

## **Section 4 Scheme of Delegation**

### **1. Introduction**

The Chief Executive, their 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; and
- (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.

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 a document 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, in the absence of the Chief Executive and the Monitoring Officer, be exercisable by the Deputy Chief Executives.
- 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) Authority to deal with matters following the invoking of the Emergency and/or Business Continuity Plans in the absence of any member or officer specified in relation to any delegated power, The specified officer's or member's deputy (or where there is no named deputy, the next most senior officer or member in the department or group) 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 department / group (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 he is 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 his deputy." (formally G(27)

### 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(4) Authority to carry out day-to-day management of the parks, cemeteries, crematoriums, land and buildings under the control of the Executive.
- G(5) Authority to authorise the installation of a telephone in any employee's residence on terms approved by the Council.
- G(6) Authority to approve the attendance of staff at approved training courses.
- G(7) Authority to make appointments to posts on the approved establishment and in accordance with the Officer Employment Rules.
- G(8) Authority to approve the attendance of the Leader of the Executive 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.
- G(9) Authority to agree remedies for a complaint at Stage 1, subject to consultation with the Chief Executive.
- G(10) Authority to Serve Notices requiring information for statutory purposes.

- G(11) Authority to accept suitable tenders for the execution of works or the supply of goods and services in accordance with the Codes of Contract and Financial Practice.
  - G(12) 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(13) Authority to involve the Police to prosecute offenders where fraudulent or corrupt acts are discovered.
  - G(14) 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(15) Make decisions under the provisions of the DPA 1998.
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 must be authorised by the Chief Executive on the advice of the Senior Committee Services Officer and in consultation with the Head of Service.
  - CE(4) 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.
  - CE(5) issue authorisations under the Regulations of Investigatory Powers Act 2000 likely to involve confidential information or information concerning juveniles.
  - CE(6) take appropriate action in the event of the District Council Emergency Plan being enacted.
  - CE(7) subject to consultation with the relevant Ward Councillor(s), site requests from the Police for the Councils agreement to the making of dispersal orders under section 4 of the Anti Social Behaviour Act 2003.
  - CE(8) 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.
  - 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) decide whether the service of any particular employee should be extended

beyond the age of compulsory retirement by a period of not exceeding 12 months (subject to report to the Executive of action taken under delegated powers).

- CE(15) subject to consultation with Group Leaders, 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 regarding 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) authorise transactions up to a maximum cost of £2,000 in total for all transactions.
- 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) be appointed by the Chief Executive in consultation with the Chairman of the Employment Committee.
- CE(24) alongside the Deputy Chief Executives, be designated as authorising officers for the purposes of the RIPA policy.
- CE(25) arrange for a community referendum for a neighbourhood plan to be undertaken

**5. The Deputy Chief Executive (AJ) & Interim 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) respond to preliminary consultations received from Warwickshire County Council on applications for the diversion, creation and extinguishment of

public paths.

- 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.
- MO(7) appoint the membership of Standards Sub-Committees (Hearing Panels)
- MO(8) Appoint the membership of Licensing Sub-Committees known as Licensing 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.

6. **Chief Finance (\$151) 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 the Magistrates' Court when legal action is taken against a person who has made a fraudulent claim for Housing or Community Charge Benefit.
- F(5) approve applications for discretionary rate relief.
- 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
- 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)
  - (i) carry out reviews of the Members' Allowances Scheme in accordance with that Scheme;
  - (ii) add further bodies, in consultation with Group Leaders and Monitoring Officer, to the list of those for which attendance allowance may be paid; and
  - (iii) in consultation with the Chief Executive, implement national wage and salary awards and conditions of service, except where discretion is to be exercised on assimilation of revision of scales.
- 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
  - (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 Head of Council Tax and Rating Regulations;
  - (iii) Refunds of Council Tax, Rates and Community Charge;
  - (iv) Institution of legal proceedings against ratepayers for recovery outstanding rates and Council Tax;
  - (v) Signing of "agreement forms" for change of values in Rating List;
  - (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.
  - (viii) Authority to serve completion notices under the appropriate Council Tax and Rating regulations;
  - (ix) Authority to exercise distraint, issue requests for information, apply Attachment of earnings Orders and deductions from Income Support, Charging Orders;
  - (x) Selection and appointment of Bailiffs.
  - (xi) Authority to issue certificates of insufficient goods (following issue of a Liability Order by the Magistrates Court);
  - (xiii) Authority to quash penalties
  - (xiv) Authority to appeal against any Assessment of Council Tax banding or rating assessment.
  - (xv) Authority to represent the Council at Valuation Tribunals in connection with appeals against: liability to pay the Council Tax including discounts, exemptions and reduction for disabilities scheme, and the banding of a dwelling.
  - (xvi) Authority to write off irrecoverable Council Tax, Non-Domestic Rates and Housing Overpayments up to £750 (Greater than £750 has to be agreed by the Head of Finance)
  - (xvii) 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 or Council Tax Benefit 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 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) exercise on behalf of the Planning Committee (in consultation with a Solicitor acting on behalf of the Council and/or Fire Authority and other appropriate officers where necessary) discretionary powers to relax the requirements of the Building Regulations where it is considered they are unreasonable in any particular case;
  - (iii) require the carrying out of tests under Section 33 of the Building Act 1984;
  - (iv) take emergency measures to deal with dangerous buildings under Section 78 of the Building Act 1984;
  - (v) deal with intended demolitions under Section 80 of the Building Act 1984;
  - (vi) exercise powers contained in Section 2 of the Building Act 1984 (continuing requirements);
  - (vii) reject, or pass with conditions, plans deposited under Section 19(1) and (3) of the Building Act 1984 (use of short lived materials)
  - (viii) exercise powers contained in Section 25 of the Building Act 1984 (Provision of water supply);
  - (ix) exercise the powers contained in Section 25 of the Local Government (Miscellaneous Provisions) Act 1982 (approval of building plans provisionally or by stages).
- DS (5) in consultation with a solicitor acting on behalf of the Council, apply to Magistrates Court for an order under Section 77 of the Building Act 1984 (dangerous buildings).
- DS (6) exercise powers contained in Section 78 of the Buildings Act 1984 (dangerous buildings - emergency measures).
- DS (7) receive notices served on the Council under Section 80 of the Building Act 1984 (intended demolition).
- DS (8) serve notices in respect of the following Building Act 1984:-
- (i) Section 32 - lapse of deposit of plans
  - (ii) Section 35 - penalty for contravening the Building Regulations
  - (iii) Section 36 - removal or alteration of offending works
  - (iv) Section 47 - acceptance of Initial Notices
  - (v) Section 59 - drainage of buildings
  - (vi) Section 60 - use and ventilation of soil pipes
  - (vii) Section 71 - provision of entrances exits etc.
  - (viii) Section 72 - means of escape from fire
  - (ix) Section 73 - raising of chimneys
  - (x) Section 74 - cellar and rooms below sub-soil water level
  - (xi) Section 79 - ruinous and dilapidated buildings and neglected sites
  - (xii) Section 81 - demolitions
  - (xiii) Section 95/96 - power to enter premises

- DS (9) pay Historic Building Grants under S.57 and 58 of the Planning (Listed Buildings & Conservation Areas) Act 1990.
- DS (10) make payments in respect of town scheme grants, conservation areas partnership scheme and the Programme Town Scheme Grants from monies made available under and in accordance with S.57, 77 to 80 (inclusive) of the Planning (Listed Buildings & Conservation Areas) Act 1990.
- DS (11) deal with the numbering and renumbering of properties under Town Improvement Clauses Act 1847.
- 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.
- 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) .
- DS (36) make observations on County Matter applications or applications submitted by Warwickshire County Council under Regulation 3 of the Town and Country Planning General Regulations 1992.
- DS (37) respond to notifications for prior approval submitted under the Town and Country Planning (General Permitted Development) Order 1995, relating to:-  
 Part 6 Agricultural Buildings and Operations.  
 Part 7 Forestry buildings and operations.  
 Part 17 Development by statutory undertakers.  
 Part 24 Development by Telecommunications Code System Operators.  
 Part 25 Other Telecommunications Development.  
 Part 31 Demolition of Buildings.
- DS (38) determine all applications to discharge conditions imposed on planning permissions and other forms of consent.
- DS (39) determine all applications for minor amendments to planning permissions or other forms of consent.
- DS (40) 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 (41) determine applications for consent to lop or fell trees which are the subject of Tree Preservation Orders.
- DS (42) respond to notifications for works to/the felling of trees in Conservation Areas.
- DS (43) 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 (44) determine hedgerow removal notices, including the serving of hedgerow retention and replacement notices with regard to important hedgerows.
- DS... respond to enquiries; complaints and appeals relating to high hedges; to issue and serve; vary and withdraw High Hedge Remedial Notices.
- DS... 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... serve Tree Replacement Notices; to respond to appeals made in respect of Tree Replacement Notices.

- DS (46) 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(47) serve and withdraw notices in respect of the following: Town and Country Planning Act 1990 (TCPA) and Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) as amended
- (i) Section 187A (TCPA) – Breach of Condition Notices.
  - (ii) Sections 183 to 187 (TCPA) – Stop Notices.
  - (iii) Sections 171A to 182 (TCPA) – Enforcement Notices in connection with Stop Notices.
  - (iv) Section 215 (TCPA) – Land adversely affecting the amenity of the neighbourhood.
  - (v) Section 172 – 173A (TCPA): Enforcement Notices, following the authorisation of enforcement action by Planning Committee.
  - (vi) Section 38(PLBCA): Listed Building Enforcement Notice, following the authorisation of enforcement action by Planning Committee.
  - (vii) Sections 171E – H (TCPA): Temporary Stop Notices.
  - (viii) Section 171C (TCPA): Planning Contravention Notices.
  - (ix) Section 187B (TCPA); 44A (LBCA) and 214A (TCPA): apply to the Court for injunctions directed at restraining actual or apprehended breaches of planning control; unauthorised work to Listed Buildings; and actual or apprehended damage to Conservation Area Trees.
  - (x) Section 48 (LBCA): Listed Building Repairs Notices.
- DS... Section 171BA (TCPA): the application to the court for a Planning Enforcement Order .
- DS.... 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.... Section 172A (TCPA): the issue and withdrawal of assurances (by letter) to parties on whom an Enforcement Notice has been served concerning prosecution
- DS..... 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..... Section 224 9 (TCPA): the issue of Certificates confirming the date on which evidence sufficient to prosecute for advertisement offences came to the prosecutors knowledge.
- DS..... Section 225A (TCPA): the removal of unauthorised structures used for advertisements displays.
- DS..... Sections 225A(3-6) (TCPA): the service of removal notices in respect of unauthorised advertisement display structures.
- DS.... Section 225A(7) (TCPA): the recovery of expenses incurred in the Council's removal of unauthorised advertisement display structures.
- DS..... Section 225B (TCPA): the response to appeals made in respect of Notices served under Section 225A.
- DS..... Section 225C (TCPA): the service of Action Notices in respect of persistent unauthorised advertisement displays.
- DS..... Section 225C (TCPA): the undertaking of the requirements of Action Notices and the recovery of the costs incurred in doing so.

- DS.... Section 225D (TCPA): the response to appeals made against Action Notices.
- DS.... Sections 225F, G and H (TCPA): the remedy of the defacement of premises by means of the service a notice under these sections.
- DS.... 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.... Section 225I (TCPA): the response to appeals made in respect of notices issued under sections 225F, G and H.
- DS.... 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.
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- DS... Section 225 (TCPA): to remove or obliterate placards or posters which are in contravention of the Advertisement Regulations.
- DS... to issue notices under S330 of the Town and Country Planning Act 1990 (Requisition for Information).
- DS... to instigate legal proceedings under the following provisions:
- i. Section 171D (TCPA): non compliance with Planning Contravention Notices;
  - ii. Section 171G (TCPA) non compliance with Temporary Stop Notices;
  - iii. Section 179 (TCPA) non compliance with Enforcement Notices;
  - iv. Section 187 (TCPA) non compliance with Stop Notices
  - v. Section 178A (TCPA) non compliance with Breach of Condition Notices;
  - vi. Section 43 (LBCA) non compliance with Listed Building Enforcement Notices;
  - vii. Section 59 (LBCA) unauthorised work to Listed Buildings;
  - viii. Section 210 (TCPA) non compliance with Tree Preservation Orders;
  - ix. Sections 211 – 212 (TCPA): non - preservation of trees in Conservation Areas;
  - x. Sections 215 and 216 (TCPA) non compliance with Section 215 (Untidy Land) Notice;
  - xi. Section 224 (TCPA) unauthorised advertisement display;
  - xii. Section 97 (Environment Act 1995) contravention of the Hedgerow Regulations;
  - xiii. Section 75 (Anti-social Behaviour Act 2003) non compliance with high hedge remedial notices.
- DS(48) formulate the Council's response to consultations from neighbouring Planning Authorities relating to development proposals outside the Warwick District Council area.
- DS(49) approve temporary stand structures under the Public Health Act 1890 (Section 37).
- DS(50) 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 Councillor, 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.
- (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.

Decline to determine planning applications in accordance with the relevant provisions of the Town and Country Planning Act 1990 as amended.

DS...

- DS(51) make representations on behalf of the Council as Local Planning Authority, on relevant applications under the Licensing Act 2003.
- DS(52) 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(53) 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(54) make changes to a Neighbourhood Plan in line with the independent examiners recommendations
- DS(55) bring a Neighbourhood Plan in to force where it conforms to the provisions of the Localism act
- DS(56) 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(57) Appoint an independent examiner for a neighbourhood plan
8. **Head of Environmental Services** shall have authority to:
- ES(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.
- ES(2) serve notices under the following sections of the Building Act 1984:
- 60 - Ventilation of soil pipes
  - 62 - Disconnection of drain
  - 64 - Provision of closets
  - 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
  - 84 - Paving and drainage of yards and passages
  - 59 - Drainage of Buildings, including private sewers
  - 76 - Defective premises
- ES(3) deal with the provisions of the Clean Air Acts relating to the installation of new chimneys, furnaces, boilers and other appliances.
- ES(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)
- ES(5) serve notices for the control of noise on construction sites under Section 60 of the Control of Pollution Act 1974.
- ES(6) Environmental Protection Act 1990:-
- (i) issue variation and revocation notices under S10 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.
- ES(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.

(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.

ES (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
- 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.

- ES (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
- ES (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
- ES (11) issue licences under the Food Safety (General Food Hygiene) Regulations 1995.
- ES (12) suspend or revoke licences issued under the Food Safety (General Food Hygiene) Regulations 1995.
- ES (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.
- ES (14) serve notice of intention to make Closing or Variation Orders in respect of refreshment premises on receipt of complaints from neighbouring residents.
- ES (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.
- ES (16) grant but not refuse hazardous substances consents either unconditionally or subject to conditions.
- ES (17) invite tenders or allocation of work, in accordance with Standing Orders, for the carrying out of works in default of Statutory Notices.
- ES (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.

- ES (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)
- ES (20) Serve Statutory Notices under Section 80 of the Water Industry Act 1991 requiring improvements to private water supplies or the connection of premises to public supplies.
- ES (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.
- ES (22) discharge the Council's dog control functions under the Dog (Fouling of Land) Act 1996 and the Warwick District Council (Dogs Fouling of Land) Order 1998 and Clean Neighbourhood and Environment Act 2005 including issuing fixed penalty notices and requesting names and addresses of offenders
- ES (23) exercise powers under Part 1 of Schedule 2 of the Sunday Trading Act 1994.
- ES (24) issue notices of entry on land and sewers under S.159, 161(2) and 168 of the Water Industry Act 1991.
- ES (25) service notices under Local Government (Miscellaneous Provisions) Act 1976:-
- (i) Section 16 requiring information,
  - (ii) Provision of sanitary appliances s.20,
  - (iii) Obstructions in private sewers S35
  - (iv) Requiring payment of expenses of removal S35(3)
- ES (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
- ES (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 Ss 84 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;
- 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.

ES (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

ES (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.

ES (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

ES (31) deal with all matters relating to offensive trades.

ES (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.

ES (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;

ES (34) take necessary action to abate a nuisance and execute a statutory nuisance abatement notice under the Environmental Protection Act 1990

ES (35) following consultation with a solicitor acting for the Council, seek an injunction to prevent a statutory nuisance.

ES (36) make representations, on behalf of the Council as the Enforcing Authority within the meaning given by section 18 of the Health and Safety at Work Act 1974 and as the Authority by which statutory functions are exercisable in relation to minimising or preventing the risk of pollution of the environment or of harm to human health, on relevant applications under the Licensing Act 2003

ES (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) Scrap Metal Dealers Act 1964 - Registration
- (v) Riding Establishment Acts 1964 and 1970 - licensing of establishments
- (vi) Dangerous Wild Animals Act 1976 - licensing of premises
- (vii) Local Government (Miscellaneous Provisions) Act 1982  
registration of persons for the purposes of acupuncture,  
ear piercing electrolysis and tattooing
- (viii) Zoo Licensing Act 1981 - Licensing of premises and  
dispensations
- (ix) Game Act 1831- licensing of game dealers.

ES (38) Appoint, authorise and terminate appointments of–

Medical Officers of the appropriate authority for health, to act as 'proper officers' and/or 'Medical Officers of Health' for and on behalf of the authority, as identified and updated from time to time by those bodies 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.

ES (39) Appoint, authorise and terminate appointments of–

Divisional 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

- Authentication of documents
- 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.

ES (40) 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

ES (41) Environmental Damage (Prevention & Remediation) Regulations 2009 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).

ES (42) serve notices in respect of removal of abandoned vehicles and other refuse under the Refuse Disposal (Amenity) Act 1978

ES (43) issue Litter Control Notices under the Environmental Protection Act 1990.

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ES (46) serve notices under Housing Grants Construction & Regeneration Act 1996 requiring owner to provide statement of occupation of property (S49 & S50).

ES (51) deal with the provision of certain adequate and wholesome water supplies.

ES (52) deal with all matters relating to moveable dwellings and tents, vans and sheds under Part XI of the Public Health Act 1936.

ES (53) )

ES(54) serve notices in relation to intention to enter premises (pursuant to a statutory power) for the purposes of inspection.

9. **Head of Housing & Property Services** shall have authority to:

HS (1) issue licences to control the use of moveable dwellings under section 269 Private Housing 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 letting of properties subject to approval of 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 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 and Resettlement Service to tenants transferred to smaller properties.
- 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 wayleaves for telephone equipment, wireless relay, cable etc.
- 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 £750, greater than £750 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 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 (35) award grants to tenants/Tenants Groups in accordance with the Council's Tenant Participation Strategy.
- HS (36) re-purchase former Council owned dwellings with agreed criteria and with the assistance of an independent valuation subject to resources being made available and the Head of Housing reporting back to the Executive on each decision made.
- HS (37) grant new leases on vacant HRA properties.
- HS (38) agree rent reviews, for HRA properties, where agreement on the new rent has been reached without recourse to arbitration.
- HS(39) serve Improvement Notices in respect of category 1 Hazards in relation to Section 11of the Housing Act 2004
- HS (40) serve Improvement Notices in respect of category 2 Hazards in relation to Section 12 of the Housing Act 2004
- HS (41) Revoke or Vary an Improvement Notice in relation to Section 16 of the Housing Act 2004
- HS (42) 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 (43) 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 (44) 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 (46) 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 (47) agree that Emergency Remedial Action is taken in relation to section 40 of the Housing Act 2004
- HS (48) serve notices of Emergency Remedial Action in relation to section 41 of the Housing Act 2004.
- HS (49) make an Emergency Prohibition Order in relation to sections 43 & Part 2 of Schedule 2 of the Housing Act 2004
- HS (50) 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 (51) serve Temporary Exemption Notice in relation to section 62 of the Housing Act 2004
- HS (52) grant or refuse an HMO Licence in relation to section 64 of the Housing Act 2004
- HS (53) vary an HMO Licence in relation to section 69 of the Housing act 2004
- HS (54) Revoke an HMO Licence in relation to section 70 of the Housing Act 2004
- HS (55) 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 (56) 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 (57) 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 (58) vary or revoke an IMO or FMO in relation to sections 111, 112, 121 & 122 of the Housing Act 2004
- HS (59) 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 (60) 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 (61) 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 (62) except for the actual making of IEDMOs and 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 (63) 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 (64) 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 (65) 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 (66) 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 (67) carry out all procedures necessary in respect of variation or revocation of IEDMOs and FEDMOs in relation to schedule 7 of the Housing Act 2004
- HS (68) 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 (69) serve notice requiring the production of documents in connection with Parts 1 – 4 of the Housing Act 2004
- HS (70) serve notice of intention to enter premises in relation to section 239 of the Housing Act 2004
- HS (71) to apply to a Magistrates' Court for a warrant to authorise entry in relation to section 240 of the Housing Act 2004
- HS (72) give notice of action taken under Parts 1 – 4 of the Housing Act 2004
- HS (73) serve or revoke an HMO Declaration in relation to sections 255 & 256 of the Housing Act 2004
- HS (74) Approve, refuse and recover grants and loans in accordance with the Rent Bond/Deposit Scheme
- HS (75) specify properties for which prospective tenants will be eligible to qualify for the Resettlement Service
- HS (76) issue Notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (Disposal of uncollected property).
- HS (77) issue injunction proceedings under section 222 of The Local Government Act 1972.
- HS (78) 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 (79) address the district judge at hearings attended without a solicitor under s.60 of the County Courts Act 1984.
- HS (80) issue possession proceedings in order to obtain possession of temporary accommodation provided under section 188 of the Housing Act 1996, Part VII.
- HS (81) 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 (82) 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 (83) 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 (84) 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 (85) issue Notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (Disposal of uncollected property).
- HS (86) issue injunction proceedings under section 222 of the Local Government Act 1972.
- HS (87) 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 (88) 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 (89) To carry out the following delegated powers:  
 ES(2) in respect of 59 and 76;  
 ES(6) in respect of (iii)(vii) and (viii);  
 ES(25)(i);  
 ES(26) to ES(28) inclusive;  
 ES(29) in respect of (i)(ii)(iii)(iv) and (vii);  
 ES(34) and ES(35);  
 ES(52)
- HS (90) 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 (91) 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

**10. Head of Community Protection shall have authority to:**

- CP (1) 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.
- CP (2) grant or refuse applications for private hire or taxi drivers licenses under the Town Police Clauses Act 1847, and the Local Government (Miscellaneous Provisions) Act 1976, subject to the applicant having a right of appeal to the Regulatory Committee against any decision to refuse an application.
- CP (3) (i) issue street collection permits up to the allocation for Kenilworth, Royal Leamington Spa, Warwick town centres and other areas as defined by the Regulatory Committee; and  
(ii) issue street collection permits, for special collections in addition to the above numbers, following consultation with and no objection from the Regulatory Committee spokespersons.
- CP (4) ask for and accept Criminal Records Bureau checks for Hackney Carriage and Private Hire Vehicles Drivers Licenses under Section 47 of the Road Traffic Act 1991, and for any other licence for which they may be required
- CP (5) approve or refuse, in consultation with the Council for Disabled People Warwickshire, 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.
- CP (6) following consultation with a solicitor acting for the Council, to suspend or revoke a private hire or hackney carriage driver's licence when required, in extreme circumstances.
- CP (7) issue notices under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976
- CP (8) refuse applications for taxi and private hire drivers licences in respect of applicants who do not pass the knowledge test
- CP (9) refuse applications for taxi and private hire drivers licences, where the applicants have not attended disability awareness training, and obtained the appropriate certificate
- CP (10) 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 Committee
- CP (11) 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  
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
- CP (12) act as an authorized person in relation to the Licensing Act 2003 s13 (2) (a) and the Gambling Act 2005 s 304 (1) (b)
- CP (13) act as an authorized person in relation to the Town Police Clauses Act and the Government (Miscellaneous Provisions) Act 1976 s 80
- CP (14) issue sex encounter licences under the 1982 Act where no objections are received.
- CP (15) determine applications for minor variations of premises licenses under sections 41A-41C of the Licensing Act 2003.
- CP (16) issue closure notices under Section 19 of the Criminal Justice and Police Act 2001
- CP (17) 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
- CP(18) serve notices under the Land Drainage Act 1991 and any amendments thereof:
  - (i) S 24 – Contraventions of prohibition on obstructions
  - (ii) S 25 – Powers to require works for maintaining the flow of a watercourse
  - (iii) S 64 – Powers of entry onto land
- CP(19) invite tenders or allocation of work, in accordance with Standing Orders, for the carrying out of works in default of Statutory Notices
- CP(20) issue notices of entry on land and sewers under S.159, 161(2) and 168 of the Water Industry Act 1991
- CP(21) 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)
- CP(22) 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) appl\fto 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.

CP(23) serve notices under Public Health Act 1961:-

(i) Notice to remedy or renew stopped up drain or private sewer etc S17

CP(24) serve notices under sections 59, 60, 62 and 76 of the Building Act 1984

CP(25) enter any premises at all reasonable hours for the purposes of the Building Act 1984 and/or the Public Health Act 1961

CP(26) Authority to carry out the necessary procedure and make orders under the Town Police Clauses Act 1847 for the temporary closure of roads

CP(27) (i) deal with the numbering and re-numbering of properties under the Town Improvement Clauses Act 1847

(ii) following consultation with the appropriate Parish or Town Council, approve the naming of streets

CP(28) 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

CP(29) Authority to act as a responsible authority as designated under the Licensing Act 2003 as amended by the Policing Reform and Social Responsibility Act 2010

CP(30) Authority to suspend a premises licence on non receipt of the Premises Licence Annual Fee within 3 days after the due day

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

(iv)

CIS(1) issue Concessionary Bus Passes/Tokens in accordance with the Council Scheme.

12. **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.

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

13. **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) to Serve Notices requiring information for statutory purposes
- NS (4) 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(5) All powers included in Part IV of the Environment Protection Act 1990 granted to a Principal Litter Authority, including those listed below: -

Section 88 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 19 of Clean Neighbourhoods & Environment Act 2005

Section 92 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 20 of Clean Neighbourhoods & Environment Act 2005

Sections 93 and 94 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 21 and 22 of Clean Neighbourhoods & Environment Act 2005

Section 99 of the Environmental Protection Act 1990 and subsidiary legislation.

- NS(6) 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 (7) 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 (8) carry out consultations concerning draft Off Street Parking Places Orders and to make the Orders in cases where no objections are received.
- NS (9) 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 (10) provide floral decorations in accordance with the policy agreed by the Council.
- NS (11) implement any necessary changes in parking charges as specified by Council.

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

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|------|--|--|
| A(1) | Authority to seal Stock Exchange transactions.   | Head of Finance and Monitoring Officer (Chief Executive in absence of Monitoring Officer).   |
| A(2) | Authority to affix the Common Seal where necessary in connection with any items delegated to the officers. | Chief Executive and Monitoring Officer (individually).   |
| A(3) | Authority to obtain Counsel's Opinion and to brief Counsel.  | Chief Executive, Monitoring Officer, and a solicitor acting for the Council, (individually).   |
| A(4) | Authority to approve Court proceedings in respect of anti-social behaviour orders in the district.         | The Head of Housing and Property Services, Head of Environmental Services and Head of Community protection (as appropriate) and in consultation with a |

A(5)	Authority to instigate applications for anti-social behaviour orders under the Crime and Disorder Act 1998.	solicitor acting for the Council and Group Leaders. Head of Housing and Property Services, the Head of Cultural Services, Head of Neighbourhood Services, Head of 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 Planning in conjunction with the Leader of the Executive and appointed representatives from Each group.
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 Community Protection, following consultation with a solicitor acting on behalf of the Council.