustainable Development Planning Services is received from a District Councillor that the Notification concerned shall be submitted to the Planning Committee for determination</p>	C504	
	Agreeing minor amendments to planning applications and granting or refusing consent for requests for confirmation of compliance with planning conditions and/or granting or refusing consent for details submitted in compliance with conditions imposed on planning		C505	

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	permissions, consents and approvals			
	Making minor amendments to conditions, reasons for refusal and enforcement notices where this does not affect the substance of the Committee's decision		C506	
	Notifying applicants when an application for planning permission cannot be entertained separately from the siting, design, external appearance, landscaping or means of access (Article 3(2) of the General Development Procedure Order 1995)		C507	
	Authority to determine that pursuant to Section 70A of the Town & Country Planning Act 1990 a repeat planning application shall not be registered.		C508	
	Authority to determine whether or not development proposals require the submission of an Environmental Impact Assessment under the provisions of the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999, including the power to determine the need for, scope, content and adequacy of any Environmental Impact Assessment that may be required or submitted.		C509	
	Signing and issuing notices of decision on behalf of the Council under the Town and Country Planning Acts and related legislation		C510	
	Granting permissions and issuing decision notices when arrangements or undertakings have been made in the case of	Except where the Planning Committee otherwise resolves	C511	

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	applications which the Committee is minded to approve.			
	<p>In respect of landscaping and trees:-</p> <p>Waiving replanting requirements except where necessary for amenity reasons, or when a tree, protected by a Tree Preservation Order or planning condition, is felled because of Dutch Elm disease;</p> <p>Consenting to fell, or do works to a tree protected by a Tree Preservation Order or planning conditions which the Tree and Landscape Officer or professional consultants, advise is dangerous;</p> <p>Refusing requests for Tree Preservation Orders where, after consultation with the Tree and Landscape Officer or professional advisers, this is reasonable; and</p> <p>Submitting representations on behalf of the Council to the Forestry Commission on Felling Licence or Grant Scheme Applications, following consultation with the Tree and Landscape Officer and notification to the relevant Town or Parish Council.</p>		C512	
	Taking emergency action in respect of Tree Preservation Orders	Following consultation with the Chairman of the Planning Committee or in his absence, the Vice-Chairman, such action to be reported to the next meeting of the Planning Committee	C513	
	Refusing requests to fell, top, lop	Following consultation	C514	

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	etc any trees or remove branches or undertake surgery work to trees protected by means other than a Tree Preservation Order	with the Chairman of the Planning Committee or in his absence, the Vice-Chairman.		
	Granting or refusing consent to undertake works etc. to hedges protected by a planning condition	Following consultation with the Chairman of the Planning Committee or in his absence, the Vice-Chairman.	C515	
	The issue of either a Hedgerow Retention Notice or to give written notice stating that the hedgerow may be removed, subject to any reasonable and relevant limitations, in accordance with the Hedgerow Regulations 1997	In consultation with the Head of Legal & Democratic Services following consultation with the Chairman of the Planning Committee or in his absence, the Vice-Chairman. Any action taken shall be reported to the next meeting of the Planning Committee	C516	
	Advising applicants submitting requests to undertake works to trees relating to a planning condition imposed on a planning permission implemented more than five years previously that, no further action will be taken in such cases	Subject to an assessment by the Tree and Landscape Officer indicating that the trees should not be made the subject of a Tree Preservation Order.	C517	
	Taking emergency action in respect of:- A. Article 4 Directions and	A. For emergency action – In consultation with the Head of Legal & Democratic Services following consultation with the Chairman of the Planning Committee - or in his absence, the Vice-Chairman. Any action taken shall be reported to the next meeting of the Planning Committee. Other than emergency action – report to Planning Committee if	C518	E501

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	B. Building Preservation Notices	<p>time permits Cabinet 22.9.09 Constitution Review Committee 6.10.09 Council 27.10.09</p> <p>B. In consultation with the Head of Legal & Democratic Services following consultation with the Chairman of the Planning Committee - or in his absence, the Vice-Chairman. Any action taken shall be reported to the next meeting of the Planning Committee. Agreed 18.2.09 - Constitution Review Committee – recorded in minutes and by Council 31.3.09</p>		
	Determining the method of any planning appeal	In consultation with the Head of Legal & Democratic Services in respect of Enforcement Notice appeals unless the Planning Inspectorate has determined that a local inquiry will be held	C519	
	Serving Planning Contravention Notices and authorising the institution of follow up prosecution proceedings, if necessary.	In consultation with the Head of Legal & Democratic Services on any prosecutions	C520	
	Serving notice requiring contravening work to be pulled down, removed or altered or taking other direct action in respect of a breach of planning control	Any action taken shall be reported to the next meeting of the Planning Committee	C521	
	Making objections or	Following consultation		E502

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	representations in respect of applications for Licences concerning Goods Vehicles and to authorise representation by officers at any resulting Public Inquiry	with the relevant Cabinet Portfolio holder		
	Dealing with requests for the display of Christmas lighting and similar minor matters		C522	
	Exercising powers to control fly-posting under Sections 224 and 225 of the Town & Country Planning Act 1990, including authorising the institution of prosecution proceedings	Prosecution proceedings to be instituted in consultation with the Head of Legal & Democratic Services	C523	
	Submitting comments on consultations by other authorities concerning planning application sites close to the District boundary; except that items of particular significance which could affect the District or its policies are to be brought to the Cabinet.	Following consultation with the relevant Cabinet Portfolio holder		E503
	Authority to grant permissions, consents, refusals or determinations and issue decision notices, determinations or certificates,(including the power to impose conditions or give reasons for refusal where appropriate) on development control and related applications submitted under the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990 and related legislation. The above authority includes the	The following specific limitations apply :- A. No Decision shall be made until the expiration of any statutory publicity, neighbour notification or consultation period. B. An application shall not be approved or refused under this delegation if a written request to the Head of Planning Services is	C524	

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	<p>authority in consultation with the Head of Legal and Democratic Services to negotiate, enter into and seal planning obligations agreements and related deeds under section 106A of the Town and Country Planning Act 1990 (as amended) and earlier legislation or to revoke such obligations and to accept unilateral undertakings related to applications determined under delegated powers or entered into on a without prejudice basis in relation to an Appeal and matters arising therefrom.</p>	<p>received, within 28 days of the date the application is registered, from a District Councillor that, in his or her opinion, the application concerned shall be submitted to the Planning Committee for determination.</p> <p>C. The following applications are excluded from this delegated authority :-</p> <p>(i) applications submitted by the District Council;</p> <p>(ii) applications submitted by the Chief Executive, Directors, Heads of Service, third-tier officers and any officer employed in the Sustainable Development ServiceDevelopment Control Section of the Directorate of Planning and the Environment;</p> <p>D. A list of those applications approved or refused by the Head of Sustainable Development Planning Services pursuant to this delegation shall be published on the Council's web- site. The application number, description of development, address and date of decision shall</p>		
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		be given. E. If a proposal is seeking lower provision than that sought by CS8 on the grounds of financial viability, the delegated authority shall only be exercised after consultation with the Chairman of Planning Committee,		
	Authority to determine applications for Existing or Proposed Certificates of Lawful Use or Development	In consultation with the Head of Legal & Democratic Services in respect of those applications for Certificates of Lawful Use of Development for existing uses or operations	C525	
	Instruct where necessary any Barrister at Law or Solicitor of the Supreme Court	In consultation with the Head of Legal & Democratic Services	C526	
	Authority to deal with dangerous trees pursuant to Section 23 of the Local Government (Miscellaneous Provisions) Act 1976	In consultation with the Head of Legal & Democratic Services		E504
	Authority to authorise the making of Tree Preservation Orders Note TPO's issued in the name of Head of Legal Services — who also has authority to confirm TPO's where no objections have been received.		C527	
	Authority to deal with: <ul style="list-style-type: none"> • Exposing vehicles for sale; • Repairing vehicles on a road; including authority to institute legal proceedings or issue or authorise other agencies to issue a Fixed Penalty Notice.	The Institution of legal proceedings to be in consultation with the Head of Legal Services.		E505

Comment [JS70]: Now Head of Environment

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Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head of Revenues and Customer Services	The discharge of any of the functions imposed upon the billing authority by virtue of the Local Government Finance Acts 1988 and 1992 (as amended) in connection with the administration, billing, collection and recovery of Community Charge, Council Tax and the National Non-Domestic Rate. This general delegation is without prejudice to Section 139 of the 1988 Act or Section 67 of the 1992 Act and any procedural requirement stipulated by the Council with regard to the exercise of discretionary powers.			E551
	The administration of the Housing Benefit and Council Tax Benefit Schemes and the determination of claims, notification of awards and payment of any entitlements in accordance with the Housing Benefit (General Regulations) 1987 and the Council Tax Benefit Regulations 1992 (as amended) or any legislation consolidating amending or replacing the same. This general delegation includes the exercise of any discretionary powers available to the Council and any procedural requirements specified by the Council.			E552
	Authority to write off irrecoverable debts in relation to Council Tax, Community Charge and NNDR arrears or Housing Benefit repayments <u>in accordance with Financial Procedure Rules up to the value of £10,000</u>	The Head of Financial Services and the Director of Planning and the Environment also have delegated authority to write off irrecoverable debts under £10,000		E553
	Authority to institute prosecution proceedings under the Social Security	In consultation with the Head of Legal Services		E554

Comment [JS71]: Powers transferred too DWP

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	Administration (Fraud) Act 1997	unless a solicitor routinely instructed by the Department of Work and Pensions to conduct social security and benefit prosecutions is engaged		
	Day to day responsibility for Customer Services			E554 5
	To determine requests for Council Tax reduction by members of the armed forces serving overseas under Section 13A of the Local Government Finance Act 1992	In consultation with the appropriate Portfolio Holder for Community, Young People and Communications.		E555 Cabinet 22.9.09
	Authority to award Mandatory Rate Relief Note — to HRCS after re-delegation of Director of Corporate Services delegations Constitution Review Committee 6.10.09 Council 27.10.09			E556 1
	Authority to waive or vary individual amount of costs for issuing summons for unpaid Council Tax and NNDR in appropriate circumstances for e.g. in cases of financial hardship or where size of the debt makes it unreasonable to apply the full amount of costs			E557 Cabinet 16.3.10 Council 30.3.10

NOTE — ~~Cabinet 2.9.08~~~~Mutual Delegation for Benefit Fraud Officers to work cross-boundary (SBDC and WDC) — Section 101/113 Local Government Act 1972~~

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