

Capswood, Oxford Road,
Denham, Buckinghamshire, UB9 4LH
01895 837236
democraticservices@southbucks.gov.uk
www.southbucks.gov.uk



SOUTH BUCKS
District Council

Governance and Electoral Arrangements Committee

Tuesday, 16 January 2018 at 6.00 pm

Rooms 8 & 9, Capswood, Oxford Road, Denham

SUPPLEMENTARY AGENDA

Item

4. Review of the Council's Constitution

Appendix 2 - Part E Schemes of Delegations (Pages 3 - 104)

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: Governance and Electoral Arrangements Committee

Councillors: P Hogan (Chairman)
Dr W Matthews
D Anthony
J Lowen-Cooper
D Pepler
D Smith

If you would like this document in large print or an alternative format, please contact 01895 837236; email democraticservices@southbucks.gov.uk

PART E

**SECTION A: The Local Authorities Functions and
Responsibilities Regulations 2000 as amended
– Miscellaneous Functions**

Council Functions under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended from time to time (the Functions Regulations) (as at July 2009) delegated to Governance and Electoral Arrangements Committee and Joint Staffing Committee/ SBDC Sub-Committee

1. To exercise the Council's responsibilities relating to the miscellaneous functions as shown in the left hand column of the Table below in respect of the enactments in the right hand column in so far as they are not the responsibility of any other local authority

Note:

(1) Function	(2) Provision of Act or Statutory Instrument
D. Functions relating to elections 1. Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983(c.2).
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
3. Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 (c.29) and subordinate legislation under that Part.
4. Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972.
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972.
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.
7. Duty to provide assistance at European Parliamentary elections. (S.I. 2007/2593)	Section 6 (7) and (8) of the European Parliamentary Elections Act 2002.
8. Duty to divide constituency into polling districts.	Sections 18A to 18E of and schedule 1A to the Representation of the People Act 1983.
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.

(1) Function	(2) Provision of Act or Statutory Instrument
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
15. Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents,	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the people Act 2000 (c.2).
18. Duty to consult on change of scheme for electors. (S.I. 2008/516)	Sections 33(2), 38(2) and 40(2) of the Local Government and Public Involvement in Health Act 2007 (The 2007 Act).
19. Duties relating to publicity.	Sections 35, 41 and 52 of the 2007 Act.
20. Duties relating to notice to Electoral Commission.	Sections 36 and 42 of the 2007 Act.
21. Power to alter years of ordinary elections of parish councillors.	Section 53 of the 2007 Act.
22. Functions relating to change of name of electoral area.	Section 57 of the 2007 Act.
E. Functions relating to name and status of areas and individuals 1. Power to change the name of a county, district or London borough.	Section 74 of the Local Government Act 1972.

(1) Function	(2) Provision of Act or Statutory Instrument
2. Power to change the name of a parish.	Section 75 of the Local Government Act 1972.
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
4. Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972.
EB. Functions relating to community governance	
1. Duties relating to community governance.	Section 79 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act).
2. Functions relating to community governance petitions.	Sections 80, 83 to 85 of the 2007 Act.
3. Functions relating to terms of reference review.	Sections 81(4) to (6) of the 2007 Act.
4. Power to undertake a community governance review.	Section 82 of the 2007 Act.
5. Functions relating to the making of recommendations.	Sections 87 to 92 of the 2007 Act.
6. Duties when undertaking review.	Sections 93 to 95 of the 2007 Act.
7. Duty to publicise outcome of review.	Section 96 of the 2007 Act.
8. Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the 2007 Act.
9. Power to make agreements about incidental matters.	Section 99 of the 2007 Act.
F. Power to make, amend, revoke, re-enact or enforce byelaws. (S.I. 2006/886)	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c.30).
G. Power to promote or oppose local or personal Bills.	Section 239 of the Local Government Act 1972.
H. Functions relating to pensions etc.	

(1) Function	(2) Provision of Act or Statutory Instrument
1. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c.11).
I. Miscellaneous functions	
<i>Part I: functions relating to public rights of way.</i>	
1. Power to create footpath or bridleway by agreement.	Section 25 of the highways Act 1980 (c.66).
2. Power to create footpaths and bridleways.	Section 26 of the Highways Act 1980.
3. Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.
4. Power to stop up footpaths and bridleways.	Section 118 of the Highways Act 1980.
5. Power to determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980.
6. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.
7. Power to make a special extinguishment order.	Section 118B of the Highways Act 1980.
8. Power to divert footpaths and bridleways.	Section 119 of the Highways Act 1980.
9. Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.
10. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.
11. Power to make a special diversion order.	Section 119B of the Highways Act 1980.
12. Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980.
13. Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980.
14. Duty to keep register with respect to	Section 121B of the Highways Act 1980.

(1) Function	(2) Provision of Act or Statutory Instrument
applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	
15. Power to decline to determine certain applications.	Section 121C of the Highways Act 1980.
16. Duty to assert and protect the rights of the to use and enjoyment of highways.	Section 130 of the highways Act 1980.
17. Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.
18. Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.
19. Power to authorise temporary disturbance of surface of footpath or bridleway.	Section 135 of the Highways Act 1980.
20. Power temporarily to divert footpath or bridleway.	Section 135A of the highways Act 1980.
21. Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980.
22. Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.
23. Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Lane Act 1981 (c.67).
24. Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c.69).
25. Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.
27. Duty to reclassify roads used as public paths.	Section 54 of the Wildlife and Countryside Act 1981.

(1) Function	(2) Provision of Act or Statutory Instrument
28. Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.
29. Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984 (c.38).
30. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981 (c.68).
30A. Power to authorize stopping up or diversion of highway.	Section 247 of the Town and Country Planning Act 1990.
31. Power to authorise stopping-up or diversion of footpath or bridleway.	Section 257 of the Town and Country Planning Act 1990.
32. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.
33. Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000 (c.37).
34. Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.
<i>Part II: other miscellaneous functions</i>	
35. Functions relating to sea fisheries.	Sections 1,2,10 and 19 of the Sea Fisheries Regulation Act 1966 (c.38).
36. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972 (c.70).
37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972.
38. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
39. Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972.
40. Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972.

(1) Function	(2) Provision of Act or Statutory Instrument
41. Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981 (c.69).
42. Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c.30).
43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c.42).
44. Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
44A. Duty to provide staff, etc. to person nominated by monitoring officer.	Section 82A(4) and (5) of the Local Government Act 2000. (S.I. 2004/2748)
44B. Powers relating to overview and scrutiny committees (voting rights of co-opted members).	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000. (S.I. 2004/2748)
45. Duty to approve authority's statement of accounts, income and expenditure and balance, sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 1996 (S.I. 1996/590).
48. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000".
49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption."	Section 13(2) of the Criminal Justice and Police Act 2001 (c.16).
50. Power to apply for an enforcement order against unlawful works on common land.	Section 41 of the Commons Act 2006. (S.I. 2008/2787)
51. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45 (2)(a) of the Commons Act 2006. (S.I. 2008/2787)
52. Power to instigate proceedings for offences in respect of unclaimed	Section 45 (2)(b) of the Commons Act 2006.

(1) Function	(2) Provision of Act or Statutory Instrument
registered common land and unclaimed town or village greens.	(S.I. 2008/2787)

PART E

SECTION B: Planning Delegations

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended from time to time (the Functions Regulations) (as at July 2009) – Functions Delegated to Planning Committee

1. To exercise the Council's responsibilities relating to Town and County Planning miscellaneous functions as shown in the left hand column of the Table below in respect of the enactments in the right hand column

(1) Function	(2) Provision of Act or Statutory Instrument
A. Functions relating to town and country planning and development control.	
1. Power to determine application for planning permission	Sections 70(l)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c8).
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder
6. Power to determine application for planning permission made by a local authority, alone or jointly with another person	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6,7, 11, 17, 19,20,21 to 24,26,30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
8. Power to enter into agreement regulating development or use of	Section 106 of the Town and Country Planning Act 1990.

(1) Function	(2) Provision of Act or Statutory Instrument
land.	
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992
12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990
13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990
15. Power to issue a temporary stop notice (SI 2005/929).	Sections 171E of the Town and Country Planning Act 1990
16. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990
17. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990
18. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (hazardous Substances) Act 1990 (c. 10).

PART E

SECTION C: Licensing Delegations

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended from time to time (the Functions Regulations) (as at July 2009) – Functions delegated to Licensing Committee

1. To exercise the Council's responsibilities relating to the functions as shown in the left hand column of the Table below in respect of the enactments in the right hand column in so far as they are not the responsibility of any other local authority

(1) Function	(2) Provision of Act or Statutory Instrument
B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)	
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62).
2. Power to license the use of moveable dwellings and camping sites	Section 269(l) of the Public Health Act 1936 (c.49).
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & II Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57,58,60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59. 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2)(c) as saved for certain purposes by the Gambling Act Order. ("The Gambling Act Order" means the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006)

(1) Function	(2) Provision of Act or Statutory Instrument
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963(d), as saved for certain purposes by the Gambling Act Order.
8. Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963(e), as saved for certain purposes by the Gambling Act Order.
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c. 65), as saved for certain purposes by the Gambling Act Order.
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32), as saved for certain purposes by the Gambling Act Order.
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976, as saved for certain purposes by the Gambling Act Order.
12. Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985 (c. 13).
13. Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 (c. 54).
14. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c. 12), section 52 of and Schedule 12 to, the London Government Act: 1963 (c. 33). Section 79 of the Licensing Act 1964 (c. 26). Sections 1 to 5 and 7 of. And Parts I and II of the Schedule to the Private Places of Entertainment (Licensing) Act 1967 (c. 19) and Part I of, and Schedules I and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30).
14A. Functions relating to licensing.	Sections 5 to 8 of the Licensing Act 2003.
14AA. Duty to comply with requirement to provide information to the Gambling Commission.	Section 29 of the Gambling Act 2005.
14AB. Functions relating to exchange of information.	Section 30 of the Gambling Act 2005.
14AC. Functions relating to occasional use notices.	Section 39 of the Gambling Act 2005.
14B. Power to resolve not to issue a casino	Section 166 of the Gambling Act 2005.

(1) Function	(2) Provision of Act or Statutory Instrument
premises licence.	
14C. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	Section 304 of the Gambling Act 2005.
14CA. Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises.	Section 284 of the Gambling Act 2005.
14D. Power to institute criminal proceedings.	Section 346 of the Gambling Act 2005.
14E. Power to exchange information.	Section 350 of the Gambling Act 2005.
14F. Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479).
14G. Functions relating to the registration and regulation of small society lotteries.	Part 5 of Schedule 11 to the Gambling Act 2005.
FA. Functions relating to smoke-free premises etc.	
1. Duty to enforce chapter 1 and regulations made under it.	Section 10(3) of the Health Act 2006.
2. Power to authorise officers.	Section 10(5) of and paragraph 1 of Schedule 2 to the Health Act 2006.
3. Functions relating to fixed penalty notices.	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (S.I. 2006/760).
4. Power to transfer enforcement functions to another enforcement authority.	Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368).
15. Power to license sex shops and sex cinemas.	The Local Government Miscellaneous Provisions) Act 1982. section 2 and Schedule 3.
16. Power to license performances of hypnotism.	The Hypnotism Act 1952 (c. 46).
17. Power to license premises for	Sections 13 to 17 of the Local Government

(1) Function	(2) Provision of Act or Statutory Instrument
acupuncture, tattooing, ear-piercing and electrolysis.	(Miscellaneous Provisions) Act 1982.
18. Power to license pleasure boats and pleasure vessels	Section 94 of the Public Health .Acts Amendment Act 1907 (c. 53).
19. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c.vii) and section 6 of the London Local Authorities Act 1994 (c.xii).
20. Power to license night cafes and take-away food shops	Section 2 of the Late Night Refreshment Houses Act 1969 (c. 53)(f), Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.
21. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(l)(b)(ii), 5. 6 and 11 of the Poisons Act 1972 (c. 66)(g).
22. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c. 32); sections 2 to 16 of the Game Licensing Act 1860 (c. 90). section 4 of the Customs and Inland Revenue Act 1883 (c. 10). sections 12(3) and 27 of the Local Government Act 1874 (c. 73), and section 213 of the Local Government Act 1972 (c. 70).
23. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c. 16).
24. Power to license scrap yards.	Section I of the Scrap Metal Dealers Act 1964 (c. 69).
25. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c. 52)
26. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27).
27. Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971 (c. 40).
28. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c.60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11).
29. Power to license pet shops and other	Section I of the Pet Animals Act 1951 (c. 35)

(1) Function	(2) Provision of Act or Statutory Instrument
establishments where animals are bred or kept for the purposes of carrying on a business.	section I of the Animal Boarding Establishments Act 1963(c. 43) the Riding Establishments Acts 1964 and 1970(1964 c. 70 and 1970 c. 70) ; section I of the Breeding of Dogs Act 1973 (c. 60) and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
30. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c.38)
31. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c.37)
32. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c.38).
33. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. <i>See Also</i> the Animal By-Products Order 1999 (S.I. 1999/646).
34. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c. 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37).
35. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 (c. 76) and the Marriages (Approved Premises) Regulations 1995 (S. 1. 1995/510)
36. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to— (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or (b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. C. 118).	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).
37. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966(S.I. 1966/1971).
38. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act

(1) Function	(2) Provision of Act or Statutory Instrument
	1939(c. 44).
39. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40).
40. Power to grant a street works licence	Section 50 of the New Roads and Street Works Act 1991 (c. 22).
41. Power to license agencies for the supply of nurses	Section 2 of the Nurses Agencies Act 1957 (c.16).
42. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI. 1995/11).
43. Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.
44. Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.
45. Power to issue a license to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).
46. Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers.	Sections 115E, 115F and 115K of the Highways Act 1980.
47. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980 (c.66).
47A. Duty to publish a notice in respect of a proposal to grant permission under section 115E of the Highways Act 1980.	Sections 115G of the Highways Act 1980.
48 Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980.
49. Power to authorise erection of stiles etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980.
50. Power to license works in relation to buildings etc. which obstruct the highway.	Section 169 of the Highways Act 1980.
51. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.

(1) Function	(2) Provision of Act or Statutory Instrument
52. Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.
53. Power to restrict the placing of rails, beams etc. over highways.	Section 178 of the Highways Act 1980.
54. Power to consent to construction of cellars etc. under street.	Section 179 of the Highways Act 1980.
55. Power to consent to the makings of openings into cellars etc. under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.
56. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c.35).
57. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082).
58. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).
59. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)(e).
60. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).
61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763).
62. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).
63. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
64. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.

(1) Function	(2) Provision of Act or Statutory Instrument
65. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
66. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
67. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/ 2828).
68. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
69. Power to issue near beer licence. (S.I. 2001/2212)	Sections 16 to 19 and 21 of the London Local Authorities Act 1995 (c.x.) and, to the extent that it does not have effect by virtue of regulation 2(3), section (3), section 25 of that Act.
70. Power to register premises or stalls for the sale of goods by way of competitive bidding.	Section 28 of the Greater London Council (General Powers) Act 1984 (c.xxvii).
71. Power to register motor salvage operators.	Part I of the Vehicles (Crime) Act 2001.
72. Functions relating to the registration of common land and town or village greens. (S.I. 2008/2787)	Part I of the Commons Act 2006 and the Commons Registration (England) Regulations 2008.
<p>Functions relating to health and safety at work</p> <p>Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer.</p>	Part I of the Health and Safety at Work etc. Act 1974 (c. 37).

PART E
SECTION D: Licensing Sub-Committee Delegations

Functions and Responsibilities of Licensing Sub Committee in relation to the Licensing Act 2003, the Gambling Act 2005 and the Licensing of Sex Establishments

1. Licensing Act 2003

The table below sets out the agreed delegation of decisions and functions of the Licensing Committee, Sub-Committee and Officers. The various delegations include delegation to impose appropriate conditions.

This scheme of delegations is without prejudice to the right of officers to refer an application to a Licensing Sub-Committee or the full Licensing Committee if considered appropriate in the circumstances of any particular case.

Unless there are compelling reasons to the contrary, the Council will require the Licensing Committee or any of its sub-committees to meet in public – although Members can retire in private session to consider their decision.

Matter to be dealt with	Full Licensing Committee	Licensing Sub-committee	Head of Healthy Communities
Application for grant or renewal of Personal Licence inc. revocation		Application for personal licence with unspent convictions	If no relevant representation made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made Section 18(3), Section 72(3)	If no relevant representation made
Application for provisional statement		If a relevant representation made Section 31(3)	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made Section 35(3), Section 85(3)	If no relevant representation made
Application to vary designated premises supervisor		If a police objection Section 39(3)	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection Section 44(5)	All other cases

Matter to be dealt with	Full Licensing Committee	Licensing Sub-committee	Head of Healthy Communities
Applications for Interim Authorities		If police objection Section 48(3)	All other cases
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the lead authority			All cases
Determination of a temporary event notice		If a police objection - including powers to serve a counter notice Section 105(2)	All other cases
Determination of an application to review a premises licence		Application for a review by an interested party or a responsible authority – all cases. Section 51.	
Determination of an application to review a club premises certificate		Application for a review by an interested party or a responsible authority – all cases. Section 87.	
Determination of a review of a premises licence following a closure order		Order made a senior police officer or a Magistrates Court – all cases. Section 167.	
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 the DCMS Guidance			All cases
Determination of an Application for a minor variation to a Premises Licence – Section 41A of the Act			All cases

Matter to be dealt with	Full Licensing Committee	Licensing Sub-committee	Head of Healthy Communities
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 the DCMS Guidance			All cases
Determination of an Application for a minor variation to a Club Premises Certificate – Section 86A of the Act			All cases
Determination of whether an applicant fulfils the criteria of the statutory definition of "Management Committee" regarding applications made pursuant to Section 25A and 41D of the Act taking into account DCMS Guidance			All cases
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			All cases
Determination of an Application for a new Premises Licence which includes an application for an Alternative Licence Condition – Section 25A of the Act		If a relevant representation made	If no relevant representation made
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 a relevant representation made	If no relevant representation made

Matter to be dealt with	Full Licensing Committee	Licensing Sub-committee	Head of Healthy Communities
Determination of a review of a Premises Licence when held by a management Committee which includes the Alternative Licence Condition – Section 51 of the Act - Review		All cases	
Determination of validity of all applications and administration thereof			All cases
Determination of an application for a Temporary Event Notice where a representation has been received from a relevant person		All cases	
Power to act as responsible authority for the purposes of the 2003 Act			All cases
Authority to suspend licences where licence fees are not paid by the due date.			All cases
Power to impose conditions upon Temporary Event Notices.			
Power to determine a late Temporary Event Notice including the service of a counter notice where an objection has been received and when the permitted number of TENs has been exceeded..			All cases
Power to impose conditions upon standard Temporary Event Notices where an objection has been received and the applicant agrees to the imposition of conditions and all parties agree no hearing is necessary.			All cases
Power to determine a standard Temporary Event Notice if an objection is received.		All cases	
Power to impose conditions on a standard Temporary Event Notice if an objection has been received.		All cases	

Matter to be dealt with	Full Licensing Committee	Licensing Sub-committee	Head of Healthy Communities
Power to determine a standard Temporary Event Notice including the service of a counter notice when the permitted number of TENs has been exceeded.			All cases other than when an objection has been received.
Authority to vary/amend the Hearings Procedure from time to time as necessary on the basis of changes to law and practice			Head of Legal and Democratic Services
The consultation provisions contained in Part 10.2 of the Council's adopted Licensing Policy be waived in respect of applications made pursuant to Sections 41A and 86A of the Act for Minor Variations and for applications made pursuant to Sections 41D of the Act for the Alternative Licence Condition when the only variation sought was for the Alternative Licence Condition in place of Mandatory Conditions.			All cases
Authority to give approval under conditions attached to premises licences and club premises certificates which require Licensing Authority approval.			All cases
Authority to give approval under conditions attached to sexual entertainment licences, premises licences and club premises certificates where the condition(s) relate to adult entertainment, and which require Licensing Authority approval.		All cases	
Applications for Film Classification and Reclassification	Approve policy, guidance and fees	Applications for classification /re-classification and appeals not dealt with by the Head of Healthy	All applications and appeals in accordance with policy

		Communities	
--	--	-----------------------------	--

2. Gambling Act 2005

Authority for the following matters delegated as set out (in relation to applications received from 30 April 2007 onwards):

Matter to be dealt with	Full Council	Licensing Committee	Sub-Committee	Director of Services
Three year licensing policy	x			
Policy not to permit casinos	x			
Fee Setting – when appropriate		x		
Application for Premises Licences			Where representations have been received and not withdrawn	Grant where no representations have been received/representations have been withdrawn
Application for a Variation to a Licence			Where representations have been received and not withdrawn	Grant where no representations have been received/representations have been withdrawn
Application for a Transfer of a Licence			Where representations have been received from the Commission	Grant where no representations have been received from the commission
Application for a Provisional Statement			Where representations have been received and not withdrawn	Grant where no representations have been received/representations have been withdrawn
Review of a Premises Licence			x	

Matter to be dealt with	Full Council	Licensing Committee	Sub-Committee	Director of Services
Application for club gaming/club machine permits			Where representations have been received and not withdrawn	Grant where no representations have been received/representations have been withdrawn
Cancellation of club gaming/club machine permits			x	
Applications for other permits				x
Cancellation of licensed premises gaming machine permits				x
Consideration of temporary use notice				x
Decision to give a counter notice to a temporary use notice			x	
Approval and/or amendments to Delegation Scheme		x		

3. Sex Establishments Licences

Authority for the following delegated matters:

Matter to be dealt with	Licensing Committee	Licensing Sub	Officer
Determination of all valid applications when a valid objection/representation is received or when Officer recommendation is for refusal and the Applicant, Transferee or Licence Holder requests a hearing		All cases	
Power to determine an application if no objection/representation received.			Director of Services
Consideration of referrals by the Licensing Officer recommending revocation of a licence.		All cases	
Authority to determine whether an objection in relation to licences or Sexual Entertainment Venues is irrelevant, vexatious or frivolous.			Director of Services
Authority to vary/amend the Hearings Procedure as necessary			Head of Legal and Democratic Services
Authority to commence prosecution proceedings regarding offences relating to sex establishments.			Head of Legal and Democratic Services on consultation with the Director of Services

PART E

SECTION E: The Cabinet, Leader and Cabinet Members Role and Scheme of Delegations

1. The Cabinet

1.1 Role

The Cabinet will be responsible for the discharge of the executive functions defined in Part A of this Constitution and in accordance with the Cabinet Procedure Rules in Part B of this Constitution.

Individual Cabinet Members may only have delegated to them decisions within their defined portfolio which are not otherwise delegated to Officers or reserved to the full Council or Cabinet.

1.2 Terms of Reference

To guide the Council in the formulation of its policy framework, including the setting of the budget and council tax levels. To discharge in accordance with the Council's policy framework all those executive functions not discharged either by a Cabinet Member or through delegations to Officers.

2. Leader of the Council (and the Deputy Leader in the Leader's absence)

Responsible for Strategy and Direction of the Council; Political Leadership; Public Profile and Regional Representation.

2.1 Delegated Functions/Responsibilities

- To appoint a Deputy Leader and Cabinet Members;
- To determine which matters shall be decided by the Cabinet collectively and which shall be delegated to Cabinet Members;
- To discharge or arrange to be discharged the executive functions of the Council;
- To delegate the discharge of any executive functions within the remit of a portfolio to that Cabinet Member;
- To delegate the discharge of the executive functions to an Officer of the Council;
- To have principal responsibility for the policy direction of the Council;
- To chair meetings of the Cabinet and oversee the preparation of business for its consideration;
- To be the principal spokesperson for the Council;
- Promotion of the vision for South Bucks and the key aims;
- Public relations and corporate marketing;
- Performance assessment and improvement;
- Performance management and publication of performance indicators;
- Business transformation and service reviews;
- New business development;
- Financial Strategy;
- Personnel, and matters related to the LGPS;
- ~~Economic Development;~~
- Change management - employee and customer engagement, leadership and organisational development;
- Progressing other change initiatives within the organisation and encouraging adoption of the Council's aspirations and values;

- Initiatives for collaborative working with other Councils and organisations;
- To represent the Council at the Local Government Association and the Local Enterprise Partnership; and
- To take any decisions delegated to any Cabinet Member in the absence or inability to act of that Member.

3. Deputy Leader

The Cabinet Member appointed as Deputy Leader shall exercise all those matters delegated to the Leader in his/her absence.

4. Cabinet Members

Where executive functions are not reserved to the Council or to Cabinet or Officers, they are Cabinet Member matters in accordance with the portfolios set out in the Constitution.

The Leader of the Council shall determine which is the appropriate Cabinet Member to deal with a matter in cases of uncertainty.

Recommendations shall be made to Cabinet on matters which impact on the work of more than one Cabinet Member.

The following areas of responsibility are included in the matters which may be determined by the Cabinet Member (subject to the limitations set out in the scheme of delegation to Cabinet Portfolio Holders):

- To consider reports prepared by Officers and to make any decisions in accordance with the procedures as set out in the constitution;
- To consider draft reports in respect to their portfolio with the relevant director or heads of service;
- To determine how expenditure on services should be undertaken within approved budgets;
- To monitor service delivery, performance and budgets;
- To agree responses to consultations; and
- To approve schemes for which external funding has been agreed and which fall within their portfolio.

5. Cabinet Member/Portfolio Holder for **Planning and Economic Sustainable Development**

Responsible for functions including:

- Strategic planning and Duty to Co-operate issues (e.g. housing, infrastructure, transport, minerals, waste, gypsies and travellers, etc.);
- Strategic Transportation Issues
- Commenting on and providing an input into the policy documents of other organisations (e.g. BTVLEP);
- Planning policy framework and guidance (e.g. Local Plans, Supplementary Planning Documents, Development & Design Briefs, Design Guidance, evidence base, etc.);

- Major infrastructure proposals/projects;
- Neighbourhood Plans;
- Development Management & Enforcement (which are not the responsibility of the Planning Committee);
- Planning Appeals;
- Planning Enforcement;
- Planning Administration;
- Tree Preservation Orders and tree matters;
- Conservation Areas & the historic environment;
- Historic Buildings;
- Building Control; ~~and~~
- ~~Dangerous structures~~
- ~~Economic Development and~~
- ~~HS2.~~

5.1 Specific matters concerning which only recommendations to Cabinet can be made

- Designation of Conservation Areas

5.2 Matters reserved to full Council

- With the exception of supplementary planning documents, the approval of any documents comprising the Development Plan / Local Development Framework.

6. Cabinet Member/Portfolio Holder for Healthy Communities

Responsible for Community functions including:

- Sport and leisure;
- Community Development Grants and SLA's with the Voluntary Sector;
- Supporting younger and older people;
- Partnership working with the voluntary community sector and statutory agencies to empower the community;
- Community Safety and Crime Reduction;
- Prevent, Community Cohesion and Equalities;
- ~~Farnham Park Playing Fields;~~
- ~~The South Buckinghamshire Golf Course;~~
- ~~The South Buckinghamshire Academy Golf Course;~~ and
- Leisure Centre Management and Sports Development.

Responsible for Health & Housing functions including:

- Housing Services (enabling, homelessness and standards) - except targets for overall house building which is the responsibility of the Cabinet Member for Sustainable Development;
- Health & Safety;
- Health and Wellbeing;
- Housing Financial Assistance (grants and Loans);
- Prevention and Control of ASB and Statutory Nuisances and Environmental Protection;
- Food Safety and Food Law enforcement;

- Public Health (Disease Control, Environmental Hazards, Public Health Burials) ;
- Animal Welfare;
- Licensing functions which are not the responsibility of the Council;
- Sustainability – Carbon Management, Climate Change, Home Energy Efficiency;
- Pest & Dog Control; and
- Civil Emergencies.

6.1 Specific Matters Concerning Which Only Recommendations To Cabinet Can Be Made

- Concessionary travel arrangements

6.2 Matters Reserved To Council

- Approval of Community Safety Annual Partnership Plan;
- Approval of Community Development/Cohesion Plan
- Approval of Housing / Homelessness Strategy;
- Approval of Choice Based Letting Scheme;
- Approval of Local Lettings Policy;
- ~~Approval of Food Service Delivery Plan;~~
- ~~Approval of Health and Safety Enforcement Plan; and~~
- ~~Approval of Sustainable Community and Wellbeing Plan Strategy~~
- ~~Approval of the Corporate Enforcement Policy.~~

7. Cabinet Member/Portfolio Holder for Environment

Responsible for functions including:

- Waste collection and recycling;
- Street Environment;
- Damaged and Threatened Land;
- Chiltern AONB;
- Open spaces and common land (except for those for which the Cabinet Member ~~for Resources of Healthy Communities~~ is responsible);
- Grass Cutting, horticultural and street cleansing contracts;
- Street Naming & Numbering;
- Management of the countryside and environment improvements;
- Environment Policy;
- Public Conveniences;
- Strategic Flood Management;
- Setting of Burial Expenses and Fees;
- Stoke Poges Memorial Gardens; and
- ~~Cemeteries.~~
- ~~Car parking and Council car parks~~

7.1 Specific Matters Concerning Which Only Recommendations To Cabinet Can Be Made

~~Charging policies for car parking~~

7.2 Matters Reserved To Council

- Approval of Joint Waste Strategy; and
- Approval of Car Parking strategy.

8. Cabinet Member/Portfolio Holder for Resources

Responsible for functions including:

- Capital programme, asset (incl land) and Treasury~~Investment~~ Management;
- ~~Car parking and Council car parks;~~
- Finance including banking and insurance affairs;
- ~~Information and Communications Technology;~~
- ~~Legal Services;~~
- ~~Council Owned Companies~~
- Farnham Park Sports Fields, South Buckinghamshire Golf Course, The Academy
- ~~Purchase, disposal, management and leasing of land and property other than land :-~~
- ~~in the operational control of another Cabinet Member;~~
- ~~to be purchased by compulsory purchase order and/or;~~
- ~~to be disposed of/leased at a concessionary figure unless such arrangements are in the commercial interests of the Council.~~
- Property & Facilities Management;
- Executive & Support;
- ~~Customer Services;~~
- Democratic Processes & Committee Services;
- Internal Audit, Risk Management, Business Continuity and Fraud;
- Corporate Management Costs;
- ~~Housing benefits;~~
- ~~Council tax & NNDR;~~
- ~~Overall coordination of business planning processes;~~ and
- Procurement.

8.1 Specific Matters Concerning Which Only Recommendations To Cabinet Can Be Made

- The establishment of a corporate plan and broad budgetary priorities in consultation, as necessary, with other Cabinet Members; and
- Terms for disposal of assets (see Fin. Reg. 5 for limits).
- ~~Charging policies for car parking~~

8.2 Matters Reserved To Full Council

- Annual Budget;
- The determination of the annual Capital budget and its resourcing;
- ~~Supplementary expenditure which cannot be found from within existing budgetary provision, including earmarked reserves;~~
- Medium Term Financial Strategy
- Approval of the Treasury Management Strategy;
- ~~Approval of the IT Strategy;~~
- ~~Approval of the Council's Annual Report;~~

- Approval of the Asset Management Plan; and
- Approval of the Corporate Plan .

9. Cabinet Member/Portfolio Holder for Customer and Business Support

Responsible for functions including:

- Information and Communications Technology
- Customer Services
- Revenues and Benefits Client
- Revenues and Benefits operation
- Fraud and Welfare partnership
- Housing Benefits
- Council Tax and NNDR

9.1 Specific matters concerning which only recommendations to Cabinet can be made

- None

9.2 Matters reserved to full Council

- Determination of Council Tax levels and the annual budget
- Approval of the ICT Strategy
- Approval of Customer Experience Strategy

10. Scheme of Delegation to Cabinet Portfolio Holders

10.1 Limits of Cabinet Portfolio Decision

The Council has defined a Key decision as a decision which:

- 1) Has an income or expenditure effect of £50,000 or more.
- 2) Is likely to have a significant effect on more than one ward.

Excluded from paragraph (1) above are contracts for and expenditure on repairs, maintenance and improvements works within budget provision and approved policy where the contract or expenditure has either been properly and specifically approved by or on behalf of the Cabinet or by an Officer acting under delegated powers, save where Contract Standing Orders require the Cabinet itself to authorise acceptance of a tender and such acceptance has not previously been authorised or delegated by the Cabinet.

A non-key decision is therefore a decision that does not meet the above criteria i.e. has an expenditure or income effect of less than £50,000 and affects only one ward.

The Leader has agreed a Scheme of Delegation which authorises Cabinet Portfolio Holders to make non-key decisions provided:

- 1) The matter on which the decision is to be made has not been delegated to an Officer under the Scheme of Delegation in which event the procedure set out in Part E (Officer Scheme of Delegation) will be followed.
- 2) Subject to the urgency procedure (Rules 16 and 17, Access to Information Procedure Rules in Part B) the matter in respect of which the decision is to be made is included in the Forward Plan.
- 3) The matter falls within their Portfolio as detailed above.
- 4) Subject to the urgency procedure, the matter is included in an agenda published and circulated to members of their respective PAG (or PAGs if the matter significantly affects issues covered by other Portfolio Holders) in accordance with the Protocol for the Operation of PAG set out in Part C.
- 5) The advice of their respective Policy Advisory Group has been sought.
- 6) The decision is taken within 2 working days from the time the advice of the PAG was given. If a decision is not taken within the 2 working days the matter will be referred to the Cabinet for determination.
- 7) Subject to the urgency procedure the decision is not implemented until the call-in period (as set out in Rule 4, Overview and Scrutiny Procedure Rules Part B) has expired.

PART E

SECTION F: Scheme of Delegations to Officers Methodology, General Limitations and Powers

1. Note on Methodology

- 1.1 Delegations are listed by named Officer commencing with the Chief Executive.
- 1.2 Each delegation is identified by the letter "C" or "E" followed by a number. The letter "C" indicates that the function or matter delegated is the responsibility of full Council or a Committee or Sub-Committee of full Council. The letter "E" indicates that the function or matter delegated is the responsibility of the Cabinet.
- 1.3 Each named Officer has been allocated up to 50 possible delegation numbers as follows:

Chief Executive	1-50
Director of Resources	101-150
Director of Services	151-200
Head of Planning and Economic Development	201-250
Head of Environment	251-300
Head of Finance	301-350
Head of Healthy Communities	351-400
Head of Business Support	401-450
Head of Legal and Democratic Services	451-500
Head of Customer Services	501-550
Building Control Manager	551-600

This allows for future variations in the number of delegations given to a named officer by the Council or one of its Committees/Sub-Committees or the Cabinet.

- 1.4. Delegations by the Council or the Cabinet to external bodies or persons (other than by joint arrangements) have been allocated delegation numbers 551 to 600 and are set out in Part E of this Scheme of Delegations.
- 1.5 Examples:

Delegation C1	To carry out the duties of Head of the Paid Service
Delegation E105	To act as Senior Information Risk Officer and have overall responsibility for the Council's risk management
Delegation C301	To be responsible for payroll and implementing awards concerning wages, salaries and conditions of service
Delegation E508	Day to day responsibility for Customer Services

- 1.6. In so far as it relates to functions which are the responsibility of the Council or one of its Committees or Sub-Committees, the following Scheme of Delegation was approved by full Council on xxxx 2018 as amended/added to from time to time.
- 1.7. In so far as it relates to functions which are the responsibility of the Cabinet or a Committee of the Cabinet, the following Scheme of Delegations was approved by the Cabinet on xxx 2018 as amended/added to from time to time.

2. General Limitations on the Exercise of Delegated Powers

- 2.1. Where decisions are taken or powers are exercised by Officers in pursuance of authority delegated to them by full Council or the Cabinet, the following shall apply:
- 1) Decisions shall be made and powers shall be exercised in accordance with any statutory requirements, the approved budget, any policies and plans approved by the Council, and the various Procedural Rules set out in Part B of this Constitution, including without limitation, the Access to Information Rules, Financial Procedure Rules, Contract Procedure Rules and Budget and Policy Framework Procedure Rules.
 - 2) Where the making of a decision or the exercise of a power would be contrary to, or not in accordance with, the Budget and Policy Framework (as defined in the Access to Information Procedure Rules set out in Part B of this Constitution), unless the matter is urgent, it shall be referred to the Cabinet. In all other cases, the making of a decision or the exercise of a power that would result in a departure from established policy shall be referred to the Cabinet or a Committee/Sub-Committee as appropriate.
 - 3) Any power delegated to an Officer may also be exercised to the same extent by any other body or person with concurrent responsibility for the discharge of the function or delivery of the service in question, unless the discharge of that function or delivery of that service is restricted by law to the Officer named herein.
 - 4) Decisions taken by Officers in pursuance of delegated powers shall be reported, as appropriate, to full Council or one of its Committees or Sub-Committees or to the Cabinet when required to do so by the terms of the Access to Information Rules or the other Procedural Rules set out in Part B of this Constitution.
 - 5) Authority to take action or to do or omit to do anything pursuant to any of the delegations granted by this Scheme shall include the power to take any preliminary or consequential action in order to give effect to the exercise of the relevant delegation.
 - 6) Officers must consider in what circumstances it might be appropriate to consult Members such as the relevant Cabinet Portfolio Holder, Committee Chairman or local Members before taking a decision. If such a Member objects to the proposed decision the matter must be reported to the Cabinet or relevant decision-making body for consideration unless there is specific provision for dealing with objections within a particular delegation.
 - 7) The Cabinet or relevant Cabinet Portfolio Holder may reserve a decision about a particular matter to them or require that an officer refrains from exercising a delegated authority.

- 8) Where the Scheme delegates powers and duties within overall functional descriptions the exercise of a delegation applies to functions in a broad and inclusive manner and includes the doing of anything that will facilitate or is conducive or incidental to the discharge of any of the specified functions.
- 9) An officer may consider that a delegated authority should not be exercised and that a matter should be referred to the relevant Cabinet Portfolio Holder or decision making body for determination.
- 10) An Officer must not exercise delegated powers in relation to any matter in which they have a personal interest.

3. General Powers of Chief Executive, Directors and Heads of Service

- 3.1 The Chief Executive, all Directors and Heads of Service have delegated power in respect of the following:

Financial

- 1) To incur expenditure within approved capital and revenue budgets.
- 2) To remit or reduce charges normally paid for council services when there are exceptional or special circumstances justifying the remission or discount in consultation with the relevant cabinet member or committee chairman if the remission is greater than £500.
- 3) To determine the fees and charges to be levied for all council charges excluding car parking charges in consultation with the relevant Cabinet Portfolio Holder or committee chairman.
- 4) To settle small compensation payments up to a value of £500 where a complaint has been agreed through the Council's complaints procedure.
- 5) With the exception of community grants, to award grants up to a maximum of £5,000 in consultation with the relevant Cabinet Portfolio Holder.
- 6) To prepare and submit applications to external bodies and organisations for grant funding on behalf of the council

Land, property and assets

- 7) To incur expenditure on any item or service, including acquisition of land, or property, vehicle, plant and equipment up to £50,000 and in consultation with the relevant Cabinet Portfolio Holder where the proposed expenditure exceeds £50,000.
- 8) To serve notices to obtain particulars of persons' interests in land.
- 9) To serve notices under any enactment and take follow up action.

- 10) To grant permission to carry out works on the council's land in consultation with the relevant Cabinet Portfolio Holder and local members.
- 11) To declare as surplus and sell assets up to a book value of £10,000 in consultation with the relevant Cabinet Portfolio Holder.

Legal

- 12) To serve notices, make orders take enforcement action and respond to consultations under the provisions of the Anti-Social Behaviour Act 2003.
- 13) Without prejudice to any specific delegation in the scheme to authorise the issue and service of any statutory notice or requisition relating to any matters within their areas of responsibility including obtaining particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1971 and /or section 330 of the Town and Country Planning Act 1990 as appropriate, and to take any associated enforcement action and authorise default works.
- 14) Without prejudice to any specific delegation in the scheme to act as the proper officer for the authorisation of any statutory notices, any requisitions, Orders or other documents which are issued and served relating to any matter within their area of responsibility.
- 15) To approve the copying of documents for the purposes of the copyright, designs and patents legislation.
- 16) Without prejudice to any specific delegation in the scheme to authorise the commencement, continuation, defence, discontinuance or settlement of any legal proceedings (other than high court proceedings or above) relating to any matters within their areas of responsibility in consultation with the Head of Legal and Democratic Services.
- 17) Subject to the rules of court to authorise members of staff to attend, appear as witnesses and represent the council in any legal proceedings in court, public inquiries, tribunals or other hearings.
- 18) To authorise under section 223 of the Local Government Act 1972 (as amended) officers to appear on behalf of the council in proceedings before the magistrates' courts.
- 19) Where any officer has delegated powers to authorise legal proceedings that power also includes the power to administer simple cautions (previously known as formal cautions).
- 20) Without prejudice to any specific delegation in the scheme to determine any applications for permissions, consents, licences or registrations within their area of responsibility.

- 21) Without prejudice to any specific delegation in this scheme to grant, renew, refuse or cancel any authority in writing to members of staff who may exercise any statutory power of inspection and entry onto land or property (including inspection of buildings, premises and vehicles). Such written authority shall allow the authorised person to exercise all the relevant statutory powers of such an authorised officer.
- 22) To release information under the Data Protection Act 1998, Freedom of Information Act 2000 and Environmental Information Regulations 2004, in consultation with the Corporate Information Officer in respect of applying any exemptions.
- 23) To sign a statement of truth on behalf of the Council under the civil procedure rules.
- 24) To make planning applications including listed building, conservation areas and advertisement consents and footpath diversions in consultation with the relevant Cabinet Portfolio Holder in the case of major projects.
- 25) To make any applications for any orders and other applications such as building control.

Staffing matters

- 26) To enter into agreements under section 113 of the Local Government Act 1972 to place staff at the disposal of other councils or to receive the services of staff of other councils in consultation with the relevant Cabinet Portfolio Holder.
- 27) To take any action required or authorised under the Council's recruitment and selection policies and procedures.
- 28) To determine applications to extend an employee's contractual period of sick leave in consultation with the relevant Director.
- 29) To determine applications for leave of absence without pay in consultation with the relevant Director.
- 30) To agree flexible working patterns in accordance with agreed council policies.
- 31) To authorise the working and payments for employees undertaking standby duties and for overtime.
- 32) To approve applications for annual, compassionate, special or other leave.
- 33) To enter into apprenticeships or similar agreements in consultation with the HR Manager.

- 34) To authorise reimbursement of employees for mileage, subsistence and other expenses incurred by staff in carrying out their duties.
- 35) To undertake disciplinary action in accordance with the Council's disciplinary policies and procedures.
- 36) To authorise the attendance by employees at meeting, training sessions, seminars, exhibitions and conferences and to attend training on day release courses in pursuit of relevant professional or other qualifications.

Contracts, purchases, plant, stock, equipment and materials

- 37) To take any action authorised by the Council's Contract Procedure Rules and Financial Procedure Rules.
- 38) To sign on the Council's behalf any contract for works, goods or services subject to compliance with relevant requirements in the Contract Procedure Rules.
- 39) To accept, renew and vary contracts for the maintenance of equipment within the annual estimates.
- 40) To dispose of surplus furniture, materials, stores or equipment in accordance with Financial Procedure Rules and Contract Procedure Rules.
- 41) To hire plant subject to inclusion of the cost of hire within approved budgets.

Miscellaneous

- 42) To hold, arrange or facilitate community schemes or projects which are in accordance with any approved Plan or Strategy, including approving attendance or allocating places on such schemes or projects, provided the budget estimates are not exceeded.
- 43) Within their areas of responsibility to take all actions that the Council is required to take to comply with mandatory legislative requirements.
- 44) To take all necessary action in respect of lost or uncollected property found on any Council owned or managed buildings or premises under the powers contained in Section 41 of the Local Government (Miscellaneous Provisions) Act 1982, following consultation with the Head of Legal and Democratic Services.
- 45) To respond to consultation documents within their areas of responsibility in consultation with the appropriate Cabinet Portfolio Holder or Committee Chairman (as the case may be).
- 46) To undertake any roles or functions allocated under any council policies or procedures including responsibility for business continuity in respect of their areas of responsibility and the operational management of emergency planning (section

138 of the Local Government Act 1972) under the general direction of the Emergency Planning Officer.

- 47) Responsibility under the Health and Safety at Work etc Act 1974 for the operational management and implementation of all Regulations and Codes of practice in respect of employees under their direction and control and for compliance with Council health and safety policies.
- 48) To make minor amendments to strategies/policies after approval by cabinet/council prior to publication.
- 49) To instruct consultants and other agents (other than counsel or outside solicitors) to advise or otherwise assist the council in connection with any work of the council subject to compliance with relevant requirements in the Contract and Financial Procedure Rules.

3.2 Delegation to any Officer in this Scheme is subject to the over-riding proviso that the Chief Executive may:

- 1) direct the Officer concerned not to exercise the delegation but to report to the Cabinet or appropriate PAG, Committee or Sub-Committee for instructions; or
- 2) exercise the delegation himself/herself.

3.3 A delegation to a Head of Service is also subject to the over-riding proviso that the appropriate Director may:

- 1) direct the Head of Service concerned not to exercise the delegation but to report to the Cabinet or appropriate PAG, Committee or Sub-Committee for instructions; or
- 2) exercise the delegation himself.

3.4 In the absence of the Chief Executive any of the powers granted to him by this Scheme of Delegations may be exercisable by the Director of Resources or the Director of Services.

3.5 Any delegation granted by this Scheme of Delegations to a Head of Service may, with the consent of the appropriate Director, be exercised by a subordinate officer acting under the instruction or supervision of the Head of Service or appropriate Director.

3.6 Reference in these delegations to any Statute, Statutory Instrument or Regulation shall be deemed to include any statutory re-enactment or modification thereof.

4. Delegations to Individual Officers

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Chief Executive	To carry out the duties of Head of the Paid Service (section 4 of the Local Government and Housing Act 1989) which includes all necessary powers for co-ordinating the discharge of functions, exercising overall management responsibility for staff and acting as the Proper Officer for the purposes of Section 2 and 21 (regarding list of politically restricted posts);	Note – Council to appoint Head of Paid Service – Officer Employment Procedure Rules.	C1	
	To determine the council's establishment, numbers of staff, remuneration and deployments and agree terms and conditions for the employment of staff.	Fundamental changes to the organisation structure to be agreed by Joint Staffing Committee.	C2	
	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.		C3	
	To approve any redundancies, retirements, settlement of claims, secondments, unpaid leave request, pensions related matters, annual increments and any other employment related matters.	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 Staffing Sub-Committee.	C4	
	Authority to sign offers and contracts of employment.		C5	
	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-	In consultation with the appropriate Committee Chairman and subject to the action being reported to the next available meeting of the	C6	

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	Committee.	Committee/Sub-Committee.		
	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/her absence the Deputy Cabinet Leader and subject to the action taken being reported to the next available meeting of the Cabinet.		E1
	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/her absence the Vice Chairman of the Council.	C7	E2
	In connection with any application for the post of Director or Head of Service in his/her department, to prepare long lists and interview and shortlist suitable candidates for consideration by Joint Staffing Committee.	In consultation with the HR Manager.	C8	
	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.		C9	E3
	Overall responsibility for the implementation of the Council's Health and Safety Policies.			E4
	Overall responsibility for implementation of the Council's Safeguarding Policies.			E5
	Authority to conduct Parish Polls demanded under The Parish and Community Meetings (Polls) Rules 1987 as the Returning Officer.		C10	

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	To carry out the duties of the Electoral Registration Officer and Returning Officer.		C11	
	Authority to respond to neighbouring local authorities and other external organisations on non- strategic proposals.	In consultation with the appropriate Cabinet Portfolio holder.		E6
	To represent the Council on partnerships and external bodies as required by statute or by the Council.		C12	E7
	To carry out the duties of the Emergency Planning Officer with all necessary power to act and incur expenditure.		C13	
	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.	Where it is impractical or inappropriate to invoke them, to report the action to the next available meeting of the Council or Cabinet (as appropriate).	C14	E8
	<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 		C15	

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	<p>department or part of the department results in minor structural changes, (subject to no additional cost being incurred);</p> <ul style="list-style-type: none"> • Authorising any individual grade change arising from job evaluation following changed duties and responsibilities; • Authorising minor changes to current conditions of service, providing these are achieved by agreement with the employees concerned; • 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; and • Dealing with employees' claims for compensation. 			
	<p>Service Responsibilities:</p> <ol style="list-style-type: none"> 1) Human Resources 2) Communications, Policy and Performance 			E9

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Director of Resources	To carry out the functions and duties of the Chief Finance Officer imposed by Section 151 of the Local Government Finance Act 1988.		C101	
	Responsibility for the Farnham Park Sportsfield Trust			E101
	To lead and direct the range of services in the Directorate and resources allocated to the Directorate in accordance with the Councils policies and procedures.			E102
	To be responsible for performance review issues, progressing achievement against strategic objectives and delivering on major projects within the Directorate.			E103
	Leading programmes of change and development.			E104
	To act as Senior Information Risk Officer and have overall responsibility for the Council's risk management.			E105
	Authority to respond to consultations from neighbouring local authorities and other external organisations on non-strategic proposals.	In consultation with the appropriate Cabinet Portfolio holder.		E106
	Writing off any irrecoverable debt in accordance with the Council's Financial Procedure Rules.			E107
	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 Joint Staffing Committee.	In consultation with the Chief Executive and HR Manager.		E108

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Director of Services	To lead and direct the range of services in the Directorate and resources allocated to the Directorate in accordance with the Councils policies and procedures.			E151
	To be responsible for performance review issues, progressing achievement against strategic objectives and delivering on major projects within the Directorate.			E152
	To lead programmes of change and development.			E153
	To respond to neighbouring local authorities and other external organisations on non- strategic proposals including Local Plans from neighbouring authorities and Neighbourhood Planning matters.	In consultation with the appropriate Cabinet Portfolio Holder.		E154
	Authority to respond to consultation documents on local/regional transport proposals	In consultation with the appropriate Cabinet Portfolio holder.		E155
	Authority to take binding decisions or actions in relation to the implementation of the Development Plan and Infrastructure Delivery Schedule 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 and subject to an information report being submitted to the next ordinary meeting of the Cabinet.	C151	E156
	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 Joint Staffing Committee.	In consultation with the Chief Executive and HR Manager.	C152	
	Responsibility for implementation of the Council's Safeguarding Policies.			E158

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	Matters of routine planning business and those requiring urgent decisions between meetings	Subject to Consultation with the Planning Consultative Body	C153	

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
<p>Head of Planning and Economic Development</p> <p>The delegations hereby given to grant approvals includes the power to attach conditions.</p> <p>Reference to the Acts shall include any statutory modifications or re-enactments thereof</p>	<p>Determination of Applications</p> <p>Authority to approve in accordance with the provisions of the relevant development plan and In the light of other relevant material considerations any application or notification submitted under the Town and Country Planning Act 1990 and associated legislation, where no material planning objections have been received</p>	<p>An application by a Member or Officer of the Council will not be subject to these delegation arrangements but will be reported to the Committee (or Consultative Body) for determination.</p> <p>Delegated authority shall not be exercised in any case where a Member of the Committee has specifically requested, for sound policy reasons, that the matter be referred to the Committee for determination, and that such request has been notified to the Development Control Unit within 27 days of the date that the application is registered. Where a Member requests that the Committee undertake a site visit, the request is subject to the agreement of the Chairman of the Committee</p> <p>Delegated authority referred shall not be exercised In any case whereby the recommended decision may run counter to an earlier decision taken by the Committee to undertake enforcement action against the relevant development</p>	C201	
	Authority to refuse in accordance with the provisions of the relevant	Delegated authority shall not be exercised in	C202	

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	development plan and in the light of other relevant material considerations any application or notification submitted under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 and associated legislation, notwithstanding any representations of support that may have been received	any case where a Member of the Committee has specifically requested, for sound policy reasons, that the matter be referred to the Committee for determination, and that such request has been notified to the Development Control Unit within 27 days of the date that the application is registered. Where a Member requests that the Committee undertake a site visit, the request is subject to the agreement of the Chairman of the Committee		
	Authority to approve in accordance with the provisions of the relevant development plan and in the light of other relevant material considerations any application submitted under the Planning (Listed Buildings and Conservation Areas) Act 1990 and associated legislation, notwithstanding any representations of objection that may have been received, but subject to the Conservation and Design Officer finding the proposal acceptable	Delegated authority shall not be exercised in any case where a Member of the Committee has specifically requested, for sound policy reasons, that the matter be referred to the Committee for determination, and that such request has been notified to the Development Control Unit within 27 days of the date that the application is registered. Where a Member requests that the Committee undertake a site visit, the request is subject to the agreement of the Chairman of the Committee Delegated authority	C203	

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
		referred shall not be exercised in any case whereby the recommended decision may run counter to an earlier decision taken by the Committee to undertake enforcement action against the relevant development		
	Authority to determine any application for a certificate of lawfulness for an existing development, taking account of any Information that may be provided by local Members and following consultation with the Head of Legal & Democratic Services		C204	
	Authority to determine any applications for a certificate of Lawfulness for a proposed development.		C205	
	Authority to determine in accordance with the provisions of the relevant development plan and in the light of other relevant material considerations any application for consent to display advertisements, notwithstanding any representations of objection that may have been received.	Delegated authority referred shall not be exercised in any case where a Member of the Committee has specifically requested, for sound policy reasons, that the matter be referred to the Committee for determination, and that such request has been notified to the Development Control Unit within 27 days of the date that the application is registered. Where a Member requests that the Committee undertake a site visit, the request is subject to the agreement of the Chairman of the	C206	

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
		Committee		
	(Authority to formulate the Council's appeal case as a basis for advising the Planning Inspectorate and appellants of the District Planning Authority's submissions in respect of any appeal lodged against a decision of the District Planning Authority, delegated or otherwise, or any non-determination appeal		C207	
	Authority to renew permission/consent, or to grant a further permission/consent for an amended form of development, in cases where there has been no material change in circumstances since the grant of the previous permission/consent, notwithstanding any representations of objection that may have been received	<p>Delegated authority shall not be exercised in any case where a Member of the Committee has specifically requested, for sound policy reasons, that the matter be referred to the Committee for determination, and that such request has been notified to the Development Control Unit within 27 days of the date that the application is registered. Where a Member requests that the Committee undertake a site visit, the request is subject to the agreement of the Chairman of the Committee</p> <p>Delegated authority referred shall not be exercised in any case whereby the recommended decision may run counter to an earlier decision taken by the Committee to undertake enforcement action against the relevant development</p>	C208	

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	<p>Authority to approve in accordance with the provisions of the relevant development plan and in the Light of other relevant material considerations any application or notification involving the forms of development listed below, where fewer than 10 separate Letters of objection from individual households (not petitions or duplicate Letters) have been received:</p> <ul style="list-style-type: none"> • Householder developments, including domestic extensions and buildings or other works within the curtilage of a dwelling. • Developments involving a net increase up to 9 dwelling(s). • All forms of development (excluding the erection of dwellings) falling within the Government's definition of "minor development". • Changes of use of single parcels of land or single buildings, • the erection, Installation or alteration of street furniture including telecommunications equipment. 	<p>Delegated authority referred shall not be exercised in any case where a Member of the Committee has specifically requested, for sound policy reasons, that the matter be referred to the Committee for determination, and that such request has been notified to the Development Control Unit within 27 days of the date that the application is registered. Where a Member requests that the Committee undertake a site visit, the request is subject to the agreement of the Chairman of the Committee</p> <p>Delegated authority shall not be exercised In any case whereby the recommended decision may run counter to an earlier decision taken by the Committee to undertake enforcement action against the relevant development</p>	C209	
	<p>Authority to approve applications for forms of development that raise special material considerations, such that the spirit or intent of the relevant development plan policy is not prejudiced, with the further exception that such applications are to be determined by the Committee if relevant planning objections have been raised by the Town/Parish Council or the public</p>	<p>Delegated authority shall not be exercised in any case where a Member of the Committee has specifically requested, for sound policy reasons, that the matter be referred to the Committee for determination, and that such request has been notified to the</p>	C210	

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
		<p>Development Control Unit within 27 days of the date that the application is registered. Where a Member requests that the Committee undertake a site visit, the request is subject to the agreement of the Chairman of the Committee</p> <p>Delegated authority shall not be exercised in any case whereby the recommended decision may run counter to an earlier decision taken by the Committee to undertake enforcement action against the relevant development</p>		
	<p>Authority to approve applications for domestic two storey or first floor extensions less than one metre distant from the relevant plot boundaries, in those cases that raise special material circumstances such that the spirit or intent of the relevant development plan policy is not prejudiced, where fewer than 10 separate letters of objection from individual sources have been received</p>	<p>Delegated authority referred shall not be exercised in any case where a Member of the Committee has specifically requested, for sound policy reasons, that the matter be referred to the Committee for determination, and that such request has been notified to the Development Control Unit within 27 days of the date that the application is registered. Where a Member requests that the Committee undertake a site visit, the request is subject to the agreement of the Chairman of the Committee</p> <p>Delegated authority</p>	C211	

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
		shall not be exercised In any case whereby the recommended decision may run counter to an earlier decision taken by the Committee to undertake enforcement action against the relevant development		
	Authority to issue screening and scoping opinions In connection with the administration of environmental Impact assessment procedures, with details being reported for Information purposes to the next available meeting of the Committee		C212	
	Authority to grant applications for Hazardous Substances Consent under the Planning (Hazardous Substances) Act 1990, subject to conditions as thought fit, where there are no objections or conflict with the development plan		C213	
	Authority to agree minor amendments to approved applications or notifications		C214	
	The requesting of further information under the General Development Order In respect of outline planning applications.		C215	
	The drafting of grounds of refusal and conditions of approval where the Committee come to a decision other than that recommended by the Case Officer.		C216	
	The issue of planning permission following satisfactory completion of an agreement under the Town and Country Planning Acts		C217	
	Advertising and taking of appropriate steps in respect of		C218	E201

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	substantial departures, listed building applications and Conservation Areas			
	Power to advise the relevant Government Office whether or not any more favourable decision or permission for development could be given where a claim is made for loss of development value.		C219	
	Attendance of officers at meetings arranged by local authorities or outside organisations relevant to the work of the Committee		C220	
	<p>Tree Preservation Orders, Trees and Hedgerows</p> <p>Authority to make and sign tree preservation orders, to confirm unopposed tree preservation orders (with or without modification), to revoke Tree Preservation Orders provided that they are being replaced with a more up to date Order (covering either a Woodland, an Area, a Group of trees or individual trees, or a combination of these).</p>		C221	
	Authority to grant or refuse consent to applications to fell, top or lop trees included in a tree preservation order, notwithstanding if objections or letters of support have been received and to determine whether or not to make tree preservation orders in response to notifications of works to trees (including felling) in Conservation Areas.			E202
	Authority to object to all referrals by the Forestry Commission within the Green Belt where no replacement planting or the		C222	

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	promotion of regeneration is proposed and to respond to the Forestry Authority, where needed, on forestry proposals noted in the Forestry Authority's Public Register.			
	Authority, in dealing with Hedgerow Removal Notices, to decide whether or not a hedgerow is important i.e. if it meets the criteria laid down in the Regulations, and if it does, to decide whether or not to serve a Hedgerow Retention Notice.		C223	
	Authority to respond to consultations from other Local Planning Authorities on proposals outside the District Council's area, taking into account the views of Town/Parish Councils If received in time even if that response would not accord with the views of the Town/Parish Council or other representatives.	This delegation does not to apply to proposals which would have a significant effect on the South Bucks District.		E203
	Authority to respond to consultations from the County Council on 'county matter' applications and on applications that the County Council has submitted to itself	This delegation is subject to responses being in accordance with the relevant Development Plan and are consistent with previous views of the District Council		E204
	To decide whether details of farm and forestry buildings should be requested from developers serving notice that permitted development rights are to be exercised		C224	
	Authority to issue Planning Contravention Notices and Breach of Condition Notices under Planning and Compensation Act 1991	Concurrently with the Head of Legal and Democratic Services	C225	

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	<p>Enforcement</p> <p>Power to issue an enforcement notice under the Town & Country Planning Acts in cases where the contravention has been the subject of a previous refusal of planning consent, and further that if necessary, legal proceedings be instituted to secure compliance</p>	<p>In consultation with the Head of Legal and Democratic Services, (notices to be issued in the name of the Head of Legal and Democratic Services)</p>	C226	
	<p>Authority to decide when it is not considered expedient to take enforcement action.</p>		C227	
	<p>Authority to consider the evidential and public interest tests as to whether or not a prosecution should be commenced for breach of a planning control related offence under prior authority from the Committee</p>	<p>In consultation with the Head of Legal and Democratic Services</p>		E205
	<p>Authority to determine that a Simple Caution be offered and administered as opposed to a prosecution for relevant planning control related offences (whether already delegated or authorised by Committee or pending a report for specific authority for a prosecution) where the circumstances support this way forward (the administering of a Simple Caution to be reported to the next available Planning Committee).</p>	<p>In consultation with the Head of Legal and Democratic Services</p>		E206
	<p>Authority to deal with applications for demolition of buildings without neighbourhood notification pursuant to relevant guidance</p>		C228	
	<p>Authority to make representations on Licensing applications received under the Licensing Act 2003 on behalf of the local planning authority</p>			E207

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	Power under Section 225 to arrange for removal of offending advertisements and/or prosecution	In consultation with the Head of Legal and Democratic Services	C229	
	Authority to serve Enforcement Notices and Stop Notices in cases of urgency.	Subject to Consultation with the Planning Consultative Body In consultation with the Head of Legal and Democratic Services	C230	
	Authority to take proceedings for breach of any notice or order within the work of the Committee.	Subject to Consultation with the Planning Consultative Body In consultation with the Head of Legal and Democratic Services	C231	
	Authority to respond to consultations from other Local Planning Authorities on proposals outside the District Council's area, which would have a significant effect on South Bucks District	Subject to Consultation with the Planning Consultative Body		E208
	Authority to respond to consultations from the County Council on 'county matter' applications and on applications that the County Council has submitted to itself where the response would not be in accordance with the relevant Development Plan or would be materially different from previous views of the District Council	Subject to Consultation with the Planning Consultative Body		E209
	Authority to issue a Temporary Stop Notice, such Notice to be issued in the name of the Head of Legal and Democratic Services	Subject to Consultation with the Planning Consultative Body In consultation with the Head of Legal and Democratic Services	C232	
	: The following actions in relation to the neighbourhood planning process:	1) In consultation with the relevant local Member(s)	C233	E210

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	<p>a) Decisions on whether to accept and designate or modify a neighbourhood area under s61G of the Town and Country Planning Act 1990, as inserted by Schedule 9 of the Localism Act 2011;</p> <p>b) Consultation responses to neighbourhood development plans and neighbourhood development orders, before their formal submission as proposals to the Council;</p> <p>c) Decisions on whether to decline to accept repeat proposals for neighbourhood development plans or neighbourhood development orders under paragraph 5(1) of Schedule 4B of the Town and Country Planning Act 1990, as inserted by Schedule 10 of the Localism Act 2011;</p> <p>d) Decisions on who to appoint as an examiner under paragraph 7(4) or 13(2) of Schedule 4B of the Town and Country Planning Act 1990, as inserted by Schedule 10 of the Localism Act 2011;</p> <p>e) Decisions on recommendations in examiners' reports that propose no change or only minor changes to plans or orders pursuant to paragraph 12 of Schedule 4B of the Town and Country Planning Act 1990, as inserted by Schedule 10 of the Localism Act 2011;</p> <p>f) Decisions on whether to modify neighbourhood development plans and</p>	<p>and Cabinet Portfolio Holder for Planning and Economic Development.</p>		

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	<p>orders where the proposed modifications are only minor, whether or not recommended by the examiner.</p> <p>2) Decisions on the validity and acceptance of applications for a neighbourhood plan or neighbourhood development order.</p> <p>3) Decisions where the Council propose to disagree with an examiner's recommendation and the reasons for such a decision and authority to undertake the necessary publicity and consultation to invite views on the Council's proposed decision(s).</p> <p>4) Decisions to determine the referendum area.</p>	<p>2) The Head of Planning and Economic Development is required to inform relevant local ward member(s) within the relevant Neighbourhood Area and the Cabinet Portfolio Holder for Planning and Economic Development of decisions taken and where determined that a plan or development order is not found valid to provide reasons for the decision.</p> <p>3) In consultation with the Cabinet Portfolio Holder for Planning and Economic Development, where the implications for the plan are minor.</p> <p>4) Subject to taking into account the examiner's recommendation and the views of the Cabinet Portfolio Holder. NB: The decision whether or not to make a neighbourhood development plan</p>		

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
		or order shall be subject to the approval of Full Council at the recommendation of the Cabinet.		
	To maintain all registers required under Town and Country Planning legislation and related regulations.		C234	E211
Delegations from Buckinghamshire County Council	Authority to remove flyposting on the highway / verge /affixed to Bucks County Council street furniture (S. 132 of Highways Act 1980).		C235	

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head of Environment	A. Environmental Services			
	Responsibility for procuring, managing and monitoring contracts for the collection of household or commercial waste.	In accordance with Contract Procedure Rules.		E251
	Authority to deal with unauthorised deposits of waste or of things abandoned in the open air or on land forming part of a highway.			E252
	Responsibility for procuring, managing and monitoring any contracts let in respect of grounds maintenance.	In accordance with Contract Procedure Rules.		E253
	Responsibility for procuring, managing and monitoring any contracts let in respect of street cleaning and/or litter control.	In accordance with Contract Procedure Rules.		E254
	Authority to negotiate and enter into Supply Agreements with gas water electricity and telephony utility supply companies.			E255
	Authority in respect of Part IV of the Environmental Health Act 1990 (litter etc.) including: <ol style="list-style-type: none"> 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 and Democratic Services.		E256
	Enforcement of bylaws relating to playing fields, open spaces, etc including instituting prosecution proceedings.	The institution of legal proceedings to be in consultation with the Head of Legal and Democratic Services.		E257
	Authority to deal with: <ul style="list-style-type: none"> • Litter; 	The institution of legal proceedings to be in consultation with the		E258

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	<ul style="list-style-type: none"> • 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>Head of Legal and Democratic Services.</p> <p>NB: Head of Healthy Communities an identical delegation.</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 and Democratic Services.</p> <p>NB: Head of Healthy Communities has an identical delegation.</p>		E259
	<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 and Democratic Services.</p> <p>NB: Head of Healthy Communities has an identical delegation.</p>		E260
	<p>Authority to deal with all the Council's functions relating to watercourses.</p>			E261
	<p>Authority to discharge the functions of the Appointing Officer under the Party Wall etc Act 1996.</p>			

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head of Environment	B. Asset Management			
	Authority to deal with the maintenance of Council buildings.			E262
	Day to day responsibility for facilities management including caretaking and cleaning services.			E263
	Authority to let the Council Chamber and Committee Rooms in accordance with prescribed charges and to remit charges for cancelled bookings.			E264
	Authority to grant easements for vehicular access over Council owned land or 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 and Democratic Services.		E265
	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.	In consultation with the relevant Cabinet Portfolio Holder, the Head of Finance and the Head of Legal and Democratic Services in respect of any long leases or disposals.		E266
	To grant short term tenancies including licences and non-protected leases of no more than 7 years with an annual rent not exceeding £35,000 across the Council's property portfolio and the grant of easements or wayleaves.			E267

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
				E268 (not used)
	Responsibility to carry out rent reviews and agree other permissions/matters arising under current leases/licenses including any title issues.			E269
Head of Environment	C. Traffic Management and Highways			
	Authority to respond to the Highways Authority on consultation draft Traffic Regulation Orders.			E270
	Authority to deal with all the Council's street naming and numbering functions.			E271
	Authority to take all actions associated with the removal of abandoned vehicles from the highway and private land.			E272
	<p>Authority to respond to consultations by the Buckinghamshire County Council as the Highways Authority in relation to:</p> <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.		E273
	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.			E274

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	<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 and Democratic Services.</p>		E275
	<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 and Democratic Services.</p> <p>NB: Head of Healthy Communities has an identical delegation.</p>		E276
	<p>Authority to undertake all the Council's Parking services functions including:</p> <ul style="list-style-type: none"> • Management, maintenance and enforcement-related activities of Council car parks. • 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. 	<p>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.</p> <p>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 or South Bucks District Councils shall not be waived without the prior written consent of the Head of Paid Service.</p>		E277
	<p>Authority to make Temporary Road Closure Orders under the Town Police Clauses Act 1847.</p>	<p>In compliance with current policy.</p>		E278
Head of Environment	D. Assets of Community Value			

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	Authority to determine nominations to list land/property as an Asset of Community Value and deal with any matters arising therefrom including claims for compensation.			E279

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.	Appointment of the Council's Bankers and Investment Fund Managers to be subject to the provisions of the Contract Procedure Rules.		E300
	To be responsible for the provision of effective accounting systems.			E301
	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
	To be responsible for insurances and risk management and to deal with insurance claims.	Appointment of the Council's Brokers and Insurers to be subject to the provisions of the Contract Procedure Rules.		E303
	To be responsible for payroll and implementing awards concerning wages, salaries and conditions of service.		C301	
	Dealing with applications for staff car purchase loans and cycle loans.	In accordance with terms of the approved schemes.	C302	
	To adjust fees and charges when either the VAT rate or definitions change.			
	Exercising the option to tax for VAT purposes in respect of land and buildings owned by the Council.			E304
	Writing off any irrecoverable debt in accordance with the Council's Financial Procedure Rules.			E305
	Authority to receive and approve suggestions on alternative methods of financing expenditure			E306

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	and the utilisation of financial resources (Local Government Finance Act 1982 – Closing of Accounts.			

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head of Healthy Communities	A. Environmental and Public Health Functions			
	<p>Authority to exercise the Council's functions, powers and duties in relation to:</p> <ul style="list-style-type: none"> • Sewers, drains and private water supplies • Abandoned premises • Housing grants and loans • Caravan sites • Housing health and safety standards and fitness of property • Domestic energy efficiency and conservation • Health and safety at work • Food safety and hygiene • Pest and dog control • Animal welfare • Communicable diseases 	<p>Energy Conservation Reports to be approved by the appropriate Cabinet portfolio holder prior to submission to the Secretary of State.</p> <p>Corporate Health and Safety is the responsibility of the Chief Executive.</p>	C351	E351
	<p>Authority to agree the transfer or assignment of enforcement responsibilities under the Health and Safety Enforcing Authority Regulations.</p>		C352	
	<p>Authority to issue Public Space Control Orders in relation to:</p> <ul style="list-style-type: none"> • Dog Fouling; • Letting a dog off the lead; • Allowing dogs on to land from which they are banned; • Walking more than a set number of dogs; • Drinking in public; <p>Including authority to institute legal proceedings or to issue or authorise other agencies to issue a Fixed Penalty Notice in relation</p>	<p>The institution of legal proceedings to be in consultation with the Head of Legal and Democratic Services.</p>		E352

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	to a breach of an Order.			
	Accepting quotations for the provision of veterinary services associated with the annual inspection of animal establishments requiring a licence.	In accordance with the Contract Procedure Rules.	C353	
	Authorising veterinary surgeons employed by the Council's Veterinary Adviser to inspect premises under animal welfare legislation.		C354	
	Authority to exercise the Council's public health functions under the Public Health Acts and related legislation.		C355	E353
	<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 unreasonable or vexatious and to notify the complainant of the 			E354

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	<p>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 complainants 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; • Defend appeals made by the complainant or the owners or occupiers of neighbouring land pursuant to Section 71 	<p>A copy of the Remedial Notice shall be passed to the Local Land Charges Team for registration as a Local Land Charge.</p> <p>The Local Land Charges Team shall be notified of any waiver or relaxation or withdrawal so that the Local Land Charges Register can be amended accordingly.</p>		

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	<p>of the Act;</p> <ul style="list-style-type: none"> • 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 Head of Legal and Democratic Services shall be consulted on the institution of any civil or criminal proceedings.</p> <p>The expenses of carrying out works in default shall be notified to the Head of Legal and Democratic Services for registration as a Local Land Charge.</p>		

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head of Healthy Communities	B. Environmental Protection and Enforcement Functions			
	<p>Authority to exercise the Council's functions, powers and duties in relation to:</p> <ul style="list-style-type: none"> • Contaminated land • Air quality • Statutory nuisances, including the service of abatement notices • Permitted processes • Street trading • Sunday trading • Abandoned vehicles • Fly tipping • Byelaws • Flyposting • Unlawful encampments • Scrap metal and vehicle salvage operations • Carbon emissions 	<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).</p> <p>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.</p>	C356	E355
	<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 & Democratic Services.</p>	C357	
	<p>Authority to:</p> <ul style="list-style-type: none"> • Designate an area an alarm notification area 	<p>The institution of legal proceedings to be in consultation with the Head of Legal &</p>		E356

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	<ul style="list-style-type: none"> • Enter and silence an alarm • institute legal proceedings or to issue a Fixed Penalty Notice in relation to a breach of Noise Act 1996. 	Democratic Services.		
	Burial and Cremation functions pursuant to Section 46 of the Public Health (Control of Disease) Act 1984 including the recovery of expenses from the estate of the deceased.			E357
	Officially recognising natural mineral water sources under the Natural Mineral Water Regulations 1985.			E358
	Responding to consultations from Bucks County Council about issuing, amending and/or replacing safety certificates (whether general or special) for sports grounds pursuant to the Safety of Sports Grounds Act 1975.	The Building Control Manager has an identical delegation.		E359
Head of Healthy Communities	C. Housing Services			
	Authority to deal with all matters relating to the Council's housing standards, housing in multiple occupation and private sector housing functions, including licensing and registration functions.	In accordance with Council policy. The institution of legal proceedings to recover grant or loans to be in consultation with the Head of Legal and Democratic Services.		E360
	Authority to deal with all the Council's housing needs and advice, housing partnerships and strategy and affordable housing development functions			E361
	Authority to determine applications from homeless persons or those threatened with homelessness under part VII of		C358	E362

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	the Housing Act 1996, including authority to carry out a review as required of homelessness decisions under the Allocation of Housing and Homelessness (Review Procedures and Amendments) Regulations 1996.			
	Authority to exercise or to authorise duly appointed officers to exercise powers to enter and inspect premises and apply for Empty Property Management Orders.			E363
	Authority to determine that an applicant be not eligible for inclusion on the Housing Register, including authority to carry out a review as required in accordance with Bucks Home Choice Allocations Policy.			E364
	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.		E365
Head of Healthy Communities	D. Communities and Community Safety			
	<p>Authority to appoint authorised officers to deal with all matters under Crime and Disorder Act 1998 (as amended), Antisocial Behaviour Act 2003 and Antisocial Behaviour Crime and Policing Act 2014 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 	Orders and civil injunctions may only be made in consultation with the Head of Legal and Democratic Services.		E366

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	Act; <ul style="list-style-type: none"> • Undertake a review of ASB cases; • Make a criminal behaviour order, community protection notice, Public Spaces Protection Order or exercise a closure power; • Apply for a civil injunction. 			
	Responsibility in relation Community Safety, Counter Terrorism and Security.			E367
	Taking decisions on requests for grant aid in an emergency.	In consultation with the appropriate Cabinet portfolio holder.		E368
	The approval of new projects in support of the Community Development Programme and Community Safety Initiatives which do not exceed £2,000 provided the costs can be contained within the overall budget provision.	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.		E369
	Responsibility for the implementation of the Council's Safeguarding Policies.			E370
	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 and Democratic Services. NB: Head of Environment has an identical delegation.		E371
	Authority to deal with: <ul style="list-style-type: none"> • Abandoned vehicles; • Illegally parked vehicles; Including authority to institute immediate removal, disposal or destruction of abandoned vehicles or vehicles without licence and	The institution of legal proceedings to be in consultation with the Head of Legal and Democratic Services. NB: Head of Environment has an		E372

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	registration and/or to issue or authorise other agencies to issue a Fixed Penalty Notice.	identical delegation.		
	<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 and Democratic Services</p> <p>NB: Head of Environment has an identical delegation.</p>		E373
	<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 and Democratic Services.</p> <p>NB: Head of Environment has an identical delegation.</p>		E374
	<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 and Democratic Services.</p> <p>NB: Head of Environment has an identical delegation.</p>		E375

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head of Healthy Communities	E. Licensing and Registration			
	Authority to deal with all matters relating to the Council's licensing, registration and public safety functions.	<p>Applications to license sex establishments are to be determined by the Licensing Sub-Committee.</p> <p>Applications under the Licensing Act 2013 have to be submitted to the Licensing Sub-Committee in the following circumstances:</p> <ul style="list-style-type: none"> • Personal Licence – where an objection is made • Premises/Club Premises Licence – if there is a relevant representation • Provisional Statement - if there is a relevant representation • Variation of premises/Club Premises Licence - if there is a relevant representation • Variation of Designated Premises Supervisor – if there is a Police objection • Transfer of a Premises Licence- if there is a Police objection • Interim Authorities – if there is a Police objection 	C359	E376
	Authority to establish and		C360	

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	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.			
	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 Cabinet and in consultation with the Licensing Committee. Objections by the trade shall be heard before the Licensing Committee.		E377
	<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 	<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</p>	C361	

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	lotteries.	and the Head of Healthy Communities has declined to grant an application for a club gaming permit or club premises licence or if the Head of Healthy Communities has refused an application 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.		C362	
	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.	C363	
	<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 		C364	

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	<p>Societies – Section 258 and Paragraph 44 of Schedule 11</p> <ul style="list-style-type: none">• 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			

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head of Business Support	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

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 subject to full Council approval.	C451	
	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.		C452	E451
	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.		C453	E452
	Authority to acquire land where such acquisition has been approved by the Cabinet.	In consultation with the Head of Environment.		E453
	<p>Prepare, issue and serve, or, in case of injunctions, apply for:</p> <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 	Following Planning Committee approval to take action and in consultation with the Head of Planning and Economic Development except in cases of emergency when action may be taken in consultation with the Head of Planning and Economic Development 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.	C454	

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	Planning Act 1990.			
	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.		C455	
	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 Planning and Economic Development	C456	
	Deferring enforcement action pending an appeal against a refusal of planning permission.	In consultation with the Head of Planning and Economic Development.	C457	
	Institute legal action in respect of failure to respond to a requisition for information as to interests in land, or to a Planning Contravention Notice under Section 171 C and D of the Town and County Planning Act 1990.	In consultation with the Head of Planning and Economic Development.	C458	
	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 Planning and Economic Development.	C459	
	Institute proceedings under the Building Act 1984 in respect of contravention's of, or failure to comply with, any of the provisions of the Building Regulations.	In consultation with a Principal Building Control Surveyor.		E454
	Instruct where necessary any Barrister at Law or Solicitor of the Supreme Court.	In consultation with the relevant Director/Head of Service.	C460	E455
	Pursuant to Section 234 of the Local Government Act 1972, to authenticate documents and to		C461	E456

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	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.			
	In the absence of the Chief Executive, in accordance with Article 13 authority to sign or where appropriate, seal, 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.		C462	E457
	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.			E458
	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 Committee or in his absence, the Vice – Chairman.	C463	
	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 the Office of the Surveillance Commissioner.			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		C464	

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	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.			
	To deal with all matters relating to the Council Local Land Charges functions.			E461

NOTE: That the Principal Solicitors 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 act and sign in the name of the Head of Legal & Democratic Services.

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head of 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.			E501
	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.			E502
	Authority to institute proceedings in accordance with the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.	In consultation with the Head of Legal and Democratic Services.		E503
	Authority to apply a penalty in accordance with the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.			E504
	Authority to institute proceedings in relation to any act of fraud or	In consultation with the Head of Legal and		E505

	misappropriation of public funds against the Council in accordance with section 222 of the Local Government Act 1972 (power of authorities to prosecute).	Democratic Services.		
	Authority to institute proceedings in accordance with the Prevention of Social Housing Fraud Act 2013.	In consultation with the Head of Legal and Democratic Services.		E506
	Authority to write off irrecoverable debts in relation to Council Tax, Community Charge and NNDR arrears or Housing Benefit repayments in accordance with Financial Procedure Rules.			E507
	Day to day responsibility for Customer Services.			E508
	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.		E509
	Authority to award Mandatory Rate Relief.			E510
	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			E511

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Principal Building Control Surveyors	<p>All activities relating to the discharge of the Council's function as the Local Building Control Authority under the Building Act 1984, the Building Regulations 2010, the Building (Approved Inspectors etc.) Regulations 2010 and the Building (Local Authority Charges) Regulations 2010 (or any statutory amendments, updates or re-enactments thereof) including:</p> <ul style="list-style-type: none"> • Determining, signing and issuing Decision Notices; • Notifying applicants that minor alterations and amendments may be construed as complying with plans previously approved under the Buildings Regulations; and • Subject to any necessary consultations, issuing notices on non-contentious applications for relaxation or dispensation under the Building Regulations. 			E551
	Serving notice requiring contravening work to be pulled down, removed opened up or altered.			E552
	Taking enforcement action, including action in default and instituting court proceedings, for breach of the Building Regulations and related legislation.	Institution of prosecution proceedings to be in consultation with the Head of Legal and Democratic Services.		E553
	Authority under Regulation 3 of the Building (Local Authority Charges) Regulations 2010 to fix charges by means of a scheme and to recover the same.	In consultation with the Head of Planning and Economic Development.		E554

	Authority to agree payment in instalments under Regulation 8(1)(i) of the Building (Local Authority Charges) Regulations 2010.	In consultation with the Head of Planning and Economic Development.		E555
	Authority to appoint consultants in connection with any of the powers granted to the Building Control Manager by this Scheme of Delegations.	Subject to adequate budgetary provision.		E556
	<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 and Democratic Services.		E557
	Responding to consultation by the Fire Authority under the Regulatory Reform (Fire Safety) Order 2005.		C551	
	Dealing with matters arising under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 relating to	The Head of Environment has an identical delegation.		E558

	undertaking works to buildings which are not effectively secured.			
	Dealing with dangerous excavations pursuant to Section 25 of the Local Government (Miscellaneous Provisions) Act 1976.			E559
	Responding to consultations from Bucks County Council about issuing, amending and/or replacing safety certificates (whether general or special) for sports grounds pursuant to the Safety of Sports Grounds Act 1975.	The Head of Healthy Communities has an identical delegation.	C552	

5. Delegations to External Bodies or Persons (other than by joint arrangements)

Person or Body	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Bucks County Council	The exercise of the Council's functions under sections 46, 47 and 48 of the Buckinghamshire County Council Act 1957, incorporating as necessary and with amendment the provisions of Section 290 of the Public Health Act 1936, in relation to roadside ditches.			E601
Chief Fire Officer - Bucks & Milton Keynes Fire Service	Authority to designate Officers to inspect the following licensed premises in respect of fire precautions on behalf of the Council: <ul style="list-style-type: none"> • Theatres • Public Buildings, • Riding Establishments 		C601	
Chief Constable of Thames Valley Police	In accordance with the Road Traffic(Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 authority to issue or authorise a Police and Community Support 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 of 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.	NB Environmental Health Officers and Parking Wardens also have the power to issue a fixed penalty notice under these provisions.	C602	

6. The Proper Officer

- 6.1 This term is used in legislation to indicate the Officer appointed by a local authority to carry out specific duties.
- 6.2 The Proper Officer in all cases is the Chief Executive, except as follows:
- 1) Matters clearly within the delegated power of a Director or Head of Service – that Director or Head of Service.
 - 2) Matters relating to the administration of the Council's financial affairs – the Head of Finance.
 - 3) Matters relating to the Registers of Members Interests and Officers Interests in Contracts and Gifts and Hospitality – the Head of Legal & Democratic Services.
 - 4) The receipt of Notices pursuant to the Procedure for Speaking at Planning Committee - the Head of Planning and Economic Development.
- 6.3 Where the office of a Proper Officer is vacant, or the Proper Officer is unable to act, any person appointed as his deputy has all the functions of the holder of the office.

This page is intentionally left blank