

Executive

Minutes of the meeting held on Thursday 9 April 2015 at the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Mobbs (Chairman); Councillors Caborn, Coker, Cross, Mrs Gallagher, Hammon, and Shilton.

Also present: Councillor Barrott (Chair of Finance & Audit Scrutiny Committee) and Councillor Mrs Falp (Chair of the Overview & Scrutiny Committee).

An apology for absence was received from Councillor Vincett.

155. Declarations of interest

There were no declarations of interest.

156. Minutes

The minutes of the meetings held on 14 and 28 January and 11 February 2015 were taken as read and signed by the Leader as a correct record.

Part 1

(Items on which a decision by Council is required)

157. Revisions to the Constitution

The Executive considered a report, from Democratic Services, that brought forward proposed changes to the officer scheme of delegation; provided clarification on public speaking procedures for Council, Executive, Committees and Sub-Committees; along with updated Guidance and Criteria for the call-in of Executive decisions.

The report included some minor updates to the scheme of delegation; many confirming the arrangements already approved by Council, such as the revised Service Areas and new legislation.

The changes to the public speaking arrangements were brought forward to provide clarification on the public speaking rights at Council, Executive, Committees and Sub-Committees. This provided a single reference point detailing how these arrangements could be utilised. These also provided improved rights for members of the public to speak at Council meetings.

The changes to the call-in procedures were brought forward to provide improved clarity on what matters could and could not be called-in along with clarifying the wording in Council procedure rules for calling-in an item.

The final recommendation of the report was included to ensure that no ambiguities or conflicts appeared in the Constitution as a result of these decisions.

An alternative option was that the Executive could choose to leave the Constitution as it was but the risks detailed at section 6 would apply or they could decide to approve some and not others

The Overview & Scrutiny Committee was surprised that clause A(3) did not state an indicative upper cost limit at which point consultation with the Portfolio Holder or the Leader would be required before going ahead.

The Overview & Scrutiny Committee recommended to Executive that:
Page 22 – MO (8) - the wording was altered to read "Appoint the membership of *any additional* Licensing & Regulatory Sub-Committees known as Licensing & Regulatory Panels"; and
Page 23 – MO (13) the wording was altered to read "*Initiate* reviews of the Members' Allowances Scheme". The words "in accordance with that Scheme" should be deleted.

The Democratic Services Manager & Deputy Monitoring Officer explained to the Executive that Overview & Scrutiny Committee had informally asked officers to look at DS4(ii) to ensure the wording was correct. Following discussions with the Head of Development Services, it was agreed that the Executive should be advised to remove this delegation as it was not required.

The Leader welcomed the comments from the Scrutiny Committee and recommendations in the report were agreed, subject to the changes they proposed along with the removal of delegation DS4(ii) being made. The Executive also asked the Monitoring Officer to consider the comments from the Scrutiny Committee regarding Counsel fees and provide advice on this ahead of Council in April 2015.

The Executive therefore

Recommended to Council that:

- (1) the proposed draft scheme of delegation be amended to: subject to MO (8) the wording is altered to read "Appoint the membership of *any additional* Licensing & Regulatory Sub-Committees known as Licensing & Regulatory Panels; MO (13) the wording is altered to read "*Initiate* reviews of the Members' Allowances Scheme". The words "in accordance with that Scheme" should be deleted and DS(4)(ii) – Page 24 – being removed;
- (2) the revised Scheme of Delegation as set out in Appendix 1 to the minutes be adopted,

- (3) it adopts the procedure rules for public speaking as set out at Appendix 2 to the minutes.
- (4) the document "PROCEDURE FOR PUBLIC SPEAKING AT COUNCIL MEETINGS" is removed from the Constitution;
- (5) the updated Call-in procedure is approved as set out at Appendix 3 to the minutes;
- (6) the Call-in explanation and guidance is adopted as set out at Appendix 4 to the report;
- (7) any consequential changes to the Constitution as a result of these decisions are made by the Deputy Chief Executive & Monitoring Officer.

(The Portfolio Holder for this item was Councillor Mobbs)
(Forward Plan references 682 & 683)

158. The way forward for scrutinising Health Issues at Warwick District Council

The Executive considered a report from the Overview & Scrutiny Committee in partnership with Councillor Coker, as Portfolio Holder for Health & Community Protection, that brought forward recommendations for a proposed Health Scrutiny Committee and sought approval from the Executive for the budget implication connected with the Chairman's allowance.

The changes to the health service introduced by the Health and Social Care Act 2012 meant that local authorities had an increased role in delivering health & wellbeing as a result of public health responsibility being transferred from the NHS to Local Government. In liaison with the County Council, through a nationally funded pilot scheme, the benefit of having a District based health scrutiny arrangement was established.

The pilot coincided with strategic changes within this Council to align its services to meet the new public health arrangements at county level. The new Health Scrutiny arrangement was therefore seen as key to ensuring that the Council delivered against its own strategic aims within the Sustainable Community Strategy and also met the requirements of the County Health & Wellbeing Board strategy.

The recommendation that the Committee handle pre-scrutiny work had been made so that there was limited overlap in responsibility with the other two existing Scrutiny Committees, which often do not get sufficient time to handle pre-scrutiny work in sufficient depth.

It was intended that the existing two Scrutiny committees continued to function as they always had and that the Health Scrutiny Committee concentrated on pre-scrutiny of reports concerning Health & Wellbeing issues and strategic health issues and health and wellbeing consultations only. This meant that the Health Scrutiny Committee did not have to meet on the same day as the other two Scrutiny committees or shortly after the agenda was published for meetings of the Executive. The impact of this split was that the committee could be staffed from existing staffing resources within Committee Services and Health & Community Protection, as had been the case with the Health Scrutiny Sub-Committee. Experience from running the Health Scrutiny Sub-Committee would indicate that meetings were not required each month, but obviously the option to call additional meetings remained in place should business needs require this.

The Health Scrutiny Committee would consider health and wellbeing issues only and as such would require the same powers to ask certain individuals and organisations to address them. Equally, since one of the aims of the Committee would be to improve health and wellbeing in the District, the Committee must be able to hear evidence from the Voluntary Sector and other public health bodies.

In pre-scrutinising reports, the committee must be assured that its comments were acted upon by report authors, or good reason given why this was impractical. This would ensure that the other two Scrutiny Committees did not have to repeat the process when they examined final reports.

There were a number of options detailed within the report that included the operation of a Health Scrutiny Committee in parallel to the current two Scrutiny Committees, the work of health scrutiny being merged into the work plan for Overview & Scrutiny Committee and the continuation of Health Scrutiny as a Sub-Committee of the Overview & Scrutiny Committee. Reasons for not progressing with these options were outlined in the report to the Executive.

The Overview & Scrutiny Committee noted the recommendations in the report.

Resolved that the Chairman's Allowance for 2015/16 be funded from the 2015/16 Contingency Budget and the additional cost be built into the Financial Strategy and future year's Budgets.

Recommended to Council that

- (1) a committee be formed to handle pre-scrutiny of selected Council reports, documents and policies, where health and wellbeing is an issue, and will select these from information on the Forward Plan, before they reach final stage, and from liaison with the Corporate

Management Team and the Senior Management Team. All members of the Council will also be able to suggest reports that require pre-scrutiny of health and wellbeing issues. The Committee will also deal with scrutinising strategic health issues and health related consultations;

- (2) this committee be named the Health Scrutiny Committee;
- (3) this committee should consist of at least 11 members and also substitute members (but this may be subject to change after the elections in May 2015 to ensure political proportionality);
- (4) the membership of the committee should be politically proportionate;
- (5) scrutiny of final reports for Executive will remain the responsibility of the two existing Scrutiny committees;
- (6) the Health Scrutiny Committee will be resourced from existing staff resources from within Committee Services and Health & Community Protection;
- (7) the terms of reference for the committee be framed by the Council's Health and Wellbeing Strategy, viz;
 - i. promoting Health & Wellbeing in its community;
 - ii. promoting Health & Wellbeing in its workforce; and
 - iii. as a scrutiny body for the local activities and performance of NHS bodies located within the District of Warwick and in other areas of Warwickshire, in liaison with and the County Adult Health & Social Care Overview and Scrutiny Committee
- (8) in order to assist the committee in its scrutiny arrangements, the powers will include the capability of inviting individuals and organisations to present evidence on particular health issues. Every meeting agenda will make provision for the involvement of the Voluntary Sector, and of Public Health Warwickshire,

representatives of which will be called upon to attend and to speak;

- (9) report authors will be required to take on-board any pre-scrutiny comments/recommendations in respect of their reports or give good reason why this is impractical;
- (10) the committee will run along the same procedure lines as the existing two Scrutiny committees where their functions coincide;
- (11) the Head of Service for Health & Community Protection will encourage officers to take their ideas to the Committee at an early stage through encouragement at senior management meetings;
- (12) meetings for the new committee be set in the Council's calendar every other month, with the option to call additional meetings if required for urgent business; and
- (13) the District Councillor who represents the Council on Warwickshire County Council's Adult Social Care & Health O & S Committee will serve as a member of the District Council's Health Scrutiny Committee.

(The Portfolio Holder for this item was Councillor Coker)

Part 2

(Items on which a decision by Council is not required)

159. IT Provision for Councillors from May 2015

The Executive considered a report that brought forward proposals for the provision of IT to Councillors after the Election in May 2015, which included improved security for confidential agenda paperwork.

The Executive was aware of an ongoing trial with members using iPads that started in the summer of 2014. Councillors Nick Pittarello, Moira-Ann Grainger, Richard Edwards, Richard Brookes, Norman Vincett, Alan Rhead, Felicity Bunker, John Barrott, Alan Boad, Alan Wilkinson, Cymone De-Lara-Bon, Judith Falp and Tony Heath had participated in the trial, whereas Councillors Doody and Mrs Sawdon returned their iPads and officers were unable to deploy them to two other Councillors.

Learning from the trial showed the main issues as:

- Storing and access to documents
- Storing of and managing emails
- Usability of committee papers and annotating them

- Access to the intranet
- Dual reading of Scrutiny & Executive papers

In addition to the learning points, printing was never resolved satisfactorily during the trial and typing on the iPad became an issue for some members. These issues could now be resolved by the option of providing a printer and the provision of Microsoft Office on the iPads.

In parallel to this trial, a group of officers had been trialling Microsoft Office365. This provided all the usual Microsoft products (Word, Excel and Outlook) but they could be accessed, securely from any device connected to the Internet.

Astech, the supplier of the Council's Committee Management System, had also developed an App for delivering its system on Apple, Android and Windows 8 based devices. The App for the Apple based system would be launched first.

The App for the Committee Management System would automatically, when connected to a Wi-Fi network, download the relevant /correct committee papers for a Councillor. These would be held in a secure area within the iPad which enabled Councillors to make their own annotations onto the document. It also prevented printing or emailing the document to another party, so reducing the risk of documents being passed to third parties, unintentionally or otherwise. Combined with this, the App would automatically delete the documents downloaded from the iPad, three months after the date of the meeting therefore reducing the storage needed.

Officers had assessed this information and, after informal discussions and demonstrations with the Leader and Group Leaders, had brought forward these proposals.

While Members could be dissatisfied about the proposal to stop the broadband allowance for them this enabled the provision of 3G connection on the iPad, so they would be able to access the Internet from any place at any time with a strong enough signal. This would improve their ability to work in a more agile manner, for example being able to access information while at surgeries. In addition to this, the iPad would still be able to connect to secure Wi-Fi networks, for example those at Riverside House and the Town Hall, but also those within a Councillor's home.

The cessation of paper copies would reduce costs and enable the allocated budget to contribute to the costs of providing 3G connectivity. By reducing the paper consumption and the need for posting documents in plastic envelopes, it would contribute towards reducing the environmental impact of the Council.

It was recognised that the Council would need to make provision for reasonable adjustments for any councillor with disabilities unable to adopt this approach, to meet its responsibilities under the Equality Act 2010. In

these instances the nature of the adjustments required would be discussed with the Councillor and appropriate officers.

The move to electronic rather than paper based systems would take a little longer to migrate to. While there were key members of staff who always attended meetings such as the Chief Executive, Deputy Chief Executives and Head of Finance, there were also those who attended meetings less frequently. This was where some further consideration needed to be made to roll out this process over the next 12 months.

The purpose of moving to iPads was to enable more agile working and also reduce the need for printing. That said, officers recognised that some members would still require a printer for Council business. Therefore, to further encourage members to print less information the proposal was to provide a suitable printer for use with an iPad but not the consumables, thus further reducing the overall cost to the Council.

It was felt appropriate that members should sign up to the same agreement as officers before being provided access to the Council's network and facilities. This was good practice to ensure members were aware of what was expected of them and highlighted what they could use the Council's IT for. Equally, this emphasised the point of members leading by example and of the Council being a single body with shared levels of expectation.

It was essential that appropriate training was provided for members at an early stage so that they could become effective and efficient as soon as possible. It should also minimise the risk of users being discouraged from using the technology if issues discovered early on were dealt with quickly. It was recognised that the skills base of members in relation to using iPads would be wide-ranging and therefore the training would cater to all needs within this range, however the Executive might wish to consider seeking some form of mandatory course, or simple test, to help inform Councillors' training needs on iPads.

Councillors should be mindful that the move to electronic agendas would impact on staffing requirements for printing and distribution. At present, these impacts were considered to be minimal and would be included as part of the Support Services Review and ongoing management of the relevant teams.

The Finance & Audit Scrutiny Committee discussed this item but was unable to question the report author. A number of issues were raised including existing trial users being unable to report back their experiences formally and the difficulties of juggling two agendas. However, there was also support for the project with a view that this was the way forward with new generations of Councillors.

The Overview & Scrutiny Committee recommended that all recommendations in the report were removed and replaced with:

- 2.1 That the Executive awaits a detailed update on the results of the iPad trial, and, if necessary, extends the trial.

- 2.2 That the Executive agrees that further work be undertaken to improve the system prior to the submission of a report to the Executive at a later date; and
- 2.3 That the Executive is assured that adequate IT provision arrangements are in place for new councillors.

The Leader recognised the proposals were the way forward for the Council and it did offer a number of benefits. That said, there were concerns from members with regard to this proposal and the Leader knew that before it progressed, a significant majority of members needed to be comfortable with the new technology.

In response to the comments from Overview & Scrutiny Committee, the Leader accepted the concerns of members of this Council and those of the Overview & Scrutiny Committee and therefore proposed that:

1. The Executive notes the concerns of members with regard to moving away from paper agendas and reports;
2. The Executive authorises the current trial of iPads to be continued;
3. The Executive receives a further report in the Autumn of 2015 detailing the progress of the trial and how the issues raised have been resolved and recommending a way forward; and
4. Officers make sufficient IT provision for Councillors after the election in May 2015.

The Leader also explained that any Councillor who did wish to take forward an iPad after the Election would be asked not to claim for a Broadband allowance in lieu of receiving a 3G iPad.

The Democratic Services Manager & Deputy Monitoring Officer explained to the Executive that because of the removal of any proposed change to the Members Allowances scheme this was now a matter for the Executive to determine and would not be a recommendation to Council on 22 April 2015.

Resolved that

- (1) the concerns of members with regard to moving away from paper agendas and reports, be noted;
- (2) the trial period of iPads, be continued; and
- (3) a further report be brought to the Executive in the Autumn of 2015; detailing the progress of the trial and how the issues raised have been resolved; and recommending a way forward; and
- (4) Officers make sufficient IT provision for Councillors after the Election in May 2015.

(The Portfolio Holder for this item was Councillor Mobbs)

160. Use of Delegated Powers – Social Housing Mobility Fund

The Executive considered a report, from the Chief Executive, that retrospectively reported on a decision made under the Chief Executive's delegated powers, in consultation with the Group Leaders, to submit a bid for the Government's Social Housing Mobility fund.

Provision CE(4) of the Scheme of Delegation, contained within the Council's Constitution provided for the Chief Executive (and in his absence the Deputies) to have authority to: *'deal with urgent items that occur between meetings, in consultation with the relevant Deputy Chief Executives, Heads of Service (if available) and Group Leaders (or in their absence Deputy Group Leaders) subject to the matter being reported to the Executive at its next meeting'*.

The Department for Communities and Local Government (DCLG) announced on the 5 February 2015 a Social Housing Mobility Funding Scheme; the scheme allowed Local Authorities to bid for up to £67,613 for schemes to improve mobility within social housing. The bid was required to be submitted to DCLG by the 5 March 2015, requiring the use of the delegated powers provision to meet the timetable, with this being the first available opportunity to retrospectively report to Executive. Successful bids would be announced by the DCLG at the end of March 2015 and if successful, funds would be paid in April 2015.

The application for funding would allow WDC to provide tenants of the Council and Registered Providers (RPs) working in the District with a more flexible allocation service. The resources offered by the Social Housing Mobility Scheme would allow the Council to recruit a Social Mobility Co-ordinator who would develop and implement new and innovative ways of working to improve social housing mobility within Warwick District. The Chief Executive consulted with Group Leaders who agreed their support for the bid

This was a retrospective report of action taken so no alternative options existed.

The Finance & Audit Scrutiny Committee supported the decision and noted that the funding bid had been successful. Members asked the Head of Housing & Property Services to circulate the bid document which detailed how the department hoped to allocate the money

The Executive endorsed the report, with the support of the Portfolio Holder for Housing and Property Services and

Resolved that the use of delegated power CE(4) by the Chief Executive to obtain Group Leaders' (or their Deputies') approval to support a bid for £67,613 from the Government's Social Housing Mobility fund.

(The Portfolio Holder for this item was Councillor Vincett)

161. Significant Business Risk Register

The Executive considered a report, from Finance, that set out the latest version of the Council's Significant Business Risk Register for review by the Executive. It had been drafted following discussions between the Leader of the Council, Chief Executive, Monitoring Officer, Section 151 Officer, and the Audit & Risk Manager.

The report was brought forward to assist members to fulfil their role in overseeing the organisation's risk management framework

The Finance & Audit Scrutiny Committee supported the recommendations in the report but was concerned that the document was not as accurate as it could be. Members were assured by the Leader that an additional risk would be added to deal with Infrastructure funding, separately from the Local Plan risk.

The Leader noted the comments of the Finance & Audit Scrutiny Committee and highlighted that this should be a matter for the new Leader of the Council to consider after the Election in May 2015.

Resolved that the Significant Business Risk Register, as attached at Appendix 1 to the report, be noted.

(The Portfolio Holder for this item was Councillor Mobbs)

162. Smoking etc. Policy

The Executive considered a report from Health & Community Protection, that sought approval for the Council's Smokefree Policy to take into account the use of e-cigarettes or Nicotine Containing Products (NCPs) on the Council's property.

Employment Committee approved the report's recommendations on 27 January 2015. The report was before the Executive because of the Policy's application to non-employees visiting Council premises and to its land and property.

A breath-operated nicotine device called the 'Voke' that looked and felt like a cigarette but contained no electronics, heat or combustion had received approval from the Medicines and Healthcare Regulatory Agency (*The Times*, September 13, 2014).

Its backers insisted it was not an electronic cigarette but a smoking cessation device intended to help addicts to quit smoking. The technology was said to be entirely different from an e-cigarette, in that there was no heat or electronics. It contained a pressurised aerosol and a propellant used in asthma inhalers.

Approval from the Medicines and Healthcare Regulatory Agency meant that eventually doctors could prescribe the devices to smokers. The Voke came in a box shaped like a cigarette packet, which contained 20 refills. Each one was sufficient for six to ten puffs — to simulate conventional smoking.

The use of alternatives to cigarettes ('Vaping') had surged over the past three years. One in five tobacco smokers and recent ex-smokers were said to use electronic inhalers from time to time.

Action on Smoking and Health, which campaigned against tobacco use, welcomed the device's approval because there were many electronic cigarettes already on the market that were popular with smokers who were trying to cut down or quit smoking, but none of them so far were licensed as medicines.

The alternative option was to allow the free use of e-cigarettes but this would be inconsistent with both the behaviour and image that the Council fostered with respect to Health & Wellbeing.

The Overview & Scrutiny Committee noted the recommendations in the report.

Resolved that Council's smoking policy be revised to prohibit the use of e-cigarettes on Council premises etc.

(The Portfolio Holder for this item was Councillor Coker)

163. **Public and Press**

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following 3 items by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute No.	Para Nos.	Reason
164, 165 & 166	1	Information relating to an Individual
164, 165 & 166	2	Information which is likely to reveal the identity of an individual

The full minute for the following items would be set out in the confidential minutes of the meeting.

164. Payroll Review

The Executive considered a report from the Chief Executive.

The Finance & Audit Scrutiny Committee supported the recommendation in the report subject to clarifying the wording of recommendation 2.2 and the potential costs involved.

In response to amendments requested by the Scrutiny Committee, the Executive

Resolved that the recommendations as set out, subject to the minor wording changes, be approved.

(The Portfolio Holder for this item was Councillor Mobbs)

165. Funding Green Space Development Post

The Executive considered a report from Neighbourhood Services.

The Finance & Audit Scrutiny Committee supported the recommendations in the report, subject to the Head of Service reporting back any savings achieved.

Resolved that the recommendations be approved.

(The Portfolio Holder for this item was Councillor Shilton)
(Forward Plan reference 691)

166. Minutes

The confidential minutes of the meetings held on 14 and 28 January and 11 February 2015 were taken as read and signed as a correct record.

167. Thanks

The Leader took the opportunity to thank all the Executive, Scrutiny Committee members, other Group Leaders, Committee Services and Senior Officers of the Council, for all their efforts in their work for this Council.

The Leader also took the opportunity to thank Councillors Caborn and Vincett for their work on the Executive and the Council, because they were not standing for election.

In response, Councillor Shilton thanked the Leader for his work since taking on the role.

(The meeting ended at 6.55pm)

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 duly signed by the Chief Executive. Officers will be authorised by the Chief Executive to enter premises lawfully at all reasonable hours for the purposes of carrying out such duties in line with appropriate legislation as set out on their identification badges.

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 Executive & Monitoring Officer and Deputy Chief Executive.
- 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 Executive.

Agenda Item 2

- 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 DPA 1998.
- G (14) Serve Notices requiring information for statutory purposes.
- G (15) Authority to write off debts under their control up to £1,000

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 Services 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 Executive at its next meeting.
- 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 Council's agreement to the making of dispersal orders under section 4 of the Anti Social Behaviour Act 2003.
- CE (8) Execute vacating receipts on mortgages.
- CE (9) Authorise changes to the Council's establishment that do not result in an increase to the cost of approved establishments or the introduction of new posts.
- CE (10) Exercise the Council's powers relating to people management in accordance with the personnel handbook and the policies agreed by the Employment Committee.

Agenda Item 2

- CE (11) Approve advancement of increments to all staff.
- CE (12) Grant honoraria to staff in accordance with the National Scheme of Conditions of Service.
- 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) SPARE
- CE (15) Apply market premiums for staff as considered necessary.
- CE (16) Approve severance payment which:-
- (i) are, in their opinion, in the Council's interests;
 - (ii) result in savings which recoup all initial costs of severance, subsequent staff regradings and any other consequential cost increases, within a period of 12 months of the severance; and
 - (iii) result in a post being deleted from the establishment though not necessarily the same post as the one from which the person was severed.
- CE (17)
- (i) Approve the grant of loans under Assisted Car Purchase Scheme.
 - (ii) Approve members of staff as essential car users.
 - (iii) Enter into car leasing arrangements in accordance with the Council's scheme.
 - (iv) Approve any changes to the contribution made by the Council in respect of a loan granted under the assisted car purchase scheme following a review of the car lease prices.
- CE (18)
- (i) Approve the payment of removal and relocation expenses in accordance with the scheme adopted by the Council.
 - (ii) Approve any changes to the relocation and mortgage subsidy when the schemes are reviewed.
- CE (19) Nominate first aiders in accordance with the First Aid at Work Regulations 1981.
- 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) SPARE
- CE (22) 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.
- CE (23) The membership of the Panel(s) identified in the recruitment, disciplinary and grievance process be appointed by the Chief Executive in consultation with the Chairman of the Employment Committee.
- CE (24) SPARE
- CE (25) Arrange for a community referendum for a neighbourhood plan to be undertaken.
- CE (26) Issue Concessionary Travel Tokens in accordance with the Council Scheme.
- CE (27) implement national wage and salary awards and conditions of service, except where discretion is to be exercised on assimilation of revision of scales.

5. The Deputy Chief Executive (AJ) & Monitoring Officer shall have authority to:

- MO (1) Execute vacating receipts on mortgages.
- 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 Development Services, 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) Respond and carry out consultations concerning the making of Public Footpath, Creation, Diversion and Extinguishment Orders and to confirm if no objections are made.
- 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) The Monitoring Officer is authorised 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 (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) 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.
- MO (12) In consultation with the Deputy Leader, 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.
- MO(13) Initiate review of the Members' Allowances Scheme;

6. Head of Finance & Chief Finance (S151) Officer 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) 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 (5) SPARE
- 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.

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- F (8) In Consultation with the Head of Development Services, 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) Serve any necessary notices in connection with the review of rents payable to the Council under leases or tenancy agreements.
- 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) 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.
- F (16)
- (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.
7. **Head of Development Services** 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) Serve any necessary notices in connection with the review of rents payable to the Council under leases or tenancy agreements.
- 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).

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- 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) Deal with applications from market operators for change of trade.
- DS (19) Serve Notices to Quit in respect of shops and other accommodation provided under the Housing Acts.

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- DS (20) Following consultation with a solicitor acting for the Council, take appropriate action in the County Court in cases of unlawful trespass on Council property.
- DS (21) 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.
- DS (22) Following consultation with a solicitor acting for the Council, consent to assignment and other consents required under leases granted by the Council.
- 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) In consultation with the Head of Finance, decline offers of property not recommended for acquisition.
- 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 Executive.
- DS (26) Grant wayleaves and easements across Council owned land to other public organisations.
- DS (27) Grant new leases on vacant properties, excluding HRA properties.
- DS (28) 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.
- DS (29) Follow consultation with ward councillors and the relevant Head of Service of the service area owning the land to initiate, proceedings for forfeiture of Leases.
- DS (30) Agree rent reviews, for non HRA properties, where agreement on the new rent has been reached without recourse to arbitration.
- DS (31) Grant new leases, for non HRA properties, where statutory renewal rights exist.
- DS (32) Grant terminable licences, for non HRA properties, for access and other purposes.
- DS (33) 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 and Property Services is required).
- 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 County 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 minor amendments to planning permissions or other forms of consent.

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- 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 by the Tree Preservation Order Sub Committee or 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, be authorised by the Head of Development Services 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 Services considers it appropriate for that matter to be determined by Planning Committee.
 - (vi) Section 38(PLBCA): Listed Building Enforcement Notice, be authorised by the Head of Development Services 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 Services 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

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Conservation Area Trees.

(x) Section 48 (LBCA): Listed Building Repairs Notices.

- 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

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- 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) Formulate the Council's response to consultations from neighbouring Planning Authorities relating to development proposals outside the Warwick District Council area.
- 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
 - (ii) Applications where 5 or more written objections (or letters of support) or a petition (including one of support) with 5 or more signatures has been received, where the recommendation is contrary to the representations that have been made.
 - (iii) Applications where the recommendation of the Head of Development Services i.e. Grant/Refuse is contrary to the representations made by a Parish/Town Council, i.e. Object/Support except in the following circumstances:-
 - the Head of Development Services is satisfied that the plans have been amended to address the concerns of the Parish/Town Council;
 - where the representations made by the Parish/Town Council raise issues which are not material to the planning assessment of the particular application; or
 - 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

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- the Committee and the relevant ward member(s) except in the circumstances where the Head of Development Services 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 Services, 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) 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) Make changes to a Neighbourhood Plan in line with the independent examiners recommendations
- DS (76) Bring a Neighbourhood Plan in to force where it conforms to the provisions of the Localism act
- DS (77) 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) Appoint an independent examiner for a neighbourhood plan
- DS (79) In consultation with the Portfolio Holder for Development Services 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) 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 Development Services Portfolio Holder, the merits of nominations for inclusion of assets on the list

8. **Head of Health and Community Protection** shall have authority to:

- HCP(1) Following consultation with a solicitor acting for the Council, institute legal proceedings in the event of the service of an Emergency Prohibition Notice under the provisions of the Food Safety Act 1990.
- HCP(2) Serve notices under the following sections of the Building Act 1984:
- 59 – Drainage of buildings, including private sewers
 - 60 - Ventilation of soil pipes
 - 62 - Disconnection of drain
 - 64 - Provision of closets

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- 65 - Provision of sanitary convenience in workplace
- 66 - Replacement of earth closet
- 68 - Erection of public conveniences
- 69 - Provision of water supply in occupied house
- 70 - Provision of food storage
- 73 - Raising of chimneys
- 76 - Defective premises
- 84 - Paving and drainage of yards and passages

- HCP(3) Deal with the provisions of the Clean Air Acts relating to the installation of new chimneys, furnaces, boilers and other appliances.
- HCP(4) Serve notices under Clean Air Act 1993:-
(i) Notice requiring information about air pollution (s36, s58),
(ii) Notification of offence concerning dark smoke and smoke control areas (s51).
(iii) Notice of intended entry (s56)
- HCP(5) Serve notices for the control of noise on construction sites under Section 60 of the Control of Pollution Act 1974.
- HCP(6) Environmental Protection Act 1990:-
(i) issue variation and revocation notices under ss10 and 12
(ii) issue enforcement and prohibition notices under Sections 13 and 14
(iii) issue abatement notices under s80
(iv) issue statutory notices under s92 and to authorise works in default of any notices served under this section
(v) issue authorisation under Part I
(vi) issue notices requiring further information about scheduled processes (Schedule 1)
(vii) serve notice of intended entry in respect of nuisance (Schedule 3)
(viii) apply to a Magistrate's Court for a warrant to enter premises for the purpose of ascertaining whether or not a statutory nuisance exists, or for the purpose of taking any action, or executing any work authorised or required by Part III of the Environmental Protection Act 1990.
- HCP(7) Authority to the extent that those functions are discharged otherwise than in the Authority's capacity as an employer to -

appoint and to terminate such appointments

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
(c) any modification or re-enactment of the foregoing.

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(i) Environmental Health Officers as Inspectors under Section 19(1) of the Health & Safety at Work Etc. Act 1974 (the 1974 Act) and empowered to exercise all the powers set out in Sections 20, 21, 22, 25 and 39 including the institution of legal proceedings; and

(ii) 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 authorization.

and an inspector shall in right of his appointment -

(a) be entitled to exercise only such of those powers as are so specified; and
(b) 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) Appoint and to terminate such appointments –

under –

- (a) The Food Safety Act 1990; 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 food safety; and
- (c) any modification or re-enactment of the foregoing.

(i) Environmental Health Officers to-

- enter premises whether within or outside the Council's area for the purpose of Sections 9, 10, 12, 29, 32 and 49 Food Safety Act 1990
- Inspection and Seizure of Food
- Signature of Notices
- Procurement of Samples, and
- Powers of Entry

(ii) other persons having suitable qualifications as Inspectors to - enter premises whether within or outside the Council's area for the purpose of Sections 10, 29, 32 and 49 Food Safety Act 1990.

- Signature of Notices
- Procurement of Samples, and

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- Powers of Entry

and an inspector shall in right of his appointment –

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

- relevant licences, registrations and approvals

- Procure samples

- sign and serve notices including fixed penalty notices

- Authorise and/or execute works in default

- Procure samples, seize equipment, 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(9) Apply to the Magistrates Court for Warrant to enter land and/or buildings in accordance with powers provided in the Food Safety Act 1990, Health and Safety Act at Work etc Act 1974, Office, Shops and Railway Premises Act 1963, Housing Act 1985 and Public Health (Control of Disease) Act 1984
- HCP(10) After consultation with the relevant portfolio holder and a solicitor acting for the Council, under Section 6 of the Food Safety Act 1990, institute legal proceedings under the Act or any Regulations or Orders made under it
- HCP(11) SPARE
- HCP(12) SPARE
- HCP(13) Local Government (Miscellaneous Provisions) Act 1982. Additional controls on temporary markets on Sundays or otherwise - Section 37 of the Act. All Environmental Health Officers have been appointed to act as Inspectors.
- HCP(14) Serve notice of intention to make Closing or Variation Orders in respect of refreshment premises on receipt of complaints from neighbouring residents.
- HCP(15) Appoint officers, and terminate such appointments, under section 7 of the Sunbeds (Regulation) Act 2010, to enforce the provisions of section 2 of that Act and the Schedule to the Act.
- HCP(16) Grant but not refuse hazardous substances consents either unconditionally or subject to conditions.
- HCP(17) Invite tenders or allocation of work, in accordance with Standing Orders, for the carrying out of works in default of Statutory Notices.
- HCP(18) Deal with transfers of responsibility for enforcement between this authority and the Health and Safety Executive under Section 5 of the Health and Safety (Enforcing Authority) Regulations 1989.
- HCP(19) Enforce the requirements of the pesticides legislation contained in Part III of the Food & Environment Protection Act 1985 (as amended by the Pesticides (Fees & Enforcement) Act 1989) and the Control of Pesticides Regulations 1986, in relation to premises and work activities where there are Enforcement Officers under the Health and Safety at Work Etc Act 1974. (Council: 19th February 1992)
- HCP(20) Serve Statutory Notices under Section 80 of the Water Industry Act 1991

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- requiring improvements to private water supplies or the connection of premises to public supplies.
- HCP(21) Discharge the Council's dog control functions by enforcement of the relevant statutory provisions, under Section 149(1) of the Environmental Protection Act 1990.
- HCP(22) Discharge the Council's dog control functions under the relevant Warwick District Council Dog Control Orders 2011 and Clean Neighbourhood and Environment Act 2005 including issuing fixed penalty notices and requesting names and addresses of offenders
- HCP(23) Exercise powers under Part 1 of Schedule 2 of the Sunday Trading Act 1994.
- HCP(24) Issue notices of entry on land and sewers under s.159, 161(2) and 168 of the Water Industry Act 1991.
- HCP(25) Serve notices under Local Government (Miscellaneous Provisions) Act 1976:-
- (i) Section 16 requiring information,
 - (ii) Provision of sanitary appliances s20,
 - (iii) Obstructions in private sewers s35
 - (iv) Requiring payment of expenses of removal s35(3)
- HCP(26) Service notices under Prevention of Damage by Pests Act 1949:-
- (i) Notice to owner or occupiers s4,
 - (ii) Notice to occupiers of local authority's intention s6
- HCP(27) Serve notices under Public Health Act 1936:-
- (i) Notice to put defective closets into repair s45,
 - (ii) Notice with regard to cesspool s50,
 - (iii) Notice regarding filthy or verminous premises s83,
 - (iv) Notice to repair, maintain or cleanse a culvert s264,
 - (v) Notice to occupier of intended entry s287,
 - (vi) Notice regarding provision of water closets s44,
 - (vii) Notice regarding execution of work to unfit tents, vans and sheds s268,
 - (viii) Cleansing of filthy or verminous articles, persons or clothing ss84 and 85
 - (ix) apply to a Magistrate's Court for a warrant to enter premises for the purpose of:
 - a) ascertaining whether there is, or has been, on or in connection with the premises any contravention of the provisions of the Public Health Act 1936, or any byelaws or building regulations made thereunder, being provisions which it is the duty of the council to enforce;
 - b) ascertaining whether or not circumstances exist which would authorize or require the council to take any action or execute any work, under the provisions of the Public Health Act 1936, or any byelaws or building regulations;
 - c) taking any action or executing any work authorised or required by provisions of the Public Health Act 1936, or any byelaws or building regulations, or any order made under this Act, to be taken, or executed, by the council;

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- d) generally, for the performance by the council of their functions under the provisions of the Public Health Act 1936, or any byelaws or building regulations.
- HCP(28) Serve notices under Public Health Act 1961:-
 - (i) Notice requiring the cleansing of filthy or verminous premises s35,
 - (ii) Notice to remedy or renew stopped up drain or private sewer etc s17,
 - (iii) Disinfections of verminous articles offered for sale
- HCP(29) Serve notices in relation to:
 - (i) The drainage of existing buildings, including private sewers;
 - (ii) Insufficient or defective sanitary accommodation;
 - (iii) Leaking and overflowing cesspools;
 - (iv) Filthy or verminous premises or articles and verminous persons;
 - (v) Removal of noxious matter and accumulations of rubbish;
 - (vi) The provision of refuse containers.
 - (vii) Requiring owner or occupier to deal with rat or mouse infested land.
- HCP(30)
 - (i) Execute statutory powers under Part II(A) of the Environmental Protection Act 1990
 - (ii) Apply to the Magistrates Courts for a warrant in accordance with the above statutory powers
 - (iii) Authority to issue Remediation Notices
 - (iv) Authority to execute works following failure to comply with a Remediation Notice
- HCP(31) Deal with all matters relating to offensive trades.
- HCP(32) Arrange for the burial or cremation of the body of any person where no suitable arrangements for disposal have been made under Public Health (Control of Disease) Act 1984.
- HCP(33) Deal with applications for exemption from certain of the provisions of:-
 - (i) Health & Safety at Work Etc. Act 1974;
 - (ii) The Offices, Shops & Railway Premises Act 1963;
- HCP(34) Take necessary action to abate a nuisance and execute a statutory nuisance abatement notice under the Environmental Protection Act 1990
- HCP(35) Following consultation with a solicitor acting for the Council, seek an injunction to prevent a statutory nuisance.
- HCP(36) 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.
- HCP(37) Issue licenses, registrations and certificates in respect of:-
 - (i) Pet animals Act 1951 - licensing of establishments
 - (ii) Animals Boarding Establishments Act 1963 licensing of establishments
 - (iii) Breeding of Dogs Act 1973 - licensing of establishments
 - (iv) Removed
 - (v) Scrap Metal Dealers Act 2013 - licences
 - (vi) Riding Establishment Acts 1964 and 1970 - licensing of establishments
 - (vii) Dangerous Wild Animals Act 1976 - licensing of premises
 - (viii) Local Government (Miscellaneous Provisions) Act 1982

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registration of persons for the purposes of acupuncture,
ear piercing electrolysis and tattooing
(ix) Zoo Licensing Act 1981 - Licensing of premises and dispensations

- HCP(38) 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) Appoint, authorise and terminate appointments of-

Grade B Environmental Health Officers to act as 'proper officers' for and on behalf of the authority in matters arising under:

S47 National Assistance Act 1948 (not Health Protection Agency) -
Certificate that in the interests of any person suffering from grave chronic disease or, being aged, infirm or physically incapacitated, are living in insanitary conditions, and

- are unable to devote to themselves, and are not receiving from other persons, proper care and attention.
- or for preventing injury to the health of, or serious nuisance to, other persons
- it is necessary to remove any such person as aforesaid from the premises in which he is residing.

S48(1) Public Health (Control of Disease) Act 1984 – Certificate to enable a JP to order removal of a dead body and burial

The Health Protection (Notification) Regulations 2010 Rs2/3/6–

- to receive notifications of diseases etc in patients and dead persons from Registered Medical Practitioner
- to notify the HPA etc.

S8 Health Protection (Local Authority Powers) Regulations 2010 - Requests for co-operation for health protection purposes
Reg 5 Public Health (Aircraft) Regulations 1979 including all subsequent reference to Medical Officers.

- HCP(40) Appoint, authorise and terminate appointments of-

Grade B Environmental Health Officers to act as 'proper officers' for and on behalf of the authority in matters arising under:

Ss83/84/85 Public Health Act 1936 – filthy and verminous premises etc.
S47 National Assistance Act 1948 - Certificate that in the interests of any person suffering from grave chronic disease or, being aged, infirm or physically incapacitated, are living in insanitary conditions, and

- are unable to devote to themselves, and are not receiving from other persons, proper care and attention.
- or for preventing injury to the health of, or serious nuisance to, other persons
- it is necessary to remove any such person as aforesaid from the premises in which he is residing.

Ss59/61/S62 Public Health (Control of Disease) Act 1984

- Authentification of documents

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- Powers of Entry - to ascertain contraventions and take persons and equipment with him

S37 Public Health Act 1961 - Disinfestation or destruction of verminous articles

The Health Protection (Local Authority Powers) Regulations 2010 - 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(41) Environmental Damage (Prevention and Remediation) Regulations 2009:
- (i) under regulation 31, appoint officers to carry out powers under the Regulations and in particular in relation to regulation 13, 14, 15, 18 and 32.
 - (ii) sign notices under regulation 20 of the Regulations
 - (iii) execute powers and works under regulation 23.
 - (iv) institute legal proceedings and to recover costs under the Environmental Damage (Prevention & Remediation) Regulations 2009
- HCP(42) Under the Environment Act 1995, appoint officers under section 108 (1)(a), (1)(b) and (1)(c) to exercise powers under section 108, sub-section (4).
- HCP(43) Serve notices in respect of removal of abandoned vehicles and other refuse under the Refuse Disposal (Amenity) Act 1978
- HCP(44) Issue Litter Control Notices under the Environmental Protection Act 1990.
- HCP(45) SPARE
- HCP(46) Deal with the provision of certain adequate and wholesome water supplies.
- HCP(47) Deal with all matters relating to moveable dwellings and tents, vans and sheds under Part XI of the Public Health Act 1936.
- HCP(48) Serve notices in relation to intention to enter premises (pursuant to a statutory power) for the purposes of inspection.
- HCP(49) Issue licences, permits and registrations in respect of the following:
- (i) street trading consents under the Local Government (Miscellaneous Provisions) Act 1982;
 - (ii) permits for amusements with prizes under the Gambling Act 2005;
 - (iii) track betting licences under the Gambling Act 2005;
 - (iv) taxi vehicle licences and private hire operators and vehicle licences under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions Act) 1976.
- HCP(50) Grant or refuse, applications for private hire vehicle, operator 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 the Regulatory Committee in respect of any decision to refuse an application.
- HCP(51) (i) 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

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- (ii) 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) Ask for and accept Disclosure and Barring Service checks for Hackney Carriage and Private Hire Vehicles Drivers Licences under Section 47 of the Road Traffic Act 1991, and for any other licence for which they may be required
- HCP(53) 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.
- HCP(54) Following consultation with a solicitor acting for the Council and the Chair or Deputy Chair of the Licensing & Regulatory Committee to exercise the power under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 (as inserted by the Road Safety Act 2006), to suspend or revoke a private hire or hackney carriage driver's licence where it appears that the interests of public safety require such suspension or revocation to have immediate effect.
- HCP(55) Issue notices under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976
- HCP(56) Refuse applications for taxi and private hire drivers licences in respect of applicants who do not pass the knowledge test
- HCP(57) Refuse applications for taxi and private hire drivers licences, where the applicants have not attended disability awareness training, and obtained the appropriate certificate
- HCP(58) Approve applications under the Licensing Act 2003 in respect of:
- i) Personal licences if no objection received and premises licence/club premises certificate if no relevant representation made;
 - ii) for provisional statement if no relevant representation made;
 - iii) To vary premises licence/club premises certificate if no relevant representation made;
 - iv) To vary designated premises supervisor in all cases, where no Police objection received;
 - v) Request to be removed as designated premises supervisor all cases;
 - vi) Transfer premises licence – all cases where no Police objection received;
 - vii) For interim authorities, all cases where no Police objection received;
 - viii) Decide on whether a complaint is irrelevant, frivolous, or repetitious – in consultation with Chairman of Licensing & Regulatory Committee
- HCP(59) Approve applications under the Gambling Act 2005 in respect of:
- i) Applications for premises licence where no representations have been received or representations have been withdrawn
 - ii) Application for a variation to a licence where no representations have been received or representations have been withdrawn
 - iii) Application for a transfer of a licence where no representations have been received from the Commission
 - iv) Application for a provisional statement where no representations have been received or representations have been withdrawn

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- v) Application for a club gaming/club machine permit where no objections have been made or objections have been withdrawn
 - vi) Applications for other permits
 - vii) Cancellation of licensed premises gaming machine permits
 - viii) Consideration of temporary use notice
 - ix) Setting of fees
 - x) To make representations where appropriate
- HCP(60) Act as an authorised person in relation to the Licensing Act 2003 s.13(2)(a) and the Gambling Act 2005 s.304(1)(b)
- HCP(61) Act as an authorised person in relation to the Town Police Clauses Act and the Government (Miscellaneous Provisions) Act 1976 s.80
- HCP(62) Issue sex establishment licences under the 1982 Act where no objections are received.
- HCP(63) Determine applications for minor variations of premises licenses under sections 41A-41C of the Licensing Act 2003.
- HCP(64) Issue closure notices under Section 19 of the Criminal Justice and Police Act 2001
- HCP(65) Exercise powers under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982, including the serving of notice and where necessary, undertake works in default and to recover costs under Section 32 of the above Act
- HCP(66) Serve notices under the Land Drainage Act 1991 and any amendments thereof:
S14(A) – Notice to enter land and carry out works
s24 – Contraventions of prohibition on obstructions
s25 – Powers to require works for maintaining the flow of a watercourse
s64 – Powers of entry onto land
- HCP(67) Enter any premises at all reasonable hours for the purposes of the Building Act 1984 and/or the Public Health Act 1961
- HCP(68) SPARE
- HCP(69) Exercise all powers of local authorities under sections 19 to 28 of the Criminal Justice and Police Act 2001 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) act as a responsible authority as designated under the Licensing Act 2003 as amended by the Policing Reform and Social Responsibility Act 2010
- HCP(71) suspend a premises licence on non-receipt of the Premises Licence Annual Fee within 3 days after the due day
- HCP(72) Refuse applications and revoke or suspend licences and undertake oral hearings as defined by the Scrap Metal dealers Act 2013.
- HCP (72) Apply to the Magistrates Court for Warrant to enter land and/or buildings in

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- accordance with the powers contained in the Scrap Metal Dealers Act 2013.
- HCP (73) invite tenders or allocation of work, in accordance with Standing Orders, for the carrying out of works in default of Statutory Notices
- HCP (74) issue notices of entry on land and sewers under S.159, 161(2) and 168 of the Water Industry Act 1991
- HCP (75) serve notices under Local Government (Miscellaneous Provisions) Act 1976:-
(i) Section 16 requiring information
(iii) Obstructions in private sewers S35
(iv) Requiring payment of expenses of removal S35(3)
- HCP (76) Serve notices under Public Health Act 1936:-
(i) Notice to repair, maintain or cleanse a culvert S264
(ii) Notice to occupier of intended entry S287
(iii) apply to a Magistrate's Court for a warrant to enter premises for the purpose of:
a) ascertaining whether there is, or has been, on or in connection with the premises any contravention of the provisions of the Public Health Act 1936, or any byelaws or building regulations made thereunder, being provisions which it is the duty of the council to enforce;
b) ascertaining whether or not circumstances exist which would authorise or require the council to take any action or execute any work, under the provisions of the Public Health Act 1936, or any byelaws or building regulations;
c) taking any action or executing any work authorised or required by provisions of the Public Health Act 1936, or any byelaws or building regulations, or any order made under this Act, to be taken, or executed, by the Council;
d) generally, for the performance by the council of their functions under the provisions of the Public Health Act 1936, or any byelaws or building regulations.
- HCP (77) serve notices under Public Health Act 1961:-
(i) Notice to remedy or renew stopped up drain or private sewer etc S17
- HCP (78) serve notices under sections 59, 60, 62 and 76 of the Building Act 1984

9. **Head of Housing & Property Services** 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) approve or refuse renovation grants, decent homes grants, disabled facilities grants and home repair assistance, 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) let residential properties to persons who are not eligible for accommodation

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- in accordance with the Council's policy in exceptional circumstances.
- 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 authorised within the Tenants Incentive Grants Scheme to tenants transferred to smaller properties. Approve payments under the Resettlement Service to 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) 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) following consultation with a solicitor acting for the Council, to instruct Bailiff's to enforce Warrants for Eviction.
- HS (16) to grant way leaves for telephone equipment, wireless relay, cable etc, for HRA properties/land.
- 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 Finance.
- HS (21) operate the Secure Tenants of Local Housing (Right to Repair) Regulations 1994 (including service of Notices and acceptance or refusal of claims).
- HS (22) authorise routine repair, maintenance, improvement and new building work to be carried out.
- HS (23) waive, rechargeable repair costs.
- HS (24) authorise the negotiation and agreement of enhanced rates to existing contracts under the Local Government (Direct Services Organisation) (Competition) Regulations 1993 and the Council Directive 92/50/EEC.
- HS (25) approve of schemes for the adaptation of Council houses.
- HS (26) choose to refer adaptations to Council House dwellings for consideration for

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- 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) deal with applications for the assignment of tenancy or sub-letting of shops provided under the Housing Acts.
- 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 and the Head of Housing & Property Services reporting back to the Executive on each decision made.
- 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.

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- 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

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- 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

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- accommodation and breach of tenancy agreement).
- HS (86) Authorise the use of Enforced Sale Procedure under Law of Property Act 1925 including service of notice under Section 103 of the Act, to Head of Housing & Property Services
- 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(29) 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 Housing & Property Services, 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) HS91 To 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.

10. **Head of Cultural Services** 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) Grant applications for organised visits to and bookings of parks, open spaces and buildings and for conference facilities where Committee approval has been given in previous years.
- CS (4) Engage performers and artists for events in accordance with the policy and within the approved budget.

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- 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

11. **Head of Neighbourhood Services** 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 Environment 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.

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- 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.

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

A(1)	Authority to seal Stock Exchange transactions.	Head of Finance 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 and Deputy Chief Executives (individually).
A(3)	Authority to authorise obtaining Counsel's Opinion and to brief Counsel.	Authority to authorise obtaining Counsel's Opinion and to brief Counsel. Chief Executive and Deputy Chief

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		Executives (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 Property Services; and Head of Health and 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 and Property Services, the Head of Cultural Services, Head of Neighbourhood Services, Head of Health and Community Protection or the Community Safety Manager, 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 Finance and Head of Development Services in conjunction with the Leader of the Executive 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 Neighbourhood Services and Head of Health and 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.	The Deputy Chief Executive & Monitoring Officer and Deputy Chief Executive
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 Health & Community Protection, Housing & Property Services and Neighbourhood Services individually.

Revision to Council procedure for public speaking

34. Public Speaking

The Council welcomes public participation at meetings and members of the public will be permitted to speak at meetings of Council, the Executive, Committee or Sub-Committee meeting as long as this is permitted by any local procedure adopted by the Committee.

The public will only be permitted to address the Council, Committees or Sub-Committees on confidential matters when they are specifically invited to do so. For example as an applicant for a Hackney Carriage/Private Hire Driver's licence.

(a) Council

You will be permitted to speak in relation to any of the following items included on the agenda: notice of motion, petition, report or minutes of another committee. Any request to speak on other items will be a matter of discretion for the Chairman.

You must register your wish to speak by telephoning Members' Services on 01926 456114 or emailing committee@warwickdc.gov.uk by 12 noon on the working day before the Council meeting.

A maximum period of 5 minutes is allowed for each speaker. If several people wish to speak on the same subject, they will be restricted to an overall total of 5 minutes. The time allowed for all speakers at any one meeting is limited to 20 minutes.

Speakers will be encouraged and helped to contact each other so that repetition can be avoided. This means that you may be given the names, addresses and telephone numbers of other speakers on the same issue and they may be given your details, but only with your permission. It may be helpful for a spokesperson to speak on behalf of all speakers. Where a number of speakers cannot agree on a spokesperson, they will be heard in the order in which they registered their intention to speak, until the 5 minute period ends.

(b) Executive

Apart from the members of the Executive who may both speak and vote, and officers advising as to who may speak, those persons who may speak but not vote are listed in Council Procedures Rule 23 (Members) and 8 (Petitioners).

Any request to speak on other items will be a matter of discretion for the Chairman.

(c) Committees

Planning Committee and the Licensing & Regulatory Committee

As defined in the local procedure rules adopted by the Committee.

Any request to speak on other items will be a matter of discretion for the Chairman.

Scrutiny committees

Overview and Scrutiny Committees may invite people to address them, discuss issues of local concern and/or answer questions. They may, for example, wish to hear from residents, stakeholders, members and officers in other parts of the public sector and shall invite such people to attend. Attendance is of course entirely optional.

Any request to speak on other items will be a matter of discretion for the Chairman.

Other Committees

In line with the procedures adopted by Council.

(d) Sub-Committees

Licensing & Regulatory Committee Panels

As defined within legislation and the procedures adopted by the Licensing & Regulatory Committee as its parent Committee

Standards Committee Hearing Panels

As defined within the procedures adopted by the Standards Committee, as its parent Committee.

Other Sub-committees

As defined within the procedures adopted by Committees parent Committee

21. Decisions of the Executive

Current	Proposed
(d) If during the Call-in period, the Chief Executive receives from three, or more, non-Executive members of the Council, an objection to a decision, the members must supply in writing their reasons for the objection. This can be in the form of a letter or email. The decision then becomes a 'called-in' decision.	If, during the Call-in period, the Chief Executive receives from three or more non-Executive members of the Council, an objection, including reasons, to a decision, as long as it meets the criteria (as defined at Appendix ? to these procedure rules) the decision then becomes a 'called-in' decision. The notification to the Chief Executive can be in the form of a letter or an email.
(f) The Overview and Scrutiny Committee will then decide whether the matter should be referred back to the Executive, on to Council or to take no further action. A flowchart explaining the Call-In Procedure is attached as Appendix B.	<p>The Overview & Scrutiny Committee can decide:</p> <ul style="list-style-type: none"> • to allow the decision to be implemented without further delay; • to refer the decision back to the Executive (irrespective of who the original decision-taker was) together with the observations of the Overview & Scrutiny Committee. The Executive will then take the final decision, and that decision may not be called-in; • to request the Executive to allow further time for the Overview and Scrutiny Committee to consider the issue and make observations at a later date; • to seek the advice of the Monitoring Officer and/or the Chief Finance Officer as to whether the decision is contrary to, or not wholly in accordance with, the policy framework or the budget and, if applicable, to refer the matter to the Full Council for a final decision.
(g) If all of the non-Executive members who called in the decision of the Executive, are dissatisfied with the decision of the Overview and Scrutiny Committee, they must give notice to the Chief Executive in writing, within three clear working days of the Overview and Scrutiny Committee, stating their reasons	Removed.

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for their dissatisfaction. This notice can be in the form of a letter or electronic mail. The Executive decision will then be referred to Council.	
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Call-in Explanation and Criteria

What is a call-in?

A call-in is simply the referral of a decision made, but not yet implemented, to the Overview & Scrutiny Committee. It is a key way of holding the Executive to account. A called-in decision cannot be implemented until it has been considered by the Overview & Scrutiny Committee, which can examine the issue and question the decision-taker on the actions taken.

What can be called-in?

Call-in powers relate to Executive functions. Subject to the exceptions listed below, any decision made by the Executive, or a *key decision* made by an officer with delegated authority from the Executive, may be called-in.

What can't be called-in?

The following categories of decision cannot be called-in:

- a decision which is not a key decision, and which has been taken by an officer under delegated powers. (*If, in the future, delegation to individual Members of the Executive is permitted, this exclusion will also apply to non-key decisions taken by the Leader or a Portfolio Holder under delegated powers*);
- a decision which the decision-taker has certified as urgent (giving reasons) in accordance with the Council's Rules of Procedure;
- a decision relating to a matter which has already been the subject of a call-in during the previous six months;
- any decision relating to a non-Executive function, whether taken by a Committee or an officer under delegated powers;
- a decision by the Full Council; or
- a decision taken at stage 4 of the call-in procedure (see below).

In particular, it should be noted that the Overview & Scrutiny Committee cannot scrutinise individual decisions made by, or on behalf of, the Regulatory Committees of the Council, e.g. decisions relating to development control, licensing, registration, consents and other permissions. Nor can it scrutinise decisions relating to individual members of staff taken by the regarding staffing appeals or officer appointments. Furthermore, although they may be key decisions (and included in the Forward Plan), decisions taken by the Executive when preparing annual budget or new policy proposals *for submission to the Full Council* will not be subject to call-in. In these circumstances, the Full Council is responsible for the final decision and, in any event, the Council's Rules of Procedure require that the Overview & Scrutiny Committees must be consulted by the Executive, even if they have been involved earlier in the process anyway.

When can a decision be called-in?

It is important that the call-in process is not abused, nor causes unreasonable delay; the main tool of the Overview & Scrutiny Committee to improve the delivery of policies and services, should be detailed reviews, rather than call-ins.

The Council Procedure Rules specify formal safeguards for the use of call-in. These include rules about the number of Members who must request a call-in

and a restriction that prevents any decision on the same matter being called-in on more than one occasion within a six-month period. Call-in of a decision should be reserved for exceptional circumstances. Broadly, a decision can be called-in when Members:

- believe it may be contrary to the normal requirements for decision-making;
- believe it may be contrary to the Council's agreed policy framework and/or budget; or
- need further information from the decision-taker to explain why it was taken.

Call-in checklist

The above rules and criteria can be brought together in the following checklist of questions (or tests) that can be used when a member is considering a call-in. Questions 2-5 can also be used by authors to test draft reports for Executive.

1.	Can the decision actually be called in?	
<i>If the answer to any questions 1 (a)-(g) is yes, then the decision CANNOT be called-in.</i>		
a)	Does it relate to a non-Executive function?	
b)	Was it a non-key decision taken by an officer under delegated powers?	
c)	Was it classified as an urgent decision?	
d)	Has this issue been called-in in the last six months?	
e)	Does the decision relate to an existing call-in (i.e. decisions taken in relation to a reference back)?	
f)	Does the decision relate to the formulation of a policy or budget matter that requires Full Council approval?	
g)	Was it a decision taken by Full Council?	

2.	Was the decision in accordance with the Council's policy framework?	
a)	What is the relevant policy or strategy?	
b)	Is the decision contrary to that policy?	
c)	If yes, how?	

3.	Was the decision in accordance with the agreed budget or budget procedures?	
a)	Is there funding for the proposal in an agreed budget/capital programme?	
b)	If no, have the rules for virement and supplementary estimates been observed?	
4.	Was the decision taken in accordance with the principles of good decision-making (Article 12 of the Constitution)?	
a)	Does the decision comply with the Council's constitution, i.e.:	
	• Articles of Constitution?	
	• Scheme of Delegation?	
	• Rules of Procedure?	
	• Codes and Protocols?	
b)	Was the decision reasonable within the common meaning of the word, i.e. rational, based on sound judgment?	
c)	Was the decision reasonable within the legal definition of 'reasonableness', i.e. was everything relevant taken into account, and was everything irrelevant disregarded?	
d)	Was the decision proportionate, i.e. is the action proportionate to the desired outcome?	
e)	Was the decision taken on the basis of due consultation?	
f)	Was the decision taken on the basis of professional advice from officers?	
g)	Were human rights respected and/or will the decision give rise to any human rights implications, i.e. without discrimination, the right of an individual to:	
	• liberty and security;	
	• the enjoyment of their property;	
	• a fair trial;	
	• respect for private and family life;	
	• freedom of thought, conscience and religion;	
	• freedom of expression; and	
	• freedom of assembly and association, etc.?	

h)	When the decision was taken, was there a presumption in favour of openness?	
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5.	Has the decision been well explained, i.e. do you need more information?	
a)	Was it clear what the reasons for the decision were?	
b)	Was it clear what the desired outcomes were?	
c)	Was it clear what alternative options (if any) were considered?	
d)	Was it clear why the alternative options were not chosen?	
e)	Do you need any more information/clarification?	

How does call-in work?

Every decision that is subject to potential call-in cannot be implemented until the end of the call-in period. The call-in period lasts for *five working days* after notice of the decision is published by Democratic Services.

Decision notices will normally be published on the next working day after the meeting. This means that the normal call-in period will expire at 5pm on the fifth working day after the meeting (adjusted for bank holidays as appropriate). The call-in procedure itself follows four stages.

Stage 1

A valid call-in request must be submitted in accordance with the current rules in the Constitution. The request must say who is making the call-in and to which decision it relates. It must also give reasons why the decision is being called in. Requests may also be submitted by e-mail. If the call-in is to be submitted by e-mail, only one Member need submit the actual form. However, individual e-mails (or letters) in support of the request must also be submitted by the other Members specified on the request form before the end of the call-in period.

Stage 2

When the Chief Executive has received a valid call-in request with respect to a decision, then that decision may not be implemented until that decision has completed the call-in procedure. Officers will refer the call-in to the next available meeting of the Overview & Scrutiny Committee. A special meeting may also be convened if appropriate, e.g. in cases of urgency or a meeting is not scheduled for more than six weeks. Members who have requested the call-in will have the right to address the Committee when it deals with the issue.

Stage 3

The Overview & Scrutiny Committee will consider the called-in decision and decide to take one of the following courses of action (the Overview & Scrutiny Committee's decision should not be adjourned or delayed without an exceptional reason):

- to allow the decision to be implemented without further delay;

- to refer the decision back to the Executive irrespective of who the original decision-taker was) together with the observations of the Overview & Scrutiny Committee. The Executive will then take the final decision, and that decision may not be called-in;
- to request the Executive to allow further time for the Overview and Scrutiny Committee to consider the issue and make observations at a later date;
- to seek the advice of the Monitoring Officer and/or the Chief Finance Officer as to whether the decision is contrary to, or not wholly in accordance with, the policy framework or the budget and, if applicable, to refer the matter to the Full Council for a final decision.

Stage 4

Reference back to Executive

Where the Overview & Scrutiny Committee decides to refer the decision back, the Executive must reconsider the decision in the light of any observations of the Committee. Where the Overview & Scrutiny Committee has requested more time to consider an issue, the Executive must have regard to the urgency, and to the Budget and Policy Framework Rules, when deciding whether to implement the decision.

Reference to Monitoring Officer and/or Chief Finance Officer

The Overview & Scrutiny Committee may refer any called-in decision to the Monitoring Officer and/or the Chief Finance Officer if it considers it to be contrary to the policy framework or budget. The officer(s) will then submit a report on the matter to the next meeting of the Executive. A copy of this report will be sent to all Members of the Council. No action may be taken in respect of the decision or its implementation pending that meeting.

If, in that report, the Monitoring Officer and/or the Chief Finance Officer is of the view that a decision referred to them by the Overview & Scrutiny Committee is not a departure from the policy framework or budget, the decision may be implemented immediately. A report to this effect will be submitted to the Overview & Scrutiny Committee for information. If, however, a referred matter is deemed to be a departure from the policy framework or the budget by the Monitoring Officer and/or the Chief Finance Officer, the Executive has two options.

Firstly, it may choose to adjust its decision to bring it within the policy framework or budget, in which case it can then be implemented. In these circumstances, the Executive would submit a report to the next meeting of the Overview & Scrutiny Committee explaining its actions.

Secondly, if the Executive does not wish to adjust its original decision, it must prepare a report for the Full Council. This report must include the views of the Overview & Scrutiny Committee. No action may be taken in respect of the decision or its implementation until the Council has met to consider the matter.

Reference to Full Council

Subject to the provisions above, the Overview & Scrutiny Committee may require that any called-in matter *which has been deemed to be (and remains)* contrary to the policy framework or budget is referred to the Full Council. The report to the Full Council will set out the views of the Executive and the Overview & Scrutiny Committee and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may:

- decide that the decision is within the existing policy framework and/or budget (in which case it can be implemented); or
- amend the financial regulations or policy concerned to encompass the decision (in which case it can be implemented); or
- agree that the decision is contrary to the policy framework or budget and require the cabinet to reconsider the matter in accordance with the advice of the officer(s).