

Section 4 Scheme of Delegation

1. Introduction

The Chief Executive, his Deputies and Chief Officers (as detailed in Article 12 of the Constitution) shall have authority, subject to the requirements of the provisions of this Constitution and within approved budgets to:

- (i) Take any necessary steps for the day to day management and routine administration of the functions or services for which they are responsible;
- (ii) Exercise the powers delegated to them and to authorise such officers as they think appropriate to exercise on their behalf the powers delegated to them; and
- (iii) Carry out the responsibilities stipulated in the Code of Financial Practice and Code of Procurement Practice.

All members of staff have authority to act on behalf of the Council in accordance with duties set out in their job description and will carry identification as evidence of their authority to enter premises lawfully at all reasonable hours for the purposes of carrying out duties in line with appropriate legislation

2. General Conditions of Delegation

- a) In respect of all functions delegated to officers prior to this date and in the future, the delegation shall be deemed to extend to any statutory re-enactment thereof, in whole or in part, whether varied in extent and/or wording, for the time being in force and, in respect of past delegation, to have been so extended with effect from the date when the said re-enactment came into force, provided that any major variation made in pursuance of this General Condition shall be reported for information to the appropriate body. To also include the delegation to act upon, apply, enforce or otherwise put into effect any future legislation which falls within their areas of responsibility being of a similar nature to existing delegations.
- b) The delegation of any power or function includes the authority to take all steps and actions ancillary to, conducive to, or to facilitate the exercise of the power or function including authority to serve statutory notices and all necessary and/or consequential action arising as a result including the institution of legal proceedings (subject to prior consultation with the a solicitor acting for the Council) or other proceedings and shall include also power to determine the need to serve the notice as well as to arrange for its service.
- c) Where the delegations require the agreement of, or consultation with or other action by the Chairman and/or Vice Chairman of the Council or of any committee, such delegation shall provide for the substitution of another Member in the absence of any of the specified members.
- d) Subject to the foregoing, and without derogation from the powers or duties now or thereafter confirmed or imposed upon officers of the Council by statute or by any statutory instrument or regulation, authority to act for and on behalf of the Council without reference to the Council or any committee shall be delegated as otherwise set out in this Constitution.

- e) The power to sign documents on behalf of the authority shall be the Chief Executive, the Deputy Chief Executives, Programme Director for Climate Change and Head of Law & Governance.
- f) Revisions to the delegations to Committees as set out in the responsibility for Council functions automatically enact necessary revisions to the powers of officers to coordinate with the above and to bring other aspects up to date.
- g) In the absence of any member or officer specified in relation to any delegated power, authority to deal with matters following the invoking of the Emergency and/or Business Continuity Plans, authority is given to the officer or member's deputy (or where there is no named deputy, the next most senior officer or member in the Service Area) and shall have the like power subject to making a written report of the exercise of the power to the original specified officer or member. In circumstances where both the specified officer /member and the deputy (or next most senior officer / member) are absent the power may be exercised by the next most senior available officer / member in the Service Area (provided that in no circumstances shall this power be exercised by an officer below the level of grade C subject to a report as above and to the officer exercising the power certifying in writing that they are of the opinion (and giving reasons for that opinion) that the matter is of such urgency that the exercise of the power cannot await the anticipated return of the named officer / member or their deputy.

3. General Delegations to all Chief Officers as outlined in Article 12 of the Constitution

- G (1) Authority to place orders for the supply of goods materials or services within approved estimates and in accordance with the Council's rules with regard to quotations.
- G (2) Authority to settle all claims, excluding remedy for complaints made on the Council under £200.
- G (3) Authority to carry out day-to-day management of the parks, cemeteries, crematoriums, land and buildings under the control of the Cabinet.
- G (4) Authority to authorise the installation of a telephone line in any employee's residence on terms approved by the Council.
- G (5) Authority to approve the attendance of staff at approved training courses.
- G (6) Authority to make appointments to posts on the approved establishment and in accordance with the Officer Employment Rules.
- G (7) Authority to agree remedies for a complaint at Stage 1
- G (8) Authority to Serve Notices requiring information for statutory purposes.
- G (9) Authority to accept suitable tenders for the execution of works or the supply of goods and services in accordance with the Codes of Procurement and Financial Practice.
- G (10) Authority, following consultation with a solicitor acting on behalf of the Council, to issue proceedings under Section 222 of the Local Government Act 1972.
- G (11) Authority to involve the Police to prosecute offenders where fraudulent or corrupt acts are discovered.

- G (12) Authority, following consultation with the relevant Portfolio Holder and Solicitor acting on behalf of the Council, to initiate proceedings in Courts subject to the results of prosecutions being reported to members via email.
 - G (13) Make decisions under the provisions of the GDPR and DPA 2018.
 - G (14) Serve Notices requiring information for statutory purposes.
 - G (15) Authority to write off debts under their control up to £1,000
 - G (16) Following consultation with a solicitor acting for the Council, take appropriate action in the County Court in cases of unlawful trespass on Council property.
 - G (17) Grant honoraria to staff in accordance with the National Scheme of Conditions of Service.
 - G (18) Apply market forces supplement for staff as in line with the Market Forces Supplement Scheme
 - G (19) in consultation with the Head of People & Communications to approve the grant of loans under Assisted Car Purchase Scheme.
4. **Chief Executive** (and in their absence their Deputies) shall have authority to:
- CE (1) Authorise such officers as they think appropriate to exercise on their behalf the powers delegated to any Head of Service in the absence of that Head of Service.
 - CE (2) Settle all claims made on the Council over £200.
 - CE (3) Agree:
 - (1) any proposed remedy at stage 2 includes compensation. This will be considered by the Chief Executive as part of the investigator's report; and
 - (2) any proposed compensation following an investigation by the Local Government Ombudsman in consultation with the Head of Service.
 - CE (4) deal with urgent items that occur between meetings, in consultation with the relevant Deputy Chief Executive, Head(s) of Service (if available) and Group Leaders (or in their absence Deputy Group Leaders) subject to the matter being reported to the Cabinet at its next meeting.

(This excludes a decision which is not wholly in accordance with the budget or policy framework approved by Council and the process outlined in the Budgetary Framework must be followed)
 - CE (5) Issue authorisations under the Regulation of Investigatory Powers Act 2000 concerning juveniles.
 - CE (6) Take appropriate action in the event of the District Council Emergency Plan being enacted.
 - CE (7) Subject to consultation with the relevant Ward Councillor(s), site requests from the Police for the Councils agreement to the making of dispersal orders under section 4 of the Anti Social Behaviour Act 2003.
 - CE (8) **Moved to A(16)**
 - CE (9) make all changes to the establishment/structure of the council below the level of Chief Officers, as defined in Article 12 of the Constitution", in accordance with the Council's agreed budget
 - CE (10 – 11) SPARE
 - CE(12) in consultation with the Leader of the Council, to appoint an officer as representative of the Council as a director of AssetCo
 - CE (13) Grant all allowance or payment reviews which are automatically updated on an annual basis using either RPI or the National Pay Settlement.
 - CE (14) & (15) SPARE

CE (16) Approve severance payment, up to the equivalent of 12 months salary for the post, which is, in their opinion, in the Council's interests.

(With notification to Group Leaders and relevant Portfolio Holders of the decision)

CE (17) to SPARE
(19)

CE (20) Certify for the purposes of Section 3(2)(b) of the Local Government and Housing Act 1989 whether or not, in the Council's opinion, a post is politically sensitive by virtue of its duties falling within Section 2(3) of the Act.

CE (21) to SPARE
(24)

CE (25) Arrange for a community referendum for a neighbourhood plan to be undertaken.

5. The **Deputy Chief Executive (TP)** shall have authority to:

MO (9) to issue grants agreed by the Community Forums so long as they do not breach any legislative requirements, agreed policy or exceed the budget for the specific community forum.

MO (12) , in consultation with the Portfolio Holder for Community Protection, to take decisions on the operation of existing contract agreements within the VCS and the awarding of future service level agreements under the VCS in line with the Council's procurement process.

6. The **Head of Law & Governance:** shall have authority to

MO (1) Moved to A(16)

MO (2) Subject to consultation with Group Leaders, make appointments to outside bodies in accordance with the political balance already agreed.

MO (3) SPARE

MO (4) Subject to consultation with Group Leaders, set the calendar of meetings.

MO (5) In consultation with Head of Place & Economy, settle the amount of compensation for damage to land which the Council is legally liable to pay in consequence of works carried out or other action taken on behalf of the Council up to a maximum of £1000 in any one case.

MO (6) **Moved to Development**

MO (7) in consultation with the Chairman of the Standards Committee, shall have authority to appoint the membership of Standards Sub-Committees (Hearing Panels)

MO (8) appoint the membership of any additional Licensing & Regulatory Sub-Committees known as Licensing & Regulatory Panels.

MO (9) stayed with Deputy Chief Executive

MO (10) authority to approve the attendance of the Leader and Chairs of committees and other elected members at appropriate conferences and seminars for the purpose of recognising such attendance as approved duty for travelling.

MO (11) SPARE

MO(12) stayed with Deputy Chief Executive

MO (13) initiate reviews of the Members' Allowances Scheme;

MO (14) , in consultation with the Chairman of the Standards Committee and/or the Independent Person for the Council (as appropriate), the right to depart from the arrangements for dealing with complaints about Councillors where they consider that it is expedient to do so in order to secure the effective

- and fair consideration of any matter
- MO (15) , in consultation with an Independent Person for the Council, be authorised to determine if a complainants details can be withheld in line with agreed criteria established by the Standards Committee
- MO (16) to determine, for complaints about the conduct of Councillors, that:
- No further action be taken where complaints fall outside the Code or do not justify investigation and there is no informal resolution;
 - Resolution by informal action is acceptable to both the complainant and the Councillor;
 - Any allegations of criminal matters are referred to the Police;
 - The complaint is referred for investigation if the criteria defined by the Standards Committee is met.
- MO (17) to appoint an investigating officer to undertake an investigation regarding the conduct of a Councillor
- MO (18) , in consultation with an Independent Person, be authorised , following the conclusion of an investigation to determine if either
- (a) No further action be taken
 - (b) A Local resolution be sort
 - (c) The matter be referred for a hearing
- MO (19) , in consultation with an Independent Person, be authorised, following the conclusion of an investigation, to determine that a matter progresses to a hearing if the Councillor refuses to comply with the suggested local resolution.

7. The **Head of Assets** shall have authority to:

- AST (1) operate the Secure Tenants of Local Housing (Right to Repair) Regulations 1994 (including service of Notices and acceptance or refusal of claims).
- AST (2) negotiate and agree enhanced rates to existing contracts under the Local Government (Direct Services Organisation) (Competition) Regulations 1993 and the Council Directive 92/50/EEC.
- AST (3) **Moved to Housing**
- AST (4) Grant wayleaves and easements across Council owned land to other public organisations for both HRA and non HRA properties.
- AST (5) following consultation with ward councillors and the relevant Head of Service of the service area owning the land, dispose of other interests in land including its sale where the consideration does not exceed £20,000 and also to accept the Surrender of leases where the value does not exceed £20,000.
- AST (6) in consultation with ward councillors and the relevant Head of Service of the service area owning the land, to initiate proceedings for forfeiture of Leases.
- AST (7) agree rent reviews, for non HRA properties, where agreement on the new rent has been reached without recourse to arbitration.
- AST (8) Grant terminable licences, for non HRA properties, for access and other purposes.
- AST (9) Manage and control properties acquired by the Council in advance of requirements (other than those held under Part V of the Housing Act 1957 where consultation with the Head of Housing is required).
- AST (10) **Duplicate of AST (3) - delete**

- AST (11) **Moved to Housing**
- AST (12) following consultation with a solicitor acting for the Council, enter into miscellaneous agreements of a minor nature affecting any land and/or property not provided for elsewhere.
- AST (13) Following consultation with a solicitor acting for the Council, consent to assignment and other consents required under leases granted by the Council.
- AST (14) Following consultation with a solicitor acting for the Council, complete the purchase of property comprised in a confirmed Compulsory Purchase Order on the terms negotiated by the District Valuer and to make any relevant statutory payments in connection with acquisitions, such as well-maintained and home loss and disturbance payments.
- AST (15) , in consultation with the Head of Financial Services, decline offers of property not recommended for acquisition.
- AST (16) to approve a rental holiday for any non HRA property subject to either a maximum of 12 months or £20,000 whichever is the lowest and the holiday being reported in the quarterly budget monitoring report to Cabinet.
- AST (17) Grant new leases, for non HRA properties, where statutory renewal rights exist.

8. The **Head of People & Communications** shall have authority to:

- PC(1) Exercise the Council's powers relating to people management in accordance with the policies agreed by the Employment Committee.
- PC(2) Approve advancement of increments to all staff.
- PC(3) Approve the payment of removal and relocation expenses in accordance with the scheme adopted by the Council.
- PC(4) Nominate first aiders in accordance with the First Aid at Work Regulations 1981.
- PC(5) In liaison with the Monitoring Officer, provide appropriate practical and financial support to proceedings which employees, who have suffered violence in the course of their employment, might wish to bring.
- PC(6) implement national wage and salary awards and conditions of service, except where discretion is to be exercised on assimilation of revision of scales.

9. The **Head of ICT** shall have authority to:

- ICT (1) Act under the provisions of either the Public Health Act 1925 or Town Improvement Clauses Act 1847 to
- (i) deal with the numbering and re-numbering of properties;
 - (ii) approve the naming of streets following consultation with the appropriate Parish or Town Council.
- ICT (2) Act under the provisions of either the Public Health Act 1925 or Town Improvement Clauses Act 1847, inline with adopted Street Naming & Numbering policy of the Council, to
- (i) deal with the numbering and re-numbering of properties;
 - (ii) approve the naming of streets following consultation with the appropriate Parish or Town Council.

10. **Head of Financial Services** shall have authority to:

- F (1) Approve or refuse applications for advances for house purchase (in accordance with the scheme approved by the Council).
- F (2) Approve Determined and Variable Rates of Interest for housing advances.
- F (3) Approve individual schemes within the agreed principles of the loan underwriting agreement with the Nationwide Building Society.
- F(4) moved to Head of Revenue & Customer Services**
- F (5) to set the council Tax base.
- F (6) Increase fees and charges by changes in national taxation or levies.
- F (7) Write off sundry debts, Finance function debts and all other debts, including property rentals.
- F (8) in consultation with the Head of Place & Economy, deal with offers by owners to convey property to the Council where such property is in the area of a Compulsory Purchase Order awaiting confirmation.
- F (9) Moved to A(17)
- F (10) Maintain Accounting Records and Control Systems and the production of all relevant accounts and claims in accordance with the Accounts and Audit Regulations.
- F (11) to add further bodies, in consultation with Group Leaders and Monitoring Officer, to the list of those for which attendance allowance may be paid.
- F (12) (i) effect all necessary insurances to protect the Council's property and interests; and
- (ii) settle all insurance claims made against the Council by third parties.
- F (13) (i) manage the Council's cash flow (including the collection fund), placing short term investments and arranging loans in accordance with the approved Treasury Management Strategy; and
- (ii) make such banking arrangements, including opening of banking accounts, as appear necessary for the proper management of the Council's finances.
- F (14) (i) maintain an adequate and effective system of internal audit;
- (ii) manage the Council's investments;
 - (iii) manage the Council's borrowing requirement; and
 - (iv) set the determined rate of interest and the variable rate of interest on housing advances.
- F(15) & (16) moved to Head of Revenue & Customer Services**

- F (17) , in consultation with the Portfolio Holder for Resources and the Leader, to produce appropriate and robust standards terms and conditions for the purchase of service or goods by this Council, and ensure that they are available on the Council's website.
- F (18) The S151 Officer, in consultation with the Portfolio Holder for Resources, approves the form NNDR1.
- F (19) in consultation with the Portfolio Holder for Resources, has delegated authority to agree revenue and capital slippage at year end, above items already allowed for in the Budget process, with these being reported to Members as part of the subsequent Final Accounts report to Cabinet
- F (20) in consultation with the Portfolio Holder for Resources, is duly authorised to approve any business rate relief changes agreed by the Government to be incorporated into the 2020/21 Business Rate Billing.

11. The **Head of Revenues & Customer Services** shall have authority to:

- ~~F(4)~~
RCS (1) appear in Court when legal action is taken against a person who has made a fraudulent claim for Housing or Council Tax Benefit, or Council tax Reduction or other fraudulent claims against the Council.
- ~~F(15)~~
RCS (2) take the following action under the NNDR and Council Tax Regulations:
- (i) Applications for certificates and the sanction of appropriate relief (apportionment of rateable value of partly occupied hereditaments);
 - (ii) Granting and refusal of mandatory relief under the Council Tax and Rating Regulations;
 - (iii) Approve applications for discretionary rate relief.
 - (iv) Refunds of Council Tax, Business Rates and Council Tax;
 - (v) Institution of legal proceedings against ratepayers for recovery outstanding rates and Council Tax;
 - (vi) Authority under Section 223(1) of the Local Government Act 1972 to represent the Council in making formal complaint and taking the subsequent proceedings in the local Magistrates Court.
 - (vii) Authority to serve completion notices under the appropriate Council Tax and Rating regulations;
 - (viii) Authority to instruct Enforcement Agents to take control of goods, issue requests for information, apply Attachment of earnings Orders and deductions from Income Support, Charging Orders;
 - (ix) Selection and appointment of Enforcement Agents;
 - (x) Authority to quash penalties;
 - (xi) Authority to appeal against any Assessment of Council Tax banding or rating assessment;
 - (xii) Authority to represent the Council at Valuation Tribunals in connection with appeals against: liability to pay the Council Tax including discounts, exemptions and reductions , and the banding of a dwelling;
 - (xiii) Authority to represent the Council at Housing and Council Tax Benefit tribunals in connection with appeals against housing and council tax benefit.
 - (xiv) Authority to write off irrecoverable Council Tax, Non-Domestic Rates and Housing Benefit Overpayments;
 - (xv) Authority to consider and determine applications for Hardship relief under Section 49 of the Local Government Finance Act 1988;
 - (xvi) to determine discretionary council tax relief applications.

- ~~F(16)~~
RCS (3) (i) Decide upon all claims received for Housing, Council Tax Benefit or Council Tax Reduction including the exercising of all discretions under the general policy guidance from time to time given by the Council.
- (ii) Assess overpayments under the Regulations and taking such steps as are appropriate to recover the amount overpaid.
- (iii) Decide upon all claims for Discretionary Housing and Council Tax Payments.
- ~~F(21)~~
RCS (4) provide discretionary relief, as set out within the Council Tax Section 13a Discretionary Relief Policy Statement

12. **Head of Development** shall have authority to:

- DS (1) Object on environmental and other grounds to applications for goods vehicle operators licences, such objections to be reported to the Committee for instruction as to whether an appearance should be entered at any hearing which might take place into the objection.
- DS (2) Serve notices and where necessary, carry out works in default and recover costs in relation to the maintenance and improvement of watercourses under the Land Drainage Act 1976.
- DS (3) moved to Place and Economy**
- DS (4) (i) approve or reject plans deposited under the Building Regulations as amended from time to time and under related provisions of the Public Health Acts, Highways Acts and Building Act 1984;
- (ii) SPARE;
- (iii) require the carrying out of tests under Section 33 of the Building Act 1984;
- (iv) take emergency measures to deal with dangerous buildings under Section 78 of the Building Act 1984;
- (v) deal with intended demolitions under Section 80 of the Building Act 1984;
- (vi) exercise powers contained in Section 2 of the Building Act 1984 (continuing requirements);
- (vii) reject, or pass with conditions, plans deposited under Section 19(1) and (3) of the Building Act 1984 (use of short lived materials)
- (viii) exercise powers contained in Section 25 of the Building Act 1984(Provision of water supply);
- (ix) exercise the powers contained in Section 25 of the Local Government (Miscellaneous Provisions) Act 1982 (approval of building plans provisionally or by stages).
- DS (5) In consultation with a solicitor acting on behalf of the Council, apply to Magistrates Court for an order under Section 77 of the Building Act 1984 (dangerous buildings).
- DS (6) Exercise powers contained in Section 78 of the Buildings Act 1984 (dangerous buildings - emergency measures).
- DS (7) Receive notices served on the Council under Section 80 of the Building Act 1984 (intended demolition).

- DS (8) Serve notices in respect of the following Building Act 1984:-
- (i) Section 32 - lapse of deposit of plans
 - (ii) Section 35 - penalty for contravening the Building Regulations
 - (iii) Section 36 - removal or alteration of offending works
 - (iv) Section 47 - acceptance of Initial Notices
 - (v) Section 59 - drainage of buildings
 - (vi) Section 60 - use and ventilation of soil pipes
 - (vii) Section 71 - provision of entrances exits etc.
 - (viii) Section 72 - means of escape from fire
 - (ix) Section 73 - raising of chimneys
 - (x) Section 74 - cellar and rooms below sub-soil water level
 - (xi) Section 79 - ruinous and dilapidated buildings and neglected sites
 - (xii) Section 81 - demolitions
 - (xiii) Section 95/96 - power to enter premises
- DS (9) Pay Historic Building Grants under S.57 and 58 of the Planning (Listed Buildings & Conservation Areas) Act 1990.
- DS (10) Make payments in respect of town scheme grants, conservation areas partnership scheme and the Programme Town Scheme Grants from monies made available under and in accordance with S.57, 77 to 80 (inclusive) of the Planning (Listed Buildings & Conservation Areas) Act 1990.
- DS (11) Respond to preliminary consultations received from Warwickshire County Council on applications for the diversion, creation and extinguishment of public paths.
- DS (12) Serve notices and where necessary carry out works in default and recover costs in relation to the demolition of buildings.
- DS (13) Serve notices concerning the addition to deletions from or amendment to the list of buildings for special architectural or historic interest, as required by the Department of Culture, Media and Sport
- DS (14) Appoint an Officer for the authority to deal with the purposes of the Party Wall Act 1996.
- DS (15) Apply to the Magistrates Court for Warrant to enter land and/or buildings in accordance with powers provided in the Town and County Planning Act 1990, Planning and Compensation Act 1991, Planning (Listed Buildings and Conservation Area Act) Act 1990 and Building Act 1984.
- DS (16) Formulate operational details of the grant scheme established for any unmatched funding from the Council's contribution to the Conservation Area Partnership Scheme for Royal Leamington Spa, based on the terms and conditions of the existing historic buildings scheme of grants as constituted under Section 57 and 58 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to offer grants.
- DS (17) Serve notices and, where necessary to recover costs incurred in relation to:-
- (i) enforcement of liability to maintain un-adopted highways;
 - (ii) interference with highways and streets;
 - (iii) the undertaking of urgent repairs to private streets;
 - (iv) carriage crossings.
- DS(18) to DS(20) moved to Place and Economy**
- DS (21) Spare
- DS(22) moved to Place and Economy**

- DS (23) Following consultation with a solicitor acting for the Council, complete the purchase of property comprised in a confirmed Compulsory Purchase Order on the terms negotiated by the District Valuer and to make any relevant statutory payments in connection with acquisitions, such as well-maintained and home loss and disturbance payments.
- DS (24) **Moved to Place and Economy.**
- DS (25) Following consultation with the Leader, vary building control charges in order to meet the financial obligations placed on the service where such action is required outside the normal timescale for consideration of fees and charges by the Cabinet.
- DS(26) **Moved to Place and Economy**
- DS(27-33) SPARE
- DS (34) Formulate and issue decision notices following consideration by the Planning Committee in accordance with the resolution of the Planning Committee.
- DS (35) Make observations on County Matter applications or applications submitted by Warwickshire County Council under Regulation 3 of the Town and Country Planning General Regulations 1992.
- DS (36) Respond to all notifications for prior approval submitted under the Town and Country Planning (General Permitted Development) Order 1995.
- DS (37) Determine all applications to discharge conditions imposed on planning permissions and other forms of consent.
- DS (38) Determine all applications for non-material amendments to planning permissions or other forms of consent.
- DS (39) Determine all applications for Certificates of Lawfulness under Section 191 (Existing Use/Development) or Section 192 (Proposed Use/Development) of the Town and Country Planning Act 1990.
- DS (40) Determine applications for consent to lop or fell trees which are the subject of Tree Preservation Orders.
- DS (41) Respond to notifications for works to/the felling of trees in Conservation Areas.
- DS (42) Approve the making, varying and revoking of Tree Preservation Orders. In the case of making and varying (where new trees are added to an existing order) and if no objections are received, to confirm the orders.
- DS (43) Determine hedgerow removal notices, including the serving of hedgerow retention and replacement notices with regard to important hedgerows.
- DS (44) Respond to enquiries; complaints and appeals relating to high hedges; to issue and serve; vary and withdraw High Hedge Remedial Notices.
- DS (45) Confirm Tree Preservation Orders to which there are objections, following the authorisation of that confirmation the Planning Committee.
- DS (46) Serve Tree Replacement Notices; to respond to appeals made in respect of Tree Replacement Notices.
- DS (47) Issue screening and scoping opinions in respect of the need for, and content of, Environmental Assessments in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999.

- DS (48) Serve and withdraw notices in respect of the following: Town and Country Planning Act 1990 (TCPA) and Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) as amended
- (i) Section 187A (TCPA) – Breach of Condition Notices.
 - (ii) Sections 183 to 187 (TCPA) – Stop Notices.
 - (iii) Sections 171A to 182 (TCPA) – Enforcement Notices in connection with Stop Notices.
 - (iv) Section 215 (TCPA) – Land adversely affecting the amenity of the neighbourhood.
 - (v) Section 172 – 173A (TCPA): Enforcement Notices, following consultation with the Chair and Vice Chair of the Committee and the relevant ward member(s) except in the circumstances where the Head of Development considers it appropriate for that matter to be determined by Planning Committee.
 - (vi) Section 38(PLBCA): Listed Building Enforcement Notice, following consultation with the Chair and Vice Chair of the Committee and the relevant ward member(s) except in the circumstances where the Head of Service considers it appropriate for that matter to be determined by Planning Committee.
 - (vii) Sections 171E – H (TCPA): Temporary Stop Notices.
 - (viii) Section 171C (TCPA): Planning Contravention Notices.
 - (ix) Section 187B (TCPA); 44A (LBCA) and 214A (TCPA): apply to the Court for injunctions directed at restraining actual or apprehended breaches of planning control; unauthorised work to Listed Buildings; and actual or apprehended damage to Conservation Area Trees.
 - (x) Section 48 (LBCA): Listed Building Repairs Notices.
 - (xi) Section 220 1 (TCPA) and/or Section 224 1b (TCPA) – Discontinuance Notices in accordance with Regulation 8 of the Town and Country Control of Advertisement Regulations 2007
 - (xii) Section 54 (LBCA): Urgent works to preserve listed buildings
 - (xiii) Section 55 (LBCA): Recovery of expenses of works under s. 54.
- DS (49) Section 171BA (TCPA): the application to the court for a Planning Enforcement Order.
- DS (50) Section 171BB (TCPA): the issue of Certificates under this section confirming the date on which evidence of a breach sufficient to justify an application under Section 171BA was identified.
- DS (51) Section 172A (TCPA): the issue and withdrawal of assurances (by letter) to parties on whom an Enforcement Notice has been served concerning prosecution.
- DS (52) Section 201 4C (TCPA): the issue of Certificates confirming the date on which evidence sufficient to prosecute for non-compliance with a Tree Preservation Order came to the prosecutors knowledge.
- DS (53) Section 224 9 (TCPA): the issue of Certificates confirming the date on which evidence sufficient to prosecute for advertisement offences came to the prosecutor’s knowledge.
- DS (54) Section 225A (TCPA): the removal of unauthorised structures used for advertisements displays.
- DS (55) Sections 225A (3-6) (TCPA): the service of removal notices in respect of unauthorised advertisement display structures.
- DS (56) Section 225A(7) (TCPA): the recovery of expenses incurred in the Council’s removal of unauthorised advertisement display structures.

- DS (57) Section 225B (TCPA): the response to appeals made in respect of Notices served under Section 225A.
- DS (58) Section 225C (TCPA): the service of Action Notices in respect of persistent unauthorised advertisement displays.
- DS (59) Section 225C (TCPA): the undertaking of the requirements of Action Notices and the recovery of the costs incurred in doing so.
- DS (60) Section 225D (TCPA): the response to appeals made against Action Notices.
- DS (61) Sections 225F, G and H (TCPA): the remedy of the defacement of premises by means of the service a notice under these sections.
- DS (62) S225F, G and H (TCPA): the undertaking of the requirements of a notice issued under these sections and the recovery of costs incurred in doing so.
- DS (63) Section 225I (TCPA): the response to appeals made in respect of notices issued under sections 225F, G and H.
- DS (64) Section 225J: the remedy of the defacement of premises at the request of the owner/occupier and the recovery of reasonable costs incurred in doing so.
- DS (65) Section 225 (TCPA): to remove or obliterate placards or posters which are in contravention of the Advertisement Regulations.
- DS (66) To issue notices under S330 of the Town and Country Planning Act 1990 (Requisition for Information).
- DS (67) To instigate legal proceedings under the following provisions:
- i. Section 171D (TCPA): non compliance with Planning Contravention Notices;
 - ii. Section 171G (TCPA) non compliance with Temporary Stop Notices;
 - iii. Section 179 (TCPA) non compliance with Enforcement Notices;
 - iv. Section 187 (TCPA) non compliance with Stop Notices
 - v. Section 178A (TCPA) non compliance with Breach of Condition Notices;
 - vi. Section 43 (LBCA) non compliance with Listed Building Enforcement Notices;
 - vii. Section 59 (LBCA) unauthorised work to Listed Buildings;
 - viii. Section 210 (TCPA) non compliance with Tree Preservation Orders;
 - ix. Sections 211 – 212 (TCPA): non - preservation of trees in Conservation Areas;
 - x. Sections 215 and 216 (TCPA) non compliance with Section 215 (Untidy Land) Notice;
 - xi. Section 224 (TCPA) unauthorised advertisement display;
 - xii. Section 97 (Environment Act 1995) contravention of the Hedgerow Regulations;
 - xiii. Section 75 (Anti-social Behaviour Act 2003) non compliance with high hedge remedial notices.
 - xiv.
- DS (68) **Moved to Place and Economy**
- DS (69) Approve temporary stand structures under the Public Health Act 1890 (Section 37).

- DS (70) Determine all applications submitted to Warwick District Council as required by the Town and Country Planning Act 1990 (as amended), Town and Country Planning (Control of Advertisement) Regulations 1992, and Planning (Listed Buildings and Conservation Areas) Regulations 1990, with the exception of the following:
- (i) Applications where a written request is received from a member of Warwick District Council within the specified consultation period i.e. 21 days. that Committee referral is required. Such requests should clearly state the reasons why a Committee referral is required
 - (ii) Applications where 5, or more valid representations are received where these are contrary to the officers' recommendation unless the Head of Development is satisfied that the plans have been amended to address the concerns raised so that there are no more than four contrary representations.
 - (iii) Applications where the recommendation of the Head of Development i.e. Grant/Refuse is contrary to the representations made by a Parish/Town Council, i.e. Object/Support, except in the following circumstances:
 - a. the Head of Development is satisfied that the plans have been amended to address the concerns of the Parish/Town Council;
 - b. where the representations made by the Parish/Town Council do not raise any issues which are material to the planning assessment of the particular application; or
 - c. where the concerns of the Parish/Town Council have been previously considered as part of the assessment of an extant permission on the site and there has been no change in circumstances
 - (iv) Applications where the principle of development would represent a material departure from any policy within the Development Plan.
 - (v) Applications known to be submitted by or on behalf of a Warwick District Councillor, Warwick District Council employee or former employee of the Council, or the spouse/partner of any such person.
 - (vi) Applications submitted by Warwick District Council or Warwickshire County Council, other than for approval of routine minor developments.
 - (vii) Where applications are to be refused and enforcement action is being recommended, following consultation with the Chair and Vice Chair of the Committee and the relevant ward member(s) except in the circumstances where the Head of Development considers it appropriate for that matter to be determined by Planning Committee.
 - (viii) Applications where an Environmental Impact Assessment has been provided.
 - (ix) Any application which raises significant issues such that in the opinion of the Head of Development, it would be prudent to refer the application to Planning Committee for decision.
- DS (71) Decline to determine planning applications in accordance with the relevant provisions of the Town and Country Planning Act 1990 as amended.
- DS (72) Make representations on behalf of the Council as Local Planning Authority, on relevant applications under the Licensing Act 2003.

- DS (73) In consultation with the Planning Committee Chairman and relevant Portfolio Holder, issue a grant of permission without a Section 106 agreement first being signed, where the original committee resolution requires the prior completion of a Section 106 legal agreement or payment on Community Infrastructure Levy, but where a consultee who required the agreement no longer considers an agreement is necessary and a planning condition can be used to cover their requirements.
- DS (74) Moved to Place and Economy
- DS (75) Moved to Place and Economy
- DS (76) Moved to Place and Economy
- DS (77) Moved to Place and Economy
- DS (78) Moved to Place and Economy
- DS (79) Moved to Place and Economy
- DS (80) Moved to Place and Economy
- DS (81) Moved to Place and Economy
- DS (82) To enter into Agreements providing for the transfer of funds (for capital works or commuted sums for a limited period of maintenance) received as a result of planning obligations under Section 106 of the Town and Country Planning Act 1990 to a Parish or Town Council, where it is deemed appropriate for the Parish or Town Council to provide the infrastructure which is the subject of the planning obligation.
- DS (83) to determine submissions made in accordance with the High Speed Rail Act, except for any submission where, in consultation with the Chairman of Planning Committee (or in the absence the Chairman the Vice-Chairman), they consider that it should be determined by Planning Committee.
- DS(84) Moved to Place and Economy
- DS(85) Moved to Place and Economy
- ~~MO (6)~~ Respond and carry out consultations concerning the making of Public Footpath, Creation, Diversion and Extinguishment Orders and to confirm if no objections are made.
- DS(86)

13. **Head of Community Protection** shall have authority under the:

- HCP(1) Food Safety Act 1990 and any Orders, or Regulations or other instruments (whether dated before or after the date of execution of this instrument of appointment),
- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. s 6
- (ii) to authorise appropriate named individuals to act as Food Safety Officers to:-
- s 9 - Inspection and seizure of suspected food
 - s 10 - Service of hygiene improvement notices
 - s 12- Services of emergency prohibition notices
 - s 29 - Procure samples
 - s 32 - Powers of entry
 - s 49 - Form and authentication of documents
- HCP(2) Building Act 1984,
- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. S 61, 62, 63 & s 113
- (ii) to act under Part III Other Provisions about Buildings as follows
- Drainage
 - s 59 – Serve notice, drainage of buildings, including private sewers
 - s 60 – Serve notice, ventilation of soil pipes
 - s - 62 - Disconnection of drain

Provision of Sanitary Conveniences

s 64 – Serve notice, provision of closets

s 65 – Serve notice, provision of sanitary convenience in workplace

s 66 – Serve notice, replacement of earth closet

s 68 – Serve notice, erection of public conveniences

Buildings

s 70 – Serve notice, provision of food storage

s 73 – Serve notice, raising of chimneys

Defective premises, demolition etc

s 76 – Serve notice, defective premises

Yards and passages

s 84 – Serve notice, paving and drainage of yards and passages

Part IV General

Entry on premise

s 95 & 96 – Powers of entry to inspect

Execution of works

s 97- Power to execute works

s 99- Serve notice requiring works, execute/recover costs

HCP(3)

Clean Air Act 1993,

(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. Part I (Dark Smoke), Part 2 (Smoke, grit and fumes), Part 3 (Smoke Control Areas), Part 4 (Cable burning), Part 7 (Miscellaneous and general))

(ii) to:-

s 6 – Approval of furnaces and grit and dust arrestment plants

s 10, 11, 12 & 56 – Powers of entry, inspection, issue notice and apply for warrant

s 15 & 16 – Approval or refusal of chimney height

s 18 – Make smoke control order

s 24 - Require adaptation of fireplaces in private dwellings

s 26 – Make grants

s 31, 32, 33 & 34- Power to investigate

s 35, 36 & 58 – Power to require information and associated powers of entry

s45 – Power to issue exemption notices

s 51 – Power to serve notice

HCP(4)

Clean Neighbourhoods and Environment Act 2005,

(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act(ii) to:-

Make a gating order (inserted into the Highways Act s 129)

s 73 – Issue FPN (alarms)

s 78 – Apply for a warrant

s 77 & 79 – Powers of entry

HCP(5)

Control of Pollution Act 1974,

(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act, Part V

(ii) to:-

s 9 – Supervision of licensed activities

s 60 – Serve notice, to control noise on constructions sites

s 61 – Consent for works

s 62 – Take action in respect of loudspeakers in the street

s 91 – Powers of entry

s93 – Powers to obtain information

- HCP(6) Environmental Protection Act 1990,
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act.
 (ii) to:-
 Part 1- Integrated Pollution Control
 s 6 - Issue authorisation
 s 10, 11 & 12 - issue variation and revocation notices
 s 13 & 14 - issue enforcement and prohibition notices
 s 19 – Power to require information
 Part II - Waste
 s 33 – prohibit unauthorised/ harmful treatment/disposal of waste.
 s 33ZA and 34A – power to issue fixed penalty notices
 s 34 – Investigation of duty of care and issue fixed penalty notice for failure to furnish documentation
 ss 46A to 47ZB – powers to issue written warnings and fixed penalty notices with respect to receptacles for waste
 s 59 – Power to require removal of unlawful waste deposits
 Part IIA - Contaminated land
 s 78 B – Notice, identification of contaminated land
 s 78 C – Notice, Designation of special site
 s 78 D – Referral of special site
 s 78 E – Remediation notice
 s 78 N – Power to carry out works
 Part III – Statutory Nuisance
 s79 – duty to inspect and to investigate statutory nuisances
 s 80 & 80A - issue abatement notices
 s 80ZA – Fixed penalty notice
 s 81(3) - Power to authorise works in default
 s 81(7) & Sched 3 – Powers of entry
 Sched 3 – Warrant of entry
 s 81A – power to issue notices in respect of recoverable expenses
 Part IV – Litter etc
 s 88 – Fixed penalty notice
 Part VIII – Miscellaneous
 s 149 – Seizure of stray dogs
 s 150 – Facilitate stray dogs
 s 151 – Enforcement in respects of collar and tags
- HCP(7) The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
 to the extent that those functions are discharged otherwise than in the Authority’s capacity as an employer) under –
 (a) The Health and Safety at Work etc Act 1974; and
 (b) any Orders, or Regulations or other instruments (whether dated before or after the date of execution of this instrument of appointment);
 (i) made thereunder or
 (ii) having effect by virtue of the European Communities Act 1972 and relating to health & safety; and
 (iii) any modification or re-enactment of the foregoing,
 to make and to terminate appointments as follows:
 (a) Environmental Health Officers as Inspectors under Section 19(1) of the Health & Safety at Work Etc. Act 1974 (the 1974 Act) and to empower them to exercise all the powers set out in Sections 20, 21, 22, 25 and 39 including the institution of legal proceedings; and
 (b) other suitably qualified and competent persons as Inspectors under

Section 19(1) of the 1974 Act and empowered to exercise all or some of the powers as set out in Sections 20 and as may be specified in their authorisation and an inspector shall in right of his appointment -

(i) be entitled to exercise only such of those powers as are so specified; and
(ii) be entitled to exercise the powers so specified only within the field of responsibility of the Authority.

- relevant licences, registrations and approvals
- sign and serve notices including fixed penalty notices
- authorise and/or execute works in default
- Procure samples, seize equipment, records, goods and articles, and obtain information
- Obtain and execute power of entry
- Engage specialist advisers/contractors
- Determine whether and in what manner to enforce any failure to comply with matters under legislation enforced under this scheme of delegation and to give effect to that determination, including the administration of cautions.

HCP(8) The Environmental Damage (Prevention and Remediation) Regulations 2009 (as amended),

(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act Reg 34

(ii) to:-

Reg 13, 14, 20 - Serve notice to prevent further damage

Reg 23 - Undertake works in default

Reg 24 & 25 -Recover costs

Reg 31 – Powers of authorised person

Reg 32 - Require information

HCP(9) Food Safety and Hygiene (England) Regulations 2013,

(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. Regulation 19

(ii) to:-

Reg 5, Enforcement of hygiene regulations

Reg 6, Hygiene improvement notices

Reg 8, Hygiene emergency prohibition notices

Reg 9, Remedial action

Reg 10, Detention notices

Reg 14 & 15, Samples

Reg 16, Powers of entry and Reg 29, Certification of food

HCP(10) Contaminants in Food (England) Regulations 2013,

Following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Regulations.

HCP (11- 12) SPARE

HCP(13) Local Government (Miscellaneous Provisions) Act 1982,

(i) Following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act

(ii) to:-

Part II – Control of Sex Establishments

Sched 3, 6-18 - grant, renew, and vary licences of persons and premises where no objections are received

make any minor grammatical or minor wording amendments to the Sex Establishment Policy, so long as it they do not alter the meaning/spirit of the policy

Part III – Street Trading

Schedule 4, paragraphs 3 - 7, Street Trading licences and consents, grant, and variation in line with the street trading policy so long as no objections

- received; and issue renewals so long as no objections received
Part VIII – Acupuncture, Tattooing, Ear-piercing and Electrolysis
13 – 17.
Part XI Public Health, etc
27, 29, 32
- HCP(14) The Environmental Permitting (England and Wales) Regulations 2010 & 2016
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
2010 Act
Part 2, Chapter 2(13) Grant permit, Chapter 3 (20 Vary permit, 21 Transfer permit, 22 & 23 Revoke permit, 24 Surrender, Chapter 4 (26 Consultations, 29 Revocation of standard rules, 30 Variation notifications
Part 4, Reg 36 Enforcement notices, Reg 37 Suspend notices. Part 6, Reg 57 Power to prevent or remedy pollution, Reg 60 Power to require information
- HCP(15) Sunbeds (Regulation) Act 2010
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 4 – Power to restrict use, sale or hire
s 7 – Enforcement and powers of entry
- HCP(16) Planning (Hazardous Substances) Regulations 1992 (as amended by the Planning (Control of Major-Accident Hazards) Regulations 1999 & 2015) and associated Regulations.
act under and delegated authority to authorise appropriate named individuals:
to grant but not refuse hazardous substances consents either unconditionally or subject to conditions.
- HCP(17) Health Act 2006
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
Sched 2 – Powers of entry
s 9 – Issue fixed penalty notices
- HCP(18) Health and Safety (Enforcing Authority) Regulations 1989
deal with transfers of responsibility for enforcement between this authority and the Health and Safety Executive under Section 5
- HCP(19) Food & Environmental Protection Act 1985
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
Part I – Contamination of food
s 3 & 4 Investigation and enforcement
Part III – Pesticides Etc. - Inspection and enforcement
Including Regulation (EC) 852/2004, (EC) No. 853/2004, Regulation (EC) No. 854/2004 of the European Parliament and Food Safety and Hygiene (England) Regulations 2013
- HCP(20) Water Industry Act 1991
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 77 – 83, including service of Notices under s 80
s 84 & 85, power of entry and to obtain information

- HCP(21) Noise Act 1996
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 s 3 – Serve warning notice
 s 8 – Require name and address
 s 10 – Seizure and retention
 Consent to use loudspeaker (COPA 74 – s 62)
- HCP(22) Pollution Prevention and Control (England & Wales) Regulations 2000
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under s 32 the Act
 (ii) to:-
 Part I General
 Reg 6 – Notices
 Reg 7 – Applications
 Part II Permits
 Reg 10 – 22
 Part III Enforcement
 Reg 24 – Enforcement notice
 Reg 25 – Suspension notice
 Reg 26 – Prevent or remedy pollution
 Part V Information and Publicity
 Reg 28 – Require information
 Reg 29-31 – Maintain a public register
 Sch 3, 4, 7, 8 & 10
- HCP(23) Sunday Trading Act 1994
 exercise powers under Part 1 of Schedule 2
- HCP(24) Pollution Prevention and Control Act 1999 (as amended)
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 Sched 1 – Grant, revoke, vary, transfer, suspend and condition permits and carry our enforcement activities.
- HCP(25) Local Government (Miscellaneous Provisions) Act 1976
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 Part 1 General
 Land
 s 16 – Require information
 Places of Entertainment
 s 20 – Provision of sanitary facilities at places of entertainment
 Miscellaneous
 s 35 – Service of notice and works in default provisions
 Part II Hackney carriages and Private Hire Vehicles
 s 47 – Licensing of hackney carriage (conditions, vehicle design, appearance)
 s 48 – Licensing of private hire vehicles
 s 49 – Transfer of hackney carriages and private hire vehicles
 s 50, 53 & 56 – production of information in relation to hackney carriages
 s 51 – Licensing of drivers of private hire vehicles
 s 53 – Drivers licences for hackney carriages and private hire vehicles
 s 54 - Issue driver badges
 s 55 – Licensing of operators of private hire vehicles

- s 57 – Power to require information
 - s 58 – Return of plates
 - s 60 - Suspension & revocation of vehicle licence
 - s 61 – Suspension of operator licence
 - s 62 – Suspension and revocation of operator’s licence
 - s 64 – Prohibition of other vehicles on hackney carriage stands
 - s 68 – Inspection and testing of hackney carriage
 - s 70 – Set fees
 - s 73 – Powers in relation to obstruction
- HCP(26) Prevention of Damage by Pests Act 1949
- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 - (ii) to:-
 - s 4 – Notice to owner or occupier
 - s 6 – Notice across several properties
- HCP(27) Public Health Act 1936
- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 - (ii) to:-
 - s 45 - Notice to put defective closets into repair
 - s 48 - Power to examine and test drains
 - s 50 - Notice with regard to cesspool
 - s 52 - Powers in relation to care of sanitary conveniences used in common
 - s 78 - Scavenging of common courts and passages
 - s 79 - Notice regarding noxious matter
 - s 83 - Notice regarding filthy or verminous premises
 - s 84 - Destruction of articles
 - s 85 - Persons and clothing with associated work and agreement, works in default
 - s 140 - Power to close, restrict use of water from polluted source of supply
 - s 141 - Power to deal with insanitary cisterns,
 - s 259 - Nuisance in connection with water courses etc
 - s 264 - Notice to repair, maintain or cleanse a culvert
 - s 268 - Notice regarding execution of work to unfit tents, vans and sheds
 - s 275 - Power of local Authority to execute certain work on behalf of owners or occupiers
 - s 287 - Notice to occupier of intended entry (warrant)
- HCP(28) Public Health Act 1961
- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 - (ii) to:-
 - s 17- Power to remedy stopped and defective drains
 - s 22 – Power to cleanse or repair drains
 - s 35 - Notices in respect of filthy and verminous premises or articles
 - s 36 - Power to require vacation of premises during fumigation
 - s 37 - Prohibition of sale of verminous articles, disinfection or destroy
 - s 287- powers of entry
- HCP(29) Private Security and Industry Act 2001
- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 - (ii) to:-
 - s 19 – 22 – Powers of entry, inspection and information

- HCP(30) The Private Water Supplies Regulations 2009
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under s 20 of the Act
 (ii) to:-
 Part 2
 s 7 – Monitoring
 s 11 - Sampling and analysis
 Part 3
 s 16 &17 - Authorisation
 Part 4
 s 18 - Service of notice
- HCP(31) The Trade in Animal and Related Products Regulations 2001
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 Reg 33 – Powers of entry
 Reg 34 – Powers of authorised officers
- HCP(32) Public Health (Control of Disease) Act 1984
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 s 46 – Burial and cremation
 s 48 – Removal of dead bodies (warrant)
 s 61 & 62 – Powers of entry
- HCP(33) Spare
- HCP(34) The Transmissible Spongiform Encephalopathies Regulations 2010
 Following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act.
 to act under and delegated authority to authorise appropriate named individuals to perform duties under the act including: powers of entry, inspection, sampling, detention and seizure, service of notice.
- HCP(35) The General Food Regulations 2004
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 act under and delegated authority to authorise appropriate named individuals to exercise powers under Regulation (EC) No. 178/2002; Inspection in accordance with Regulation (EC) No. 178/2002, Regulation (EC) No. 852/2004, Regulation (EC) No. 853/2004, Regulation 845/2004, Regulation (EC) 2073/2005 and the Food Information for consumers Regulations (EC) 1169/2011
- HCP(36) Licensing Act 2003
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 act under and delegated authority to authorise appropriate named individuals to take appropriate action subject to any relevant representations, policy and statutory duty
 Part 3 Premises licences
 s 18 - Determine an application
 s 23 & 25a - Grant or reject
 s 35, 36, 37, 38, 39, - Variation determination
 s 41A-C – Minor variation
 s 44 – Transfer determination

s 51 to 53 – Review determination
s 55A – Suspension, failure to pay fees
s 56, 57 - Require production of a licence
s 59 - Powers of entry
Part 4 Clubs
s 63 – Determination
s 72 – Determination application

s 77 – Grant or reject subject to any relevant representations, policy and statutory duty.

s 85 & 86b – Determination of variation
s 94 - Require production of a licence
s 96 & 97 – Powers of inspection & entry

Part 5 Permitted Temporary Events

s 102 - Acknowledge notice
s 103 – Withdraw notice
s 104, 105, 107 – Counter notices
s 108 – Right of entry
s 109- Require production of a licence

Part 6 Personal licences

s 120 - 122 – Determination
s 132 – Offences
s 134 & 135 – Require production of licences

Part 9 Miscellaneous and Supplementary

s 179 & 180 – Rights of entry

make representations, on behalf of the Council as a relevant person and as the Authority by which statutory functions are exercisable in relation to minimising or preventing public nuisance or harm to human health and safety, on relevant applications under the Licensing Act 2003

following conviction or a relevant offence, foreign offence or immigration penalty to notify the licence holder of the intention to suspend or revoke their Personal Licence under the Licensing Act 2003 and refer all cases to a Licensing and Regulatory Sub-Committee

Decide on whether a complaint is irrelevant, frivolous, or repetitious – in consultation with Chairman of Licensing & Regulatory Committee

HCP(37)

Animal Welfare & Animal Licensing

(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act

(ii) to:-

act under and delegated authority to authorise appropriate named individuals to right of entry, inspection, requirement information, take samples, seize animals, issue and refuse licenses, make amendments and vary licences in respect of:-

- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- Animal Welfare Act 2006
- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1976

- HCP(38) Scrap Metal Dealers Act 2013
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 act under and delegated authority to authorise appropriate named individuals to inspect, licence, suspend, revoke licences.
 Apply to the Magistrates Court for Warrant to enter land and/or buildings in accordance with the powers contained in the Scrap Metal Dealers Act 2013.
- HCP(39) Health Protection (Local Authority Powers) Regulations 2010
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 act under and delegated authority to authorise appropriate named individuals to:
 Reg 2/3/6- Receive notifications of diseases etc in patients and dead persons from Registered Medical Practitioner and to notify the HPA etc.
 Reg - 8 - Requests for co-operation for health protection purposes
 Service of Notices to keep a child away from school - Provide details of children attending school etc
 The Health Protection (Part 2A Orders) Regulations 2010
 Make applications for Part 2A Orders.
- HCP(40) Public Health (Aircraft) Regulations 1979
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 act under and delegated authority to authorise appropriate named individuals to exercise powers under:-
 Part II, Regulation 5, appointment and duties of authorised officers and provisions of services by responsible authorities.
- HCP(41) Noise Act 1996
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 act under and delegated authority to authorise appropriate named individuals to exercise the powers in ss2 to 9 in relation to the summary procedure for dealing with noise at night and entry and seizure under s10
- HCP(42) Environment Act 1995
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 Part IV Air Quality
 s 82 - Undertake Air Quality monitoring
 s 83 - Designate AQMA
 s 84 - Carry out duties in relation to designated areas,
 Part V Miscellaneous
 s 108 (1)(a),(1)(b) and (1)(c) to exercise powers under section 108, sub-section (4)(a-m)
 s 110 - Offences
- HCP(43) Anti-Social Behaviour Crime and Policing Act 2014
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 Part I injunctions
 s 5- Make applications for injunctions

- Part 2 Criminal Behaviour Orders
 - s – Make application for an order
- Part 4,
 - Chapter 1 Community Protection Notices
 - s 43 - Power to issue notices
 - s 47 - Remedial action & power of entry
 - s 51- Seizure
 - s 53 - Issue Fixed Penalty Notice
 - Chapter 2 Public Spaces Protection Orders
 - s 68 -Issue Fixed Penalty Notice (Dogs and ASB)
 - Chapter 3 Closure of premises associated with nuisance or disorder
 - s 76 - Closure notice
 - s 78 - Vary or cancel closure notice
 - s 79 - Power of entry
 - s 85 - Enforcement
- HCP(44) The Official Feed and Food Controls (England Regulations 2009
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 - (ii) to:-act under and delegated authority to authorise appropriate named individuals to: powers of entry, serve notices, procure and analyse samples.
- HCP(45 to 48) SPARE
- HCP(49) Gambling Act 2005
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 - (ii) to:- Inspect and issued licenses ,
 - a) Application for a variation to a licence where no representations have been received or representations have been withdrawn
 - b) Application for a transfer of a licence where no representations have been received from the Commission
 - c) Application for a provisional statement where no representations have been received or representations have been withdrawn
 - d) Application for a club gaming/club machine permit where no objections have been made or objections have been withdrawn
 - e) Applications for other permits
 - f) Cancellation of licensed premises gaming machine permits
 - g) Consideration of temporary use notice
 - h) Setting of fees
 - s.304 (1)(b) - Make representations where appropriate
- HCP(50) Town Police Clauses Act 1847
 - Grant or refuse, applications for Private Hire Vehicle, Operators or Hackney Carriage vehicle licenses or suspend private hire or Hackney carriage vehicle licences under the Town Police Clauses Act 1847, and the Local Government (Miscellaneous Provisions) Act 1976, subject to the applicant having a right to be heard by the Regulatory Committee in respect of any decision to refuse an application.

- HCP(51) Police, Factories etc (Miscellaneous Provisions) Act 1916, as amended by section 251 and Schedule 29 to the Local Government Act 1972
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 (a) Issue street collection permits up to the allocation for Kenilworth, Royal Leamington Spa, Warwick town centres and other areas as defined by the Licensing & Regulatory Committee; and
 (b) Issue street collection permits, for special collections in addition to the above numbers, following consultation with and no objection from the Licensing & Regulatory Committee spokespersons.
- HCP(52) Road Traffic Act 1991
 to ask for and accept Disclosure and Barring Service checks for Hackney Carriage and Private Hire Vehicles Drivers Licences under Section 47, and for any other licence for which they may be required.
- HCP(53) Local Government Miscellaneous Provision Act, Section 47, 48, 51, 55
 impose such conditions as considered reasonably necessary:-
 a) approve or refuse, in consultation with appropriate organisation as approved by the Licensing & Regulatory Committee, applications in respect of types of wheelchair accessible vehicles to be accepted as taxis in the case of new licences to be issued in the District
 b) refuse applications for taxi and private hire drivers licences in respect of applicants who do not pass the knowledge test
 c) refuse applications for taxi and private hire drivers licences, where the applicants have not attended disability awareness training, and obtained the appropriate certificate
 d) refuse the licence of a hackney/carriage private hire driver person who fails or refuses to attend the prevention of child sexual exploitation course
 e) make any minor grammatical or minor wording amendments to the Policies for Hackney Carriage / Private Hire Drivers & Operators, so long as it they do not alter the meaning/spirit of the Policy.
- HCP(54 to 65) SPARE
- HCP(66) Land Drainage Act 1991 (and any amendments thereof)
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 s 14(A) – Notice to enter land and carry out works
 s 24 – Contraventions of prohibition on obstructions – notice to abate nuisance
 s 25 – Powers to require works for maintaining the flow of a watercourse
 s 64 – Powers of entry onto land
- HCP(67 & 68) SPARE

- HCP(69) Criminal Justice and Police Act 2001
exercise all powers of local authorities under sections 19 to 28 of the
including:
- Serving and cancelling closure notices;
 - Making applications for closure orders;
 - Issuing certificates of termination of closure orders;
 - Defending applications for the discharge of closure orders;
 - Recommending appealing against the refusal to make closure orders;
 - Enforcing closure orders;
 - Recommending prosecuting for obstruction of authorised officers or for offences in connection with closure orders; and
 - authorising officers to exercise all or any of these powers.
- HCP(70 to 76) SPARE
- HCP (77) The Legislative and Regulatory Reform Act 2006
following consultation with a solicitor acting for the Council and relevant Portfolio Holder, to make any minor grammatical or minor wording amendments to the Enforcement Policy, so long as it they do not alter the meaning/spirit of the policy
- HCP (78) SPARE
- HCP (79) to determine and refuse on technical grounds (e.g. lack of information supplied with application, not able to comply with mandatory conditions for example the “no-obstruction condition”) applications received for pavement licences, under the Business and Planning Act 2020.
- HCP (80) in consultation with the Chair of Licensing & Regulatory to determine any refusals of applications received for pavement licences, or revocations of a licence under the Business and Planning Act 2020
- HCP (81) Associated Acts and Regulations above:
to grant a Private Hire Operators licence or Hackney Carriage/Private Hire Drivers Licence of reduced duration following consultation with the Chair/ Vice Chair of the Licensing and Regulatory Committee and a representative of Legal Services.
- HCP (82) Microchipping of Dogs Regulations 2015,
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
(a) serve on the keeper of a dog which is not microchipped a notice requiring the keeper to have the dog microchipped within 21 days;
(b) where the keeper of a dog has failed to comply with a notice under paragraph (a), without the consent of the keeper— (i) arrange for the dog to be microchipped; and (ii) recover from the keeper the cost of doing so;
(c) take possession of a dog without the consent of the keeper for the purpose of checking whether it is microchipped or for the purpose of microchipping it in accordance with sub-paragraph (b)(i).

14. **Head of Housing** shall have authority to:
- HS (1) issue licences to control the use of moveable dwellings under section 269 Public Health Act 1936 and caravan site licences required under the Caravan Sites & Control of Development 1960.
 - HS (2) to approve or refuse any discretionary or mandatory grant related to repair, improvement or adaptation, the issue of approvals following the application of the test of financial resources and authorisation of payment upon satisfactory completion of the work. To recover, withhold or cancel payments.
 - HS (3) deal with the letting of all dwellings when the Common Housing Register is applied. In cases of redevelopment authorise the delay in the letting of properties subject to approval of the relevant redevelopment scheme.
 - HS (4) deal with sales of Council dwellings (freehold and leasehold) under the Right-to-Buy provisions (Housing Act 1985).
 - HS (5) approve the release of affordable housing secured under a section 106 agreement for sale as open market dwellings and to discharge the obligation under the S106 agreement restricting the use of the affordable housing where the Registered Provider has become insolvent and defaulted on a mortgage secured against the relevant site and the Registered Providers Mortgagee has exercised their power to enter into possession of the relevant site subject to the Mortgagee having first acted in accordance with the mortgagee in possession provisions in the relevant section 106 agreement.
 - HS (6) allocate tenancies to employees of the Council in accordance with Council's Relocation Scheme.
 - HS (7) repair void properties.
 - HS (8) allocate garages; to provide and allocate parking spaces; to approve the erection or provision, by tenants of individual garages and car parking spaces.
 - HS (9) allocate tenancies and fix rents in respect of properties held under Part II of the Housing Act 1985.
 - HS (10) determine the level of decorating allowance payable to tenants on allocation of tenancies.
 - HS (11) approve payments under the Resettlement Service to qualifying new tenants accepting the tenancy of a low demand designated older persons property.
 - HS (12) investigate and determine all homeless applications made to the Council under Part VII Housing Act 1996 including:-
 - (i) Allocation of suitable accommodation:
 - (ii) Entering the usual or last place of residence of a homeless person at all reasonable times for the purpose of discharging the duties in connection with the storage of property and effects;
 - (iii) Guaranteeing where necessary in an emergency, the payment in whole or in part of any charges for basic accommodation provided.
 - (iv) Where urgent steps are required to prevent homelessness, authority to incur expenditure or potential expenditure (e.g. by guarantees) in respect of rent or mortgage repayments dependent upon individual circumstances.
 - HS (13) to determine applications for re-housing agricultural workers and ex-works pursuant to the Rent (Agriculture) Act 1976.
 - HS (14) demand repayment of grant monies, together with interest, in appropriate cases on a breach of grant conditions.
 - HS (15) instruct Bailiff's to enforce Warrants for Eviction.

- HS (16) in consultation with the Portfolio Holder for Homes, Health & Wellbeing, make minor changes to the Housing Financial Assistance policy that maintain the alignment with the Better Care Fund objectives.
- HS (17) to deal with applications for T.V. licences for warden controlled accommodation etc.
- HS (18) determine applications to run businesses, erect covered ways, verandas, conservatories and other and undertake other alterations to Council dwellings.
- HS (19) deal with the recovery of rent arrears including the instigation of legal proceedings to recover possession in appropriate cases and use of distraint.
- HS (20) write off former tenant arrears or credit balances up to £1000, greater than £1000 has to be agreed by Head of Financial Services.
- HS (21) in consultation with the Portfolio Holder for Homes, Health & Wellbeing, to develop and submit outline planning applications for housing sites and any other statutory consents necessary. Cabinet are asked to note that any fully costed schemes would be presented to Cabinet for approval following outline planning permission being granted
- HS (22) authorise routine repair, maintenance, improvement and new building work to be carried out.
- HS (23) waive, rechargeable repair costs.
- HS (24) in consultation with the Portfolio Holder for Homes, Health & Wellbeing, to make minor policy changes to the housing allocations policy. Subject to the Portfolio Holder reporting any changes approved in this manner as part of the annual report to the Overview and Scrutiny Committee.
- HS (25) approve of schemes for the adaptation of Council houses.
- HS (26) choose to refer adaptations to Council House dwellings for consideration for a Disabled Facilities Grant (or similar).
- HS (27) determine application for ex-gratia payments of up to ,£200 in respect of legitimate landlord costs that have been incurred by tenants.
- HS (28) submit applications for planning permission for change of use from amenity land to private gardens, or from private gardens to amenity land in those areas where it is a solution to a perceived management problem, subject to consultation with appropriate local residents.
- HS (29) in consultation with the Portfolio Holder for Homes, Health & Wellbeing, to make decisions about imposing civil penalties in individual cases.
- HS (30) grant new leases, for HRA properties, where statutory renewal rights exist.
- HS (31) grant terminable licences, for HRA properties, for access and other purposes.
- HS (32) serve Notices, carry out works and recover monies in respect of securing buildings against unauthorised entry or to prevent buildings becoming a danger to public health (Section 29 of the Local Government and Miscellaneous Provisions Act 1982)
- HS (33) issue but not refuse certificates of fitness in respect of assured tenancies under the provisions of Part I of the Housing and Planning Act 1986.
- HS (34) award grants to tenants/tenants groups in accordance with the Council's Housing Strategy.
- HS (35) re-purchase former Council owned dwellings within the agreed criteria and with the assistance of an independent valuation subject to resources being made available.
- HS (36) grant new leases on vacant HRA properties.
- HS (37) agree rent reviews, for HRA properties, where agreement on the new rent has been reached without recourse to arbitration.

- HS (38) serve Improvement Notices in respect of category 1 Hazards in relation to Section 11 of the Housing Act 2004
- HS (39) serve Improvement Notices in respect of category 2 Hazards in relation to Section 12 of the Housing Act 2004
- HS (40) Revoke or Vary an Improvement Notice in relation to Section 16 of the Housing Act 2004
- HS (41) serve notices of "Decision on Review" of a suspended Improvement Notice or suspended Prohibition Order in relation to Sections 17 & 26 the Housing Act 2004
- HS (42) revoke or vary a Prohibition Order when the Hazard(s) in respect of which the Order was made no longer exists or, in the case of an Order whose operation is suspended, so as to alter the time or event by reference to which the suspension is to come to an end; and the service of Notices in respect of revocation or variation of a Prohibition Order in relation to Section 25 & Part 2 of Schedule 2 of the Housing Act 2004.
- HS (43) serve Hazard Awareness Notices in respect of Category 1 and Category 2 Hazards in relation to sections 28 & 29 of the Housing Act 2004
- HS (44) serve Notices in respect of taking action when an Improvement Notice is not complied with in relation to Paragraph 4, Schedule 3 of the Housing Act 2004
- HS (45) agree that Emergency Remedial Action is taken in relation to section 40 of the Housing Act 2004
- HS (46) serve notices of Emergency Remedial Action in relation to section 41 of the Housing Act 2004.
- HS (47) make an Emergency Prohibition Order in relation to sections 43 & Part 2 of Schedule 2 of the Housing Act 2004
- HS (48) serve notices in respect of the revocation or variation of an Emergency Prohibition Order in relation to section 43 & Part 2 of Schedule 2.
- HS (49) serve Temporary Exemption Notice in relation to section 62 of the Housing Act 2004
- HS (50) grant or refuse an HMO Licence in relation to section 64 of the Housing Act 2004
- HS (51) vary an HMO Licence in relation to section 69 of the Housing act 2004
- HS (52) Revoke an HMO Licence in relation to section 70 of the Housing Act 2004
- HS (53) carry out all procedures relating to the granting or refusal of an HMO Licence in relation to part 2 of the Housing Act 2004
- HS (54) apply to a RPT (Residential Property Tribunal) for a Rent Repayment Order and serve notice of intended proceedings in relation to section 73 of the Housing Act 2004
- HS (55) apply to a RPT for an Order authorising the local authority to make an IMO (Interim Management Order) or for an Order providing for an IMO or FMO (Final Management Order) to continue in force in relation to the Interim and Final Management Orders sections 102, 105 & 114 of the Housing Act 2004
- HS (56) vary or revoke an IMO or FMO in relation to sections 111, 112, 121 & 122 of the Housing Act 2004
- HS (57) take appropriate steps to protect the safety, health and welfare of occupiers and such other steps regarding the proper management of houses subject to IMOs and FMOs in relation to sections 106 & 115 of the Housing Act 2004
- HS (58) carry out all procedures relating to the service of notice and the consideration of representations in respect of making, varying or revoking (or refusing to vary or revoke) Management Orders in relation to schedule 6 of the Housing Act 2004

- HS (59) apply to a Magistrates' Court for an Order permitting works to be carried out when a Management Order is in force; authorise in writing any person to enter a house where a Management Order is in force for the purpose of carrying out works in relation to section 131 of the Housing Act 2004.
- HS (60) except for the actual making of Interim Empty Dwelling Management Orders (IEDMOs) and Final Empty Dwelling Management Orders (FEDMOs), have all powers and duties of the local authority in respect of IEDMOs and FEDMOs in relation to the Interim and Final Empty Dwelling Management Orders (IEDMO & FEDMO) Part 4, Chapter 2 of the Housing Act 2004
- HS (61) serve notice of consideration of making an IEDMO and make application to a RPT for authorisation to make an IEDMO in relation to section 133 of the Housing Act 2004
- HS (62) carry out all procedures relating to the making of Management Orders as they relate to IEDMOs and FEDMOs in relation to Schedule 6 Part 1 of the Housing Act 2004
- HS (63) take appropriate steps to ensure that a dwelling becomes or continues to be occupied, and for the proper management of the dwelling in relation to sections 135 & 137 of the Housing Act 2004.
- HS (64) carry out all procedures necessary for the operation of IEDMOs and FEDMOs, except in relation to variation or revocation of IEDMOs and FEDMOs in relation to schedule 7 of the Housing Act 2004
- HS (65) carry out all procedures necessary in respect of variation or revocation of IEDMOs and FEDMOs in relation to schedule 7 of the Housing Act 2004
- HS (66) to serve, withdraw, revoke or vary an Overcrowding Notice in relation to Part 4 Chapter 3 Sections 139, 140 & 144 of the Housing Act 2004
- HS (67) serve notice requiring the production of documents in connection with Parts 1 – 4 of the Housing Act 2004
- HS (68) serve notice of intention to enter premises in relation to section 239 of the Housing Act 2004
- HS (69) to apply to a Magistrates' Court for a warrant to authorise entry in relation to section 240 of the Housing Act 2004
- HS (70) give notice of action taken under Parts 1 – 4 of the Housing Act 2004
- HS (71) serve or revoke an HMO Declaration in relation to sections 255 & 256 of the Housing Act 2004
- HS (72) Approve, refuse and recover grants and loans in accordance with the Rent Bond/Deposit Scheme
- HS (73) specify properties for which prospective tenants will be eligible to qualify for the Resettlement Service
- HS (74) issue Notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (Disposal of uncollected property).
- HS (75) issue injunction proceedings under section 222 of The Local Government Act 1972.
- HS (76) issue injunction proceedings under the provisions of Chapter III of Part V of The Housing Act 1996 as amended by the Anti-Social Behaviour Act 2003 and the Police and Justice Act 2006 (injunctions in respect of anti-social behaviour affecting housing management, unlawful use of housing accommodation and breach of tenancy agreement).
- HS (77) address the district judge at hearings attended without a solicitor under s.60 of the County Courts Act 1984.
- HS (78) issue possession proceedings in order to obtain possession of temporary accommodation provided under section 188 of the Housing Act 1996, Part VII.

- HS (79) serve notice of Seeking Possession and Notice of Demotion under section 83 of the Housing Act 1985 in respect of Secure Tenancies in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
- HS (80) serve notice of Possession Proceedings and Notice of Extension under section 125 of the Housing Act 1996 in respect of Introductory Tenancies in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
- HS (81) serve closure notice under section 1 of the Anti-Social Behaviour Act 2003 in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
- HS (82) serve Family Intervention Tenancy Notice under the provisions of the Housing and Regeneration Act 2008 in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
- HS (83) issue Notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (Disposal of uncollected property).
- HS (84) issue injunction proceedings under section 222 of the Local Government Act 1972.
- HS (85) issue injunction proceedings under the provisions of Chapter III of Part V of the Housing Act 1996 as amended by the Anti-Social Behaviour Act 2003 and the Police and Justice Act 2006 (injunctions in respect of anti-social behaviour affecting housing management, unlawful use of housing accommodation and breach of tenancy agreement).
- HS (86) use of Enforced Sale Procedure under Law of Property Act 1925 including service of notice under Section 103 of the Act.
- HS (87) To carry out the following delegated powers:
HCP(2) in respect of 59 and 76;
HCP(6) in respect of (iii)(vii)and(viii);
HCP(25)(i);
HCP(26) to HCP(28) inclusive;
HCP(69) in respect of (i)(ii)(iii)(iv) and (vii);
HCP(34) and HCP(35);
HCP(43)
- HS (88) Serve notices under Housing Act 1985 (as amended):-
S197 Notices before exercising power of entry. 337/340
S331 Notice to landlord that house is overcrowded.
S338 Notice to occupier to abate overcrowding
- HS (89) S. 77 Criminal Justice and Public Order Act 1994
In respect of persons residing in a vehicle or vehicles
i) on any land forming part of a highway;
ii) on any other unoccupied land; or
iii) on any occupied land without the consent of the occupier to give a direction that those persons are to leave the land and remove the vehicle or vehicles and any other property
- HS (90) in consultation with the Portfolio Holder for Homes, Health & Wellbeing, to grant 99 year leases of Council owned land (HRA land) to Waterloo Housing Group under the terms of the W2 Joint Venture for the purpose of providing affordable housing
- HS (91) determine applications for review made under Section 202 of the Housing Act 1996 and to take any steps that are necessary or incidental to the making of such a determination or complying with any requirements or procedure provided for in regulations made under S203 of Housing Act 1996.

- HS(92) Serve notices under Housing Grants Construction & Regeneration Act 1996 requiring owner to provide statement of occupation of property (s49 & s50).
- HS(93) (i) approve the terms to be incorporated in a Shared Ownership lease which will include 'staircasing' provisions enabling a lessee to acquire between a minimum of a 25% up to and including a 100% interest in the property with the right to request a transfer of the freehold interest on acquiring a 100% interest; and
(ii) Relax property size eligibility rules in the housing allocations policy for bidders for shared ownership properties if there is insufficient demand from households of the eligible size.
- HS(94) enforce the Management of Houses in Multiple Occupation (England) Regulations 2006, made under Section 234 Housing Act 2004.
- HS(95) to serve a:
(i) Prohibition Order in respect of a Cat 1 hazard, in relation to Section 20 of the Housing Act 2004
(ii) Prohibition Order in respect of a Cat 2 hazard, in relation to Section 21 of the Housing Act 2004
(iii) Notice requiring documents to be produced, in relation to Section 235 of Housing Act 2004
- HS(96) under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015, Statutory Instrument SI number 2015:1693 (made under the Energy Act 2013), authority to:
(i) under regulation 5 issue a Remedial Notice; and
(ii) per Part 4 (Regulations 8-13) issue a Penalty Charge Notice
- HS (97) formulate responses to planning applications in respect of housing requirements.
- HS (98) to enforce the Minimum Energy Efficiency Standards (MEES) regulations as set out within the approved penalties process.
- HS (99) authorise the Officer to have delegated authority to serve Notices of Intent and Final Notices under the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014
- HS (100) take appropriate action under this policy to ensure compliance with all its requirement, including the need to obtain planning permission
- HS (101) in consultation with the Portfolio Holder for Homes, Health & Wellbeing, to review and amend the action plan of the Warwick District Council Homelessness and Rough Sleeping Strategy 2021-26 from time to time during the lifetime of the strategy.
- ~~AST (3)~~
HS (102) deal with applications for the assignment of tenancy or sub-letting of shops provided under the Housing Acts.
- ~~AST (11)~~
HS(103) Serve Notices to Quit in respect of shops and other accommodation provided under the Housing Acts.

15. **Head of Culture, Tourism & Leisure** shall have authority to:
- CS (1) determine requests for the hire of rooms and/or facilities at the Town Hall.
 - CS (2) arrange lettings in respect of sporting entertainment and arts facilities.
 - CS (3) in consultation with the Portfolio Holder for Culture, Tourism & Leisure, to apply discount prices, to those listed in the Parks Exercise Permits Usage & Charging Policy for Warwick District Council Parks & Open Spaces as deemed appropriate
 - CS (4) in consultation with the Portfolio Holder for Culture , Tourism & Leisure, for the decision as to the inclusion of new areas of the Council's Parks and Open Spaces within the remit of the Parks Exercise Permits Usage & Charging Policy for Warwick District Council Parks & Open Spaces
 - CS (5) Following consultation with a solicitor acting on behalf of the Council, obtain licences under the Licensing Act 2003 for Council premises.
 - CS (6) Grant hospitality during conferences in accordance with the policy agreed by the Council.
 - CS (7) Determine grants to Sports and Cultural Organisations.
 - CS (8) Determine opening hours of cultural services facilities including closures over public holidays
 - CS (9) in consultation with the Portfolio Holder for Culture , Tourism & Leisure, to authorise future renewals of the Collections Management Framework on behalf of the Council, for the purposes of ACE Accreditation renewal and provided that no significant changes are made to the individual policies.

16. The **Head of Environment & Operations** shall have authority to:
- NS (1) Serve notices under ss. 43 and 48 of the Anti-Social Behaviour Act 2003 and to recover expenditure under s. 49 thereof
 - NS (2) Discharge the Council's litter control functions as set out in Sections 87 and 88 of the Environmental Protection Act 1990 including issuing fixed penalty notices
 - NS (3) Notices in relation to intention to enter premises (pursuant to a statutory power) for the purposes of inspection;

All powers included in Part II of the Environmental Protection Act 1990 granted to a Waste Collection Authority, including those listed below:

Section 13 and 14 of the Environmental Protection Act 1990

Section 33 and 34 of the Environmental Protection Act 1990, and subsidiary legislation, including Section 45 of Clean Neighbourhoods & Environment Act 2005

Sections 46 and 47 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 48 of Clean Neighbourhoods & Environment Act 2005

Section 59 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 50 of Clean Neighbourhoods & Environment Act 2005

- NS (4) All powers included in Part IV of the Environment Protection Act 1990 granted to a Principal Litter Authority, including those listed below: -
- Section 88 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 19 of Clean Neighbourhoods & Environment Act 2005
- Section 92 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 20 of Clean Neighbourhoods & Environment Act 2005
- Sections 93 and 94 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 21 and 22 of Clean Neighbourhoods & Environment Act 2005
- Section 99 of the Environmental Protection Act 1990 and subsidiary legislation.
- NS (5) All powers included in Part I of the Refuse Disposal (Amenity) Act 1978 granted to a District Council, including those listed below:
serve notices in respect of removal of abandoned vehicles under the Refuse Disposal (Amenity) Act 1978
Section 2 and 3 of the Refuse Disposal (Amenity) Act 1978 and subsidiary legislation, including
Section 10 of Clean Neighbourhoods & Environment Act 2005
serve notices requiring information for statutory purposes under
- Section 71 of Environmental Protection Act 1990
 - Section 90 of Environmental Protection Act 1990
 - Section 18 of the Clean Neighbourhoods and Environment Act 2005
 - Sections 35, 37, 38 & 39 of the Clean Neighbourhoods and Environment Act 2005
 - All powers within Part 4 of the Clean Neighbourhoods and Environment Act 2005
 - All powers within Part 5, Chapter 2 of the Clean Neighbourhoods and Environment Act 2005
- NS (6) Take action under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976 (imminent danger from dangerous trees) and to serve notices under Section 23.
- NS (7) Carry out consultations concerning draft Off Street Parking Places Orders and to make the Orders in cases where no objections are received.
- NS (8) Institute legal proceedings against persons who fail to comply with the Pay and Display regulations contained in the Council's Off-Street Parking Places Orders.
- NS (9) Provide floral decorations in accordance with the policy agreed by the Council.
- NS (10) Implement any necessary changes in parking charges as specified by Council.
- NS (11) Conduct listing reviews and compensation reviews in respect of assets of community value; and consider and decide any review of listing, or compensation.

NS (12) waive the charges for waste containers for any resident who is unable to pay for waste containers if they are eligible for maximum council tax reduction as well as being in receipt of either Attendance Allowance, Disability Living Allowance or Personal Independence Payment'. This will be subject to any request being limited to one every two years. Outside of this, charges may only be waived where the Council is satisfied that the household would experience exceptional financial hardship.

17. The **Head of Place & Economy** shall have authority to:

~~DS(3)~~ PE(1) Serve any necessary notices in connection with the review of rents payable to the Council under leases or tenancy agreements.

~~DS(18)~~ PE(2) Deal with applications from market operators for change of trade.

~~DS(19)~~ PE(3) In consultation with the Portfolio Holder for Place & Economy, to apply discretionary relief for exceptional circumstances is clearly demonstrated.
~~DS(20)~~ PE(4) make representations, in consultation with the relevant Portfolio Holder, in relation to Planning Policy consultations, that may affect Warwick District undertaken by neighbouring or overlapping authorities. This does not include the following:

- National Planning Policy and other national planning-related consultations; and
- Where in the judgement of the Head of Place & Economy or the relevant Portfolio Holder, the issues arising from the consultation are such that they have important strategic implications for Warwick District.

~~DS(22)~~ PE(5) Following consultation with a solicitor acting for the Council, consent to assignment and other consents required under leases granted by the Council.

~~DS(24)~~ PE(6) , in consultation with the Head of Financial Services, decline offers of property not recommended for acquisition.

~~DS(26)~~ PE(7) to introduce and keep under review appropriate procedures and criteria for the operation of the Local List including the consideration of submissions for inclusion on the Local List

~~DS(68)~~ PE(8) Formulate the Council's response to consultations from neighbouring Planning Authorities relating to development proposals outside the Warwick District Council area.

~~DS(74)~~ PE(9) Agree to a Town or Parish Council proceeding with developing a Neighbourhood Plan under the terms of the Localism Act 2011 or to refuse permission to proceed where a proposal to undertake a plan does not conform with the provisions of the act.

~~DS(75)~~ PE(10) Make changes to a Neighbourhood Plan in line with the independent examiners recommendations

~~DS(76)~~ PE(11) Bring a Neighbourhood Plan in to force where it conforms to the provisions of the Localism act

~~DS(77)~~ PE(12) Assess a Neighbourhood to ensure compliance with the Localism Act and supporting regulations and to refuse to proceed to independent examination where it does not

~~DS(78)~~ PE(13) Appoint an independent examiner for a neighbourhood plan

~~DS(79)~~ PE(14) In consultation with the Portfolio Holder for Place & Economy following recommendation from W² Project Board to grant 99 year leases of council owned land (general fund) to Waterloo Housing Group under the terms of the Joint Venture for the purpose of providing affordable housing

- ~~DS(80)~~
PE(15) Maintain the List of Assets of Community Value and list of unsuccessful nominations; consider and decide the technical correctness of nominations for inclusion of assets on the list; and consider and decide, in consultation with the Portfolio Holder for Place & Economy, the merits of nominations for inclusion of assets on the list
- ~~DS(81)~~
PE(16) Engage performers and artists for events in accordance with the policy and within the approved budget
- ~~DS(84)~~
PE(17) to enter into agreements providing for the transfer of funds received, as a result of payments to the Council under the Community Infrastructure Levy Regulations 2010 (CIL), to an infrastructure provider for a scheme which has been agreed by the Council.
- ~~DS(85)~~
PE(19) in consultation with the Portfolio Holder, to apply fines and surcharges inline the CIL Regulations

18. Delegations to multiple but not all Chief Officers as set out in Article 12

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| A(1) | Authority to seal Stock Exchange transactions. | Head of Financial Services and Deputy Chief Executive & Monitoring Officer (Chief Executive in absence of Monitoring Officer). |
| A(2) | Authority to affix the Common Seal where appropriate approval(s) have been given . | Chief Executive, Deputy Chief Executives, Programme Director for Climate Change and Head of Law & Governance (individually). |
| A(3) | Authority to authorise obtaining Counsel's Opinion and to brief Counsel. | Chief Executive, Deputy Chief Executives, Programme Director for Climate Change and Head of Law & Governance (individually) following consultation with a solicitor acting for the Council. |
| A(4) | Authority to approve Court proceedings in respect of anti-social behaviour orders in the district. | The Heads of Housing; and Head of Community Protection (as appropriate), individually, in consultation with a solicitor acting for the Council and Group Leaders. |
| A(5) | Authority to instigate applications for anti-social behaviour orders under the Crime and Disorder Act 1998. | Head of Housing, the Head of Culture, Tourism & Leisure, Head of Environment & Operations, Head of Community Protection, following consultation with a solicitor acting on behalf of the Council. |

A(6)	Authority to approve applications to waive repayment of grant paid under the town scheme of grants arrangements in cases of hardship.	Head of Financial Services and Head of Development in conjunction with the Leader of the Cabinet and Group Leaders.
A (7)	Authority to carry out the necessary procedure and make orders under Town Police Clauses Act 1847 for the temporary closure of roads.	Head of Place & Economy, Head of Environment & Operations and Head of Community Protection, following consultation with a solicitor acting on behalf of the Council.
A(8)	issue authorisations under the Regulation of Investigatory Powers Act 2000 in all cases except those concerning juveniles.	Deputy Chief Executives individually
A(9)	exercise the powers contained within the Anti-social Behaviour Crime and Policing Act 2014 in relation to injunctions, orders, powers of dispersal, closure of premises, grounds of possession, service of notice and to authorise appropriate persons to carry out any of these powers.	The Heads of Community Protection, Housing and Environment & Operations individually.
A (10)	Grant applications for organised visits to and bookings of parks, open spaces and buildings and for conference facilities.	Heads of Culture, Tourism & Leisure, Place & Economy and Housing individually.
A (11)	Grant new leases on vacant properties, excluding HRA properties.	The Head of Assets and Head of Economy & Place
A (12)	To accept the transfer of land or buildings to the Council which is required to be transferred to the Council under the provisions of a section 106 agreement."	Head of Culture, Tourism & Leisure, Development, Place & Economy, Housing and Environmental Services individually
A (13)	in consultation with the Portfolio Holders for Homes, Health & Wellbeing and Resources to enter into a maximum of five leases for properties from the Private Sector (of no more than ten years in duration each) for use in connection with homelessness accommodation duties.	Head of Housing and the Head of Financial Services
A (14)	to suspend the statutory officers within the Council, where they consider it is an emergency to do.	Chief Executive or Monitoring Officer
A (15)	to act under Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, enforcing regulation 4, 5, 8, 9 & 10 and take proceedings for offences under regulation 1	Head of Community Protection & Head of Environmental Services.
A (16)	Execute vacating receipts on mortgages.	Chief Executive & Head of Law & Governance

A (17)	Serve any necessary notices in connection with the review of rents payable to the Council under leases or tenancy agreements.	Head of Financial Services, Head of Assets and Head of Housing individually.
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