

SECTION 6 - THE SCHEME OF DELEGATION TO OFFICERS

The Scheme includes all approved amendments up to the date stated in the page footer.

A - The following matters are delegated to the **CHIEF EXECUTIVE**:-

1. Authority to act in the place of any officer having delegated authority under this Scheme or to transfer any such power from one officer to another.
2. Power to act in an emergency or in relation to matters of urgency in consultation with, where practicable, the Leader (or Deputy) and Chairman (or Vice-Chairman) of the relevant overview or scrutiny committee for executive decisions and, for non-executive decisions, the Chairman (or Deputy) of the relevant non-executive committee and the Mayor or Deputy Mayor. The Chief Executive's power to act in an emergency or in relation to matters of urgency shall be exercised in his absence by either the Head of Finance or Head of Legal and Democratic Services. (The use of this delegated power should be reported to Cabinet or the appropriate committee as soon as practicable.)
3. Authority to exercise the powers contained in Section 92 Local Government Act 2000 (payments in cases of maladministration etc), following consultation with the Chairman of The Overview and Scrutiny Committee, and subject to a report back being made to The Overview and Scrutiny Committee as soon as practicable.
4. Increases in establishment that will be totally reimbursed by another body.
5. Applying the Council's schemes for retirement or voluntary redundancy in the interests of the efficiency of the service.
6. Allocation of housing to employees within the total number of houses allowed by the Council for this purpose.
7. Power to add items to the agendas of overview and scrutiny committees without specific reference to Cabinet.
8. Authorisation of officers to exercise powers and duties under the provisions of the Anti-Social Behaviour, Crime & Policing Act 2014.

Note: The Chief Executive, as Head of Paid Service, has statutory functions under the Local Government Act 2000 in relation to the appointment, dismissal and taking of disciplinary action in respect of staff. These functions either have to be undertaken by the Head of Paid Service or an officer nominated by him.

The Local Authorities (Standing Orders) (England) Regulations 2001 (SI No. 3384) and the Officer Employment Procedure Rules refer).

The Chief Executive has delegated these functions as follows:-

Corporate Director (Service Delivery) and Corporate Director (Professional Services) (for their Group), Assistant Directors (for their Operational Team cluster) and Heads of Team (for their Team) have delegated authority for the following:

- (a) The appointment, dismissal or discipline of all members of staff within the authorised establishment from time to time in the Team, subject only to:
- consultation as appropriate in relation to staff who fall within the definition of 'deputies; under the relevant regulations and guidance;
 - the requirement to obtain approval from the Head of Organisational Development before declaring any post redundant;
 - the requirement to consult the Chief Executive before dismissing any member of staff;
 - the requirement to consult the Head of Organisational Development in the event of it being proposed that a new appointment should be made at a starting salary point which is more than half way up the authorised salary scale for the post.
- (b) Variation of the approved establishment of their Team, provided that (i) the total number of full-time equivalent employees is not increased, (ii) the costs of changes can be contained within the current and future approved salary budgets for the Team, and (iii) any proposals for changes in the approved establishment have first been agreed with the Head of Organisational Development.
- (c) Within the approved Team staff budget and subject to any relevant Council policy:
- (i) payment of discretionary honoraria within the provisions of the Scheme of Conditions of Service of for special contributions to the work of the Council beyond the basic content of the post, subject to such payment in each case not exceeding the value of two scale increments (any proposal to pay a higher level of increment will require consent of the Head of Organisational Development);
 - (ii) appointment of temporary staff for periods of up to six months;
 - (iii) appointment of temporary staff to cover periods of maternity leave where there is no other alternative available;
 - (iv) authorisation of attendance at study and training courses;
 - (v) approval of telephone and car entitlements and allowances; including lease cars.
 - (vi) approval of payment of a casual car allowance on a journey by journey basis;
 - (vii) approval of overtime.
 - (viii) Approval of compassionate or special leave, within the terms of any Council policy or corporate management guidance which applies from time to time.

- (ix) Authority not to approve specific car agreements where a proposed vehicle would not be suitable for the type of work that the employee in question has to carry out.
- (x) Authorisation or designation of officers and such persons as might be necessary for the purpose of performing the Council's statutory powers or duties, including to enter and inspect land and premises or to make investigations or to obtain information or samples.

B - EACH MEMBER OF CORPORATE MANAGEMENT TEAM (for this purpose, the Chief Executive, Corporate Director (Service Delivery) and Corporate Director (Professional Services)), Head of Finance and Head of Legal and Democratic Services may exercise any function within their Group in the Scheme of Delegation or in a minute/executive decision delegating a function (unless expressly prohibited by law when a statute expressly requires a particular professional qualification to be held eg S151 officer).

C – EACH ASSISTANT DIRECTOR may exercise any function within their cluster of Teams in the Scheme of Delegation or in a minute/executive decision delegating a function (unless expressly prohibited by law when a statute expressly requires a particular professional qualification to be held eg S151 officer).

D – The following matters are delegated to **EACH MEMBER OF CORPORATE MANAGEMENT TEAM** (as defined under B above), **ASSISTANT DIRECTOR OR HEAD OF TEAM** so far as they relate to their functions.

1. Expenditure within the approved revenue budget; entering into any necessary contracts for the supply of goods or services (subject to the provisions of Contract Procedure Rules and the Finance Procedure Rules); taking any necessary action to enforce or terminate such contracts.
2. Implementation of requirements and procedures in relation to competitive tendering including selection of contractor, subject to compliance with any approved consultation arrangements with members.
3. Decisions on applications for and cancellation of permits, licences or certificates of registration where all statutory requirements are satisfied, and in accordance with any policy of the Council in relation to the function concerned.
(Note: the inclusion of references to specific types of permit, licence etc. in the list of delegations to individual directors is without prejudice to the generality of this item.)
4. Authorisation of issue of statutory notices including statutory requisitions for information as to interest in land.
5. To appoint officers/inspectors, to authorise or designate officers and such other persons as might be necessary for the purpose of performing the Council's statutory powers or duties, including to enter and inspect land or premises or to make investigations or to obtain information or samples.

[Note: This power does not extend to the authorisation of officers under Regulation of Investigatory Powers Act 2000 which is a Head of Legal and Democratic Services function.]

6. Determination of charges for services or of fees (except where the power has been retained by Cabinet or a committee) and for publications, undertaking research and copying documents; approval of charges to the public by any contractor of the Council.
7. Decisions in connection with the operation or management of property or facilities.
8. The submission of applications for planning permission required in connection with approved schemes or programmes.
9. Carrying out minor development for which a specific planning permission is not required provided the specific expenditure is authorised.
10. Authority to make representations on behalf of the Council as a Responsible Authority under the Licensing Act 2003.
11. Subject to discussion with the relevant Portfolio Holder, to agree changes to approved Portfolio Holder Plans, provided that the amended Portfolio Holder Plan will continue to deliver the Council's policy framework within the agreed budget.

DELEGATION OF SPECIFIC FUNCTIONS

The following section lists the specific functions delegated to the Corporate Management Team (as defined above), Assistant Directors and the respective Heads of Teams.

CHIEF EXECUTIVE

A. HEAD OF COMMUNICATIONS

None specific.

B. HEAD OF ORGANISATIONAL DEVELOPMENT

1. To implement individual staff gradings in accordance with the approved job evaluation scheme.
2. Authority to revise and amend the Council's disciplinary and capability procedures for staff.
3. Implementation of the Council's agreed redundancy procedure and issue of redundancy notices.
4. Authorisation of payment of medical examination expenses and specialist treatment costs for staff, including counselling, incurred in

- accordance with the Council's capability procedures and welfare policies.
5. Implementation of contracts of employment and variations and issuing and varying statements of particulars.
 6. Authority to enter into local collective agreements on terms and conditions of service within existing budgets and subject to subsequent reporting to Personnel Committee.
 7. Authority to agree minor variations in individual cases of hardship to the operation of the Council's scheme of relocation assistance for officers.
 8. To authorise rewards under the Council's long service award scheme and to review the amount of such awards annually.
 9. Implementation of national awards for wages, salaries and conditions of service (subject to subsequent report to Cabinet).
 10. Loans for car purchase within the Council's agreed scheme.
 11. Authority to provide a payroll service to charities and not-for-profit organisations in accordance with Council policy, subject to approval of the Head of Finance on whether the service should be provided.
 12. Authority, in consultation with the Head of Finance and relevant Director, to implement the Council's Local Government Pension Scheme Policy Statement and to determine any applications in respect of individual cases.

C. ASSISTANT DIRECTOR (POLICY & PLANNING)

Any of the duties, authorities and responsibilities named under D.1 to D.2 below.

C.1 HEAD OF POLICY AND PROJECTS

1. Authority, in consultation with the Head of Legal and Democratic Services, to assess nominations for inclusion on the List of Assets of Community Value.
2. Authority to finalise the process for dealing with Asset of Community Value nominations and to determine compensation applications for adversely affected landowners.
3. Authority, in consultation with the Head of Finance and Head of Legal and Democratic Services, to make the initial assessment as to whether an expression of interest under the Community Right to Challenge meets the statutory requirements.

C.2 HEAD OF STRATEGIC PLANNING

1. In the absence of the Head of Development Management, authority to undertake any of the delegations listed under the Head of Development Management.

D. ASSISTANT DIRECTOR (ESTATES & REGENERATION)

1. Approval of terms of purchases, easements, disturbance claims and ex gratia payments (in respect of removals), where the consideration does not exceed £100,000 in any one case and where Cabinet or the Leader or Portfolio Holder for Economy and Estates has agreed in principle to the transaction.
2. Disposals, the release or modification of covenants, and the grant of easements where the consideration does not exceed £100,000 in any one case provided that there is consultation with the appropriate Teams, the Ward Member(s), the Leader or the Portfolio Holder for Economy and Estates).
3. Apportionment and settlement of well-maintained payments under the Housing Acts.
4. Lettings for fixed periods not exceeding a year (including continuing tenancies of a like nature terminable at will after the expiration of the initial term).
5. Any other lettings or licences in respect of which the rent does not exceed £100,000 per annum.
6. Any renewal of tenancy (including surrender and regrant) or licence or rent review in respect of which the rent does not prior to the transaction exceed £100,000.
7. Authority to apply for, or proceed with, reference of rental or other disputes to a third party, court or tribunal.
8. Determination of applications for landlord's consent or variation in lease terms except in cases where rejection is recommended or where some unusual factor is present in respect of which a policy decision would be required.
9. Determination of applications for home loss payments, both obligatory and discretionary.
10. Issue of consents under leases by the Council as landlord, in all cases where such consent may not lawfully be refused.
11. Payment of up to 90% of the agreed or estimated purchase price of land of which possession has been taken under a Compulsory Purchase

- Order, and the agreement of terms where land is being compulsorily acquired from the Council.
12. Decisions on Guildhall booking applications.
 13. Authority to determine applications for street trading consents under Paragraph 7 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, in respect of stalls and pitches forming part of the Winchester Market (including any speciality markets operated by the Council) within a consent street.
 14. Where schemes under the New Homes Development Programme are authorised to proceed, the Assistant Director (Estates and Regeneration) is authorised to let a contract for the construction of the scheme, in accordance with Contracts Procedure Rules subject to the scheme being within a previously approved capital budget.
 15. Decisions on applications for the use of St. Maurice's Covert.

CORPORATE DIRECTOR (PROFESSIONAL SERVICES)

1. In his absence, to exercise the functions delegated to the Chief Executive.

A. HEAD OF BUSINESS MANAGEMENT

1. Issue of exclusive rights of burial.
2. Determining applications for burials and memorials.

B. HEAD OF LEGAL AND DEMOCRATIC SERVICES

1. Approval of the terms, other than fundamental heads of agreement determined by Cabinet, a Committee or another officer acting under delegated powers, of contracts, leases and other documents in relation to the acquisition, disposal or use of land (including planning agreements).
2. Authorisation of institution and conduct of legal proceedings in the name of the Council:
 - (a) for the recovery of debts.
 - (b) for the recovery of possession of property required by the Council, except Council dwellings.
 - (c) in relation to the functions of the Council.
3. Authority to administer cautions to offenders instead of bringing prosecutions.

4. Applications to Magistrates Court in respect of persons in need of care and attention.
5. Taking all necessary action to defend legal proceedings against the Council, subject in cases in the High Court, wherever practicable, to consultation with the Leader or Deputy Leader if it concerns an executive matter, or the Chairman or Vice Chairman of the relevant committee if it concerns a non-executive matter.
6. Authorisation of officers to appear on the Council's behalf in proceedings before the Courts.
7. Decisions on applications for Certificates of Lawfulness for Existing Use or Development, in consultation with the Chairman of Planning Committee (or in his/her absence the Vice-Chairman) and Ward Councillors.
8. Decisions on Certificates of Lawfulness for Proposed Use or Development applications for determination.
9. Authority to take all necessary action to maintain and protect the Council's interests in relation to proposals for local events and activities in the City.
10. Authority, in consultation with the Head of Development Management, to determine all applications made under Section 17 of the Land Compensation Act 1961.
11. In consultation with the Portfolio Holder for Transport & Professional Services, authority to update the Council's policy guidelines upon the Regulation of Investigatory Powers Act 2000 (RIPA).
12. To update the schedules of rates in the Members' Allowances Scheme to take account of the inflation indices when Council has determined that the inflation indices should be used for the relevant year.
13. Authority to implement revisions recommended by the Hampshire Working Party on Election Fees which are generally in line with the rate of salary awards and/or any changes to Parliamentary scales.
14. Power to add items to the agendas of overview and scrutiny committees without specific reference to Cabinet.
15. To make certain changes to the Council's Constitution, as specified in Article 15 of the Constitution.
16. To determine whether any petitions should be ruled out as vexatious or otherwise, subject to:
 - a) Consultation with the Leader on executive matters; or

- b) Consultation with the Chairman of The Overview and Scrutiny Committee on non-executive matters.
17. Authorised, in consultation with the Chairman, to grant dispensations in relation to Disclosable Pecuniary Interests in respect of Council House tenancies.
 18. Authorised, in consultation with the Chairman, to grant dispensations in relation to Disclosable Pecuniary Interests due to membership or employment in other public offices, until the expiry of their period of office as a District Councillor.
 19. Authorised, in consultation with the Chairman, be to give dispensations to Members to speak and vote during the annual budget debate, either at Council or other meetings, in relation to personal and prejudicial interests affecting “not for profit” voluntary organisations and public bodies, provided that the dispensations would not extend to circumstances where the office on the outside body would give rise to a significant risk of a personal financial liability for the Member concerned.
 20. Authorised, in consultation with the Chairman, to grant dispensations to deal with short term applications when:
 - a) the number of Councillors affected is so great a proportion of the Council that it would impede business.
 - b) it would upset the political balance of the Council to such an extent as to alter the likely outcome of the meeting.
 21. To apply the procedures in the Code of Conduct Complaints Procedure in respect of any complaints received about the conduct of individual District or Parish Councillors

C. HEAD OF FINANCE

1. Raising loans and investing surplus cash, internally or externally, in accordance with the policies agreed by the Council.
2. Banking arrangements in accordance with the policies agreed by the Council.
3. Writing off individual irrecoverable debts in accordance with the limits laid down in Financial Procedure Rules.
4. Provision of insurance cover and negotiating settlement of claims.
5. Payment of creditors' accounts.

6. Institute proceedings or distraint (using a bailiff) for recovery for non-payment of debt.
7. Approval of the annual NNDR1 return, in consultation with the Head of Revenues.
8. Approval of the Council Tax Base, in consultation with the Head of Revenues.

D. HEAD OF INFORMATION MANAGEMENT & TECHNOLOGY

1. To approve capital expenditure on ICT projects, up to £50,000 per project, subject to there being appropriate budget provision (including within the ICT Reserve) and to there being no increase in base revenue budget, in consultation with the Portfolio Holder for Finance & Corporate Policy and the Head of Finance.
2. Authority to approve street names and alterations to names and all matters relating to street numbering schemes.

E. HEAD OF REVENUES

1. To undertake any functions and make any decisions on behalf of the Billing Authority in connection with Business Improvement District (BID) proposals, up to the stage of instructing the ballot holder (the Council's Returning Officer) to hold a ballot.
2. In consultation with the Leader, to determine whether to exercise the power of veto in relation to Business Improvement District (BID) proposals, after the ballot has been undertaken.
3. General authority to administer, bill, collect and recover revenues in respect of:
 - Council Tax
 - Business Rates (NNDR)
 - Business Improvement District (BID) levieswhich shall include authority to -
 - (a) institute proceedings for recovery for non-payment.
 - (b) apply for orders of attachment of earnings or benefits or a charge on property.
 - (c) distraint (using a bailiff) for non-payment.
 - (d) apply for warrants of commitment to prison where non-payment is due to a person's "wilful refusal or culpable neglect".
 - (e) refund overpayments.
4. Determine applications for discretionary rate relief within the scheme approved by the Council; where appropriate, in consultation with the Portfolio Holder for Finance & Corporate Policy).

5. Determine claims for Council Tax disability reduction where properties have relevant special facilities for a disabled person.
6. Determine applications for a temporary allowance on premises partly occupied in accordance with Regulations.
7. Determine applications for reduction or remission of Business Rate (NNDR) liability on grounds of hardship in consultation with the Portfolio Holder for Finance & Corporate Policy.
8. Approval of the annual NNDR1 return, in consultation with the Head of Finance.
9. Approval of the Council Tax Base, in consultation with the Head of Finance.
10. Authority to award rate relief in respect of empty newly built commercial property, under Section 47 of the Local Government Finance Act 1988, in consultation with the Portfolio Holder for Finance and Corporate Policy.
11. Authority to award rate relief in respect of retail properties under Section 47 of the Local Government Finance Act 1988.

F HEAD OF BENEFITS

1. Operation of the Benefits Schemes (including Council Tax Reduction), determining applications, where appropriate.
2. Authority to make determinations on discretionary housing payments.
3. Institute recovery proceedings for non-payment of housing benefit overpayment including backdating benefit,

CORPORATE DIRECTOR (SERVICE DELIVERY)

1. In his absence, to exercise the functions delegated to the Chief Executive, other than exercising his emergency powers (delegation 2).
2. Authority to determine applications for review under the Community Right to Bid.
3. Authority, in consultation with the Portfolio Holder for Built Environment, to review the Community Infrastructure Levy (CIL) Regulation 123 list from time to time and to make any necessary amendments (following the statutory process required), as may be appropriate to ensure that it is up to date and operates effectively to secure infrastructure delivery.

A. ASSISTANT DIRECTOR (ECONOMY AND COMMUNITIES)

1. Authority to determine the allocation of Small Grants to community organisations from both the General Fund and the Town Account up to a maximum of £500, in accordance with any previously approved policies and in consultation with the Portfolio Holder for Economy & Estates or if appropriate the chair of the Town Forum.
2. Authority to review and make minor amendments to community grants criteria, in consultation with the Portfolio Holder for Economy & Estates or the Chair of Town Forum in the case of the Town Forum Small Grants Criteria.
3. Authority to withhold any grant, should officers identify, after approval for a grant has been formally given by Members, any significant concerns associated with the governance, performance or operation of the recipient, or should the recipient fail to comply with the Council's published criteria and requirements.
4. Any of the duties, authorities and responsibilities named under A.1 to A.5 below.

A.1. HEAD OF ECONOMY AND ARTS

1. Authority to determine the allocation of economic development grants to businesses and individuals up to a maximum of £1,000, in accordance with any previously approved policies and in consultation with the Portfolio Holder for Economy & Estates.
2. Authority to review and make minor amendments to economic development grants criteria, in consultation with the Portfolio Holder for Economy & Estates.

A.2 HEAD OF ENVIRONMENTAL HEALTH AND LICENSING

1. To appoint inspectors under Section 19 of the Health and Safety at Work etc Act 1974 (HSW Act) and to authorise appointed inspectors to exercise any or all of the enforcement powers specified in:

Sections 20, 21, 22, 25 of the HSW Act; Any health and safety regulation; and any other statutory provisions (see schedule 1 to the HSW Act).
2. To appoint officers to carry out the statutory provisions contained in the following:
 - Transmissible Spongiform Encephalopathy (England) Regulations 2002.
 - Sunday Trading Act 1994
 - Environmental Protection Act 1990 Part 1
 - Pollution and Prevention Control Act 1999.

3. To appoint Proper Officer/s to carry out the statutory functions of the following:
 - Local Government Act 1972 Section 270 (3)
 - Public Health Act 1936. Sections 84 and 85;
 - Public Health Act 1961. Section 37.
 - The Health Protection (Notification) Regulations 2010
4. To issue formal cautions in accordance with the guidance contained in Home Office Circular 18/1994 or in any subsequent updated Circular.
5. Acceptance of estimates for execution of works in default of, or by agreement with, owners under the provisions of the Environmental Control, Building, Public Health or Housing Acts subject to a maximum estimated cost of £20,000.
6. Authority to take all necessary action, including the service of notices in appropriate cases:-
 - (a) to deal with any matter prejudicial to health or a nuisance.
 - (b) to prevent unauthorised entry to premises which are the subject of either a Closing Order or an undertaking that they shall not be used for human habitation.
7. Authority to take all necessary action, including the service of Notices in appropriate cases, to effect the removal of obstructions from sewers or drains or otherwise deal with defective drains.
8. Agreements with landowners for the control of pests.
9. The recognition of water sources to be marketed under the requirements of the Natural Mineral Water, Spring Water and Bottles Water Regulations 1999.
10. Authority to take all necessary action as an enforcement authority under the Health Act 2006 and regulations made there under in respect of smoking in premises, places and vehicles, including issuing fixed penalty notices, inspecting premises, and authorisation of officers.
11. Decisions on applications for licences for:-
 - (a) pet shops.
 - (b) dog breeding, animal boarding and riding establishments
 - (c) the keeping of dangerous wild animals
 - (d) zoos.
12. Authority to enter and inspect and license premises used as Guard Dog Kennels.

13. Atmospheric pollution and emission controls, covering approval of plans and specifications for furnaces, approval of chimney heights, approval of equipment for arresting grit and dust and authorisation of prescribed processes.
14. Acceptance of estimates for execution of works in default of, or by agreement with, owners under the provisions of the Environmental Control, Building, Public Health or Housing Acts subject to a maximum estimated cost of £20,000.
15. Authority to take all necessary action, including the service of notices in appropriate cases:-
 - (a) to deal with any matter prejudicial to health or a nuisance.
 - (b) to prevent unauthorised entry to premises which are the subject of either a Closing Order or an undertaking that they shall not be used for human habitation.
 - (c) To deal with stray horses under Section 9 of the Hampshire Act 1983.
16. Agreements with landowners for the control of pests.
17. Authority to take all necessary action, including the service of Notices in appropriate cases, to effect the removal of obstructions from sewers or drains or otherwise deal with defective drains.
18. Operation of agency on behalf of Secretary of State for Transport in connection with noise insulation.
19. Removal and disposal of abandoned vehicles.
20. To deal with applications under the Licensing Act 2003 allocated to the Head of Environmental Health and Licensing in the following table:-

Matter to be dealt with	Licensing Sub-Committee	Head of Environmental Health and Licensing
Application for personal licence	If a Police objection made	If no objection made or if the applicant, Council and Police agree that a hearing is not necessary.
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made

Matter to be dealt with	Licensing Sub-Committee	Head of Environmental Health and Licensing
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for a minor variation to premises licence/club premises certificate		In all cases
Decision on whether an application for minor variation should be referred to a responsible authority		In all cases
Application to disapply the mandatory condition for a Designated Premises Supervisor at community premises	If a Police objection is made	In all other cases
Application to vary Designated Premises Supervisor	If a Police objection	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Application for interim authorities	If a Police objection	All other cases
Application to review premises/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a Police objection to a temporary event notice	All cases	
In cases where the Magistrates' Court has determined the licence on appeal		All cases

21. To deal with applications under the Gambling Act 2005 allocated to the Head of Environmental Health and Licensing in the following table:

Matter to be dealt with	Licensing Sub-Committee	Head of Environmental Health and Licensing
Application for premises licence.	Where representations have been received and not withdrawn.	Where no representations received/representations have been withdrawn.
Application for variation to a premises licence	Where representations have been received and not withdrawn.	Where no representations received/representations have been withdrawn.
Application for a transfer of a premises licence.	Where representations have been received from the Commission and not withdrawn.	Where no representations have been received from the Commission.
Application for a provisional transfer of a premises licence.	Where representations have been received and not withdrawn.	Where no representations received/representations have been withdrawn.
Review of a premises licence.	All cases.	
Application for club gaming/ club machine permits.	Where objections have been received and not withdrawn.	Where no objections have been received/objections have been withdrawn.
Cancellation of club gaming/ club machine permits.	All cases.	
Application for other permits.		All cases.
Cancellation of licensed premises gaming machine permits.		All cases.
Consideration of temporary use notice.		All cases.
Decision to give a counter notice to a temporary use notice.	All cases.	
Making representations or seeking reviews as Licensing Authority.		All cases.

22. To deal with applications under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 allocated to the Licensing Sub-Committee in the following table:-

Matter to be dealt with	Licensing Sub-Committee	Head of Environmental Health and Licensing
Application for sex establishment licence.	Where representations have been received and not withdrawn.	Where no representations received/representations have been withdrawn.
Application for variation to a for sex establishment licence	Where representations have been received and not withdrawn.	Where no representations received/representations have been withdrawn.
Application for a transfer of a for sex establishment licence.	Where representations have been received from the Police and not withdrawn.	Where no representations have been received from the Police.
Application for renewal of a sex establishment licence	Where representations have been received and not withdrawn.	Where no representations received/representations have been withdrawn.

23. Decisions on grant of applications in relation to hackney carriage and private hire vehicles, drivers, and private hire operators; suspension and revocation of such licences.
24. Decisions on applications for permits for street collections in the rural area outside Winchester Town.
25. Following consultation with the Mayor, decisions on applications for street collections in the “Winchester Town” area, where the number of applications exceeds the agreed annual total of thirty six collections.
26. In consultation with the Mayor, decisions on applications for special one-off collections, such as for the relief of disasters within the UK, or for other exceptional purposes.
27. Decisions on applications for collections throughout the Winchester Town Area associated with the performance of carols at Christmas.
28. Authority, in consultation with the Assistant Director (Estates and Regeneration), to determine the application process, set fees and determine the conditions to be attached to street trading consents.
29. Authority to determine applications for street trading consents under Paragraph 7 of Schedule 4 to the Local Government

(Miscellaneous Provisions) Act 1982 in respect of any consent street in the District.

30. Taking all necessary action in connection with Public Health Act burials and the recovery of expenditure.
31. Authority to grant permissions with regard to amenities on highways (such permissions to be confined to (a) organisations which have a charitable or similar purpose or which are for a purpose in keeping with the area - e.g. the Christmas shopping event (b) catering establishments).

A.3. **MUSEUMS SERVICE – CLIENT FUNCTIONS IN RELATION TO THE HAMPSHIRE CULTURAL TRUST**

1. Operation of the Council's museum facilities including special bookings.
2. Authority to permit or restrict photography and publication of museum and picture gallery exhibits.
3. Authority to loan museum and picture gallery exhibits subject to satisfactory security arrangements and insurance cover.

A.4 **HEAD OF TOURISM**

1. Operation of the Council's tourism facilities including booking services.

A.5 **HEAD OF STREETCARE**

None specific.

B. **ASSISTANT DIRECTOR (BUILT ENVIRONMENT)**

1. Authority to take all necessary action to administer the Community Infrastructure Levy (CIL) scheme.
2. Authority to make, vary or discharge Public Space Protection Orders under Sections 59-61 of the Anti-Social Behaviour, Crime & Policing Act 2014, in consultation with the Portfolio Holder for Environment, Health and Wellbeing.
3. Any of the duties, authorities and responsibilities named under B.1 to B.7 below.

B.1 **HEAD OF BUILDING CONTROL**

1. Decisions on applications under the Building Regulations and related legislation.
2. Taking all necessary action to secure compliance with Building Regulations.

3. Decisions on applications for permission for the temporary erection of hoardings or scaffolding on highways.
4. Authority to take appropriate action in exercise of the Council's powers regarding buildings, structures, sites, earthworks, demolitions and trees that present risks to safety, health or amenity; such action may include the serving of notices, court proceedings, the instigation of emergency work and the recovery of expenditure.
5. To act as the "appointing officer" under the terms of the Party Wall Act 1996.

B.2 HEAD OF COMMUNITY SAFETY & NEIGHBOURHOOD SERVICES

None specific.

B.3 HEAD OF DEVELOPMENT MANAGEMENT

1. Subject to 2, 3 and 4 below, decisions relating to any function delegated to the Planning Committee (or the Joint West of Waterlooville MDA Planning Committee in respect of matters within the West of Waterlooville MDA) in the Scheme of Delegation (as set out in Part 3 Section 4 of the Constitution) (planning and listed building matters) shall be delegated to the Head of Development Management except those in respect of applications where:
 - (i) a Councillor registers a request that an application be referred to Committee by completing a standard form setting out material planning reasons and that the form be attached to the committee report;
 - (ii) a relevant Parish Council registers a request that an application be referred to Committee, setting out material planning reasons in the request, but only where the Parish Council views are contrary to the intended decision of the officer;
 - (iii) the Head of Development Management considers the application to be for significant development and intends to grant planning permission for the application;
 - (iv) the application is submitted by or on behalf of the Council, or includes Council-owned land, the Head of Development Management intends to grant permission and one or more objections has been received;
 - (v) six or more representations, which the Head of Development Management considers relate to material planning considerations, are received from separate

individual addresses which are contrary to the intended decision of the officer;

(NB for the purposes of this exception, a petition will be regarded as one representation, regardless of the fact that addresses may have been included as part of signing the petition – the Council’s petition procedure specifically excludes planning applications);

- (vi) the application relates to a Member or relevant Officer (namely Corporate Management Team members, Assistant Directors, Heads of Teams, staff in the Development Management Team and other staff who advise on planning matters) of the Council, in that the application:-
 - a. has been submitted by them or on their behalf; or
 - b. affects land that they own or occupy; or
 - c. is one where they have made representations of support or objection and where (in respect of Members only) that representation would constitute a personal and prejudicial interest.

(NB under the Council’s Planning Protocol all applications within this exception should be notified to the Head of Development Management and Head of Legal and Democratic Services).

2. The following matters shall be delegated to the Head of Development Management subject to the exceptions stated:-

- (i) Authority to issue Tree Preservation Orders, and to vary, modify or revoke such Orders.
- (ii) Decisions on the confirmation of Tree Preservation Orders (with or without modifications) where no objections have been received or all objections which may have been received have been withdrawn.
- (iii) Any action required in relation to High Hedges under the Anti-Social Behaviour Act 2003 or regulations (other than complaints involving land owned by the City Council, Members or Officers of the City Council).
- (iv) In respect of hedgerows:-
 - (a) On receipt of a Hedgerow Removal Notice, authority to determine whether the hedge is important in accordance with the Hedgerow Regulations 1997), and;

- (b) In the case of important hedges, to issue Hedgerow Retention Notices and Hedgerow Replanting Notices in accordance with the above Regulations except (in both cases) in respect of hedgerows owned by the City Council, Members or Officers of the City Council.
 - (v) Authority, in consultation with the Chairman of the Planning Committee (or in his/her absence, the Vice-Chairman of that Committee) to determine any application which would fall within the general delegation under 1 above (notwithstanding the fact that one or more of the exemptions may have been triggered), in cases where it would not be reasonably practicable for the matter to be dealt with by the Planning Committee within any period prescribed for decision.
 - (vi) Authority to stop up or divert a public footpath pursuant to Section 257 of the Town and Country Planning Act 1990 or under Sections 118 and 119 of the Highways Act 1980.
3. Decisions on Certificates of Lawfulness shall not be delegated to the Head of Development Management but shall remain delegated to the Head of Legal and Democratic Services.
4. In respect of the South Downs National Park (in accordance with an agency agreement with the South Downs National Park Authority):-

All the above powers in respect of applications and other matters in the South Downs National Park.

B.4 HEAD OF HISTORIC ENVIRONMENT

- 1. Authority to approve the service of Urgent Works Notices.
- 2. Authority to issue a Section 215 Notice to require proper maintenance of land.

B.5 HEAD OF LANDSCAPE AND OPEN SPACES

- 1. Authority to issue Tree Preservation Orders, and to vary, modify or revoke such Orders.
- 2. Decisions on the confirmation (with or without modifications) of Tree Preservation Orders where no objections have been received or all objections which may have been received have been withdrawn.

3. Decisions on action to be taken following service of notice on the Council under s.211 of the Town and Country Planning Act 1990 (trees in a Conservation Area).
4. Authority to determine applications for consent required under a Tree Preservation Order to carry out work to a protected tree except those in respect of applications where:-
 - a. a Councillor registers a request that an application be referred to Committee by completing a standard form setting out material planning reasons and that the form be attached to the committee report;
 - b. a relevant Parish Council registers a request that an application be referred to Committee, setting out material planning reasons in the request, but only where the Parish Council views are contrary to the intended decision of the officer;
 - c. the application is submitted by or on behalf of the Council, or includes Council-owned land, the Head of Landscape and Open Spaces intends to grant permission and one or more objections has been received;
 - d. six or more representations, which the Head of Landscape and Open Spaces considers relate to material planning considerations, are received from separate individual addresses which are contrary to the intended decision of the officer;

(NB for the purposes of this exception, a petition will be regarded as one representation, regardless of the fact that addresses may have been included as part of signing the petition – the Council’s petition procedure specifically excludes planning applications);
 - e. the application relates to a Member or relevant Officer (namely Corporate Management Team Members, Assistant Directors, Heads of Teams, staff in the Development Management and Landscape and Open Spaces Teams and other staff who advise on planning matters) of the Council, in that the application:-
 - i.) has been submitted by them or on their behalf; or
 - ii.) affects land that they own or occupy; or
 - iii.) is one where they have made representations of support or objection and where (in respect of Members only) that representation would constitute a disclosable pecuniary or personal and prejudicial interest.

(NB under the Council's Planning Protocol all applications within this exception should be notified to the Head of Development Management and Head of Legal and Democratic Services).

5. Authority, in consultation with the Portfolio Holder for Environment, Health and Wellbeing, to agree the future release of money from the Open Space Fund for projects, worth up to £50,000.
6. In respect of hedgerows:-
 - (a) On receipt of a Hedgerow Removal Notice, authority to determine whether the hedge is important in accordance with the Hedgerow Regulations 1997), and;
 - (b) In the case of important hedges, to issue Hedgerow Retention Notices and Hedgerow Replanting Notices in accordance with the above Regulations

except (in both cases) in respect of hedgerows owned by the City Council, Members or Officers of the City Council.
7. Authority, in consultation with the Portfolio Holder for Environment, Health & Wellbeing and the local Ward Member(s), to determine applications for grants for environmental improvement in rural areas, up to £5,000.

(periodic reports listing the grants made under this authority to be circulated to Members in an appropriate form).
8. Operation of the Council's sporting and recreational facilities including special bookings.

B.6 HEAD OF PARKING SERVICES

1. The enforcement under the Road Traffic Act 1991 of parking restrictions including imposing and waiving parking penalty charge notices.
2. Authority to issue waivers to authorise parking in on-street parking bays and car parks.
3. Authority to close all or part(s) of off-street car parks for special events and circumstances and to suspend parking charges.
4. Authority to take all necessary action to maintain and protect the Council's interests in relation to proposals for local events and activities.
5. Advertising and approval of Off Street Parking Places Orders.

Highways Agency matters (all in accordance with the relevant Agency Agreement with Hampshire County Council) –

6. Operation of Residents' Parking Schemes and other on street parking restrictions.

B.7 TRAFFIC, TRANSPORT AND ENGINEERING MATTERS

District matters –

1. Authority to take all necessary action to maintain and protect the Council's interests in relation to proposals for local events and activities.

Highways Agency matters (all in accordance with the relevant Agency Agreement with Hampshire County Council)

2. Advising on the highway aspects of development control applications.
3. Approval of requests for tourism and other traffic signs, and ordering the required works.
4. Approval of requests and making orders for temporary road closures and temporary speed limit orders.
5. Approval of temporary signing by AA, RAC and other approved organisations.
6. Authority to investigate, progress and advertise traffic regulation orders that are non-contentious, without reference to Cabinet or the Cabinet (Traffic and Parking) Committee, providing the appropriate Ward Councillors are consulted and are in support of the proposal.

C ASSISTANT DIRECTOR (CHIEF HOUSING OFFICER)

1. Operation of the Council's Mutual Exchange scheme.
2. In consultation with Portfolio Holder for Housing Services (or in his/her absence the Leader), the transfer of tenancies to a person or persons left in occupation of a dwelling following the death or departure of the tenant where no legal right of succession exists.
3. Payment of removal expenses to tenants arising from the Council's policies including the tenants transfer incentive scheme.
4. Service of notices determining rights of occupation of Council owned houses including Notices to Quit in respect of deceased tenants or unlawful occupiers and Notices of Seeking Possession for rent arrears or persistent infringement of conditions of tenancy.

5. Authorisation of institution of proceedings for the recovery of possession of council dwellings for rent arrears or persistent infringement of conditions of tenancy.
6. The carrying out of technical evictions when a licence to re-occupy will be granted.
7. Recovery of rent arrears by distraint.
8. The repair, maintenance, modernisation and general management of all Housing Revenue Account properties, including sheltered housing schemes and any hostel(s) provided for the homeless.
9. The letting of plots of housing land for “allotment” purposes.
10. The sale of Council houses in accordance with the Right To Buy scheme.
11. Appointment of outside Housing, Building and Construction related consultants, subject to procurement rules set out in the Council’s Constitution.
12. Operation of housing rent collection.
13. Power to determine charges, in consultation with the Chief Finance Officer, for the following services:-
 - (a) heating charges
 - (b) guest bedroom charges in sheltered housing schemes
 - (c) door entry system
 - (d) garages on housing land
 - (e) private sewage treatment works.
 - (f) sheltered and general needs service charges calculated to recover actual costs on a scheme by scheme basis.
 - (g) Hostel licence charges.
14. Approval of house purchase or repair and improvement within the policy agreed by the Council.
15. Exceptions to the general rule of not accepting private requests to connect to HRA sewage treatment works (subject to the Head of Finance being satisfied that adequate financial provision is received in respect of both annual maintenance and future capital investment requirements, and subject to the Head of Legal and Democratic Services securing the appropriate legal agreement).
16. Authority in consultation with the Portfolio Holder for Housing Services (or in his/her absence the Leader), to determine housing allocation in exceptional cases.

17. Authority, in consultation with the Portfolio Holder for Housing Services (or in his/her absence the Leader) and the Head of Finance, to make exceptions to the requirements of the Disabled Adaptations policy relating to tenants contributions, where significant savings to the Housing Revenue Account arise, but without proportionate benefits to the tenants.
18. Authority to vary tenancy agreements for tenants who receive “support” services in accordance with the guidelines approved by Cabinet.
19. In respect of the provisions of Part 1 of the Housing Act 2004 (Housing Conditions), authority to issue notices and exercise all other enforcement powers in connection with the Housing Health and Safety Rating System.
20. Operation of the Council’s housings allocations scheme, including transfers (internal and external).
21. Negotiation and exercise of nomination rights.
22. Re-housing of applicants in unquestioned housing need outside the normal allocation process subject to reporting to the Cabinet (Housing) Committee every six months on the number and type of such cases housed in this manner.
23. Determination of applications under legislation dealing with homelessness.
24. Authority to decide whether homeless persons to whom the Council has a responsibility under Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002, be rehoused directly into standard Council accommodation or a hostel, or by way of preventing their homelessness, in line with the Department of Communities and Local Government’s commitment to preventing homelessness.
25. Authority to provide Disabled Facilities Grants (DFGs) in line with the Council’s statutory obligations under the Housing, Grants, Construction & Regeneration Act 1996. Authority to charge a set percentage against the costs of DFGs as appropriate for costs of administration.
26. Authority in consultation with the Head of Finance, to consider each case where a Home Improvement Grant repayment is required and to determine whether to apply any of the relaxations of the grant conditions prescribed in the Secretary of State’s General Consent.
27. To establish and maintain a separate waiting list for Shared Ownership and to review annually the maximum affordable household income to access the list.
28. In respect of the provisions of Part 1 of the Housing Act 2004 (Housing Conditions), authority to issue notices and exercise all other

enforcement powers in connection with the Housing Health and Safety Rating System. Authority to produce an Enforcement policy in line with the Council's obligations.

29. The repair, maintenance and general management of private sector properties leased or rented for housing purposes.
30. Authority, in consultation with the Portfolio Holder for Housing Services, to establish "Winchester Lets".
31. Authority in the determination of the statutory functions of the Council to carry out and apply all matters contained below, including the appointment of proper officers;

Public Health Act 1936, Part II and Part XII - Section 287	Prevention Of Damage by Pests Act 1949 Parts I and III
Caravan Sites and Control of Development Act 1960, Part XI - s.26	Public Health Act 1961
Local Government (Misc Provisions) Act 1976 Part I	Local Government (Misc Provisions) Act 1982 Sections 29 - 32 inclusive
Building Act 1984, Part IV – Sections 59 and 95	Local Government and Housing Act 1989, Part VII - Section 97
Environmental Protection Act 1990	Housing Act 2004 Parts I, II, III, IV, and VII

32. In respect of the provisions of Part 2 of the Housing Act 2004 (Licensing of Houses in Multiple Occupation), authority to:
 - (a) approve the issue of mandatory licences;
 - (b) exercise associated powers regarding revocation of licences and the approval of temporary exemption notices.
33. The making of Repair Notices; Closing Orders or Demolition Orders and Notices to remedy unsatisfactory conditions in or to abate overcrowding in Houses in Multiple Occupation under Sections 189, 190, 265, 338 and 352 respectively of the Housing Act 1985 and Deferred Action Notices under Section 82 of the Housing Grants, Construction and Regeneration Act 1996, whenever it is considered expedient to do so.
34. Authority to make a reasonable charge on a person for a service of notice requiring works to a House in Multiple Occupation under Section 352 of the Housing Act 1996; to recover expenses reasonably incurred in carrying out, in default of the person on whom notice was served, works required to be carried out by a notice under: Section 189 or 190 (Repair Notice); Section 265 (Demolition Order) or Section 366 (notice to remedy unsatisfactory conditions in a House in Multiple Occupation).

35. Any of the duties, authorities and responsibilities named under C.1 to C.3 below.

C.1 **HEAD OF HEALTH AND WELLBEING**

None Specific

C.2 **HEAD OF NEW HOMES DELIVERY**

None specific.

C.3 **HEAD OF SPORTS AND PHYSICAL ACTIVITY**

None specific.

Proper Officer Functions

Under the terms of the Local Government Act, 1972 (or other statute mentioned) a “proper officer” has been appointed in relation to certain statutory provisions. Where a deputy is specified in the schedule he shall act in the absence of the specified proper officer.

<u>Officer</u>	<u>Deputy</u>	<u>Section of the Local Government Act 1972</u>	<u>Functions</u>
CX	HLDS	Any reference made in any enactment passed before or during the 1971-1972 Session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 th October 1972 to the Clerk of the Council or the Town Clerk of a Borough which, by virtue of any provision of the said Act is to be construed as reference to the proper officer of the Council.	
CX	HLDS	83(1)-(4)	Witness and receipt of Declarations of acceptance of office.
CX	HLDS	84	Receipt of Declaration of resignation of office.
CX	HLDS	88(2)	Convening of meeting of Council to fill casual vacancy in the office of Chairman.
HLDS		89(1)(b)	Receipt of notice of casual vacancy from two Local Government Electors.
CX	HLDS	Schedule 12 para 4(2)(b)	Signature of Summonses to Council meetings.
HLDS	-	Para 4(3)	Receipt of notices regarding address to which summons to meeting is to be sent.
HLDS		100(B)	Determination of exempt information.

<u>Officer</u>	<u>Deputy</u>	<u>Section of the Local Government Act 1972</u>	<u>Functions</u>
CX, Corporate Director (Service Delivery), Corporate Director (Professio nal Services), Assistant Directors, Heads of Teams.	-	100(D)	Determination of which papers constitute background documents.
HLDS		100(F)	Determination of Members access to documents.
HoF	Appointed by HoF	115(2)	Receipt of money due from officers.
HoF	Appointed by HoF	146(1)(a) & (b)	Declarations and certificates with regard to securities.
HoF	Appointed by HoF	151	Responsibility for the administration of the financial affairs of the Council.
CX	HLDS	225(1)	Deposit of documents.
HLDS		229(5)	Certification of photographic documents.

<u>Officer</u>	<u>Deputy</u>	<u>Section of the Local Government Act 1972</u>	<u>Functions</u>
CX Corporate Director (Service Delivery), Corporate Director (Professio nal Services, Assistant Directors/ Heads of Teams	-	234(1) & (2)	Authentication of documents.
HLDS		239(9)	To send copies of bye-laws for Parish Records.
HLDS		236(10)	To send copies of bye-laws to the County Council.
HLDS		238	Certification of bye-laws.
HLDS		248	Keeping of Roll of Freemen.
HLDS		Schedule para 25(7)	14 Certification of resolutions under para 25 of Schedule 14.
CX	HLDS	Schedule para 28	16 Receipt of deposit of lists of protected buildings.
HIMT	-	191	Functions with respect to the Ordnance Survey.

		<u>Section of the Representation of the People & Electoral Administration Acts</u>	
HLDS		Various Section of the Local Government and Housing Act 1989	All relevant provisions. Function
CX	Appointed by CX. Appointed by Monitoring Officer. HLDS	4	Head of Paid Service
HLDS		5	Monitoring Officer
CX		15-17	Receipt and service of notices re political balance provisions.
HLDS		19	Receipt of notices of members' interests and maintenance of records.

<u>Officer</u>	<u>Deputy</u>	<u>Section of Act</u>	<u>Function</u>
		<u>Local Government Act 2000</u>	
HLDS (as Monitoring Officer)		Various	All proper officer functions relating to the Council's Constitution and to access to information and functions under the Data Protection Act 1998 and the Freedom of Information Act 2000 (except those under s.36 outlined below).
CX and HLDS (as Monitoring Officer)		<u>Freedom of Information Act 2000, Section 36</u>	"...Information to which this section applies is exempt information, if in the reasonable opinion of a qualified person, disclosure of the information under this Act would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs...."
		<u>Section of the Regulation of Investigatory Powers Act 2000</u>	
HLDS		28, 29 and 30	Authority to specify by name those officers who can authorise directed surveillance.

NB With regard to the Regulation of Investigatory Powers Act 2000, a copy of any authorisation must be forwarded to the Head of Legal and Democratic Services to be retained on the central register of authorisations required by the Code of Practice.

Abbreviations:

CX – Chief Executive

HLDS – Head of Legal and Democratic Services

HIMT – Head of IMT Services

HoF – Head of Finance