

Part 3 – Section 1

Responsibility for Functions

1. Responsibility For Functions

1.1. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) require that certain parts of the structure of the Council must be responsible for certain decisions. The Regulations specify:

- i) functions which are not to be the responsibility of the Council's Executive;

- ii) functions which may but need not be the responsibility of the Executive ("local choice functions"); and

- iii) functions which are to some extent the responsibility of the Executive. All other functions not so specified are to be the responsibility of the Executive.

2. Responsibility for Council (Non-Executive) Functions

2.1. These functions, which are listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), must not be the responsibility of the Council's Executive. In accordance with legislation, certain decisions on these matters must be taken by the Full Council, whilst others may be taken by the Full Council, a Committee appointed by the Council, Officers, or jointly with other bodies under separate joint arrangements, provided that they are within the Budget and Policy Framework approved by the Full Council.

3. Responsibility for Executive Functions

3.1. 'Executive functions' are all the statutory functions of the Borough Council except those listed as non-Executive functions. In accordance with the Local Government Act 2000, decisions on these matters may be taken by the Leader, the Executive collectively, an individual Portfolio Holder, Committee of the Executive, individual local ward Councillors, Officers or jointly with other bodies under separate joint arrangements, provided that they are within the Budget and Policy Framework approved by the Full Council.

4. Responsibilities Delegated to Officers

4.1. The extent to which the functions described above have been delegated to Officers is shown in the Council's Scheme of Delegations in Part 3 of the Constitution.

5. Responsibility for Full Council

5.1. Membership comprises of 30 Councillors of the authority.

5.2. Council will:

- i) approve:
 - Accounts

 - Borrowing limits;

 - Budget;

 - Codes of Conduct;

-	Community Strategy;
-	Constitution;
-	Council Tax;
-	Electoral Arrangements;
-	Financial Strategy;
-	Housing Strategy;
-	Housing rents etc;
-	Housing Investment Programme;
-	Housing Revenue Account Budget;
-	Investment Programme;
-	Local Agenda 21 Strategy;
-	Local Plan;
-	Local Transport Plan;
-	Programme of Best Value Reviews;
-	Service and Performance Plan;
-	Standing Orders/Financial Regulations; and
-	Treasury Management Strategy.
ii)	adopt new policy and strategy;
iii)	approve material departures from policy;
iv)	Consider recommendations of action from:
-	Executive; or
-	Standards and Audit Committee.
v)	Determine notices of motion;
vi)	Deal with Corporate Leadership Team appointments;
vii)	Receive reports of action taken by Executive;
viii)	Carry out miscellaneous functions which are not the responsibility of the Leader:
-	making, amending, revoking or re-enacting by-laws;
-	functions relating to health and safety at work;
-	names and status of areas and individuals;
-	promoting or opposing local or personal Bills;
-	functions relating to local government pensions; or
-	disputed/significant payments in cases of mal-administration.
ix)	Determine Members' allowances;
x)	Designate Head of Paid Service;
xi)	Designate Monitoring Officer;
xii)	Designate Chief Finance Officer;
xiii)	Appoint Leader;
xiv)	Appoint to Committees etc; and
xv)	Elect Mayor/Deputy Mayor

6. Responsibility for the Leader

6.1. The Leader shall appoint Councillors to the Executive.

7. Responsibility for the Executive

7.1. The Executive comprises the Leader, Deputy Leader and up to five other Councillors.

7.2. The Leader shall appoint the Executive and delegate the following Executive functions to it:

i) Determine all proposals, within existing policy, which require Member approval for action to be taken;

ii) Determine the Council Tax - Tax Base

iii) Make recommendations to Council on:

- all the items under (i) to (iii) of the Council list above; and
 - Notices of Motion.
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iv) Monitor and manage the effects of trends and developments affecting the Council's business

v) Monitor and manage the effects of trends and developments for consistent application of corporate standards

vi) Carry out all functions that are not otherwise reserved to the Council, its Committees or delegated to Officers

vii) Carry out the following 'local choice' functions permitted by Regulation 3 of and Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 except as may be delegated to Officers:

- any functions conferred by local Acts;
 - functions relating to contaminated land;
 - functions relating to control of pollution or management of air quality; and
 - functions relating to statutory nuisances.
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viii) Responsibility for Risk Management

ix) Responsibility for the implementation and regular monitoring of Treasury Management policies and practices.

8. Responsibility for Standards and Audit Committee

8.1. Membership comprises of six Councillors (including one Independent co-opted Member)

8.2. Standards and Audit Committee is responsible for:

i) promoting and maintaining high standards of conduct by Councillors and co-opted members;

ii) assisting Councillors and co-opted members to observe the Members' Code of Conduct;

iii) advising the Council on the adoption or revision of the Members' Code of Conduct;

iv) monitoring the operation of the Members' Code of Conduct;

v) advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;

vi) determining allegations that there has been a breach of the Members' Code of Conduct in accordance with arrangements adopted by Council;

vii) act as the Council's Audit Committee. In performing this task, the Standards and Audit Committee will:

- approve the plans of Internal Audit and consider the External Audit plan;
 - receive the Annual Audit and Inspection letter from External Audit;
 - receive Internal Audit recommendations for improvements and assurance that action has been taken where necessary;
 - review summary Internal Audit reports (located on the intranet);
 - receive a half yearly and annual report from the Chief Internal Auditor on the work of Internal Audit;
 - receive appropriate matters of concern raised by either External or Internal Audit or other agencies; and
 - ensure that there are effective relationships between internal and external audit and promote the value of the audit process;
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viii) overseeing the Council's Risk Management, Anti-Fraud and Whistleblowing strategies, and Health and Safety policies and strategies;

ix) the receipt of the Annual Governance Statement, and

x) ix) oversight of payments in cases of maladministration which are neither disputed nor significant (which are dealt with by the Monitoring Officer).

9. Responsibility for Planning Committee

9.1. Membership comprises ten Councillors.

9.2. Planning Committee is responsible for:

i) All functions relating to Town and Country Planning and Development Control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) including:

- planning applications
 - enforcement action
 - planning arrangements
 - lawful use or development
 - advertisement control
 - listed buildings
 - conservation areas
 - tree preservation
 - minerals and waste disposal
 - hazardous substances
 - development proposals by County Council and Borough Council
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ii) All matters relating to Building Control functions not otherwise delegated to Officers.

10. Responsibility for Licensing Committee

10.1. Membership comprises ten Councillors

10.2. The Licensing Committee is responsible for:

- i) All functions relating to licensing and registration functions as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) including
 - public entertainments
 - cinemas and theatres
 - Hackney carriage and private hire vehicles
 - animal welfare
 - sex establishments
 - betting, gaming and lotteries
 - caravan and camping sites
 - food preparation
 - markets and street trading
 - night cafes and take-away food shops
 - registration of door staff
 - licensing of hypnotism
 - licensing of premises for acupuncture, tattooing, ear piercing and electrolysis
 - health and safety (other than in Council's capacity)
- ii) Hearing of representations against cancellation or refusal to register an applicant pursuant to the Motor Salvage Operators Regulations 2002.
- iii) Licensing Act 2003.
- iv) Power to make an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption pursuant to section 13 Criminal Justice and Police Act 2001.

11. Responsibility for Appeals Committee

- 11.1. Membership comprises three Councillors
- 11.2. The Appeals Committee is responsible for Housing Appeals.

12. Responsibility for Overview and Scrutiny Committee

- 12.1. Membership comprises ten Councillors
- 12.2. The Overview and Scrutiny Committee is responsible for:

- i) Policy development and review:
 - assist the Council and the Leader/Executive in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
 - conduct research, community and other consultation in the analysis of policy issues and possible options;
 - consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - question the Leader, members of the Executive and/or Committees and Corporate Leadership Team Officers about their views on issues and proposals affecting the Borough; and

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- liaise with other external organisations operating in the Borough, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
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ii) Scrutiny:

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- review and scrutinise the decisions made or to be made by and performance of the Leader/Executive and/or Committees and Council Officers both in relation to individual decisions and over time;
 - review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - question the Leader, members of the Executive, individual members exercising ward functions, Committees and Corporate Leadership Team Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
 - make recommendations to the Leader, Executive and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
 - review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance;
 - question and gather evidence from any person (with their consent) or require information from partner authorities;
 - review and scrutinise equality issues; and
 - effective scrutiny of the Treasury Management Strategy and Policies.
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iii) Discharge the functions of a crime and disorder Committee under Section 19 Police and Justice Act 2006.

13. Responsibility for Joint Waste Services Collection Committee

- 13.1. Membership comprises one Councillor appointed by Woking Borough Council to Joint Committee, comprising Elmbridge Borough, Mole Valley District, Rushmoor Borough, Surrey County, Surrey Heath Borough and Woking Borough Councils.

Part 3 – Section 2

Management Arrangements

1. Management Arrangements

1.1. This document sets out the Council's general management arrangements.

Management Structure

2. Corporate Leadership Team (CLT)

2.1. The Council's Corporate Leadership Team comprises the Chief Executive, the Monitoring Officer (Director of Legal and Democratic Services), the Chief Finance Officer (Director of Finance), Strategic Director – Corporate Resources, Strategic Director - Communities, and Strategic Director - Place or such other composition as the Council may from time to time determine.

2.2. The Corporate Leadership Team shall:

i) act as the interface between the Council and its staff;

ii) lead, direct and support the staff; and

iii) deliver the agenda set by the Council.

2.3. The Corporate Leadership Team performs a strategic and service role with senior managers responsible for day-to-day operations. Individual Officers of the Corporate Leadership Team will contribute to the effective collective work and responsibility of the Corporate Leadership Team; they will ensure cross-unit collaboration and will hold senior managers to account for delivery of the Council's objectives, services and priorities.

2.4. Individual Officers of the Corporate Leadership Team are accountable for ensuring that the fullest empowerment possible, including self-service by members of the public, is achieved within the areas subject to their oversight.

2.5. The designation of one of the Director posts as Deputy Chief Executive is within the personal discretion of the Chief Executive.

3. Statutory Officers

3.1. The Council designates Officers to the following statutory positions:

i) Head of Paid Service (Section 4 Local Government and Housing Act 1989);

ii) Monitoring Office (Section 5 Local Government and Housing Act 1989); and

iii) Chief Finance Officer (Section 151 Local Government Act 1972).

3.2. The statutory Officers shall exercise the statutory functions set out in Article 11 of this Constitution.

3.3. The Monitoring Officer and the Chief Finance Officer shall, at all times, enjoy unfettered rights to:

i) report direct to the Council, the Leader, the Executive, the Overview and Scrutiny Committee and all other Committees of the Council in exercise of their statutory functions, or where they consider it appropriate to do so;

ii) attend meetings of the Corporate Leadership Team when issues relevant to their areas of responsibility are being considered. (Note: this right shall apply in the

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- event that Council determines that the Monitoring Officer and/or the Chief Finance Officer should not be a member of the Corporate Leadership Team);
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- iii) contribute to papers for Corporate Leadership Team meetings in advance with access to decisions made. (Note: this right will apply in the event that Council determines that the Monitoring Officer and/or the Chief Finance Officer should not be a member of the Corporate Leadership Team); and
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- iv) advise, consult with or report to the Chief Executive, the Corporate Leadership Team or to Councillors whenever they consider it appropriate to do so.
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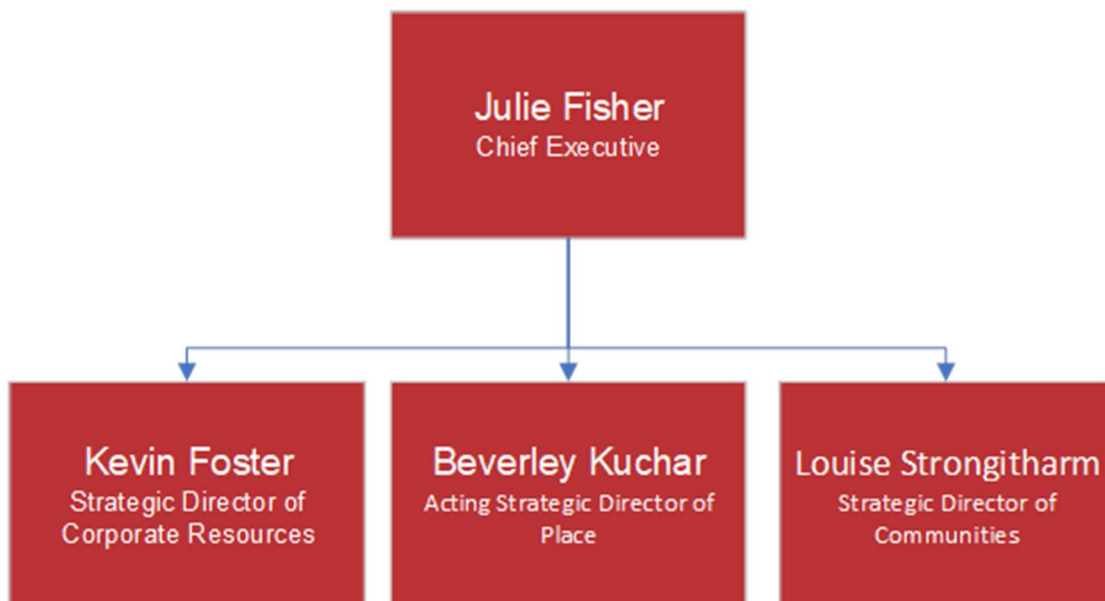
3.4. The Chief Finance Officer shall at all times enjoy unfettered access to:

- i) Internal Audit, including the ability to influence and control those parts of its Work Programme that relate to the discharge of their statutory duties; and
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- ii) External Audit to ensure that they enjoy complete and up-to-date information about the financial arrangements in operation within the Council.
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4. Leadership Details

4.1. Further information in respect of the Council's Leadership team can be found on the Council's website using the below link:

www.woking.gov.uk/council-and-democracy/about-council/Councils-senior-officers



Part 3 – Section 3

Scheme of Delegations

1. Introduction

- 1.1. Under Section 101 of the Local Government Act 1972 the Council may delegate its functions to a Committee of the Council or to a member of staff, other than those matters reserved to the Full Council meeting.
- 1.2. This section sets out the functions which have been delegated to members of staff.
- 1.3. The references to members of staff are to the posts as currently titled but these will equally apply to the holder of an equivalent post in the future.
- 1.4. This document deals only with the standard delegations made by the Council and Committees and does not cover temporary delegations for a particular purpose.

2. General Conditions and Limitations

- 2.1. The functions, powers and duties in this scheme are delegated to staff as set out. These include the power to do anything which is calculated to facilitate, or is conducive to, the discharge of these functions.
- 2.2. All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.
- 2.3. All staff exercising these delegations are to act in accordance with the Council's Constitution, Contract Standing Orders, Financial Regulations and any other protocols or other arrangements approved in pursuance to them.
- 2.4. The following are not delegated to any member of staff:
 - i) any matter reserved to Council, or any Committee or a member body having decision making powers;
 - ii) any function which by law cannot be delegated to a member of staff; and
 - iii) the adoption of new policy or significant variation to existing policies and any matter which is contrary to the Budget and Policy Framework of the Council.
- 2.5. The Council, relevant Committee or other member body with decision making powers may at any time resume responsibility for the function and may therefore exercise the function despite the delegation.
- 2.6. A member of staff may decide not to exercise any function in relation to a particular matter and invite the Council, or relevant Committee or sub-Committee having decision making powers, as appropriate, to do so instead. It is open to a member of staff to consult with appropriate Councillors on the exercise of delegated powers or in deciding whether or not to exercise any delegated powers where the matter is likely to be controversial or contentious.
- 2.7. A member of staff with line management responsibility for the member of staff named in the delegation may exercise the power instead of the member of staff so designated and may direct or negate any course of action proposed.

- 2.8. A decision delegated to a member of staff by Council or Committee can be taken by a staff member with line management responsibility for that staff member in their absence.
- 2.9. A member of staff to whom a power, duty or function is delegated may nominate or authorise another member of staff to exercise that power, duty or function, provided that Officer reports to or is responsible to the delegator. Any such delegation must be recorded in writing and a copy provided to the Monitoring Officer.
- 2.10. With respect to any reference to a delegation being exercised following consultation with any Councillor, the decision is vested with the member of staff so delegated who shall be responsible and accountable for the decision. The member of staff so delegated is required to bring independent judgement to bear on the decision and the decision shall be theirs alone and not the Councillors being consulted. If those Councillors disagree with the member of staff, the matter should be referred to the Leader/ Executive for agreement to exercise such delegated power if lawful and so allowed under this Constitution.
- 2.11. In exercising any delegated powers, Officers must ensure that their decisions are consistent with Council policy, within approved spending limits and in the best interests of residents and the Council as a whole. Relevant Councillors should also be informed/consulted as appropriate depending on the nature and sensitivity of the decision.
- 2.12. Each Officer is responsible for ensuring that decisions which they take are adequately recorded, and that the record of that decision is available to other Officers, to Councillors and to the public as required by statute and this Constitution, particularly if the decision relates to a change in policy or practice, or a financial commitment. Every Officer is responsible for ensuring that any decision which they take is implemented in accordance with that decision.
- 2.13. Every Officer is accountable for each decision which they take and may be called to provide an explanation of their reasons for the decision and account for its implementation to other Officers, Councillors and statutory regulators.
- 2.14. The Chief Executive may remove from an Officer at any time a power to take delegated decisions and upon doing so in writing shall within 24 hours notify the Monitoring Officer. If appropriate, the Chief Executive shall also notify the Council of this removal of powers.
- 2.15. The Director of Legal and Democratic Services shall have the power to amend delegations to reflect re-organisations, changes in job titles and vacancies, where the changes result in redistributing existing delegations and not the creation of new ones.
- 2.16. The Director of Legal and Democratic Services shall have the power to amend delegations to reflect changes in legislation, or references to legislation where such changes do not alter the nature of the existing delegation.

3. Interpretation

- 3.1. All enquiries about this scheme of delegations should be made to the Director of Legal and Democratic Services and all matters of interpretation will also be determined by the Director of Legal and Democratic Services.

- 3.2. Any reference to a statute or statutory instrument shall be deemed to include and be construed as if it contained a reference to any subsequent statute or statutory instrument for the time being replacing, amending or extending the same or containing related provisions.
- 3.3. The expressions 'Officer', 'staff' or 'employee' includes any person employed by the Council irrespective of the particular scheme under which they are employed.
- 3.4. The expression Chief Officer shall mean any member of the Corporate Leadership Team.

4. General Delegations to Chief Officers

- 4.1. Subject to all specific delegations contained in this scheme, the Corporate Leadership Team may take action on behalf of the Council where the proposed action conforms to any policy, strategy or development plan approved by the Council or one of its Committees and there is a budget provision.
- 4.2. To delegate further, in writing, all or any of their delegated functions to other members of staff to exercise in their own name.
- 4.3. To advise on policy development and formulation.
- 4.4. In order to enable an urgent decision to be made, the Chief Executive has delegated power to take any decision which is so urgent that it cannot wait until the next scheduled meeting of the Council or relevant Committee and where the decision is not in contravention of established policies.
- 4.5. In following this procedure, the Chief Executive is required to consult with the relevant Portfolio Holder.
- 4.6. The use of such urgent action must be reported to the next relevant Committee meeting.
- 4.7. The Chief Executive and all Chief Officers have power to take all necessary actions including incurring expenditure with regards to any emergency involving serious danger to life, property and public welfare.
- 4.8. Any action taken under this provision shall be reported as soon as practicable to the Council or relevant Committee as appropriate. If necessary and where legally possible Contract Standing Orders and Financial Regulations shall be suspended during such emergencies. All expenditure incurred should be reported to the Chief Finance Officer who will report such expenditure to the Council or relevant Committee where necessary under Financial Regulations.

5. Recording of Decisions

- 5.1. All delegated decisions shall be a matter of public record unless containing exempt information under Schedule 12A to the Local Government Act 1972 and, in respect of Executive decisions taken by Officers under delegated powers, shall be available for inspection on the Council's website and at the Council's offices (including by access to the Council's website at the Council's offices) in accordance with Regulation 14 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

5.2. An Officer exercising a delegation in respect of an Executive function (i.e. a decision on a matter which would otherwise be made by the Executive/Leader) shall, as soon as reasonably practicable after making the decision, prepare a written record which includes:

- i) a record of the decision including the date it was made;
- ii) a record of the reasons for the decision;
- iii) details of any alternative options considered and rejected when making the decision;
- iv) a record of any conflict of interest declared by any member of the Executive who is consulted by the Officer which relates to the decision; and
- v) a note of any dispensation granted in respect of any declared conflict of interest.

5.3. An Officer exercising a delegation in respect of a non-Executive function (i.e. a decision on a matter which would otherwise be made by Full Council or a Committee) must produce a written record of any decision which was made:

- i) under a specific express authorisation;
- ii) under a general authorisation and the effect of the decision is to:
 - grant a permission or licence;
 - affect the rights of an individual; or
 - award a contract or incur expenditure which, in either case, materially affects the Council's financial position.

5.4. The written record must be produced as soon as reasonably practicable after the decision was made, and shall include the following information:

- i) the date the decision was taken;
- ii) a record of the decision taken along with the reasons for the decision;
- iii) details of alternative options, if any, considered and rejected; and
- iv) where the decision was taken under a specific express authorisation, the names of any Member who has declared a conflict of interest in relation to the decision.

5.5. The written record must be forwarded to Democratic Services who shall arrange for it to be available for public inspection at the Civic Offices and on the Council website.

5.6. The Officer shall also forward to Democratic Services, for publication in the same manner, a copy of any report considered by the Officer which is relevant to the decision made.

5.7. These requirements do not extend to confidential or exempt information.

5.8. The monitoring Officer will work with CLT to ensure the Sub delegations are entered and kept up to date.

1	Functions Delegated to the Corporate Leadership Team	Sub-delegation
1.1	<p><u>Emergency/Urgency Powers</u></p> <p>Each Corporate Leadership Team Officer is authorised to act in an emergency, or in relation to an urgent matter, arising in respect of any powers, duties or functions of the Council. The exercise of this delegation shall, where practicable, be in consultation with the Leader of the Council or (in their absence) the Deputy Leader of the Council.</p>	
1.2	<p><u>Local Government (Miscellaneous Provisions) Act 1976, Section 16</u></p> <p>Each Corporate Leadership Team Officer is authorised to serve a notice to seek from individuals the nature of their interest in land subject to statutory action.</p>	
2	Functions Delegated to the Chief Executive	
2.1	<p><u>Head of Paid Service</u></p> <p>To act as the Council's Head of Paid Service under Section 4 of the Local Government and Housing Act 1989 and to be responsible for the general management of the Council's workforce and the general management of the Authority.</p>	
2.2	<p><u>Elections</u></p> <p>To act as Electoral Registration Officer in maintaining the Electoral Register and as Returning Officer in conducting Local Government Elections.</p>	
2.3	<p><u>Powers of Entry</u></p> <p>The Chief Executive may authorise named Officers to enter land for the purposes specified in Section 324 of the Town and Country Planning Act 1990.</p>	
2.4	<p><u>Conferences</u></p> <p>The Chief Executive is authorised to attend all conferences, assemblies, seminars and meetings of the Local Government Association (LGA) and to respond to consultations by the LGA on any aspect of such conferences, in consultation with the Group Leaders.</p>	
2.5	<p><u>Christmas and New Year Holiday Arrangements</u></p> <p>The Chief Executive is authorised, in consultation with the Leader of the Council, to agree appropriate business arrangements over the Christmas and New Year period.</p>	

2.6	<p><u>Regulation of Investigatory Powers Act 2000</u></p> <p>The Chief Executive is authorised to appoint Senior Officers as authorising Officers for the purposes of the Regulation of Investigatory Powers Act 2000.</p> <p>The Chief Executive and, in their absence, the Director of Legal and Democratic Services are authorised to approve the use of 'juvenile sources', 'vulnerable individuals', and directed surveillance and/or the use of a CHIS which is likely to result in confidential information being acquired.</p> <p>The Chief Executive is the Council's 'Senior Responsible Officer' for the purposes of the Regulation of Investigatory Powers Act 2000.</p>	
2.7	<p><u>Thameswey Housing Limited</u></p> <p>The Chief Executive is authorised to approve, from time to time, the acquisition of further share capital in the company on a project-by-project basis.</p>	
2.8	<p><u>Staffing Levels</u></p> <p>In consultation with the Leader, the Chief Executive is authorised to vary staffing levels in accordance with business needs, provided that any variation complies with any limits determined by Council.</p>	
2.9	<p><u>Temporary Staff</u></p> <p>The Chief Executive is authorised to employ staff, from a temporary bank, as required in relation to vacant posts.</p>	
2.10	<p><u>Petitions</u></p> <p>In consultation with the Leader, the Chief Executive is authorised to determine whether a petition is vexatious, abusive or otherwise inappropriate and, therefore, not covered by the Petition Scheme adopted by the Council on 28 June 2010.</p>	
2.11	<p><u>Woking Community Safety Anti-Social Behaviour Policy</u></p> <p>The Chief Executive is authorised to review the Anti-Social Behaviour Policy from time to time, in consultation with the Portfolio Holder, to ensure that it is updated to reflect good practice, current legislation and case law (with any updates being reported to Council for information).</p> <p>The Chief Executive, in consultation with the Police and/or other appropriate consultees, is authorised to issue Closure Notices under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.</p> <p>The Chief Executive is authorised to:</p> <ol style="list-style-type: none"> a. issue Community Protection Notices; b. authorise registered social landlords to issue Community Protection Notices; 	

	<p>c. issue Fixed Penalty Notices for breach of a Community Protection Notice;</p> <p>d. authorise any persons to issue Community Protection Notices and issue Fixed Penalty Notices for breach of a Community Protection Notice; and</p> <p>e. take remedial action when a Community Protection Notice has not been complied with.</p> <p>under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 (9E/Council/30.07.20/73).</p>	
3	Functions Delegated to the Director of Finance / Section 151 Officer	
3.1	The Chief Finance Officer is authorised to act as the Officer responsible for the administration of the Council's financial affairs, appointed as such pursuant under Section 151 Local Government Act 1972, and to perform the functions of 'Chief Finance Officer' specified in section 114 of the Local Government Finance Act 1988.	
3.2	<p><u>Internal Audit</u></p> <p>The Chief Finance Officer is authorised to maintain an adequate and effective system of internal audit under the Accounts and Audit Regulations 1996 and in accordance with appropriate professional standards.</p>	
3.3	<p><u>Council Tax</u></p> <p>The Chief Finance Officer is authorised to carry out the functions required by the Local Government Finance Act 1992 and subsequent legislation for administration, billing, collection and recovery of Council Tax.</p>	
3.4	<p><u>Non-Domestic Rates</u></p> <p>The Chief Finance Officer is authorised to carry out the functions required by the Local Government Finance Act 1988 and subsequent legislation for administration, billing, collection and recovery of NDR.</p>	
3.5	<p><u>Council Mortgages</u></p> <p>The Chief Finance Officer is authorised to approve transfers of mortgages / additional mortgagees.</p>	
3.6	<p><u>Housing Benefits</u></p> <p>The Chief Finance Officer is authorised to administer a system of housing benefits including provision for payment pursuant to the Social Security and Housing Benefits Act 1982 and subsequent and amending legislation.</p>	
3.7	<u>Banking Arrangements:</u>	

	The Chief Finance Officer is authorised to operate such banking accounts as they consider necessary. Applications to open new bank accounts shall be countersigned by the Chief Executive.	
3.8	<u>Mortgage Interest Rates:</u> The Chief Finance Officer is authorised to determine the local average rate and the rate to be applied to variable rate loans.	
3.9	<u>Council Property – Option to Tax.</u> The Chief Finance Officer is authorised to opt to tax on Council property.	
3.10	<u>Thameswey Housing Limited</u> The Chief Finance Officer is authorised to approve, from time to time, the investment of further loans in the company on a project-by-project basis provided always that such investment is within the prudential arrangements authorised by the Council. The Chief Finance Officer is authorised to approve, from time to time, the making of further grants to the company, on a project-by-project basis, provided they are financed from the Section 106 commuted sums secured by the Council for affordable housing.	
3.11	<u>Housing Revenue Account Service Charges</u> The Chief Finance Officer is authorised to vary Housing Revenue Account service charges in line with external factors.	
3.12	<u>Housing Revenue Account Rents</u> The Chief Finance Officer is authorised to set rents for new Housing Revenue Account properties.	
3.13	<u>Fees and Charges</u> The Chief Finance Officer is authorised to agree any necessary in-year changes to fees and charges levied/charged by the Council.	
3.14	<u>Treasury Management</u> The Chief Finance Officer is responsible for the execution and administration of Treasury Management decisions. The Chief Finance Officer shall act in accordance with the Council's policy statement, Treasury Management practices and CIPFA's Standard of Professional Practice on Treasury Management.	
3.15	<u>Council Tax Recovery Policy</u> The Chief Finance Officer is authorised to issue civil penalties under Schedule 3 of the Local Government Finance Act 1992 (and subsequent Orders) (10/Council/18.10.18/148).	

4	Functions Delegated to the Director of Legal and Democratic Services / Monitoring Officer	
4.1	<p><u>Sealing of Documents</u></p> <p>The Director of Legal and Democratic Services is authorised to attest and execute documents giving effect to decisions of the Council, the Executive, a Committee, Councillor or Officer exercising delegated powers (Standing Order 14)</p>	Principal Solicitor and Senior Solicitor
4.2	<p><u>Legal Proceedings</u></p> <p>The Director of Legal and Democratic Services is authorised to institute, carry on, defend, compromise or settle legal proceedings (civil or criminal) or other disputes in connection with any of the Council's powers, duties or functions, including the enforcement of any judgement or order obtained (Standing Order 15.2).</p>	Principal Solicitor and Senior Solicitor
4.3	<p><u>Authentication of Document</u></p> <p>The Director of Legal and Democratic Services is authorised to authenticate any document which will be a necessary step in legal proceedings, or shall otherwise need to be authenticated, on behalf of the Council (unless any enactment requires otherwise, or the Council has given the necessary authority to some other person for the purpose of such other proceedings) (Standing Order 15.1).</p>	Principal Solicitor and Senior Solicitor
4.4	<p><u>Authority to Appear in Court</u></p> <p>The Director of Legal and Democratic Services can authorise Officers to appear in Court for the Council.</p>	Principal Solicitor and Senior Solicitor
4.5	<p><u>Planning Enforcement</u></p> <p>(References to the 1990 Act are to the Town and Country Planning Act 1990): The Director of Legal and Democratic Services is authorised to:</p> <ul style="list-style-type: none"> (a) seeking of information: to seek to obtain by Notice information as to interests in land or activities on land (for the purposes of Section 16 of the Local Government Act (Miscellaneous Provisions) Act 1976 and Sections 171C and 330 of the 1990 Act); and to prosecute in the event of non-compliance; (b) emergency Enforcement or Stop Action: to issue Enforcement or Stop Notices in an emergency, take all necessary steps in relation thereto, and to prosecute in the event of non-compliance; (c) breach of Condition Notices: to issue Notices alleging Breach of Condition pursuant to Section 187(A) of the 1990 Act, to take all necessary steps in relation thereto, and to prosecute in the event of non-compliance; (d) injunctions: to seek injunctive relief, in consultation with the Chair of the Planning Committee (where practicable), to restrain actual or apprehended Breaches of Planning Control (Section 187B of the 1990 	Principal Solicitor and Senior Solicitor

	<p>Act) Tree Preservation Control (Section 214A of the 1990 Act) or Listed Building Control (Section 44A of the Planning (Listed Building and Conservation Areas) 1990 Act);</p> <p>(e) obstruction: to prosecute persons wilfully obstructing Officers acting in pursuance of the enforcement function (Section 178(6) of the 1990 Act), in the exercise of a right of entry (Section 196C(2) and 214D(3) of the 1990 Act), in the carrying out of operations in default of a planning obligation (Section 106(8) of the 1990 Act), in executing works in default pursuant to a Listed Building Enforcement Notice (Section 88B(3) Planning (Listed Buildings and Conservation Areas) Act 1990), or in enforcing the duty to plant replacement trees (Section 209(6) of the 1990 Act);</p> <p>(f) misstatement/Deception: to prosecute persons who, in response to a planning contravention notice (Section 171D(5) of the 1990 Act), in the course of an application for a Certificate of Lawful Use or Development (Section 194(2) of the 1990 Act) or in providing evidence that an application for planning permission has been properly publicised (Section 65(6) of the 1990 Act) make false or misleading statements or with intent to deceive, use any document which is false or misleading or withhold any material information; and</p> <p>(g) breach of Condition Enforcement Notices: to issue Enforcement Notices (failing to comply with a condition or limitation subject to which planning permission has been granted) under Section 172 of the 1990 Act, and to take all necessary steps to secure compliance with such Enforcement Notices including (without limitation) direct action under Section 178 of the 1990 Act and prosecution under Section 179 of the 1990 Act.</p>	
4.6	<p><u>Officer Interests</u></p> <p>The Director of Legal and Democratic Services is authorised to maintain a register of Officer interests and to record the receipt by Officers of gifts and hospitality.</p>	Principal Solicitor and Senior Solicitor
4.7	<p><u>Regulation of Investigatory Powers Act 2000</u></p> <p>The Director of Legal and Democratic Services is authorised to amend the RIPA policy and procedures to keep them up-to-date and/or to take account of emerging good practice. Amendments shall be reported to the Executive in the annual RIPA report.</p>	Principal Solicitor and Senior Solicitor
4.8	<p><u>Freedom of Information</u></p> <p>The Director of Legal and Democratic Services is authorised to make any appropriate amendments to the publication scheme required to incorporate good practice or to keep the scheme up to date.</p> <p>The Director of Legal and Democratic Services is authorised to make any appropriate amendment to the procedures for dealing with requests for information under the Act, and the records management policy, required to incorporate good practice, to keep the documents up-to-date or to determine</p>	Principal Solicitor and Senior Solicitor

	the fees that will apply to requests for information under the Freedom of Information Act 2000.	
4.9	<p><u>Environmental Information Regulations</u></p> <p>The Director of Legal and Democratic Services is authorised to deal with requests for environmental information under the Environmental Information Regulations 2004, primarily on a 'business as usual' basis (i.e. outside the procedure for dealing formally with requests that require a great deal of research, or which are otherwise outside the 'norm') and is responsible for monitoring that requests are dealt with consistently across the Council.</p> <p>The Director of Legal and Democratic Services is authorised to settle the detail of the procedure for dealing with requests for environmental information in accordance with emerging guidance from the Information Commissioner, the Office of the Secretary of State and other bodies, and thereafter to make appropriate amendments to the procedure required to incorporate good practice or to keep it up to date.</p>	Principal Solicitor and Senior Solicitor
4.10	<p><u>Assets of Community Value</u></p> <p>The Director of Legal and Democratic Services is authorised to:</p> <ul style="list-style-type: none"> (i) determine a review into the listing of land as an Asset of Community Value; and (ii) review and amend the procedure and process for dealing with a nomination to list an Asset of Community Value in line with good practice and case law. 	Principal Solicitor and Senior Solicitor
4.11	<p><u>Housing Benefit Overpayments</u></p> <p>The Director of Legal and Democratic Services is authorised to recover housing benefit overpayments under the Social Security (Overpayments and Recovery) Regulations 2013 and any subsequent and amending legislation.</p>	Principal Solicitor and Senior Solicitor
4.12	<p><u>Monitoring Officer</u></p> <p>Subject to appointment by the Council, the Director of Legal and Democratic Services is authorised to act as Monitoring Officer pursuant to section 5(1) Local Government and Housing Act 1989.</p>	
4.13	<p><u>Executive Arrangements</u></p> <p>As Monitoring Officer, Director of Legal and Democratic Services is authorised to act as Proper Officer for the purposes of the Local Authorities (Executive Arrangements) Access to Information (England) Regulations 2000, the Local Authorities (Standing Orders) (England) Regulations 2001 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.</p>	
4.14	<p><u>Confidential Reporting Policy</u></p>	

	<p>As Monitoring Officer, Director of Legal and Democratic Services has overall responsibility for the maintenance and operation of this policy, including the keeping of a record of concerns raised and outcomes (para.9.1 of the Policy).</p> <p>Applications for a dispensation under Section 33 of the Localism Act 2011 (allowing a Councillor to participate in an item in which they have a disclosable pecuniary interest) shall be made to, and determined by, the Monitoring Officer.</p>	
4.15	<p><u>Elections</u></p> <p>Director of Legal and Democratic Services is authorised to act as Deputy Electoral Registration Officer in maintaining the Electoral Register.</p>	
4.16	<p><u>Regulation of Investigatory Powers Act 2000</u></p> <p>In the absence of the Chief Executive, the Director of Legal and Democratic Services is authorised to approve the use of 'juvenile sources', 'vulnerable individuals', and directed surveillance and/or the use of a CHIS which is likely to result in confidential information being acquired.</p>	
4.17	<p><u>Data Protection Officer</u></p> <p>The Director of Legal and Democratic Services is authorised to act as the Council's Data Protection Officer.</p>	
4.18	<p><u>Coronavirus Regulations</u></p> <p>The Director of Legal and Democratic Services is authorised to make designations of authorised persons under the current Coronavirus Regulations and any further Coronavirus regulations which may be enacted from time to time in response to the current pandemic (3/Executive/08.10.20/134).</p>	
4.19	<p><u>Housing Standards Enforcement Policy</u></p> <p>The Director of Legal and Democratic Services is authorised to issue financial penalties under the Housing and Planning Act 2016.</p> <p>The Director of Legal and Democratic Services is authorised to issue financial penalties under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.</p> <p>The Director of Legal and Democratic Services is authorised to issue financial penalties under the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Regulations 2014.</p>	
4.20	<p><u>Proper Officer</u></p> <p>Subject to Proper Officer appointments by virtue of position, the Director of Legal and Democratic Services is authorised to act as the proper Officer for any statutory responsibilities.</p>	
4.21	<p><u>Community Infrastructure Levy (CIL)</u></p>	

	Delegated authority be given to the Director of Legal and Democratic Services to administer CIL enforcement in accordance with Regulations 93 to 111 of the Community Infrastructure Levy Regulations 2010 (as amended).	
5	Functions Delegated to the Strategic Director - Communities	
5.1	<p><u>Circuses and Fairs</u></p> <p>The Strategic Director – Communities is authorised to agree the best possible charges for hiring facilities to circuses, fairs, etc.</p>	
5.2	<p><u>Small Grants Scheme (Arts, Sport and Youth)</u></p> <p>The Strategic Director – Communities is authorised to approve small grants up to the value of £500, after consultation with the appropriate community group.</p>	
5.3	<p><u>Accredited User Status</u></p> <p>The Strategic Director – Communities is authorised to approve applications for accredited use of the Rhoda McGaw Theatre, subject to applicants meeting prescribed grant criteria.</p>	
5.4	<p><u>Staffing Levels</u></p> <p>The Strategic Director – Communities is authorised to recruit and/or vary staffing levels to meet front-line business needs, provided that such changes are within any limits determined by Council.</p>	
5.5	<p><u>Safeguarding of Children, Young People and Vulnerable Persons</u></p> <p>The Strategic Director – Communities is authorised to act as Lead Officer for the Council and accordingly be authorised to:</p> <p>(a) share personal information relating to service users with other agencies, all in accordance with agreed information sharing protocols and for the purposes of safeguarding and protecting individuals; and</p> <p>(b) in consultation with other relevant Officers and Human Resources, as necessary, make determinations as to the appropriateness of undertaking DBS checks against applicants for employment or persons seeking to carry out work for the Council, and in doing so ensure that such compliance measures and appropriate training are put in place and carried out.</p>	
5.6	<p><u>Access to Personal Files Act 1987</u></p> <p>The Strategic Director – Communities is authorised to determine at first instance applications for information made pursuant to the Housing Regulations of 1989.</p>	
5.7	<p><u>Housing Act 1985 (Part III):</u></p>	

	To set a weekly charge for bed and breakfast with reference to the current cost of a normal unit of temporary accommodation and the current local rent threshold.	
5.8	<p><u>Intentional Homelessness</u></p> <p>The Strategic Director – Communities is authorised to determine decisions on intentional homelessness subject to a consultative procedure where members of the Appeals Committee shall receive details of a proposed decision and be afforded a right to call in the decision or determination by the Committee.</p>	
5.9	<p><u>Home Repair Assistance (HRA)</u></p> <p>The Strategic Director – Communities is authorised to approve discretionary applications for HRA from elderly (over 60) owner occupiers and elderly private tenants in receipt of specified benefits (maximum £2,000). A maximum limit of total assistance of up to £4,000 in respect of the same dwelling in any three-year period.</p> <p>The Strategic Director – Communities is authorised to approve disabled adaptations, regardless of age of applicant, provided works would attract a Disabled Facilities Grant with a means tested contribution of zero.</p>	
5.10	<p><u>Discretionary Renovation Grants</u></p> <p>The Strategic Director – Communities is authorised to approve discretionary renovation grants:</p> <ul style="list-style-type: none"> (i) to bring a dwelling up to the standard of fitness, where renovation is the most satisfactory course of action; and (ii) for necessary repairs in conjunction with a mandatory disabled facilities grant. 	
5.11	<p><u>Home Insulation Grants</u></p> <p>The Strategic Director – Communities is authorised to determine applications and approve as necessary.</p>	
5.12	<p><u>Houses in Multiple Occupation (HMO)</u></p> <p>The Strategic Director – Communities is authorised to approve Discretionary HMO grants where:</p> <ul style="list-style-type: none"> (i) there are inadequate means of escape from fire; and/or (ii) there are inadequate other fire precautions; and (iii) these works would qualify for a notice being served under section 352(I) Housing Act 1985 (maximum £15,000). 	
5.13	<u>Review of Housing Policies</u>	

	<p>The Strategic Director – Communities is authorised to approve changes to Housing Policies where they:</p> <ul style="list-style-type: none"> (i) consolidate new legislation; (ii) give effect to statutory obligation; or (iii) reflect changes to organisation structure (19/Executive/15.04.04/405). 																	
5.14	<p><u>Homelessness</u></p> <p>The Strategic Director – Communities is authorised to approve other initiatives to prevent homelessness in individual cases at reasonable cost to the Council and within approved budget limits.</p>																	
5.15	<p><u>Housing Act 2004</u></p> <p>The Strategic Director – Communities is authorised to:</p> <ul style="list-style-type: none"> (i) implement mandatory licensing of Houses in Multiple Occupancy, including hearing of representations under Schedule 5 of the Act in respect of the granting, refusal, variation or revocation of licences and Schedule 6 of the Act relating to the making of Management Orders; (ii) review the existing charges for enforcement action and make any necessary changes to the fees; (iii) take enforcement action under Section 265 of the Housing Act 1985 to make a Demolition Order; and (iii) take enforcement action under Parts 1, 2, 3, 4 and 7 of the Housing Act 2004 as described in, but not limited to, the table below. <table border="1" data-bbox="248 1283 1198 2033"> <tr> <td>Housing Act 2004</td> <td></td> </tr> <tr> <td>Sections 11, 12, 14, 16, 17 & 18</td> <td>Relating to the service of improvement notices and follow up action</td> </tr> <tr> <td>Sections 20, 21, 23, 25, 26 & 27</td> <td>Relating to the service of prohibition orders and follow up action</td> </tr> <tr> <td>Sections 28 & 29</td> <td>Relating to the service of hazard awareness notices</td> </tr> <tr> <td>Sections 30 & 31</td> <td>Relating to the enforcement of improvement notices</td> </tr> <tr> <td>Sections 32</td> <td>Relating to the enforcement of prohibition orders</td> </tr> <tr> <td>Sections 40, 41, 42 & 43</td> <td>Relating to emergency remedial action and emergency prohibition orders</td> </tr> <tr> <td>Sections 49 & 50</td> <td>Relating to powers to charge for certain enforcement action and recovery of charges</td> </tr> </table>	Housing Act 2004		Sections 11, 12, 14, 16, 17 & 18	Relating to the service of improvement notices and follow up action	Sections 20, 21, 23, 25, 26 & 27	Relating to the service of prohibition orders and follow up action	Sections 28 & 29	Relating to the service of hazard awareness notices	Sections 30 & 31	Relating to the enforcement of improvement notices	Sections 32	Relating to the enforcement of prohibition orders	Sections 40, 41, 42 & 43	Relating to emergency remedial action and emergency prohibition orders	Sections 49 & 50	Relating to powers to charge for certain enforcement action and recovery of charges	
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	Section 62	Relating to temporary exemption from licensing	
	Sections 72,73 & 74	Relating to the granting and refusal of HMO licences and the revocation and variation of licences.	
	Sections 102, 103, 106 & 110	Relating to the making and operation of interim management orders	
	Sections 111 & 112	Relating to the variation and revocation of interim management orders	
	Sections 113, 115, 119 & 120	Relating to the making and operation of final management orders	
	Sections 121 & 122	Relating to the variation and revocation of final management orders, procedural requirements and appeals relating to interim and final management orders	
	Sections 127, 129 & 130	Relating to the management and termination of final management orders	
	Section 131	Relating to Management orders: power of entry to carry out work	
	Section 139 & 144	Relating to overcrowding notices in certain houses in multiple occupation not required to be licensed	
	Section 234	Relating to enforcement of management regulations	
	Sections 235	Relating to the power to require documents to be produced	
	Section 240	Relating to warrant to authorise entry	
	Section 242	Relating to notice requirements for the protection of owners	
	Section 245	Relating to powers to dispense with notices	
	Section 255 & 256	Relating to HMO declarations & revocation of HMO declarations	
5.16	<u>Housing Assistance Policy 2015-18</u>		
	The Strategic Director – Communities is authorised to agree minor amendments to the Housing Assistance Policy in consultation with the Portfolio Holder.		
5.17	<u>Assisted Moves</u>		
	In consultation with the Leader, the Strategic Director – Communities is authorised to approve targeted incentives of up to £1,000 in respect of difficult to let properties.		

5.18	<u>Rent Act 1977</u> Section 68: The Strategic Director – Communities is authorised to make application to the Rent Office for the consideration of a fair rent.	
5.19	<u>Policy on Discharging the Council's Homelessness Duty into the Private Rented Sector</u> The Strategic Director - Communities be delegated authority to agree minor amendments to the Policy on discharging the Council's homelessness duty into the Private Rented Sector in consultation with the Portfolio Holder. In consultation with the Portfolio Holder, The Strategic Director – Communities is authorised to determine reviews under this Policy and that consequential changes to the Council's Constitution are undertaken to accommodate such (7/Council/09.02.17/265).	Housing Needs Manager
5.20	<u>Homelessness and Rough Sleeping Strategy</u> The Strategic Director - Communities, in consultation with the Portfolio Holder for Housing, is authorised to make minor amendments to the Strategy and to update the action plan as required (8/Council/13.02.20/240).	
5.21	<u>Next Steps Accommodation Programme</u> The Strategic Director - Communities, in consultation with the Portfolio Holder for Housing, is authorised to take all necessary actions to secure the grant funding and deliver the scheme (9B/Council/03.12.20/202).	
5.22	<u>Safeguarding – Policy and Procedure – A Guide to Safeguarding Vulnerable Adults and Children</u> The Strategic Director – Communities is responsible for safeguarding and authorised to agree minor amendments to the Policy in consultation with the Portfolio Holder for Safeguarding (9/Council/06.04.17/230).	
5.23	<u>Housing Standards Enforcement Policy</u> The Strategic Director - Communities is authorised to agree minor amendments to the Housing Standards Enforcement Policy in consultation with the Portfolio Holder. The Strategic Director - Communities is authorised to apply for Banning Orders proposed in the Housing and Planning Act 2016 from the implementation date. The Strategic Director - Communities is authorised to enter relevant private landlord details onto the Rogue Landlord Database proposed in the Housing and Planning Act 2016 from the implementation date (7/Council/20.07.17/46).	

5.24	<p><u>Private Rented Sector Access Scheme Policy</u></p> <p>The Strategic Director - Communities is authorised to agree leases with private landlords for accommodation to be used in accordance with the Policy.</p> <p>The Strategic Director - Communities is authorised to make minor amendments to the Policy.</p>	
5.25	<p><u>Major Works Affecting Leaseholders and Arrangement for the Payment of Service Charges</u></p> <p>The Strategic Director - Communities is authorised to make minor changes to the Policy in consultation with the Portfolio Holder for Housing (6/Council/19.10.17/122).</p>	
5.26	<p><u>Housing Allocations Policy 2018</u></p> <p>In consultation with the Portfolio Holder for Housing, the Strategic Director - Communities is authorised to make minor amendments to the Policy as part of an annual review (7/Council/05.04.18/279).</p>	
5.27	<p><u>Anti-Social Behaviour, Crime and Policing Act 2014</u></p> <p>The Strategic Director - Communities is authorised to:</p> <ul style="list-style-type: none"> (i) issue Community Protection Notices; (ii) authorise Registered Social Landlords to issue Community Protection Notices; (iii) issue Fixed Penalty Notices; (iv) authorise any persons to issue Fixed Penalty Notices; and (v) take remedial action when a Community Protection Notice has not been complied with <p>under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.</p>	
5.28	<p><u>Tenancy Policy</u></p> <p>The Strategic Director - Communities is authorised to implement minor amendments to the Policy in consultation with the Portfolio Holder for Housing.</p>	Housing Needs Manager
5.29	<p><u>Allocations Policy</u></p> <p>To implement minor amendments to the Policy in consultation with the Strategic Director and the Portfolio Holder for Housing.</p>	Housing Needs Manager
5.30	<p><u>Disabled Facilities Grant:</u></p> <p>The Strategic Director - Communities is authorised to:</p>	Home Independence Manager

	<ul style="list-style-type: none"> (i) approve mandatory Disabled Facilities Grants to allow for the purposes listed in Section 23 Housing Grants Construction and Regeneration Act 1996; and (ii) approve discretionary Disabled Facilities Grants for other works up to £3,000 when in conjunction with a mandatory Disabled Facilities Grants, in consultation with the Leader. 	
6	Functions Delegated to the Strategic Director - Place	
6.1	<p><u>Skin piercing, etc.</u></p> <p>The Strategic Director – Place is authorised to register applicants engaged in the business of acupuncture, tattooing, ear piercing and electrolysis for registration under Sections 14-17 of the Local Government (Miscellaneous Provisions) Act 1982.</p>	
6.2	<p><u>Advertisements</u></p> <p>The Strategic Director – Place is authorised to remove posters and placards displayed in contravention of the Advertisement Regulations.</p>	
6.3	<p><u>Air Pollution Control</u></p> <p>The Strategic Director – Place is authorised to:</p> <ul style="list-style-type: none"> (i) grant, vary and revoke authorisations to persons controlling prescribed processes under Schedule B of the Environmental Protection (Prescribed Processes and Substances) Regulations 1991; (ii) maintain a register of processes as required by Part I of the Environmental Protection Act 1990; and (iii) grant, vary and revoke permits under the Pollution Prevention and Control (England and Wales) Regulations 2000. 	
6.4	<p><u>Building Act 1984</u></p> <p>The Strategic Director – Place is authorised to:</p> <ul style="list-style-type: none"> (i) serve notice to require satisfactory drainage systems to be provided to buildings (Section 59); (ii) serve notice to require the proper use of soil ventilation pipes (Section 60); (iii) serve notice to require the provision of closets in a building (Section 64); (iv) serve notice to require the provision of sanitary conveniences at certain workplaces (Section 65); (v) serve notice to require the replacement of earth closets (Section 66); (vi) loan temporary sanitary conveniences (Section 67); 	

	<ul style="list-style-type: none"> (vii) serve notice to remedy the defective state of premises when unreasonable delay would occur if the procedure provided in the Public Health Act 1936 were followed (Section 76); and (viii) serve notice to require the improvement of pavings and drainage to yards and passages (Section 84). 	
6.5	<p><u>Caravan Site Licences</u></p> <p>The Strategic Director – Place is authorised to take action under the Caravan Sites and Control of Development Act 1960 as set out, but not limited to:</p> <ul style="list-style-type: none"> (i) issue a site licence pursuant to Section 3 of the Caravan Sites and Control of Development Act 1960; (ii) attach conditions to a site licence pursuant to Section 5 of the Caravan Sites and Control of Development Act 1960; (iii) transfer a site licence pursuant to Section 10 of the Caravan Sites and Control of Development Act 1960; (iv) serve, revoke or vary compliance notices on site owners or occupiers where site licence conditions are breached pursuant to Section 9A of the Caravan Sites and Control of Development Act 1960; (v) take action following conviction of an occupier for failing to comply with a compliance notice pursuant to Section 9D of the Caravan Sites and Control of Development Act 1960; and (vi) take emergency action where there is a failure to comply with licence conditions and as a result there is imminent risk of serious harm to the health or safety of any person who is, or may be, on the land, pursuant to Section 9E of the Caravan Sites and Control of Development Act 1960. 	
6.6	<p><u>Control of Pollution Act 1974</u></p> <p>The Strategic Director – Place is authorised to:</p> <ul style="list-style-type: none"> (i) serve notice to control noise on construction sites (Section 60); and (ii) give prior consent, including limiting conditions for work on construction sites (Section 61). 	
6.7	<p><u>Dog Controls</u></p> <p>The Strategic Director – Place is authorised to:</p> <ul style="list-style-type: none"> (i) to issue renewal licences under the Breeding of Dogs Act 1973 and, in consultation with the Chair of the Licensing Committee to issue new licences under the Act; 	

	<p>(ii) to exercise the powers to deal with stray dogs under the provisions of Sections 149-151 Environmental Protection Act 1990; and</p> <p>(iii) authorise the Council's Dog Wardens to issue Fixed Penalty Notices under the Dogs (Fouling of Land) Act 1996.</p>	
6.8	<p><u>Food Safety</u></p> <p>Environmental Health staff, by reason of their appointment, are authorised to exercise the powers available under the provisions of:</p> <ul style="list-style-type: none"> ○ European Communities Act 1972 ○ Regulation (EC) No.178/2002 ○ Regulation (EC) No.852/2004 ○ Regulation (EC) No.853/2004 ○ Regulation (EC) No.2073/2005 ○ Food Safety Act 1990 ○ Products of Animal Origin (Third Country Imports) (England) (No.4) Regulations 2004 ○ Food Hygiene (England) Regulations 2006 <p>All instruments and regulations made under or amending the above legislation</p> <p>The level at which an Officer may operate shall depend upon their competency, as stated in the Food Standards Agency Code of Practice and Practice Guidance and outlined in the Environmental Health Service's policy and procedures.</p>	Environmental Health Manager
6.9	<p><u>Goods Vehicle Operating Centres</u></p> <p>The Strategic Director – Place is authorised to vet operators and licence applications, in consultation with Surrey County Council (as appropriate).</p>	
6.10	<p><u>Local Government (Miscellaneous Provisions) Act 1976</u></p> <p>The Strategic Director – Place is authorised to:</p> <ul style="list-style-type: none"> (i) give notice and to take action to secure the safety of certain unoccupied premises (Section 8); (ii) serve notice to seek from individuals the nature of their interest in land subject to statutory action (Section 16); (iii) give notice and to take action to secure the protection of certain unoccupied buildings (Section 29); 	

	<ul style="list-style-type: none"> (iv) take action to ensure the restoration or continuation of supplies of water, gas or electricity (Section 33); and (v) serve notice to require the clearance of a blocked private sewer (Section 35). 	
6.11	<p><u>Local Government (Miscellaneous Provisions) Act 1982</u></p> <p>The Strategic Director – Place is authorised to serve notice to require the repair of drains and to remedy stopped up drains (Section 27).</p>	
6.12	<p><u>Prevention of Damage by Pests Act 1949</u></p> <p>The Strategic Director – Place is authorised to serve notice requiring steps to be taken for the destruction of rats or mice, or for keeping land free from rats or mice (Section 4).</p>	
6.13	<p><u>Public Health Act 1936</u></p> <p>The Strategic Director – Place is authorised to:</p> <ul style="list-style-type: none"> (i) serve notice to require the repair of defective closets (Section 45); (ii) examine and test drains believed to be defective (Section 48); (iii) serve notice to deal with overflowing and leaking cesspools (Section 50); (iv) serve notice to cleanse filthy and verminous premises (Section 83); (v) cleanse verminous articles (Section 84); and (vi) cleanse verminous persons and their clothing (Section 85). 	
6.14	<p><u>Public Health Act 1961</u></p> <p>The Strategic Director – Place is authorised to:</p> <ul style="list-style-type: none"> (i) serve notice to clear blocked drains (Section 17); and (ii) serve notice before clearing rubbish which is seriously detrimental to the amenities of the neighbourhood (Sections 34). 	
6.15	<p><u>Contaminated Land</u></p> <p>The Strategic Director – Place is authorised to serve remediation notices under the Contaminated Land (England) Regulations 2000.</p>	
6.16	<p><u>Statutory Nuisances</u></p> <p>The Strategic Director – Place is authorised to serve Nuisance Abatement Notices under Section 80 of the Environmental Protection Act 1990.</p>	
6.17	<p><u>Sunday Trading Loading Control</u></p>	

	The Strategic Director – Place is authorised to determine applications for consent, and vary or revoke them, for the purposes of Section 2 and Schedule 2 of the Sunday Trading Act 1994.	
6.18	<p><u>Various Licences</u></p> <p>The Strategic Director – Place is authorised to:</p> <p>(i) issue renewal licences under the Acts detailed below where no objections are received; and</p> <p>(ii) issue new licences and register premises (as appropriate) under the Acts detailed below in consultation with the Chair of the Licensing Committee:</p> <ul style="list-style-type: none"> ○ Animal Boarding Establishments Act 1963 ○ Dangerous Wild Animals Act 1976 ○ Guard Dog Act 1975 ○ Pet Animals Act 1951 ○ Riding Establishments Acts 1964 and 1970 ○ Game Act 1831 ○ Scrap Metal Dealers Act 2013 (25/H&H/14.3.91/691) 	
6.19	<p><u>Appointment of Inspectors</u></p> <p>The Strategic Director – Place is authorised to appoint Inspectors from amongst the Council's Environmental Health Staff for the purposes of discharging the functions of the Health and Safety at Work Act 1974.</p>	
6.20	<p><u>Control of Pesticides Regulations 1986</u></p> <p>The Strategic Director – Place is authorised to:</p> <p>(i) authorise Environmental Health Officer s, by reason of their appointment, to exercise the powers under the provisions of the Food and Environmental Protection Act 1985 (Part III), in particular to exercise their powers relating to entry and inspection and the service of notices contained in Section 19 of the Act; and</p> <p>(ii) authorise Environmental Health Officer s, by reason of their appointment, to exercise the powers available under the Food and Environmental Protection Act 1985 for the carrying into effect of the powers of entry and inspection contained in Section 19 of the Act.</p>	
6.21	<u>Dangerous Wild Animals Act 1976</u>	

	The Strategic Director – Place is authorised to carry out inspections and to request a veterinary surgeon to carry out initial annual inspections under the Act.	
6.22	<u>Documents</u> The Strategic Director – Place is authorised to sign all documents/notices as may be required to be issued in respect of the discharge of the Council's Environmental Health functions.	
6.23	<u>Health and Safety at Work Act 1974</u> The Strategic Director – Place is authorised to: (i) authorise persons to accompany Inspectors appointed under Section 19 of the Health and Safety at Work Act 1974; (ii) empower persons under Section 19 of the Health and Safety at Work Act to carry out a selected range of duties under Section 20(2) of the Health and Safety at Work Act as appropriate; and (iii) Environmental Health staff by reason of their appointment be authorised to exercise the powers available under the Health and Safety at Work Act, regulations relating thereto and all other relevant legislation; in particular, to exercise the powers relating to entry and inspection, service of notices and institution of proceedings.	Environmental Health Manager
6.24	<u>Public Health (Control of Diseases) Act 1984</u> The Strategic Director – Place is authorised to make arrangements for burial and cremation where no suitable arrangements exist.	
6.25	<u>Clean Air Act 1993</u> The Strategic Director – Place is authorised to approve or refuse chimney heights.	
6.26	<u>Appointment of Proper Officers (Public Health (Control of Disease) Act 1984. and National Assistance Acts 1948 and 1951</u> The Strategic Director – Place is authorised to appoint and authorise named Surrey PCT (up to 31/3/13)/Public Health England (from 1/4/13) staff as proper Officers for the relevant purposes under the Public Health (Control of Diseases) Act 1984 and associated regulations and the National Assistance Acts 1948 and 1951.	
6.27	<u>House to House Collections</u> The Strategic Director – Place is authorised to licence charitable collections from house to house pursuant to Section 2 of the House-to-House Collection Act 1939 and to grant licences where no objections have been received.	
6.28	<u>Street Collections</u>	

	The Strategic Director – Place is authorised to approve applications for street collection permits, where no objections have been received, and to administer/regulate street collections made pursuant to Section 5 of Police, Factories etc (Miscellaneous Provisions) Act 1916 (and regulations thereunder).	
6.29	<u>Health Act 2006: Enforcement of Smokefree Legislation</u> The Strategic Director – Place is authorised to authorise any such persons as deemed necessary to enforce the smokefree provisions of the Health Act 2006 and associated regulations.	
6.30	<u>Town Centre Policy</u> The Strategic Director – Place is authorised to approve bookings that differ from the policy in exceptional circumstances.	
6.31	<u>Christmas Car Parking</u> The Strategic Director – Place is authorised, in consultation with the Leader, to settle special parking arrangements in the Council's car parks during the months of November, December and the first two weeks of January each year.	
6.32	<u>Fund-Raising Events</u> The Strategic Director – Place is authorised, in consultation with the Leader, to give or withhold permission for fund raising events by charitable organisations in Borough Council controlled car parks.	
6.33	<u>Street Trading</u> The Strategic Director – Place is authorised to issue consents for street trading in Commercial Way and in certain streets specified by the Highways Committee on 4 February 1992.	
6.34	<u>Trading Licences</u> The Strategic Director – Place is authorised to determine applications for trading licences, in consultation with the Leader and the appropriate Ward Councillors.	
6.35	<u>Waste</u> The Strategic Director – Place is authorised to authorise any persons to issue fixed penalty notices under Section 34A of the Environmental Protection Act 1990.	
6.36	<u>Rights of Way</u> The Strategic Director – Place is authorised to respond to the County Council on all matters concerning proposals to amend Rights of Way, in consultation with the relevant Ward Councillor(s) and Portfolio Holder, except in cases	

	where a serving Councillor or member of staff has an interest in the application, in which case the matter shall be determined by the Executive.	
6.37	<p><u>Wheeled Bins</u></p> <p>The Strategic Director – Place is authorised to determine operational matters within the agreed Council Policy.</p>	
6.38	<p><u>Motor Salvage Operators Regulations 2002</u></p> <p>The Strategic Director – Place is authorised to register operators pursuant to the Regulations.</p>	
6.39	<p><u>Consent Streets</u></p> <p>The Strategic Director – Place is authorised to advertise the Council's intention to designate newly adopted streets as consent streets.</p>	
6.40	<p><u>Litter</u></p> <p>The Strategic Director – Place is authorised to:</p> <ul style="list-style-type: none"> (i) issue Orders designating Litter Control Areas pursuant to Section 90(3) of the Environmental Protection Act 1990; (ii) issue Street Litter Control Notices pursuant to Section 93(1) of the 1990 Act; (iii) serve Litter Abatement Notices pursuant to Section 92(1) of the 1990 Act; and (iv) authorise any persons to issue fixed penalty notices under Section 88 of the 1990 Act. 	
6.41	<p><u>Air Quality Management Areas</u></p> <p>The Strategic Director – Place is authorised to declare an Air Quality Management Area where air quality does not meet the Government's objectives.</p>	
6.42	<p><u>Naming and Numbering of Streets and Properties</u></p> <p>The Strategic Director – Place is authorised to:</p> <ul style="list-style-type: none"> (i) agree the naming of new streets or any amendment to a street name under the Public Health Act 1925; and (ii) agree the numbering/naming of properties within a street or any amendments to a property name/number within a street under the Towns Improvements Clauses Act 1874. 	
6.43	<p><u>Land Drainage Act 1991</u></p>	

	The Strategic Director – Place is authorised to exercise the necessary powers under Section 25 of the Land Drainage Act 1991 in respect of clearing watercourses.	
6.44	<p><u>Fly Tipping Reward Scheme</u></p> <p>The Strategic Director – Place is authorised to award rewards under the fly tipping rewards initiative.</p>	
6.45	<p><u>Natural Woking Strategy</u></p> <p>In consultation with the Portfolio Holder for Environment and Sustainability, The Strategic Director – Place is authorised to approve updates to the Natural Woking Strategy and supporting information to reflect new information, including future steps in the Woking Great Crested Newt District Level Licensing Scheme and other initiatives to support specific species and habitats to favourable conservation status.</p>	
6.46	<p><u>Transport and Highway Functions</u></p> <p>The Strategic Director – Place is authorised to:</p> <ul style="list-style-type: none"> (i) exercise any highway or traffic regulation power, duty or function vested in the Council under the Woking Town Centre Management Agreement with Surrey County Council dated 14th August 2014 (as may be amended from time to time). (ii) To exercise any highway power, duty or function vested in the Council under the Highways Act 1980 & Traffic Management Act 2004 (both as amended); (iii) To exercise any traffic power, duty or function vested in the Council under the Road Traffic Regulation Act 1984 (as amended); (ii) Provision of bus shelters under the Local Government (Miscellaneous Provisions) Act 1953 (as amended); and (iii) To grant street works licences and exercise any power, duty or function vested in the Council under the New Roads and Street Works Act 1991 (as amended). 	
6.47	<p><u>Woking Integrated Transport Package Camera Enforcement of bus lane restrictions</u></p> <p>The Strategic Director – Place is authorised to negotiate terms and enter into an agreement with Surrey County Council to authorise Woking Borough Council to operate and enforce bus lane contraventions within Woking as Surrey County Council’s agent.</p> <p>Upon completion of the agreement, the Strategic Director - Place is duly authorised to exercise any power, duty or function vested in the Council by virtue of the agreement with Surrey County Council to operate and enforce bus lane contraventions in Woking.</p>	

	Upon completion of the agreement, the Strategic Director - Place is duly authorised to authorise any persons to issue Fixed Penalty Notices to enforce bus lane contraventions.	
6.48	<u>Climate Emergency - Planning for Carbon Neutrality</u> The Strategic Director – Place is authorised, in consultation with the Portfolio Holder for Environment and Sustainability, to agree new actions as they are identified.	
6.49	<u>Coronavirus Regulations</u> The Strategic Director - Place and Environmental Health Manager is designated under the Coronavirus Regulations as an authorised person.	
6.50	<u>Adoption of Ordinary Watercourse Byelaws</u> The Strategic Director – Place is authorised, in consultation with the Portfolio Holder, to consider and seek to resolve any objection to the said byelaws being made (including amending the proposed byelaws). Authority is delegated to the Assistant Director - Property to authorise or refuse any applications for consents submitted under the said byelaws.	Assistant Director - Property
6.51	<u>Fixed Penalty Notice (FPN) Policy for Fly Tipping Offences</u> In consultation with the Portfolio Holder for Greener Woking, The Strategic Director – Place is authorised to vary the level of all environmental fixed penalty notice charges in accordance with legislation. The Strategic Director – Place is authorised to authorise any persons to issue fixed penalty notices for fly tipping under the Environmental Protection Act 1990 (7/Council/08.02.18/220).	
6.52	<u>The Clean Neighbourhoods and Environment Act 2005</u> In consultation with the Portfolio Holder for Greener Woking, The Strategic Director – Place is authorised to vary all environmental fixed penalty notice charges in accordance with the legislation. The Strategic Director – Place is authorised to authorise any persons to issue fixed penalty notices for an offence under Part 2 of Section 3 of the Clean Neighbourhoods and Environment Act 2005 (7/Council/05.04.18/278).	
6.53	<u>Fixed Notice (FPN) Policy for Littering from Vehicle Offences</u> The Strategic Director – Place is authorised to authorise any persons to issue fixed penalty notices from 6 April 2018 for littering from vehicles under section 88A of the Environmental Protection Act 1990 (7/Council/05.04.18/279).	
6.54	<u>Sustainable Urban Drainage Systems (SUDS)</u> The Strategic Director – Place is authorised to take all necessary steps to enable the Council to become the Sustainable Urban Drainage Systems	

	adopting authority in accordance with the principles contained in paragraphs 4-9 of the report to the Executive on 19 March 2015.	
6.55	<p><u>Meeting Rooms</u></p> <p>The Strategic Director – Place is authorised to determine applications for consent to use meeting rooms in Civic Offices.</p>	
6.56	<p><u>Advertising</u></p> <p>The Strategic Director – Place is authorised to determine the acceptability of companies and/or products as advertisers and/or sponsors in terms of advertising which fall within the following specific categories:</p> <ul style="list-style-type: none"> a) is in bad taste; b) does not conform to the British Code of Practice of Advertising Practice; or c) with which it would be inappropriate for the Council to be associated. 	
6.57	<p><u>Community Infrastructure Levy (CIL)</u></p> <p>In consultation with the Portfolio Holder for Planning and Regulation, the Strategic Director – Place is authorised to administer CIL enforcement in accordance with Regulations 80 to 92 of the Community Infrastructure Levy Regulations 2010 (as amended)</p> <p>In consultation with the Portfolio Holder for Planning and Regulation, the Strategic Director – Place is authorised to, when justified, withdraw a CIL Liability Notice issued by the Council in accordance with Regulation 65(7) of the Community Infrastructure Regulations 2010 (as amended).</p> <p>The Strategic Director – Place has authorisation for the administration of Community Infrastructure Levy under Part 8 of the Community Infrastructure Levy Regulations 2010 (as amended).</p>	
6.58	<p><u>Housing Infrastructure Fund</u></p> <p>The Strategic Director – Place is authorised to undertake a review of Community Infrastructure Levy and to establish a Section 106 Tariff for town centre infrastructure associated with the HIF project</p> <p>In consultation with the Leader and the Portfolio Holder, The Strategic Director – Place is authorised to agree terms for the purchase of properties comprised within the Triangle Site which are not owned by Prime Place (Woking Island Site) LLP</p>	
6.59	<p><u>Licensing Act 2003</u></p> <p>The Strategic Director – Place is authorised to authorise the Environmental Health Manager (or the Senior Environmental Health Officer (s) in their</p>	Environmental Health Manager

	absence) to object to a proposed licence application on Environmental Health grounds.							
6.60	<p><u>Taxi and Private Hire Licensing Applications</u></p> <p>The Strategic Director – Corporate Resources is authorised to:</p> <ol style="list-style-type: none"> a. approve applications for licences for private hire operators, private hire drivers and taxi drivers; b. issue a “minded to” refuse letter to a new applicant in respect of an application for a private hire operator, private hire driver or a taxi drivers’ licence and refer the matter to the Taxi Licensing Sub-Committee for determination as to whether or not the driver is “fit and proper” to hold a licence; c. approve or refuse applications for renewal of licences by existing licence holders; d. issue a formal notice to a licence holder that they have reached the requisite number of penalty points under the Penalty Points Scheme and refer the matter to a Taxi Licensing Sub-Committee for determination; e. in consultation with the Chair of the Licensing Committee (or in their absence, the Vice-Chair), to suspend or revoke private hire operators’ and drivers’ and taxi drivers’ licences in appropriate cases under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976; and <p>approve or refuse applications for private hire vehicles and taxis.</p>	Environmental Health Manager						
6.61	<p><u>Licensing</u></p> <p>The Strategic Director – Corporate Resources is authorised to:</p> <ol style="list-style-type: none"> i) authorise named Officers of the Licensing Team to be “authorised persons” for the purposes of the Licensing Act 2003; and ii) authorise named Officers of the Licensing Team to be “authorised Officers of the Council” for the purposes of the Local Government (Miscellaneous Provisions) Act 1976. 	Environmental Health Manager						
6.62	<p><u>Licensing Act 2003.</u></p> <p>To determine applications and carry out functions of the Licensing Policy set out below.</p> <table border="1" data-bbox="225 1821 1032 1951"> <thead> <tr> <th data-bbox="225 1821 549 1951">Matter to be Dealt With</th> <th data-bbox="549 1821 785 1951">Sub-Committee</th> <th data-bbox="785 1821 1032 1951">Officers</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Matter to be Dealt With	Sub-Committee	Officers				Environmental Health Manager
Matter to be Dealt With	Sub-Committee	Officers						

Application for personal licence	If a Police objection is made	If no objection made	
Application for personal licence, with unspent convictions	All cases		
Application for premises licence / club premises certificate	If a relevant representation is made	If no representation made	
Application for provisional statement	If a relevant representation is made	If no representation made	
Application to vary premises licence / club registration certificate	If a relevant representation is made	If no representation made	
Application to vary designated personal licence holder	If a police objection is made	All other cases	
Request to be removed as designated personal licence holder		All cases	
Application for transfer of premises licence	If a police objection is made	All other cases	
Application for Interim Authorities	If a police objection is made	All other cases	
Application to review premises licence / club premises registration	All 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 relevant authority considering the application	All cases		
Determination of a police representation to temporary event notices	All cases		

6.63	<p><u>Woking Borough Council Single Use Plastics (SUP) Policy</u></p> <p>The Green Infrastructure Manager, in consultation with the Portfolio Holder for Environment and Sustainability, is authorised to approve future updates to the Borough Council's SUP Policy (9/Council/25.07.19/94).</p>	Green Infrastructure Manager
6.64	<p><u>Woking Borough Council Street Naming and Numbering Policy</u></p> <p>The Green Infrastructure Manager, in consultation with the Portfolio Holder for Environment and Sustainability, be given delegated authority to approve future updates to the Street Naming and Numbering Policies to reflect new information (9/Council/25.07.19/96).</p>	Green Infrastructure Manager
6.65	<p><u>Party Wall etc Act 1996</u></p> <p>To act as Appointing Officer for defined purposes.</p>	Chief Building Control Officer
6.66	<p><u>Building Regulations</u></p> <p>To determine applications, issue formal notices and decide on any type of relaxation of the Building Regulations.</p>	Chief Building Control Officer
6.67	<p><u>Planning</u></p> <p>The Development Manager is authorised to undertake all functions relating to Town and Country Planning and Development Control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (including, for the avoidance of doubt, functions relating to the preservation of trees) except for (i) the functions listed in paragraph 5 below and (ii) the following functions which will be reported to the Planning Committee for determination:</p> <ul style="list-style-type: none"> a) applications for planning permission, where the recommendation would be for approval, involving: <ul style="list-style-type: none"> (i) the provision of dwelling houses where the number of dwelling houses to be provided is more than five; or (ii) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or (iii) development carried out on a site having an area of 1 hectare or more. <p>For the avoidance of doubt, the Development Manager is authorised to refuse such applications.</p> <ul style="list-style-type: none"> b) applications submitted by a member of staff; c) applications submitted by a Councillor; d) applications where the applicant is Woking Borough Council and any companies or entities 50% or more owned by Woking Borough Council, except for non-material amendments and minor material amendments (irrespective of whether they are major or non-major development); 	Development Manager

	<p>e) any undetermined application can be requested by a Councillor for determination by the Planning Committee provided a planning reason is supplied in writing to the Development Manager;</p> <p>f) where Enforcement or Stop Notices are recommended to be served (except in cases of urgency, where the Development Manager is authorised to approve the issue of such Notices);</p> <p>g) where objections have been received on the confirmation of a tree preservation order (TPO); and</p> <p>h) where in the opinion of the Development Manager planning issues raised warrant the consideration by the Planning Committee.</p>	
6.68	<p><u>Protection and Preservation of Trees and Hedgerows</u></p> <p>The Development Manager is authorised to determine notifications for intended hedgerow removal; to approve or refuse consent, as appropriate, within the prescribed six-week period; to issue or withdraw hedgerow retention notices in respect of hedgerows classified as “important” within the statutory criteria; to issue hedgerow replacement notices in appropriate cases; to take all necessary steps in connection with appeals.</p>	Development Manager
6.69	<p><u>High Hedges</u></p> <p>The Development Manager is authorised to determine applications of complaint over high hedges under the Anti-Social Behaviour Act 2003.</p>	Development Manager
6.70	<p><u>Historic Building Repair and Community Projects Grants</u></p> <p>The Development Manager is authorised to approve grants in accordance with the agreed criteria, in consultation with the Chair of the Planning Committee and the appropriate Ward Councillors.</p>	Development Manager
6.71	<p><u>Community Projects Grants</u></p> <p>The Head of Planning is authorised to approve Community Projects Grants up to the value of £100, in consultation with the Chair of the Planning Committee and Ward Councillors.</p>	Planning Manager Policy
6.72	<p><u>Village Centres Environmental Action Programme</u></p> <p>The Head of Planning is authorised to give grant aid of up to £1,000 for minor improvements, in consultation with the Chair of the Planning Committee and Ward Councillors.</p>	Planning Manager Policy
6.73	<p><u>Village Centre and Community Project Grants</u></p> <p>The Head of Planning is authorised to give grant aid of up to £2,000 for minor improvements, in consultation with the Chair of the Planning Committee and Ward Councillors.</p>	Planning Manager Policy
7	Functions Delegated to the Strategic Director – Corporate Resources	

7.1	<p><u>Hardware and Software Purchases</u></p> <p>The Strategic Director – Corporate Resources is authorised to purchase hardware and software replacements in maintenance of the Information and Communications Technology Asset Base.</p>	ICT Manager
7.2	<p><u>Caring for Children and Young People Policy - HR Policy for Woking Borough Council Employees</u></p> <p>The Head of Human Resources, in consultation with Corporate Leadership Team and Unison, is authorised to make minor amendments to the Policy (9D/Council/30.07.20/72).</p>	Head of Human Resources
7.3	<p><u>Business Rates Relief Schemes</u></p> <p>The Revenues & Benefits and Customer Services Manager is authorised to Award Discretionary Relief and, in their absence, their deputy (Revenues Manager) (6/Executive/14.09.17/77).</p>	Revenues & Benefits and Customer Services Manager
7.4	<p><u>Gaming and Lotteries</u></p> <p>The Strategic Director – Corporate Resources is authorised to licence/register machines for gaming under the Gaming Act 1968 and lotteries under the Lotteries and Amusements Act 1976.</p>	
7.5	<p><u>Gambling Act 2005</u></p> <p>The Strategic Director – Corporate Resources is authorised to exercise licensing powers within arrangements permitted by Section 154 of the Act and under a scheme approved by the licensing authority and/or the Licensing Committee, such powers to include:</p> <ul style="list-style-type: none"> ○ determining applications for premises licences where no representations have been received or representations have been withdrawn; ○ determining applications for variations to premises licences where no representations have been received or representations have been withdrawn; ○ determining applications for transfers of licences where no representations have been received from the Gambling Commission; ○ determining applications for provisional statement (approval in cases where a premises licence cannot be issued because the building does not yet exist or has not yet been occupied) where no representations have been received or representations have been withdrawn; ○ determining applications for club gaming/club machine permits where no objections made, or objections have been withdrawn; ○ determining application for other permits; ○ cancellation of licensed premises gaming machine permits; and 	

	<ul style="list-style-type: none"> ○ consideration of temporary use notices. 	
7.6	<p><u>Property Disposal</u></p> <p>To appoint an agent to dispose of properties following approval by the Council of the sale.</p>	Assistant Director (Property)
7.7	<p><u>Sale of Land</u></p> <p>The Strategic Asset Manager and the Chief Finance Officer are authorised to approve applications for the sale of areas of land held by either the Housing Revenue Account or the General Fund where there is no development potential or communal amenity value.</p>	Assistant Director (Property)
7.8	<p><u>Land Management</u></p> <p>(i) to approve terms, etc., arising in the course of the following:</p> <ul style="list-style-type: none"> ○ disposals and acquisitions, rent reviews, assignments, renewals of existing agreements and all other land transactions; and ○ provided that in their opinion, the proposed transaction does not raise an issue of principle which, regardless of the pecuniary amount involved, ought properly to be referred to the Executive. <p>(ii) to approve terms for the sale of Council houses under the Right to Buy provisions of the Housing Act 1985, and the issuing of notices pursuant to these provisions.</p>	Assistant Director (Property)

Part 3 – Section 4

Proper Officers

1. Proper Officers of the Council

- 1.1. The following Officers are appointed Proper Officers and will carry out functions in relation to the statutory provisions specified. This list is not necessarily exhaustive, and any omission shall not affect the validity of any action or decision taken by the Proper Officer.
- 1.2. Subject to the proper Officer appointments set out below, the Chief Executive is authorised to act as the proper Officer for the statutory responsibilities which fall within their area.
- 1.3. In any case where an Officer is appointed or authorised, they may delegate such authorisations to such Officer as they may determine and may make such arrangements for the carrying out of functions in the event of his or her absence or otherwise being unable to act by any other Officer of the Council as they consider appropriate, subject to such arrangements being made in written form indicating the Officers in power to exercise the functions and the functions involved.
- 1.4. Any reference in this document to an enactment is to be taken as including a reference to any enactment for the time being amending or replacing it.

Statute	Function	Proper Officer
Local Government Act 1972		
Section 83	To witness, and to receive, declarations of acceptance of office.	Chief Executive or the Monitoring Officer
Section 84	To receive notices from Members of resignation from office.	Chief Executive
Section 86	To declare any vacancy in any office under this section.	Chief Executive
Section 87	To publish a notice of vacancy.	Chief Executive
Section 88	To convene if necessary, a meeting of the Council when the office of Mayor is vacant.	Chief Executive
Section 89	To receive notice by local government electors of a casual vacancy in the office of Borough Councillor.	Chief Executive
Section 100B	To take decisions as to whether information is likely to be 'exempt' when coming before the Council, the Executive or a Committee. To decide if other copy documents supplied to Councillors should be supplied to the press.	Director of Legal and Democratic Services

Section 100C	To produce a written summary of proceedings taken by the Council, the Executive or a Committee in private (i.e. minute)	Director of Legal and Democratic Services
Section 100D	To compile a list of background papers for an Executive or a Committee report.	Director of Legal and Democratic Services
Section 100F	To decide if a requested document appears to contain exempt information.	Director of Legal and Democratic Services
Section 115	To receive money due from Officers.	Director of Finance
Section 146	To sign declarations and certificates with regard to securities.	Director of Finance
Section 191	To receive applications made by the Ordnance Survey Office for assistance in determining boundaries.	Chief Executive
Section 210	To exercise any power with respect to a charity exercisable by any Officer of a former authority.	Chief Executive
Section 223	Authorising Officers to attend court and appear on behalf of the Council under the Local Government Act 1972 and County Courts Act 1984.	Director of Legal and Democratic Services
Section 225	To receive and retain any document deposited with the Council for custody.	Director of Legal and Democratic Services
Section 228	To keep accounts open for inspection by any Member of the Authority.	Director of Finance
Section 229	To certify, for the purpose of any legal proceedings, photographic copies of documents.	Director of Legal and Democratic Services
Section 233	The Officer to receive documents required to be served on the authority.	Director of Legal and Democratic Services
Section 234	To authenticate notices, orders or other documents on behalf of the Council.	Director of Legal and Democratic Services
Section 236	To send copies of confirmed byelaws made by the Council to the County Council.	Director of Legal and Democratic Services

Section 238	To certify copies of byelaws.	Director of Legal and Democratic Services
Section 248	To keep the rolls of Honorary Aldermen and Honorary Freemen.	Chief Executive
Schedule 12(4)	To sign, and send to all Councillors, the summons to attend meetings of the Council.	Chief Executive
Schedule 14(25)	To certify resolutions under this paragraph for the purpose of legal proceedings.	Director of Legal and Democratic Services

Local Land Charges Act 1975

Section 9	To act as local registrar for the registration of local land charges and the issue of official certificates of search.	Director of Finance
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Representation of the People Act 1983

Section 8	To be the Electoral Registration Officer for the purpose of the registration of electors.	Chief Executive
Section 24	To be the Acting Returning Officer for the conduct of Parliamentary Elections.	Chief Executive
Section 35	To be the Returning Officer for the conduct of Local Elections.	Chief Executive
Section 67	To receive appointments of Election Agents.	Chief Executive
Section 67	To publish a notice of Election Agents.	Chief Executive

Local Government and Housing Act 1989

Section 2	To retain on deposit a list of politically restricted posts.	Head of Human Resources
Section 3A	In consultation with the Monitoring Officer, to determine applications for exemption from political restriction or for designation of posts as politically restricted.	Chief Executive
Section 4	Designation as the Head of Paid Service.	Chief Executive
Section 5	Designation as the Council's Monitoring Officer.	Director of Legal and Democratic Services

Sections 9, 15, 16 and 17	To undertake all matters relating to the formal establishment of political groups within the membership of the Council.	Chief Executive
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Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012

Section 12	To produce a written statement of Executive decisions made at meetings.	Director of Legal and Democratic Services
Section 13	To record Executive decision made by individuals.	Director of Legal and Democratic Services
Section 14	To make available for inspection by the public a copy of written statements of Executive decisions and associated reports.	Director of Legal and Democratic Services
Section 15	To make available for inspection a list of background papers.	Director of Legal and Democratic Services
Section 9	To publish key decisions of the Authority.	Director of Legal and Democratic Services

Local Government Finance Act 1988

Section 116	Notification to the Council's auditor of any meeting held under Section 115 if the 1988 Act.	Director of Finance
Section 139A	Provision of information to the Secretary of State in relation to the exercise of their powers under this Act as and when required.	Director of Finance

Other Miscellaneous Proper Officer Functions

Any other miscellaneous Proper or Statutory Officer functions not otherwise delegated by the authority.	Chief Executive or their nominee
Any references to designations in legislation predating the 1971/1972 Session of Parliament, other than the Local Government Act 1972, and in Statutory Instruments made prior to 26th October 1972.	The Chief Executive or the Director of Finance, whichever is most appropriate to their departmental responsibilities.