

# **OFFICER SCHEME OF DELEGATION**

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## **SCHEME OF DELEGATION**

### **NOTES:**

1. The authorised Officers, as defined in this Officer Scheme of Delegation (“the Scheme”), acting personally, shall only exercise the delegated powers referred to in the Scheme and also such powers as may be specifically authorised to a particular Officer from time to time.
2. The exercise of delegated powers shall be subject to compliance with statutory requirements, Procedure Rules and the Council's policy and budget framework, as set out in the Constitution and in particular as described in the Scheme.
3. Where a post to which a function has been delegated is vacant, the Chief Executive shall designate another Chief Officer or Deputy Chief Officer to exercise the delegation.
4. Where reference is made to any Statute, Order, Regulation, Byelaw or other provision, this Scheme shall be construed as relating to any modification, amendment or re-enactment. Reference to any statute includes any Order, Regulations or Byelaw made under it and any Guidance or Codes of Practice in respect of it, as well as any new statutory provision related to that function, other than those where a specific delegation is required by Members.
5. For the avoidance of doubt, this means that where new legislative provisions are introduced for a delegated function, the relevant authorised Officer responsible for the function to which it relates will automatically be authorised to exercise any powers in that Act unless the legislation specifically reserves such actions to Members or requires their formal adoption by the Council.
6. Where there are legal, financial or other implications involving more than one departmental responsibility the Officer initiating action is under a duty to consult with other Officers as appropriate.
7. Unless otherwise stated the Officer exercising the delegated powers shall also be authorised as the "Proper Officer" for those powers in accordance with the relevant legislation.
8. Where two Officers are shown e.g. "HS/CFO" there is full delegation to the first named officer only but that delegated power shall only be exercisable after consultation with the second named officer.
9. Where delegations refer to finance or procurement, they should be read In conjunction with the appropriate Procedure Rules.
10. Whilst general delegations have been authorised under the Finance and Contract Procedure Rules, these must be read in conjunction with and do not override any specific delegations granted under the following sections.
11. The Monitoring Officer shall determine any issues as to the form and manner of the Scheme's operation, implementation or interpretation, for example, where clarification is required as to which officers can exercise a delegation or which Executive Member(s) must be consulted, or referred to in paragraph 6 above.
12. Alterations, amendments and additions to the Scheme are approved in the following ways:
  - Non-Executive Functions – by full Council;
  - Executive Functions – by the Leader of the Council.

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

## **Abbreviations:**

HPS	Officer appointed as the Head of Paid Service under section 4 of the Local Government & Housing Act 1898
CFO	Officer appointed to discharge the Chief Finance Officer's duties under section 151 of the Local Government Act 1972
MO	Officer appointed as the Council's Monitoring Officer under section 5 of the Local Government & Housing Act 1898
HS	Head of Service
ERO	Electoral Registration Officer
RO	Returning Officer
CO	Chief Officers and Deputy Chief Officers (Chief Executive, Directors and Heads of Service)
Executive Member	A Member of the Executive to whom the Leader has allocated responsibility for a portfolio of services
Committee Chairman	The Member elected to act as Chairman of any of the Council's Committees
Technical Officer	Officer(s) with professional or technical expertise specifically appointed to act under defined legislation

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive/Executive Function</u>
<b>GENERAL:-</b>			
<b>Legal</b>			
<p>1.1 Authorise and institute legal proceedings (including the appointment of any Legal Assistants or Counsel) in respect of any Statute, Order, Regulation, Byelaw or other provisions of the common law, whereby the Council, or its Chief Officers has a right other than where specific authority has been given to another officer as set out in the scheme:</p> <ul style="list-style-type: none"> <li>➤ to take action in any Court, or before any Tribunal, Hearing or any Commission, or any Commissioners;</li> <li>➤ for the recovery or enforcement of any debt, penalty, or right to which the Council is believed to be entitled, including (without prejudice to the generality of the foregoing), any expenses incurred by the Council in carrying out works in default of compliance with any Notice or requirement of the Council.</li> <li>➤ to make application for, or to oppose or support any other person or body's application for any Licence, Justices Licence, Warrant, Order, Notices, or other legal./judicial applications.</li> </ul>	<p>Local Government Act 1972</p> <p>Local Government Finance Act 1988 &amp; 1992.</p> <p>Courts and Legal Services Act 1990</p> <p>And all other enabling legislation</p>	<p>HS with responsibility for Legal / relevant CO</p>	<p>Non-Executive / Executive</p>

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive/Executive Function</u>
1.2 Give, make, publish or serve any Notices, Summonses or other documents in connection with proceedings, or arising out of any enactment the enforcement of which relates to the Council.	Local Government Act 1972 Local Government Finance Act 1988 & 1992. Courts and Legal Services Act 1990 And all other enabling legislation	HS with responsibility for Legal / relevant CO	Non-Executive / Executive
1.3. Take any necessary steps in connection with the conduct of legal proceedings, or the defence of any proceedings, including the instruction of Counsel or expert witnesses and the preparation of any necessary documentation / evidence.	Local Government Act 1972 Local Government Finance Act 1988 & 1992 Courts and Legal Services Act 1990 And all other enabling legislation	HS with responsibility for Legal / CFO / HPS / appropriate HS	Non-Executive / Executive
1.4 Subject to budget approval, carry out works in default of compliance with any Notice or requirement of the Council.	Town and Country Planning legislation as above Highways legislation Building Control legislation	Relevant HS, in consultation with HS with responsibility for Legal	Non-Executive / Executive
1.5 Determination of the Council's Advocate, the Council's witness, the form of the Council's Pre-Inquiry Statement and the list of documents and venue for all public Inquiries and Hearings.	Town and Country Planning legislation as above	Relevant HS with responsibility for Legal in consultation with appropriate HS	Non-Executive / Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive/Executive Function</u>
1.6. To waive any solicitor and client privilege attaching to documents in the Council's possession in any case where a complaint is made to the Ombudsman.	-	<p>HS for the function in respect of which the complaint is made</p> <p>Note: such waiver only to be exercised with the agreement of the MO and after receiving advice from the HS with responsibility for Legal and consulting with the Executive Member responsible for that function.</p>	Non-Executive / Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive/Executive Function</u>
<b>Appointments</b>			
<p>1.7. Appoint authorised Officers of the Council to undertake general powers of enforcement, to include but not limited to:</p> <ul style="list-style-type: none"> <li>➤ enter any land or premises in connection with their statutory duties;</li> <li>➤ Take samples in connection with their statutory duties;</li> <li>➤ Carry out enforcement action in connection with their statutory duties;</li> <li>➤ Requiring information in connection with their statutory duties;</li> <li>➤ Issue any Fixed Penalty Notices / Penalty Charge Notices that the Council has a statutory power, or is acting on behalf of the statutory agency, to issue.</li> </ul>	<p>Town and Country Planning Act 1990 Highways Act 1980 Building Act 1984 Public Health Act 1936 Land Drainage Act 1976 Environmental Protection Act 1990 Dangerous Dogs Act 1991 Dogs (Fouling of Land) Act 1996 Clean Neighbourhood and Environment Act 2005 And any other enabling legislation</p>	<p>Relevant HS or other specifically designated and authorised technical officer, in consultation with HS with responsibility for Legal</p>	<p>Non-Executive / Executive</p>
<p>1.8. Authorise and appoint appropriately qualified and competent persons:</p> <p>(i) as Inspectors; or</p> <p>(ii) to accompany inspectors onto premises.</p>	<p>Health and Safety at Work etc Act 1974</p>	<p>Relevant HS or other specifically designated and authorised technical officer, in consultation with HS with responsibility for Legal</p>	<p>Non-Executive / Executive</p>
<p>1.9. Appoint representatives to outside bodies in cases where the nominations do not exceed the number of vacancies.</p>	<p>Local Government Act, 1972</p>	<p>HS with responsibility for Partnership</p>	<p>Executive</p>
<p>1.10. To authorise directed surveillance and use of covert human intelligence sources.</p>	<p>Regulation of Investigatory Powers Act, 2000</p>	<p>HS with responsibility for Legal</p>	<p>Non-Executive</p>

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive/Executive Function</u>
<b>Partnership</b>			
1.11. Work in partnership with other local authorities, not-for-profit organisations and government agencies in relation to ad hoc initiatives subject to the Council or its residents benefiting and without additional costs falling to the Council.	-	Appropriate HS in consultation with relevant Executive Member	Non-Executive / Executive
1.12. Represent the Council on partnership groups, boards and bodies.	-	HS in consultation with relevant Executive Member	Non-Executive / Executive
1.13. Respond to consultations from Government, Agencies, Local Authorities or other organisations on behalf of the Council.	-	HS in consultation with appropriate Executive Member or Committee Chairman	Non-Executive / Executive
<b>Elections</b>			
1.14. (i) Maintain Register of Electors; and  (ii) Increase fees in respect of staff employed at elections in line with the annual pay award for Local conditioned staff.	Representations of the People Acts 1949, 1983, 1985, 1989 and 2000	(i) ERO  (ii) ERO	Non-Executive  Non-Executive
1.15. Where it is impractical to report to Council, to designate Polling Places subject to the usual consultation on any changes being proposed.	Representation of the People Act, 1983	ERO	Non-Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive/Executive Function</u>
<b>Service Delivery</b>			
1.16. In the case of the failure of a contract, to take the necessary action to ensure least disruption to service (for report to the next meeting of the Executive).	-	Relevant HS in consultation with HPS, CFO, HS with responsibility for Legal and appropriate Executive Member	Executive
<b>Access to Information</b>			
1.17. Process applications for access to information held by the Council.	Freedom of Information Act 2000 Data Protection Act 1998 Environmental Information Regulations 2004 Access to Personal Files Regulations 1989	HS with responsibility for Access to Information  HS with responsibility for Housing	Executive
1.18. To amend from time to time, as required, the Publication Scheme.	Freedom of Information Act 2002.	HS with responsibility for Access to Information	Executive
1.19. To determine whether any complaints or petitions are vexatious, abusive or otherwise inappropriate	-	HS with responsibility for Legal	Non-Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
<b>FINANCE:-</b>			
<b>Local Taxation</b>			
2.1 The determination of all aspects of Council Tax administration, inspection, recovery, collection, refund and exercise of discretion in accordance with any statute or statutory regulations except for matters specifically reserved for Council or Executive or requiring consultation first with the Monitoring Officer.	Local Government Act 1972 Local Government Finance Act 1988 & 1992 Local Government Act 2003	CFO	Non-Executive / Executive
2.2 The employment of Bailiffs, including power to appoint additional Bailiffs as required.	Local Government Act 1972 Local Government Finance Act 1988 & 1992 Local Government Act 2003	CFO	Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive/Executive Function</u>
2.3. The determination of all aspects of National Non Domestic Rates (Business Rates) administration, inspection, recovery, collection, relief, refund and exercise of discretion in accordance with any statute or statutory regulations except for matters specifically reserved for Council or Executive or requiring consultation first with the Monitoring Officer.	Local Government Finance Act 1988 & 1992	CFO in consultation with Executive Member and HS with responsibility for Finance	Non-Executive / Executive
2.4. Consider applications from recreational organisations for discretionary rate relief for business rates taking into account the evaluation criteria.	-	HS responsible for Revenues, in consultation with the appropriate Executive Member.	Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive/Executive Function</u>
<b>General Financial Management</b>			
2.5 Designing, setting, waiving and levying individual fees and charges which the Council is entitled to levy (statutory and non-statutory)	All enabling legislation	HS for appropriate service, in consultation with the CFO and appropriate Executive Member	Non-Executive / Executive
2.6 To determine applications for capital grants, including Local Area Capital Grants, up to a maximum of £250,000	Local Government Act 2000	HS with responsibility for Capital Grants in consultation with the Corporate Plan Steering Group	Executive
2.7 To approve Councillor Community Awards in accordance with the agreed criteria.	Local Government Act 2000	HS with responsibility for voluntary sector grants in consultation with the Executive Member with responsibility for Voluntary Sector Support.	Executive
2.8. To incur necessary expenditure in the event of a civil emergency in conjunction with the Council's response to the incident.	-	CFO	Non-Executive
2.9. Changes within the total budget allocated.	-	HS where change is within their own areas of accountability  HS responsible for Finance, in consultation with appropriate HS where change is between different areas of accountability	Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive/Executive Function</u>
2.10. Take any steps necessary for the recovery of debts and write off irrecoverable amounts up to the limits determined by the Financial Procedure Rules.	Local Government Act 1972 Local Government Finance Act 1988 & 1992 Companies Acts & Insolvency Act 1986	CFO	Executive
2.11. Prove debts in liquidation and bankruptcy proceedings and sign any relevant documents.	Local Government Act 1972 Companies Acts & Insolvency Act 1986 Local Government Finance Act 1988 & 1992	CFO / HS responsible for Finance	Executive
2.12. Propose and determine the Schedule of Payments to precepting Authorities.	Local Government Finance Act 1988 & 1992	CFO	Non-Executive
2.13. Determine the mortgage interest rate on variable rate mortgages arranged prior to 3 <sup>rd</sup> October, 1990.	-	CFO	Non-Executive
2.14. Authorise the collection of revenues and disbursements of monies from the Collection Fund.	Local Government Act 1972 Local Government Finance Act 1988	CFO	Executive
2.15. Determine whether expenditure which is to be reimbursed, or met out of money provided by another person, is to be capitalised.	Local Government and Housing Act 1989	CFO	Non-Executive
2.16. Determine if a credit approval is to be used:- (a) as authorisation to capitalise expenditure; or (b) as authorisation to enter into a credit arrangement.	Local Government and Housing Act 1989	CFO	Non-Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive/Executive Function</u>
<p>2.17 Determine if usable capital receipts are to be applied:-</p> <p>(a) to meet expenditure incurred for capital purposes; or</p> <p>(b) as (voluntary) provision for credit liabilities</p> <p>and where voluntary provision for credit liabilities is made, provide credit cover for the entering into of a credit arrangement where a determination to this effect is required.</p>	Local Government and Housing Act 1989	CFO	Non-Executive
<p>2.18 Determine the amount (being not less than the required minimum revenue provision for the year) to be set aside from revenue account as provision for credit liabilities and where such provision is made to provide credit cover for entering into a credit arrangement.</p>	Local Government and Housing Act 1989	CFO	Non-Executive
<p>2.19 Take all executive decisions in respect of implementing the Council's Treasury Management Policy and Annual Treasury Management Strategy.</p>	-	CFO (Note: In the case of any investment transaction above £1 million this delegation can only be exercised by the CFO and the HS responsible for Finance (as authorised) and no other Officers – see 2008/09 Minute 93).	Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive/Executive Function</u>
2.20 Estimate and notify to the relevant authorities any amounts in respect of a surplus or deficit on the Council's collection fund for any year.	Local Government Finance Act 1988	CFO	Executive
2.21 Management of the Insurance fund and determination of the Council's insurance requirements.	Local Government Finance Act, 1988	CFO	Executive
2.22. To submit Annual Trustee Reports to the Charity Commission (2002/03 Minute 68, page 151)	-	CFO in consultation with the Executive Member with responsibility for Finance.	Non-Executive
2.23. Subject to Financial Services confirming that sufficient funding remains and certifying that the proposed expenditure is in accordance with the terms of the relevant section 106 obligation(s), (including those related to affordable housing), to permit expenditure as follows:  (a) Sums up to and including £75,000  (b) Sums more than £75,000 up to and including £250,000	-	HS with responsibility for Regeneration  HS with responsibility for Regeneration in consultation with the Corporate Plan Steering Group	Executive  Executive
2.24. Subject to Financial Services confirming that sufficient funding remains, to agree spend from the Corporate Plan Delivery Fund	-	HPS, in consultation with the Leader of the Council and the Executive Member with responsibility for Finance	Executive
2.25. To charge customers who pay for goods and services by a credit card, a transaction charge that equates to the cost that the Council has incurred in processing that transaction.	-	CFO / HS responsible for Finance	Non-Executive / Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive/Executive Function</u>
2.26. To administer and release partnership funds in accordance with Government guidance and criteria.	-	CFO	Executive
2.27. Submit bids for funding to government and government agencies, subject to the Council or its residents benefiting, and without additional costs falling to the Council; and where successful, implement schemes for expenditure.	-	Appropriate HS in consultation with relevant Executive Member	Non-Executive / Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
<b>Benefits</b>			
2.28. The determination of all aspects of housing benefit, council tax benefit and second adult rebate administration, application, and determination including payment, overpayment, recovery, refund, and exercise of discretion in accordance with any statute or statutory regulations excluding matters reserved for consideration by an Appeals Tribunal.	Social Security Contributions & Benefits Act 1992 Child Support, Pensions and Social Security Act 2000 Social Security Administration Act 1992 Welfare Reform Act 2007 Social Security (Consequential Provisions) Act 1992 Social Security Act 1998 And all other enabling legislation and regulations	HS with responsibility for Benefits	Non-Executive / Executive
<b>Fraud</b>			
2.29. Undertake all functions in relation to the prevention, detection, investigation and prosecution of acts of fraud and corruption against the Council. (2010/11 Minute 7, page 25)	The Local Government Act 1972 The Local Government Finance Act 1988 & 1992 Social Security Administration Act 1992 The Fraud Act 2006 Together with all amendments thereto and any re-enactments thereof and such other appropriate legislation	CFO subject to the approval of the Monitoring Officer, where the alleged fraudulent or corrupt activity has been committed by a Member of the Council	Non-Executive
2.30. Undertake an annual review of anti fraud policies, plans and protocols and making minor changes to those documents, for example, to give effect to those that arise from legislative changes. (2010/11 Minute 7, page 25)	The Local Government Act 1972 The Local Government Finance Act 1988 & 1992 Social Security Administration Act 1992 The Fraud Act 2006 Together with all amendments thereto and any re-enactments thereof and such other appropriate legislation	CFO in consultation with the Executive Member with responsibility for Finance except that where the amendments are significant a report will be taken to the Executive for approval	Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
2.31. To take all action as appropriate as the Council's designated Money Laundering Officer.	Money Laundering Regulations 2003	CFO	Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
<b>LAND &amp; PROPERTY:</b>			
3.1. Require information as to interests in land.	Local Government (Miscellaneous Provisions) Act 1976	CO	Non-Executive (Local Choice (11))
3.2. To take any necessary steps against encroachments on Council owned or managed land.	Local Government Act 1972	HS with responsibility for Property (in consultation where appropriate with Banstead Commons Conservators.)	Executive
3.3. To take all action necessary in relation to property where miscellaneous Licences, Grants, Wayleaves, Easements and other agreements are required.	Local Government Act 1972	HS with responsibility for Property, subject in politically sensitive or financially significant cases to consultation with the Executive Member with responsibility for Finance and the CFO	Executive
3.4. To give written notice to the Authority of a proposal to seek permission for the development under the Town and Country Planning General Regulations 1976 in respect of approved schemes.	Planning & Compensation Act 1991 Town & Country Planning General Regulations 1992	CO	Executive
3.5. To determine requests for permission to site telecommunications masts on Council owned land.	-	HS with responsibility for Development Management subject to:  (i) prior consultation with the appropriate Executive Member(s) and Ward Members;	Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
		(ii) the HS with responsibility for Property being satisfied as to the terms and conditions of any offer; and  (iii) such decisions being made on the same basis and using the same criteria as those used to determine the Council's response as Planning Authority	
3.6. To approve rent, charges and serve Notices in respect of properties subject to rent review provisions.	Local Government Act 1972	HS with responsibility for Property.	Executive
3.7. To take all action necessary in relation to property subject to the Landlord and Tenant Acts, including grant of leases and service of all Notices, approval of terms and consent to assign and change of use.	Local Government Act 1972	HS with responsibility for Property subject in politically sensitive or financially significant cases to consultation with the Executive Member with responsibility for Finance and the CFO	Executive
3.8. To select a third surveyor in relation to party wall matters.	Party Walls etc. Act, 1996	HS with responsibility for Property	Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
3.9. To dispose of property with a value up to £500,000, in accordance with the approved disposal procedure and subject to the principles agreed for the management of property assets and the Council's agreed financial strategies.	Local Government Act, 1972	HS with responsibility for Property in consultation with the Executive Member with responsibility for Finance and other relevant Executive Members, CFO and relevant HS	Executive
3.10. To acquire sites utilising the prudential borrowing funded budget in the Capital Programme subject to the principles agreed for the management of property assets and the Council's agreed financial strategies.	-	HS with responsibility for Property, in consultation with the Leader of the Council, the Executive Members with responsibility for Finance, Regeneration and Planning, the CFO and the relevant HS	Executive
3.11 Consider and determine applications for the release, variation or modification of covenants attached to former Council dwellings.	Housing Act 1985	HS with responsibility for Property	Executive
3.12. In relation to voluntary sector support, to determine the level of rental grant subsidy in conjunction with the use of the Council's property/assets by the voluntary community sector. (2004/05 Minute 34, page 89)	-	HS with responsibility for voluntary sector support in consultation with the Executive Members with responsibility for voluntary sector support, Finance and the relevant service and the HS with responsibility for Property	Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
3.13. Maintain Local Land Charges Register, issue Official Searches and deal with all other matters pertaining thereto.	Local Land Charges Act 1975	HS with responsibility for Legal	Executive
3.14. Authorise any exemptions from charges (additional to those detailed at 1990/91 Minute 109, Page 907) for use at the Town Hall, Reigate and other meeting facilities where alternative arrangements do not exist.	-	HS with responsibility for Facilities in consultation with the Executive Member responsible for Facilities	Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
<b>ENVIRONMENTAL HEALTH:-</b>			
<b>Water supply and drainage</b>			
4.1. Close or restrict use of water from polluted source of supply.	Public Health Act 1936	HS with responsibility for Environmental Health	Non-Executive / Executive (Local Choice (4-6))
4.2. Exercise the Council's powers in relation to the drainage of buildings, yards and passages.	Building Act 1984	HS with responsibility for Environmental Health	Executive
4.3. The power to repair drains, etc. and remedy stopped up drains, etc; require disconnection of drains; cleanse/repair drains, etc; arrange loan of temporary sanitary conveniences.	Public Health Act 1961 (as amended) Building Act 1984	HS with responsibility for Environmental Health	Non-Executive / Executive
4.4. The power to require removal of obstructions from private sewer.	Local Government (Miscellaneous Provisions) Act 1976	HS with responsibility for Environmental Health	Non-Executive / Executive
4.5. To arrange the clearance of blocked private sewers, drains or cesspools/septic tanks where there is the likelihood of a risk to public health and subject to a maximum cost of £300 in any one case.	Public Health Act 1936	HS with responsibility for Environmental Health	Non-Executive / Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
<b>Pest Control</b>			
4.6. Action necessary for the cleansing of filthy or verminous premises, the cleansing or destruction of filthy or verminous articles, and the cleansing of verminous persons and their clothing.	Public Health Act 1936 (as amended)	HS with responsibility for Environmental Health	Non-Executive (Local Choice (6))
4.7. Cleansing and disinfection of infected premises and the temporary removal of an inmate of infectious house.	Public Health (Control of Disease) Act 1984	HS with responsibility for Environmental Health	Non-Executive (Local Choice (6))
4.8. Take any action necessary to reduce numbers of pigeons and other birds in built up areas.	Public Health Acts 1936 & 1961	HS with responsibility for Environmental Health	Non-Executive (Local Choice (6))
4.9. Exercise the Council's power in relation to the control of rats and mice.	Prevention of Damage by Pests Act 1949	HS with responsibility for Environmental Health	Non-Executive (Local Choice (6))

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
<b>Licensing</b>			
4.10. Consider and determine all applications, that is Grant, renew, transfer, suspend, refuse, revoke, attach or vary Conditions, regarding Licences, Registrations, Certificates and Permits and appeals for the licensing or registration of persons or premises.	All legislation relating to the Council's Licensing Functions, unless otherwise not covered in the Scheme	HS with responsibility for Licensing	Non-Executive
4.11. Suspension of hackney carriage vehicle and drivers licences, private hire vehicles, drivers and operators licences.	Town Police Clauses Act 1847  Local Government (Miscellaneous Provisions) Act 1976	HS with responsibility for Licensing	Non-Executive
4.12 To make representations about an application for a premises Licence, Club Premises certificate or Provisional Statement, and for applications to vary conditions.	Licensing Act 2003  Gambling Act 2005	In respect of Licensing Act 2003: HS with responsibility for Licensing, Environmental Protection Manager & Health and Safety Manager  In respect of Gambling Act 2005: HS with responsibility for Licensing and Licensing Manager	Non-Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
<p>4.13 To grant in cases where there are no representations:-</p> <ul style="list-style-type: none"> <li>Application for a Personal Licence</li> <li>Application for a Premises Licence</li> <li>Application for a Club Premises Certificate</li> <li>Application for a Provisional Statement</li> <li>Application to vary a Premises Licence</li> <li>Application to vary a Club Premises Certificate</li> <li>Application to vary Designated Premises Supervisor</li> <li>Application for transfer of premises licence</li> <li>Application for interim Authorities</li> </ul>	Licensing Act 2003	HS with responsibility for Licensing and Licensing Manager	Non-Executive
<p>4.14 To determine minor variation applications for premises licences and club premises certificates, including the decision whether to consult with the responsible authorities under sections 41A to 41C and 86A to 86C of the Act. (2010/11 Minute 20)</p>	Licensing Act 2003	HS with responsibility for Licensing	Non-Executive
<p>4.15 To determine applications for community premises that wish to apply to sell alcohol without a Designated Premises Supervisor and Personal Licence holder under sections 25A and 41D of the Act, where no relevant representations have been received. (2010/11 Minute 20)</p>	Licensing Act 2003	HS with responsibility for Licensing	Non-Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
4.16 To grant Request to be removed as designated premises supervisor.	Licensing Act 2003	HS with responsibility for Licensing and Licensing Manager	Non-Executive
4.17 To decide whether a representation is irrelevant, frivolous, vexatious etc.	Licensing Act 2003	HS with responsibility for Licensing and Licensing Manager	Non-Executive
4.18 To issue Counter Notices where the limitations relating to temporary event notices are exceeded. (2004/05 Minute 84, page 265)	Licensing Act 2003	HS with responsibility for Licensing	Non-Executive
4.19 To attach such conditions as are deemed appropriate and to decide an application for consent in accord with relevant provisions of the Sunday Trading Act 1994.	Sunday Trading Act 1994	HS with responsibility for Licensing in consultation with the Chairman of Regulatory Committee	Non-Executive
4.20 In connection with a Notice of Intention to open on Sundays, to waive the requirement for 14 days prior notice to be given and similarly where ownership changes in respect of a "large shop" that previously traded on Sundays, the 14 day prior notice in respect of the new owner.	Sunday Trading Act 1994	HS with responsibility for Licensing in consultation with the Chairman of Regulatory Committee	Non-Executive
4.21 The operation of the Council's Registration Scheme for Door Supervisors.	Local Government (Miscellaneous Provisions) Act 1982.	HS with responsibility for Licensing	Non-Executive
4.22 To issue, but not refuse, annual, occasional, intermediate and temporary licences for cinemas, theatres and indoor sports venues.	Local Government (Miscellaneous Provisions) Act 1982.	HS with responsibility for Licensing	Non-Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
4.23 To determine applications by Motor Salvage Operators (2002/03 Minute 67, page 151).	Vehicles (Crime) Act 2001	HS with responsibility for Licensing	Non-Executive
4.24 To make an application to review a premises licence	Gambling Act 2005	HS with responsibility for Licensing and Licensing Manager	Non-Executive
4.25 To grant in cases where there are no representations: Application for Premises licences Application for a variation to a licence Application for a transfer of a licence Application for a Provisional Statement Application for club gaming/club machine permits Application for permits	Gambling Act 2005	HS with responsibility for Licensing	Non-Executive
4.26 To determine applications for other permits.	Gambling Act 2005	HS with responsibility for Licensing	Non-Executive
4.27 Cancellation of licensed premises gaming machine permits.	Gambling Act 2005	HS with responsibility for Licensing	Non-Executive
4.28 To decide whether a complaint is irrelevant, frivolous, vexatious, or will certainly not influence the authorities determination of the application.	Gambling Act 2005	HS with responsibility for Licensing	Non-Executive
4.29 To determine applications to register, or revoke small scale lotteries where the applicant does not wish to make representation.	Gambling Act 2005	HS with responsibility for Licensing	Non-Executive
4.30 To determine applications for exceptional vehicles up to five years of age at first registration.	-	HS with responsibility for Licensing	Non-Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
<b>Food Safety</b>			
4.31. Enforce relevant statutory provisions.	Food Safety Act 1990	HS with responsibility for Food Safety	Non-Executive / Executive
4.32. Exercise the Council's power in relation to the slaughter of animals including:  (i) Registration of knackers yards where slaughter takes places;  (ii) Licensing of Slaughtermen;	Slaughterhouses Act 1974 (as amended by the Welfare of Animals at Slaughter Act 1991)	HS with responsibility for Food Safety	Non-Executive
4.33. To require access to and ensure appropriate provision of sanitary facilities for the disabled at premises open to the public .	Sick and Disabled Persons Act 1981	HS with responsibility for Food Safety	Non-Executive
4.34. Service of notices requiring information to be provided (in relation to water supply).	Water Industry Act 1991	HS with responsibility for Food Safety	Executive
4.35. Service of notices in respect of water which is not wholesome.	Water Industry Act 1991	HS with responsibility for Food Safety	Non-Executive / Executive
4.36. Notification of the water undertaken of any unwholesome or insufficient supply of any supply which may cause danger to life or health.	Water Industry Act 1991	HS with responsibility for Food Safety	Non-Executive / Executive
4.37. To grant, refuse or revoke approvals to premises under the relevant provisions of any product specific Regulations.	Food Safety Act 1990	HS with responsibility for Food Safety	Non-Executive
4.38. Authorise the transfer of the enforcement function, in line with the relevant Enforcement Protocol (2007/08 Minute 15, page 72).	Health Act 2006 (Section 10) and the Smoke Free (Premises and Enforcement) Regulations 2006	HS with responsibility for Food Safety	Non-Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
<b>Health and Safety at Work</b>			
4.39. To agree transfers and assignments between the Health and Safety Executive and the Council.	Health & Safety at Work Act, etc 1974	HS with responsibility for Health and Safety	Non-Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
<b>Environmental Protection</b>			
4.40. Power to deal with a statutory nuisance including noise nuisance.	Environmental Protection Act 1990	HS responsibility with for Environmental Protection	Non-Executive (Local Choice (6-9))
4.41. Serve Abatement Notices and abate statutory nuisances where an Abatement Notice has not been complied with and recovery of expenses.	Environmental Protection Act 1990.	HS responsibility with for Environmental Protection	Non-Executive (Local Choice (6-9))
4.42 To carry out all the functions in relation to polluting activities requiring permits, including:-  (i) grant or refuse applications;  (ii) determine and review conditions to be attached to environmental permits;  (iii) vary environmental permits and conditions attached thereto;  (iv) revoke environmental permits;  (v) issue and serve enforcement notice (against breach of condition);  (vi) issue and serve suspension notices (suspending the carrying out of all or part of an activity where an imminent risk of serious pollution arises);	Pollution Prevention and Control Act 1999	HS responsibility with for Environmental Protection	Non-Executive (Local Choice (6-9))

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
<p>(vii) keep and maintain a public register of particulars relating to the discharge of functions;</p> <p>(viii) determine applications from persons furnishing information to exclude such information from the register on grounds of commercial confidentiality.</p>			
4.43. Prepare and maintain a register of prescribed particulars etc to comply with S 78.R EPA1990.	Environmental Protection Act 1990	HS responsibility with for Environmental Protection	Non-Executive (Local Choice (6-9))
4.44. Exercise the powers and duties in connection with the prevention and remediation of prescribed pollution incidents.	Environmental Damage (Prevention and Remediation) Regulations 2009	HS responsibility with for Environmental Protection	Non-Executive
4.45 To carry out any necessary functions.	Noise Act 1996	HS responsibility with for Environmental Protection	Non-Executive (Local Choice (7))
4.46. To exercise the powers of Inspector contained within Part V of the Environment Act 1995.	Environment Act 1995	All Technical Officers appointed by the HS with responsibility for Environmental Protection	Non-Executive (Local Choice (5))
4.47. To issue notices, exemptions and authorisations in relation to emissions into the atmosphere.	Environment Act 1995	HS responsibility with for Environmental Protection	Non-Executive (Local Choice (5))
4.48. To arrange for the review of air quality under the Environment Act 1995, and assessments against air quality standards and objectives.	Environment Act 1995	HS responsibility with for Environmental Protection	Non-Executive (Local Choice (5))

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
4.49. To identify sites and determine whether land is contaminated and to carry out any necessary investigatory, enforcement or remediation action, including the service of notices, under Part IIA of the Environment Act 1990.	Environment Act 1995	HS responsibility with for Environmental Protection	Non-Executive (Local Choice (4))
4.50. To administer all the provisions of the Clean Air Act 1993 where the Council is the enforcing authority for the purposes that include monitoring, preventing and controlling air pollution.	Clean Air Act 1993	HS responsibility with for Environmental Protection	Non-Executive (Local Choice (5))
4.51. To exercise powers relating to (a) the control of noise from construction sites and (b) the investigation and requirement of information in relation to the control of noise. (2004/05 Minute 98, page 229)	Control of Pollution Act 1974	HS responsibility with for Environmental Protection	Non-Executive (Local Choice (5))
4.52. To exercise powers and take action under Sections 77, 78 and 79 of Part 7 of the Act (2005/06 Minute 211, page 611)	Clean Neighbourhoods and Environment Act 2005	HS responsibility with for Environmental Protection	Non-Executive (Local Choice (5))
4.53. To exercise the powers and duties in connection with prevention and remediation of prescribed pollution incidents.	The Environmental Damage (Prevention and Remediation) Regulations 2009	HS responsibility with for Environmental Protection	Non-Executive (Local Choice (5))

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
<b>Community Safety</b>			
4.54. To pursue anti-social behaviour orders against appropriate individuals.	Anti Social Behaviour Act 2003	HS with responsibility for Community Safety in consultation with the Chairman of the Regulatory Committee.	Non-Executive
4.55. To implement Part 4 of the Antisocial Behaviour Act relating to the designation of areas where the Police can disperse groups causing intimidation (2003/04 Minute 211).	Antisocial Behaviour Act 2003	HS with responsibility for Community Safety in consultation with the Chairman of the Regulatory Committee.	Non-Executive
4.56. To make a Designated Public Places Order in order to combat alcohol related disorder (2006/07 Minute 16, page 406).	Criminal Justice and Police Act 2001: Section 13	HS with responsibility for Community Safety in consultation with the Chairman of the Regulatory Committee	Non-Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
<b>Parking Services</b>			
4.57. To manage and operate on-street parking controls on behalf of and by agreement with Surrey County Council (the Highways Authority).	Traffic Management Act 2004 and associated legislation	HS with responsibility for Parking Services	Executive
4.58. To manage and operate the Council's car parks and any other car parks to which the Council is authorised to operate.	-	HS with responsibility for Parking Services	Executive
4.59. Grant of all permission, authorisations, relaxations or exemptions as the Council may be so authorised under the provisions of the Borough of Reigate and Banstead (Off-Street Parking Places) Order 2009 and all amendments thereto.	-	HS with responsibility for Parking	Executive
4.60. To agree any free parking in each Town Centre.	-	HS with responsibility for Parking, in consultation with the Executive Member with responsibility for Parking	Executive

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

<b><u>Delegated Function</u></b>	<b><u>Act</u></b>	<b><u>Officer</u></b>	<b><u>Non-Executive / Executive Function</u></b>
5.5. Exercise the Council's powers duties and functions in relation to the provision of information and advice to landlords, tenants, and homeowners including: the statutory rights and duties of landlords and tenants	Rent Act 1977 Housing Acts Homelessness Acts And other relevant legislation	HS with responsibility for Housing  HS with responsibility for Private Sector Housing	Executive
5.6. Exercise the Council's powers duties and functions in relation to maintaining a housing register or list, including: processing, determining, refusing, and reviewing applications; removing and suspending applicants; determining priority of applicants and suitability of accommodation; running a choice-based allocation system; and nominating applicants to housing providers.	Housing Act 1996 Homelessness Act 2002 and other relevant legislation	HS with responsibility for Housing	Executive
5.7. Exercise the Council's powers duties and functions in relation to maintaining a housing transfer register or list, including: processing, determining, refusing, and reviewing applications; removing and suspending applicants; determining priority of applicants and suitability of accommodation; running a choice-based allocation system; and nominating applicants to housing providers.	Housing Act 1996 Homelessness Act 2002 and other relevant legislation	HS with responsibility for Housing	Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
5.8. Make minor changes to the housing register, nomination, homelessness & transfer policies and also, where necessary, agree local lettings policies for new and existing affordable housing.	Housing Act 1996 Homelessness Act 2002 and other relevant legislation	HS with responsibility for Housing	Executive
5.9. Enter into reciprocal, nomination and referral arrangements with other housing authorities, housing providers, statutory bodies and also for specific initiatives, including for witness protection and domestic violence and managing transfer lists on behalf of agreed housing providers.	Housing Act 1996 Homelessness Act 2002 and other relevant legislation	HS with responsibility for Housing	Executive
5.10. To rehouse families where requested to do so by statutory bodies including when the Police ask the Council to move a family because there is risk to safety or to the life of one of the family members and also where a child in a family is in danger.		HS with responsibility for Housing in consultation with the Executive Member with responsibility for Housing	Executive
5.11. Exercise the Council's powers, duties and functions in relation to all types of grants and loans in respect of residential accommodation, including authorising the waiving of grant and loan repayments in the following circumstances:-	Housing Grants, Construction and Regeneration Act 1996 And other relevant legislation	HS with responsibility for Housing, in consultation with the HS with responsibility for Legal and CFO	Non-Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
5.12. To waive grant and loan repayments where there is evidence of both financial hardship and specific evidence of the grounds on which the waiving of grant repayment is sought.	Housing Grants, Construction and Regeneration Act 1996  And other relevant legislation	HS with responsibility for Housing in consultation with the Executive Member with responsibility for Housing	Executive
5.13. Exercise the Council's powers, duties and functions to require means of escape from certain buildings.	Building Act 1984  And other relevant legislation	HS with responsibility for Development	Non-Executive
5.14. To manage agreements and other housing related deeds entered into with Registered Social Landlords and housing providers, including the Large Scale Voluntary Transfer Agreement (LSVT), and specifically to vary agreements where no additional cost would fall on the Council, including LSVT.	-	HS with responsibility for Housing  HS with responsibility for Housing, in consultation with HS with responsibility for Legal and CFO for variations	Executive
5.15. Determine the Council's support for bids by Registered Providers and others to the Homes & Communities Agency for affordable housing funding; or for funding for affordable housing from other sources.	Housing Act 1996  Housing & Regeneration Act 2008  And other relevant legislation	HS with responsibility for Housing	Executive
5.16. Exercise the Council's powers duties and functions in relation to the periodic review of the housing needs, housing supply, and housing conditions in the Borough	Housing Act 1985  Housing Act 2004  And other relevant legislation	HS with responsibility for Housing  HS with responsibility for Private Sector Housing	Executive

<b><u>Delegated Function</u></b>	<b><u>Act</u></b>	<b><u>Officer</u></b>	<b><u>Non-Executive / Executive Function</u></b>
5.17. Approve applications for advances for house purchase, construction, improvement and repair within the Scheme approved from time to time by the Council.		CFO, in consultation with the Executive Member with responsibility for Housing	Executive
5.18. Consider and determine applications for home loss and disturbance payments and make payments as necessary.	Land Compensation Act 1973 Planning and Compensation Act 1991	Appropriate HS in consultation with the HS with responsibility for Legal	Non-Executive / Executive
5.19. Exercise the Council's powers, duties and functions in relation to appeals to the Residential Property Tribunal	Housing Act 2004 Section 231	HS with responsibility for Housing in consultation with the HS with responsibility for Legal	Non-Executive
5.20. To utilise up to 33% of the home repair capital budget to make grants or loans to organisations delivering relevant services	-	HS with responsibility for Housing, in consultation with the Executive Member with responsibility for Housing	Executive
5.21. Approve and confirm acceptance of the Homes & Communities Agency's Grant Funding Conditions, as necessary, for affordable housing; and for other housing projects and initiatives.	-	HS with responsibility for Housing, in consultation with CFO	Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
<b>Private Sector Housing (and general public health)</b>			
5.22. Exercise the Council's powers, duties and functions in relation to the cleansing of filthy or verminous premises, the cleansing or destruction of filthy or verminous articles, and the cleansing of verminous persons and their clothing.	Public Health Act 1936 (as amended)	HS with responsibility for Private Sector Housing	Non-Executive / Executive
5.23. Exercise the Council's powers, duties and functions in relation to cleansing and disinfection of infected premises and the temporary removal of an inmate of infectious house.	Public Health (Control of Disease) Act 1984	HS with responsibility for Private Sector Housing	Executive
5.24. Exercise the Council's powers, duties and functions to repair of drains, etc. and remedy stopped up drains, etc; require disconnection of drains; cleanse/repair drains, etc; arrange loan of temporary sanitary conveniences.	Public Health Act 1961 (as amended) Building Act 1984	HS with responsibility for Private Sector Housing	Executive
5.25. Exercise the Council's powers, duties and functions to require removal of obstructions from private sewers.	Local Government (Miscellaneous Provisions) Act 1976	HS with responsibility for Private Sector Housing	Executive
5.26. Exercise the Council's powers, duties and functions to arrange the clearance of blocked private sewers, drains or cesspools/septic tanks where there is the likelihood of a risk to public health and subject to a maximum cost of £500 in any one case.	Public Health Act 1936	HS with responsibility for Private Sector Housing	Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
5.27. Exercise the Council's powers, duties and functions in relation to the drainage of buildings, yards and passages.	Building Act 1984	HS with responsibility for Private Sector Housing	Executive
5.28. Exercise the Council's, duties, powers and functions in relation to the declaration and revocation of declarations of houses in multiple occupation	Housing Act 2004	HS with responsibility for Private Sector Housing	Executive
5.29. Exercise the Council's, duties, powers and functions in relation to the maintenance of registers of notices, orders and licences and management orders for houses in multiple occupation.	Housing Act 2004	HS with responsibility for Private Sector Housing	Executive
5.30. Approve applications for advances for house improvement and repair within the Scheme approved from time to time by the Council.	Housing Acts 1985, 1988 and 1996 Homelessness Act 2002 and other relevant legislation	HS with responsibility for Private Sector Housing in consultation with Executive Member with responsibility for Housing and the CFO	Executive
5.31. Exercise the Council's powers duties and functions in relation to adaptations for people with disabilities in respect of residential accommodation, including: determining and reviewing applications for grants, payment and recovery of grants; and authorising Charges and Local Land Charge entries.	Housing Grants Construction and Regeneration Act 1996 and other relevant legislation	HS with responsibility for Private Sector Housing	Executive

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

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
5.34. To waive grant and loan repayments where there is evidence of both financial hardship and specific evidence of the grounds on which the waiving of grant repayment is sought.	Housing Grants, Construction and Regeneration Act 1996  And other relevant legislation	HS with responsibility for Private Sector Housing in consultation with the Executive Member with responsibility for Housing	Executive
5.35. Approve any further applications for extensions to the Home Improvement Scheme to include other interested local authorities and not-for-profit organisations, subject to the Council not being involved in additional costs.	-	HS with responsibility for Private Sector Housing in consultation with the Executive Member with responsibility for Housing	Executive
5.36. In relation to private sector housing repairs, adaptations and other works, to agree exception cases up to the value of £1,000.	-	HS with responsibility for Private Sector Housing, in consultation with the Executive Member with responsibility for Housing	Executive
5.37. Exercise the Council's powers, duties and functions in relation to the restoration or continuation of supply of water, gas or electricity to residential accommodation.	Local Government (Miscellaneous Provisions) Act 1976	HS with responsibility for Private Sector Housing	Executive
5.38. Exercise the Council's powers, duties and functions in relation to mobile homes and mobile home sites, including the service of notices, determining applications for licences, licensing sites, site conditions standards and improvements.	Caravan Sites and Control of Development Act 1960  Caravan Sites Act 1968	HS with responsibility for Private Sector Housing	Non-Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
5.39. Exercise the Council's powers, duties and functions in relation to control of moveable dwellings.	Public Health Act 1936	HS with responsibility for Private Sector Housing	Non-Executive
5.40. Sign, serve (including by electronic means) and issue Notices and Orders, take actions in default or otherwise and recover expenses, administration costs etc, in relation to housing and other residential accommodation including houses in multiple occupation; and for drainage purposes in respect of housing, other residential accommodation and non-residential premises as necessary.	Local Government (Miscellaneous Provisions) Act 1976 Local Government (Miscellaneous Provisions) Act 1982 Public Health Act 1936 & 1961 Prevention of Damage by Pests Act 1949 Building Act 1984 Caravan Sites and Control of Development Act 1960 Caravan Sites Act 1968 Housing Acts and other relevant legislation	HS with responsibility for Private Sector Housing	Non-Executive / Executive
5.41. Authorise members of staff to request information and enter premises, residential accommodation, caravans, moveable dwellings, houses in multiple occupation and mobile home sites to inspect, take samples and collect evidence, including taking photographs.	Caravan Sites and Control of Development Act 1960 Caravan Sites Act 1968 Building Act 1984. Public Health Acts 1936 & 1961. Local Government (Miscellaneous Provisions) Acts 1976 & 1982 Local Government & Housing Act 1988	HS with responsibility for Private Sector Housing	Non-Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
5.42. Exercise the Council's powers duties and responsibilities in relation to standards and category 1 & 2 Hazards (as defined in Section 2 of the Housing Act 2004) in housing and residential accommodation including: setting standards, inspecting properties, and enforcing standards; service, suspension and enforcement of hazard awareness and improvement notices and prohibition orders; emergency action and emergency prohibition orders.	Housing Act 2004	HS with responsibility for Private Sector Housing  HS with responsibility for Private Sector Housing, in consultation with CFO for recovery of monies only	Non-Executive / Executive
5.43. Exercise the Councils powers in relation to empty properties, including making and authorising of interim and final empty dwelling management orders, actions resulting from interim and final empty dwelling management orders; and payment of compensation as necessary.	Housing Act 2004	HS with responsibility for Private Sector Housing, in consultation with the Executive Member with responsibility for Housing	Executive
5.44. Consult with the Fire and Rescue Service in respect of fire risk in certain residential accommodation.	Housing Act 2004	HS with responsibility for Private Sector Housing	Executive
5.45. Exercise the Council's powers duties and functions in relation to licensing of houses in multiple occupation, including: deciding which are to be licensed; temporarily exempt some from licensing; granting and refusing licences; tests of suitability, variation and revocation of licences; licences, and procedures and appeals.	Housing Act 2004	HS with responsibility for Private Sector Housing	Executive Note: Regulatory Committee are responsible for individual applications

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
5.46. Exercise the Council's powers duties and functions in relation to standards in, the management of, and overcrowding in, houses in multiple occupation, including: making and operating interim management orders ; variation and revocation of interim management orders; making and operation of final management orders; variation and revocation of final management orders, procedural requirements and appeals; management, termination of final management orders; making and enforcement of management regulations; and overcrowding notices and enforcement.	Housing Act 2004	HS with responsibility for Private Sector Housing  HS with responsibility for Housing in consultation with HS responsible for Legal regarding appeals only	Executive
5.47. To reduce HMO standards where it is considered unreasonable to meet them, i.e. they would result in the loss of a unit of accommodation or would lead to excessive costs	Housing Act 2004	HS with responsibility for Private Sector Housing in consultation with Executive Member with responsibility for Housing	Executive
5.48. Exercise the Council's, duties, powers and functions in relation to: requirements to produce documents; entry to premises; notice requirements for the protection of owners; dispensing with notices; service of documents and service of documents in electronic form.	Housing Act 2004	HS with responsibility for Private Sector Housing	Executive
5.49. Exercise the Council's powers duties and functions to deal with the abatement of overcrowding of residential properties.	Housing Act 1985 And other relevant legislation	HS with responsibility for Private Sector Housing	Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
<b>PERSONNEL:-</b>			
6.1. Take the necessary action to implement Local Conditions of Service.  (i) in respect of qualification or determination of payment;  (ii) in respect of payment.	Local Government Act 1972	HS with responsibility for Personnel  CFO	Non-Executive
6.2. Determine additional leave in accordance with the Additional Leave Policy.	Local Government Act 1972	CO	Non-Executive
6.3. To move an existing Officer to a higher point within the existing grade, above a pay bar or above the maximum progression level.	Local Government Act 1972	Relevant HS with the agreement of the HS with responsibility for Personnel	Non-Executive
6.4. To carry out grading reviews for existing posts and move a position to a different grade where justified.	Local Government Act 1972	Relevant HS in consultation with HS with responsibility for Personnel and the Chairman of the Employment Committee	Non-Executive
6.5. To approve payment of honoraria.  (i) in accordance with employment terms and conditions;  (ii) in excess of employment terms and conditions.	Local Government Act 1972	HS with the agreement of the HS with responsibility for Personnel  HS with the agreement of HS with responsibility for Personnel and the Chairman of the Employment Committee	Non-Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
6.6. To agree the Human Resource Plan in accordance with the approved budget.	Local Government Act 1972	HPS	Non-Executive
6.7. Appointment and dismissal of staff.	Local Government Act 1972	HPS and HS in accordance with the Employment Procedure Rules and other HR requirements	Non-Executive
6.8. To appoint an independent person in respect of any disciplinary action in relation to the statutory Chief Officers.	Local Government Act, 2000	HS with responsibility for Personnel	Non-Executive
6.9. In relation to recruitment and retention of staff, where there is a need for considering market supplements in other areas, the agreed criteria be applied and, where a payment is warranted, to approve accordingly. (2003/04 Minute 222).	Local Government Act 1972	HS with responsibility for Personnel in consultation with the CFO and the Chairman of the Employment Committee	Non-Executive
6.10. In relation to recruitment and retention of staff, where there is no longer a need for market supplements, to remove accordingly.	Local Government Act 1972	HS with responsibility for Personnel in consultation with CFO and relevant HS	Non-Executive
6.11. To hear and determine grievances and appeals in accordance with the Council's approved Grievance Procedure (2006/07 Minute 50, page 218).	Local Government Act 1972	HPS / HS in accordance with the Council's Policies and Procedures	Non-Executive
6.12. To agree minor changes, for example those that arise from legislative changes, to all personnel policies and procedures. (2009/10 Minute 124, page 464).	-	HS with responsibility for Personnel in consultation with attendees to the Local Joint Forum	Non-Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
<b>PLANNING AND DEVELOPMENT:-</b>			
7.1. The issuing, service, publication, modification and withdrawal of all Notices, Counternotices, Objections to Notices, Certificates, Requisitions for Information, Orders, Directions and any other documents of a legal nature, together with the certification of such documents pursuant to any powers of the Council in connection with the Town and Country Planning legislation.	All Town and Country Planning legislation	HS responsibility with for Legal	Non-Executive
7.2. The issuing, service, publication, modification and withdrawal of Planning Contravention Notices.	Town and Country Planning Act 1980	HS responsibility with for Development Management	Non-Executive
7.3. Determination of the following types of application (other than applications by Members or Officers of the Council or members of their families or where an Officer or Member is known to have an interest) including any related agreements or obligations arising from the granting of such applications:-  <ul style="list-style-type: none"> <li>- extensions or alterations to residential dwellings including garages and other ancillary works;</li> <li>- erection of single dwellings;</li> <li>- residential development resulting in a net increase of one dwelling;</li> </ul>	Town and Country Planning	HS responsibility with for Development Management	Non-Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
<ul style="list-style-type: none"> <li>- conversion of a building(s) into flats;</li> <li>- shop fronts;</li> <li>- consent to display advertisements;</li> <li>- all reserved matters;</li> <li>- Conservation Area and Listed Building consents, or the demolition or alteration of a building within a Conservation Area either where required in connection with a development where the Director of Environmental Services has delegated power to grant planning permission or where planning permission is not required;</li> <li>- renewal of temporary permissions.</li> <li>- Agricultural/ Telecommuni-cation (including public call boxes and ancillary radio equipment houses)/Demolition development.</li> </ul>			

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
<p>(N.B. In the case of agricultural determinations, details should always be requested in Areas of Outstanding Natural Beauty and Areas of Great Landscape Value. In all other cases, details will be requested only following consultation with any Ward Member(s) concerned and in accordance with Department of the Environment Guidelines).</p> <ul style="list-style-type: none"> <li>- changes of use not conflicting with Council policy and refusal of changes of use conflicting with Council policy;</li> <li>- demolition of buildings;</li> <li>- provision of vehicular accesses;</li> <li>- erection of fences/walls or other means of enclosure;</li> <li>- institutional, educational or commercial works not exceeding 100 sq. metres;</li> <li>- consent to store hazardous substances subject to the decision being in accordance with the views of the statutory consultees;</li> </ul>			

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
<ul style="list-style-type: none"> <li>- variations of a minor nature to existing Section 52 or Section 106 Agreements;</li>   <li>- refusal of planning permission, listed building consent or conservation area consent in all other circumstances.</li> </ul> <p>All the foregoing to be subject to the proviso that such powers will not be exercisable by the Head of Building &amp; Development Services until either:-</p> <ul style="list-style-type: none"> <li>(a) the expiry of 21 days from the date of circulation of details of such applications to all Members of the Council and no objections to the level of delegation having been received in writing from any Member of the Council by the expiry of that period.</li> <li>(b) in the event of such objection being received, the withdrawal of such objection; or</li> <li>(c) in the event of amendments being received to such applications, a further 3 days be allowed to enable Members to raise an objection to the level of delegation.</li> </ul>		<p>HS with responsibility for Development Management. subject to prior consultation with the Chairman of the Planning Committee</p>	<p>Non-Executive</p>

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
7.4. Determination of applications for:- (a) A Certificate of Lawfulness of existing use or development. (b) A Certificate of Lawfulness of proposed use or development. (c) The removal of or operations to preserved trees or trees in Conservation Areas.		HS with responsibility for Development Management	Non-Executive
7.5. Determination of an application for renewal of permission.	Town and Country Planning Act 1990	HS with responsibility for Development Management	Non-Executive
7.6. Determination of an application for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.	Section 73 Town and Country Planning Act 1990	HS with responsibility for Development Management in consultation with Chairman of Planning Committee as appropriate	Non-Executive
7.7. Determination of an application for non-material amendment.	Section 96A Town and Country Planning Act 1990	HS with responsibility for Development Management	Non-Executive
7.8. The exercise of the Council's power to decline to determine an application for planning permission for the development of land.	Section 70A Town and Country Planning Act 1990	HS with responsibility for Development Management	Non-Executive
7.9. The exercise of the Council's powers in relation to any notices including the decision to issue, serve, withdraw, modify or vary notices, the making and confirmation of orders, directions, etc., and the decision to carry out works in default.	Town and country Planning legislation	HS with responsibility for Development Management / HS with responsibility for Legal	Non-Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
7.10. The exercise of the Council's powers in relation to the decision to issue, serve, withdraw, modify or vary Planning Contravention Notices.	Town and Country Planning Act 1980	HS with responsibility for Development Management	Non-Executive
7.11. Recommendation to the Department of Culture, Media and Sport of spot listing of buildings of Architectural or Historic Interest.	Town and Country Planning legislation as above	HS with responsibility for Development Management	Non-Executive
7.12. To spotlist any historic gardens following consultation with the Surrey County Council historic gardens adviser and the Surrey Gardens Trust.	-	HS with responsibility for Development Management, in consultation with the Chairman of the Planning Committee	Non-Executive
7.13. Keeping of Registers in respect of:- <ul style="list-style-type: none"> <li>- Planning applications;</li> <li>- Notifications of Intentions to fell trees in Conservation Areas;</li> <li>- Enforcement Notices and Stop Notices</li> </ul> and the Register and Index Map under the Town and Country Planning (Development Plan) Regulations 1991. The issue of appropriate Decision Notices or Certificates following the determination of applications in accordance with the Council's terms of reference and this delegation scheme.	Town and Country Planning Legislation	HS with responsibility for Development Management	Non-Executive
7.14. Exercise of the Council's powers in relation to Building Control legislation, including, but without	Building Control legislation	HS with responsibility for Development	Non-Executive / Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
prejudice to the generality of the foregoing, the determination of applications for the approval of plans and specifications, applications for relaxations, the issue and service of all Notices, the making of requirements and the decision to carry out works in default.		Management	
7.15. Powers and duties of the Council relating to dangerous, dilapidated or defective buildings or structures, hoardings, scaffolding and the demolition of buildings.	Building Control legislation	Any one of the Technical Officers specifically appointed for this purpose by the HS with responsibility for Building Control	Non-Executive / Executive
7.16. To authorise the service of consents for hedgerows removal, hedgerow retention notices, hedgerow replanting notices and any other matters in relation to the operation of the Hedgerow Regulations 1997.	Hedgerow Regulations 1997	HS with responsibility for Development Management	Non-Executive / Executive
7.17. To vary Building Regulation Charges when considered necessary.	The Building (Local Authority Charges) Regulations 1998	HS with responsibility for Development Management, in consultation with the Executive Member with responsibility for Planning or Chairman of the Planning Committee as appropriate	Non-Executive / Executive
7.18. To decide whether to serve a High Hedge Remedial Notice or not and authorise and exercise the Council's power of entry. (2005/06 Minute 7, page 33).  To take direct action pursuant to a High Hedge Remedial Notice (2008/09 Minute 149, page 345)	Anti-Social Behaviour Act 2003	HS with responsibility for Development Management	Non-Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
<b>STREET SCENE SERVICES:-</b>			
8.1. Exercise the Council's functions under the Highways legislation including authorisation and issue, service, publication, modification and withdrawal of all Notices, Counter-notices, objections to Notices, Requisitions for Information, Orders, Directions, and any other documents of a legal nature, and the certification of such documents.	All legislation relating to Highways issues	HS with responsibility for Street Scene	Non-Executive / Executive
8.2. To deal with the following: - licensing of skips and hoardings.  - approval of the design and construction of roads and their subsequent adoption and the release of Bonds on the due performance of highway works;  - approval of, or the erection of direction signs, crash barriers, guard rails, roadside seats, bus shelters, fences, refuse bins and other small structures within highway limits;  - licensing of the planting of trees and shrubs, etc. on a highway;	Highways legislation as above	HS with responsibility for Street Scene, subject to the consent of the Highway Authority as appropriate	Non-Executive / Executive
8.3. To discharge functions relating to control of unauthorised encampments	Criminal Justice and Public Order Act 1994	HS with responsibility for Development Management	Non-Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
8.4. To decide whether or not to provide Christmas Bus Services.	Local Government Act, 2000	HS with responsibility for community transport in consultation with the Executive Member with responsibility for Transport	Executive
8.5. Exercise powers under Land Drainage Acts and Byelaws made thereunder including entry on to land, service of notices and action requiring works in default up to a value of £10,000 per incident.	Land Drainage Acts	HS with responsibility for Drainage	Executive
8.6. Power to collect and dispose of abandoned vehicles.	Refuse Disposal (Amenity) Act 1978	HS with responsibility for Street Scene	Executive
8.7. Actions necessary to deal with the collection of waste.	Environmental Protection Act 1990 Public Health Act, 1936 Refuse Disposal (Amenity) Act, 1978	HS with responsibility for Refuse and Recycling	Executive
8.8. Issue and serve Notices in relation to requirements for type of refuse containers; recycling arrangements and litter abatement.	Environmental Protection Act, 1990	HS with responsibility for Refuse and Recycling	Executive
8.9. Execute the provisions relating to abandoned trolleys.	Environmental Protection Act, 1990	HS with responsibility for Street Scene	Executive
8.10. Street cleansing.	Environmental Protection Act 1990.	HS with responsibility for Street Scene	Executive
8.11. Prepare and amend zoning plans as required by the Environmental Protection Act.	Environmental Protection Act, 1990	HS with responsibility for Street Scene	Executive
8.12. Provide bins for litter and dog waste.	Environmental Protection Act, 1990	HS with responsibility for Street Scene	Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
8.13. To decide on the location of new recycling sites. (2004/05 Minute 78, page 188).	-	HS with responsibility for Street scene	Executive
8.14. (i) Street Numbering.  (ii) Street Naming.		(i) HS with responsibility for street naming;  (ii) HS with responsibility for street naming in consultation with the Executive Member with responsibility for street naming and subject to prior consultation with relevant Ward Councillors	Executive  Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
<b>LEISURE, PARKS &amp; OPENS SPACES:-</b>			
9.1. Grant or refuse permission for the use of leisure land including Parks, Recreation Grounds, Gardens, Commons and open spaces and all other recreational facilities in accordance with approved policies.	Open Spaces Act 1906 Public Health Acts 1875 – 1961 (as amended) Local Government Act 1972	HS with responsibility for Parks subject to agreement of HS with responsibility for Legal in respect of Common land	Executive
9.2. Deal with letting or hiring of sports facilities and leisure facilities provided by the Council.	Public Health Acts Amendment Act 1907 The Public Health Acts 1925 and 1961 Reigate Corporation Act 1945 Local Government Act 1972 Local Government (Miscellaneous Provisions) Act 1976	As appropriate: HS with responsibility for Parks HS with responsibility for Leisure	Executive
9.3. Closure of parks and pleasure grounds or part thereof or to allow their use for a show or other special purpose, in particular, the letting of Redhill and Earlswood Commons and Reigate Heath for Fairs, Circuses and similar events.	Public Health Acts Amendment Act 1890 as amended by the Public Health Act 1961	HS with responsibility for Parks	Executive
9.4. Deal with any applications affecting access over, or laying of services in, over or under common land or leisure land.	Metropolitan Commons (Banstead) Supplemental Act 1893 Reigate Corporation Act 1945	HS with responsibility for Legal (in consultation with the Executive Member for Open Spaces and Banstead Commons Conservators where appropriate)	Executive

<u>Delegated Function</u>	<u>Act</u>	<u>Officer</u>	<u>Non-Executive / Executive Function</u>
9.5. Grant of Grazing and Haycutting Licences.	-	HS with responsibility for Parks	Executive
9.6. Grant of Catering, Fishing and Boating Licences.	Local Government (Miscellaneous Provisions) act 1976	HS with responsibility for Parks	Executive
9.7. Manage and control the Council's statutory/non-statutory allotment sites.	Allotment Acts 1908-1950	HS with responsibility for Allotments	Executive
9.8. On the basis that every effort is made to achieve good value in terms of price and quality, to negotiate and enter into contracts with Theatre Companies, producers, artistes or theatrical managements, up to the value of £150,000 without employing the tender process, in accordance with Contract Procedure Rules.	-	HS with responsibility for Theatre, in consultation with the Executive Member for Finance	Executive
9.9. Deal with all matters relating to burial, the grant of Burial Rights, subscriptions and memorials.	Local Government Act 1972	HS with responsibility for Cemeteries	Executive