

Part 8

Scheme of Delegations and Designations of Proper Officers

SWINDON BOROUGH COUNCIL

**SCHEME OF DELEGATIONS
DESIGNATIONS OF "PROPER OFFICERS"**

KEY

	Chief Executive	-	CE
	Head of Internal Audit	-	HIA
	Corporate Director Resources and Transformation	-	CDRT
	Corporate Director Resources and Growth	-	CDRG
	Director of Law & Democratic Services	-	DLDS
	Director of Finance (s151 Officer)	-	DF
	Head of Revenues and Benefits	-	HRB
	Head of People, Performance and Engagement	-	HPPED
	Director of Human Resources & Organisational Development	-	CDHR
	Head of Customer and Business Services	-	HCBS
	Head of Property Assets	-	HPA
	Corporate Director Communities & Place	-	CDCH
	Corporate Director Communities and Housing	-	CDCH
	Head of Housing Management and Community Safety	-	HHMCS
	Head of Streetsmart	-	HS
	Head of Highways and Transport	-	HHT
	Head of Property Maintenance	-	HPM
	Head of Planning, Regulatory Services and Heritage	-	HPRSH
	Head of Localities, Community Involvement and Volunteering	-	HLCIV
	Corporate Director Economy, Regeneration and Skills	-	CDERS
	Head of Planning, Regulatory Services and Heritage	-	HPRSH
	Head of Property Assets	-	HPA
	Director of Children's Services	-	DCS
	Corporate Director of Children's Services	-	DCS
	Director of Adult Services	-	DAS
	Corporate Director of Adult Social Services and Health	-	DPH
	Director of Public Health	-	DPH

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Swindon Borough Council - Scheme of Delegations ~~2017~~2018/1819

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SCHEME OF DELEGATIONS

GENERAL

- (a) This scheme of delegations is part of the Council's Constitution and sets out the powers/functions delegated to specific officers.
- (b) All references to Acts, Orders, regulations etc. in the Scheme of Delegations shall be deemed to include references to amending, substituted or extending legislation in force from time to time.
- (c) Any reference to the power to prosecute or to enforce the provisions of any Act, Order or Regulation etc., or to commence or institute legal proceedings in respect of any matter shall include the power to decide whether to prosecute, enforce provisions or judgements or commence proceedings, as well as all other action in the matter (including in appropriate cases, the power to withdraw proceedings).
- (d) Any officer or officers exercising powers under the Scheme of Delegations shall have regard to any resolution of the Council on any matter of principle or policy relating to the power being exercised and shall consult, as appropriate, with the relevant Cabinet Member and/or Ward Councillor(s). A Cabinet Member Briefing Note should be used when officers are to make decisions of a "high-profile" or potentially contentious nature and where the agreement of the Cabinet Member with portfolio responsibility for the service concerned is felt to be necessary either for the use of the delegated power or to confirm that the decision should not be made at Member level.
- (e) To facilitate the scrutiny of decisions made under delegated authority, any officer dealing with a matter under a delegated authority shall keep an adequate record of the exercise of that power in accordance with the Council's reporting arrangements, in a form determined by the Director of Law and Democratic Services.
- (f) In any case where an Officer is appointed or authorised to exercise powers and/or functions under the Scheme of Delegation s/he may (i) authorise such other Officer under his or her direct control to exercise the powers and/or functions on his/her behalf as s/he may determine and (ii) may make such arrangements for the exercise of such powers and/or functions in the event of his/her being absent or otherwise unable to act, by any other Officer of the Council under his/her direct control as s/he considers appropriate; subject to such authorisation and /or such arrangements being in written form indicating the Officers empowered to exercise the powers and/or functions, and the powers and/or functions involved, and to a copy being lodged with the Director of Law and Democratic Services.
- (g) The Chief Executive, Corporate Directors, Directors and Heads of Service, and other officers nominated by them, in consultation with the appropriate Cabinet Member, are authorised to approve Members' attendance at external conferences, courses, seminars and similar meetings.

- (h) The Chief Executive, Corporate Directors, Directors and Heads of Service, and other officers nominated by them, are hereby authorised to enter and inspect land and premises and carry out tests in pursuance of such of the Council's statutory functions as are within their respective terms of reference, and to act as designated officers in any contracts entered into by the Council which are being administered by them.
- (i) The Director of Law and Democratic Services is authorised to affix the Common Seal to contracts required by Standing Orders to be executed under the Common Seal and to all other documents required to be sealed.
- (j) The Chief Executive, Corporate Directors, Directors and Heads of Service are authorised to exercise the '*General Power of Competence*' in their respective service areas, in consultation with the relevant Cabinet Member and relevant Ward Councillors, provided that any resource implications are fully assessed and can be contained within existing budgets and are in accordance with the following Protocol for delegated use of the power:-
- Publish proposals in Members Bulletin
 - Identify the relevant resource and service planning
 - Give time period for responses
 - Confirm that the proposals are legal
 - If no objection from Ward Councillors, Cabinet Member or other Members, proceed and produce a Cabinet Briefing Note to confirm action
 - If objections or other proposals are raised, do not proceed without agreement of Cabinet
- (k) In the event of any of the Corporate Director, Director or Head of Service posts being unfilled, the Chief Executive shall be authorised to appoint an officer to carry out the duties of that post, unless statute otherwise directs
- (l) In the event of any post exercising delegated powers being unfilled or no longer on the establishment, the Chief Executive may authorise such delegation to be exercised by such other officer under his or her direct control as he/she may determine, subject to (i) such arrangements being in written form, indicating the officers empowered to exercise that delegation, and (ii) to a copy being lodged with the Director of Law and Democratic Services. In the absence of any such authorisation, the Chief Executive shall be empowered to exercise the delegated authority.
- (m) With regard to Article 15.03, that changes to the Constitution will only be approved by the full Council (or Special Committee), such article will not apply in relation to proposed changes in the job title of an officer in the Council's Management Structure (Part 7 of the Council's Constitution refers). The approval of such changes is delegated to the Chief Executive (rather than by Council or Special Committee), in consultation with the Group Leaders, with the Director of Law and Democratic Services then authorised to make the necessary changes to the Management Structure chart in the Constitution.

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**Subject/
Enabling Statute**

Authority

Inspections

CE

- | | | |
|---|---|---|
| 1 | Inspections
<i>Local Government Changes for
England Regulations 1994
Paragraph 26(2)</i> | With the Director of Law and Democratic
Services, together with such other officers as
they shall determine, to be authorised to inspect
and take copies of any books, documents,
papers or records of whatever description,
wherever held and in whatever form. |
|---|---|---|

Indemnities

CE

- | | | |
|---|---|--|
| 2 | Indemnities
<i>Local Authorities (Indemnities
for Members and Officers)
Order 2004</i> | To approve the granting of an indemnity in
accordance with the Council's Indemnity
Policy. |
|---|---|--|

Council's Management structure

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Changes in the job title of an
officer in the Council's
Management Structure

To approve changes in the job title of an officer
in the Council's Management Structure in
consultation with the Group Leaders. (The
Director of Law and Democratic Services is
authorised to make consequent changes to the
Management Structure chart in the
Constitution.)

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HEAD OF INTERNAL AUDIT				Formatted: Font: Bold
	<u>Subject/ Enabling Statute</u>		<u>Authority</u>	Formatted: Centered
<u>Fraud Investigation</u>			HA	Formatted: Font: Bold
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	<u>Fraud Investigation Social Security Administration Act 1992 & The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013</u>		<u>In conjunction with the Head of Revenues and Benefits, to undertake fraud investigations and implement sanctions.</u>	Formatted: Font: Bold
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	<u>Fraud Investigation Prevention of Social Housing Fraud Act 2014</u>		<u>In conjunction with the Head of Revenues and Benefits, to undertake investigations under the Fraud Act and the Prevention of Social Housing Fraud Act 2014</u>	Formatted: Font: 12 pt
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<u>Health and Safety</u>			HA	Formatted Table
89	<u>Health and Safety Explosives Act 1875 Explosives Act 1975 Health and Safety at Work etc. Act 1974</u>		<u>To be an inspector and exercise the Council's functions. (exercised concurrently with the Head of Planning, Regulatory Services and Heritage)</u>	Formatted: Centered
				Formatted: Table Text
90	<u>Health and Safety at Work Health and Safety at Work etc. Act 1974</u>		<u>To exercise the functions of the Council in relation to the Health and Safety at Work etc. Act 1974. (exercised concurrently with the Director of Public Health and the Head of Planning, Regulatory Services and Heritage)</u>	
91	<u>Sanitary Conveniences in Workplaces Section 65, Building Act 1984</u>		<u>To serve notices requiring the provision of sanitary conveniences in workplaces. (exercised concurrently with the Director of Public Health)</u>	
92	<u>Sunday Trading Sunday Trading Act 1994</u>		<u>To enforce the provisions of the Act. (exercised concurrently with the Director of Public Health and the Head of Planning, Regulatory Services and Heritage)</u>	

CORPORATE DIRECTOR RESOURCES AND TRANSFORMATION
CORPORATE DIRECTOR RESOURCES AND GROWTH

DIRECTOR OF LAW & DEMOCRATIC SERVICES

***Subject/
Enabling Statute***

Authority

Elections

DLDS

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| 3 | Elections | To be (a) the Electoral Registration Officer for the Constituencies of North Swindon and South Swindon, and (b) the Returning Officer for the elections of Councillors of the Borough of Swindon and Councillors of Parish Councils within the Borough, and the conduct of other elections and referenda under relevant legislation. |
|---|-----------|--|

Court Proceedings

DLDS

- | | | |
|---|---|--|
| 4 | Legal Proceedings - Magistrates' Court, Crown Court and the Higher Courts | To prosecute, institute or defend any legal proceedings on behalf of the Council, and to appear on their behalf, and to conduct proceedings in the Magistrates' Court and the Crown Court and the Higher Courts and in any other forum. |
| 5 | Legal Proceedings - County Court, High Court and any other Tribunal | To institute and carry on, or defend, civil proceedings in the County Court or High Court or any other Tribunal (including proceedings for an Injunction) on behalf of and in the name of the Council and to take such enforcement action in the Court proceedings as may be considered appropriate. |

6	Legal Proceedings - Parking Offences <i>Section 112 of the Road Traffic Regulation Act 1984, Section 35(4) of the Road Traffic Regulation Act 1984 Section 112(4) of the Road Traffic Regulation Act 1984</i>	(i) To require information from any person as to the identity and address of the driver of the vehicle who is alleged to have committed an offence under Section 35(4) of the Road Traffic Regulation Act 1984, (Failure to comply with or contravention of Off-Street Parking Places Order); and (ii) To institute legal proceedings against any person who fails to give information requested under paragraph (i) above.
Subject/ Enabling Statute		Authority

Court Proceedings		DLDS
7	Legal Proceedings - Conclusion and Settlement	To conclude or settle any legal proceedings to which the Council is a party.
8	Solicitor to the Council	To act as Solicitor to the Council and to instruct other Solicitors or Barristers to represent the Council.
9	Removal of Vehicles/Property <i>Section 78 of the Criminal Justice and Public Order Act 1994</i>	At the request of the relevant Director, to apply to the Magistrates Court for an order providing for the removal of any vehicle or other property present on land within the Borough Council's area, and any person residing in a vehicle.
10	Legal Proceedings - Parking Offences <i>Section 31 of the Road Traffic Regulation Act 1967, as amended, or Section 35 of the Road Traffic Regulation Act 1984,</i>	To institute legal proceedings against: (a) any driver, as defined in any order making provision for the use of parking places within the Borough of Swindon who fails to display a current parking ticket in contravention of the Order; or (b) any person who fails to provide information, in contravention of any such order as is mentioned above; or (c) any driver, as defined in any Order as aforesaid, who leaves a vehicle in excess of the weight limit applying to that parking place, in a parking place.
11	Legal Proceedings - Assaults on Council Employees	Where employees are physically assaulted by the public whilst undertaking official duties, or in circumstances associated with those duties, and the police have reason not to prosecute, in appropriate cases, to instruct outside solicitors to pursue prosecutions against the individual(s) concerned and to apply to the County Court for injunctions to safeguard employees in appropriate circumstances.

12	Stopping Up Orders <i>Section 116 of the Highways Act 1990</i>	On the recommendation of the Head of Highways and Transport, to apply for stopping up orders. Where an application is aimed at the request of a third party, the Council's costs in making the application are to be recovered from that person.
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Subject/ Enabling Statute	Authority
Court Proceedings	
DLDS	

13	Legal Proceedings – Advertisements <i>Town and Country Planning Act (1990) – Section 224</i>	At the request of the Head of Streetsmart, to prosecute pursuant to Section 224 of the Town and Country Planning Act (1990) any person who displays an advertisement in contravention of the regulations under section 220 of the Town and Country Planning Act 1990.
14	Legal Proceedings – Housing and Council Tax Benefits Fraud <i>Sections 111, 112 and 116 of the Social security Administration Act 1992 and Section 35 of the Fraud Act</i>	To prosecute and delegate the authority for the prosecution of cases of Housing and Council Tax Benefits Fraud: S111 - Dishonestly making false claims or statements or withholding information about relevant changes S112 - Knowingly making false claims or statements or withholding information about relevant changes (Section 112) S116 - to give authority to prosecute or delegate authority under section 111 or 112 for cases where the offence may have been committed in excess of 12 months previous, but the offence has only recently been discovered. S35 (Fraud Act) – fraud by false representation and fraud by failing to disclose information.

Health and Public Protection		DLDS
15	Certificates in respect of Summary Proceedings <i>Section 34(3) of the Health and Safety at Work etc. Act 1974</i>	To issue certificates in respect of summary proceedings for an offence under Section 34(3) of the Health and Safety at Work etc. Act 1974.

16	Burial Grants	To issue burial grants for such periods up to 100 years as he shall determine.
17	Right of Burial <i>Local Government Act 1972</i> <i>and the Cemeteries Order</i>	To sign grants of right of burial.

Subject/ Enabling Statute	Authority
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Health and Public Protection		DLDS
18	Licensing <i>Licensing Act 1964</i>	On the advice of the Head of Planning, Regulatory Services and Heritage, to object on behalf of the Council to applications for licences, certificates or permits under the Licensing Act 1964.
19	Health and Safety <i>Explosives Act 1875</i> <i>Explosives Act 1975</i> <i>Health and Safety at Work etc. Act 1974</i> <i>Fire Precautions Act 1971</i>	To be an inspector and exercise the Council's functions.

Planning and Development Control		DLDS
20	Planning Agreements <i>Section 106 of the Town and Country Planning Act 1990,</i> <i>and Sections 38 and 278 of the Highways Act 1980</i>	On the request of the Head of Planning, Regulatory Services and Heritage, to enter into Planning Agreements.
21	Planning Notices <i>Sections 171C, 172, 183, 187A, 187B and 215 of the Town and Country Planning Act 1990 (as amended) and Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)</i>	On the request of the Head of Planning, Regulatory Services and Heritage, to: (a) issue or withdraw notices and; (b) serve notices requisitioning information needed prior to the issuing of notices under (a) above; except that this Authorisation does not extend to breaches of planning control which would have constituted major development had the development been the subject of a planning application or breaches of planning control which are in accordance with the approved or draft development plan.

22 Community Infrastructure
Levy Regulations, 2010 (as
amended)

On the request of the Head of Planning,
Regulatory Services and Heritage, to provide
advice on the interpretation and application of the
CIL Regulations and the issue of the CIL Notices
and undertake CIL Enforcement Action.

Subject/ Enabling Statute	Authority
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Housing		DLDS
23	Notices and Possession Action <i>The relevant Housing Acts and the Law of Property Act 1925</i>	To sign notices and take possession action under the Housing Acts, to sign notices to determine licences and notices to quit premises held under non-secure tenancies. <i>(The authorisation to sign notices under Section 83 of the Housing Act 1985 is exercised concurrently with the Head of Housing Management and Community Safety)</i>

Property		DLDS
24	Acquisition or disposal of land	To conclude agreements for the acquisition or disposal of land (including leasehold interest) as authorised by the Council or as requested by the Head of Property Assets in the exercise of his delegated powers.
25	Notices - Agricultural Tenancies	To sign notices in relation to agricultural tenancies.
26	Notices - Business Tenancies	To sign notices relating to business tenancies.

Appointments		DLDS
27	Education Appeals Panels	To appoint suitably qualified persons to serve on Education Appeals Panels.
28	Wiltshire Valuation Tribunal	To exercise the Council's powers to fill tribunal vacancies, such appointments and lists of persons nominated to be reported to the Cabinet.

Subject/ Enabling Statute	Authority
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Town Twinning		DLDS
29	Town Twinning Grants	Within the resources available, and following consultation with the appropriate Cabinet Member, the Chief Executive and the Town Twinning Network, to approve grants to support twinning activities.

Indemnities		DLDS
30	Indemnities <i>Local Authorities (Indemnities for Members and Officers) Order 2004</i>	To approve the granting of an indemnity in accordance with the Council's Indemnity Policy. To arrange additional insurance cover for legal costs for Members in relation to Code of Conduct claims and to extend the insurance cover for Libel and Slander claims made against them by capping the 10% Members Contribution at £1,000.

Clean Neighbourhoods		DLDS
31	Cleaning up of land in private ownership <i>Clean neighbourhoods and Environment Act 2005 Section 215 of the Town and Country Planning Act (1990)</i>	At the request of the Head of Planning, Regulatory Services and Heritage, to issue notices requiring the clean-up of land in private ownership, where the amenity of the neighbourhood is adversely affected, and to take legal action if such notices are not complied with, including recovery of costs.

Anti-Social Behaviour		DLDS
32	Community Protection Notices <i>Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014</i>	At the request of the Head of Housing and Community Safety, to seek Civil Injunctions and, where appropriate, make applications for breach.
33	Public Space Protection Orders <i>Chapter 2 Anti-Social Behaviour, Crime and Policing Act 2014</i>	To make Public Space Protection Orders following consultation with the appropriate Cabinet Member and relevant Officer.

Subject/ Enabling Statute		Authority
General		DLDS
34	Entering Premises	On the advice of the relevant Officer, to apply to a court for a warrant in order to enter premises or commence proceedings for obstruction where lawful entry has been refused.
35	Information as to Ownership and Occupation <i>Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, Section 330 of the Town and Country Planning Act 1990, and Section 93 of the Control of Pollution Act 1974</i>	To sign requisitions for information as to ownership and occupation on all persons having an interest in premises.
36	Data Protection and Freedom of Information <i>Data Protection Act 1998 Freedom of Information Act 2000</i>	To be responsible for devising, implementing and maintaining the Council's policies and procedures in relation to Data protection and Freedom of Information.
37	Petitions	To co-ordinate the receipt and consideration of petitions and to refer the matter to the appropriate Corporate Director, Director or Head of Service, Cabinet Member or Council body.
38	Children in care - Acceptance of money or other gifts from third parties	jointly with the Director of Finance (s151 Officer) , to accept money or other gifts from third parties for and on behalf of children or young persons in care and to hold or convert such money or gifts on their behalf and to their benefit.
39	Fees <i>Marriage Act 1994</i>	On an annual basis, to increase fees charged by the Council under the provisions of the Marriage Act 1994 to ensure that the Council's costs are met.
40	Investigatory Powers <i>Regulation of Investigatory Powers Act 2000</i>	To maintain and keep under review a central register of authorisations issued under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.

Subject/ Enabling Statute		Authority
General		DLDS
41	Joint arrangements with Wiltshire Council	To renew the joint agreement with Wiltshire Council for the provision of support services to the Lord Lieutenant and High Sheriff of Wiltshire.
42	Non-standard Citizenship and other non-statutory Ceremonies, events and activities	To set future fees for non-standard Citizenship and other non-statutory Ceremonies, events and activities (including Weddings at the Civic Offices) in consultation with the Leader of the Council.
43	Civil Partnerships <i>Civil Partnership Act 2004</i>	To have overall responsibility for civil partnership issues within the Council, including authorising people to attest notices of proposed Civil Partnership and designating Civil Partnership Registrars. To set fees associated with Civil Partnership and associated ceremonies.

HEAD-OF-REVENUES-AND-BENEFITS

Commented [SJ(6)]: Changed reporting line .. now reports to S151 officer.

Subject/ Enabling Statute		Authority
Council Tax and National Non-Domestic Rates		HRB
44	Council Tax and National Non-Domestic Rates discounts and exemptions Local Government Finance Acts 1988 and 1992	To administer & review Council Tax and National Non-Domestic Rates discounts and exemptions in accordance with the Local Government Finance Acts 1988 and 1992.
45	Billing and Collection	To bill and collect the Council Tax, National Non-Domestic Rate and Miscellaneous debts, including instituting and carrying on enforcement proceedings.
46	Mandatory and Discretionary Relief Local Government Finance Act 1988	To determine applications from charitable and non-profit making organisations for mandatory and discretionary relief in respect of liability for National Non-Domestic Rates in consultation with the Director of Law and Democratic Services and the Director of Finance (s151 Officer).
47	Village Shop Relief Non-Domestic rating (Rural Settlements) (England) Order 1997	To determine applications for discretionary rate relief from businesses in rural settlements ("Village Shop Relief") in consultation with the Director of Law and Democratic Services and the Director of Finance (s151 Officer).
48	Hardship Relief Local Government Finance Act 1988	To determine applications for discretionary relief from businesses sustaining hardship Rates in consultation with the Director of Law and Democratic Services and the Director of Finance (s151 Officer).
49	Legal Proceedings Section 223(1), Local Government Act 1972	To (a) prosecute or defend on behalf of the Council or (b) appear on the Council's behalf in proceedings before a Magistrates Court, in relation to the Council Tax, Community Charge and the National Non-Domestic Rate Rates in consultation with the Director of Law and Democratic Services and the Director of Finance (s151 Officer).

<i>Subject/ Enabling Statute</i>	<i>Authority</i>
Council Tax and National Non-Domestic Rates	
HRB	
50 Tribunal guidance that all local Councils should adopt policies for discretionary discounts	<p>In consultation with the Cabinet Member Finance and Corporate Services, the Director of Law and Democratic Services and the Director of Finance (s151 Officer) be authorised to:</p> <ul style="list-style-type: none"> • determine applications for Council Tax Discretionary Discounts. • determine applications for exemption from the Council Tax Empty Homes Premium.
Recovery	
HRB	
51 Distraint and Recovery	To distrain (taking control of goods) for rent, council tax and national non-domestic rates owing to the Council and recover costs to which the Council are entitled.
Benefits	
HRB	
52 Administration of Benefits Schemes Housing Benefit (General) Regulations 1987 Council Tax Benefit (General) Regulations 1992 Community Charge Benefit (General) Regulations 1989	To administer the Council Tax and Housing Benefits Schemes in accordance with current legislation.
53 Discretionary Housing Payments Discretionary Financial Assistance Regulations 2001 and Local Welfare Assistance Payments	<p>To determine applications for discretionary housing payments and any similar discretionary payment scheme in consultation with the Director of Law and Democratic Services and the Director of Finance (s151 Officer).</p> <p>-</p>

54	Fraud Investigation Social Security Administration Act 1992 & The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013	In conjunction with Internal Audit, to undertake fraud investigations and implement sanctions.
55	Contract for outsourced Benefits services	To be the Council's "Authorised Officer" as defined in the contract for outsourced Benefits and Revenues services.
56	Partial-Empty Rate Relief Section 44A of the Local Government Finance Act 1988	To grant partial-empty rate relief in respect of hereditaments which are partly occupied.
57	Rating Agent	To ensure the Council limits its rating liability via the use of rating agents.

DIRECTOR OF FINANCE (S151 OFFICER)

<i>Subject/ Enabling Statute</i>	<i>Authority</i>
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Council - Financial Management	DF
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| 58 | Financial Management of the Council
<i>Accounts and Audit (Amendment)(England) Regulations 2006</i> | To be responsible for ensuring that the Financial Management of the Council is adequate and effective and has a sound system of internal control which facilitates the effective exercise of its functions and which includes the management of risk. |
| 59 | Award of Government Grants | In consultation with the appropriate Cabinet Member, to be the authorised officer to accept the award of Government Department grants. |

Council Tax and National Non-Domestic Rates	DF
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| 60 | Collection and General funds
<i>Local Government Finance Act 1988</i> | To establish, maintain and manage a Collection Fund and General Fund. |
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Core Finance	DF
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| 61 | Accounting policies and procedures
<i>Section 24(6) of the Local Government (Miscellaneous Provisions) Act 1976</i> | To determine accounting policies and procedures in accordance with legislative provisions and professional codes of practice. |
| 62 | Writing off losses | To write off losses and deficiencies of stocks and stores or irrecoverable amounts in accordance with Financial Regulations. |
| 63 | Investment | To invest and reinvest monies forming part of all funds under the control of the Council. |

Subject/ Enabling Statute		Authority
Core Finance		DF
64	Loans	To borrow from the Public Works Loans Board or such other sources as may be deemed advisable such sums as may be required.
65	Premature repayment of loans	To approve the premature repayment of loans made to the Council.
66	Determination of Rate of Interest <i>Public Health Acts or the Housing Acts</i> <i>Section 24(6) of the Local Government (Miscellaneous Provisions) Act 1976</i>	To determine what reasonable rate of interest should be charged on any outstanding cost in relation to work carried out by the Council in default and on any expense in accordance with Section 24(6) of the Local Government (Miscellaneous Provisions) Act 1976.
67	Banking arrangements	To make and manage such banking arrangements as may be deemed necessary.
68	Banking arrangements - collection and payment	To make arrangements for the collection and payment into the Authority's bank accounts of all monies due to the Council.
69	Leasing of Assets	To negotiate and agree leasing arrangements in relation to asset acquisitions.
70	Superannuation and retirement due to ill health or disability	In accordance with such Council policies as may from time to time be determined, to implement in favour of any employee or his/her dependants, the legislation, rules and regulations relating to Superannuation, retirement due to ill health or disability and any payments or gratuities arising and to exercise any options open to the Council hereunder.
71	Insurance	To manage the Council's insurances.
72	Children in Care - Acceptance of money or other gifts from third parties	Jointly with the Director of Law and Democratic Services, to accept money or other gifts from third parties for and on behalf of children or young persons in care and to hold or convert such money or gifts on their behalf and to their benefit.

<i>Subject/ Enabling Statute</i>	<i>Authority</i>
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Core Finance		DF
73	Purchase Agency Agreements	To enter into such "Purchase Agency Agreements" as are considered consistent with current Council Policy.
74	Magistrates Courts and Probation Services	To authorise capital or revenue expenditure in excess of approved estimates where the item is supported and funded in full or in part by the Lord Chancellor's Department and/or Home Office.
75	Signing and endorsement of cheques etc.	To sign and endorse cheques, certificates and the like on behalf of the Council.
76	Debt Management	To write off irrecoverable amounts in accordance with the Corporate Debt Management Policy.
77	Mortgage Interest Rates	To vary the Council's mortgage interest rates in accordance with variations in the Standard National Rate.

Grants		DF
78	W.G. Little Scholarship and Band Concert Fund	In accordance with the agreed mechanism, to approve the making of grants to individuals and organisations up to a maximum of £1000.
79	Powell Ground Trust	In accordance with the agreed mechanism, to approve the making of grants to individuals.
80	Charles Langley Brooke Charity	In accordance with the agreed mechanism, to approve the making of grants to individuals.

Money Laundering		DF
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81	Money Laundering <i>Proceeds of Crime Act 2002</i> <i>Money Laundering Regulations</i> 2007 <i>Terrorism Act 2000</i>	To be responsible for devising, implementing and maintaining the Council's policies and procedures in relation to money laundering.
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HEAD OF REVENUES AND BENEFITS

Commented [SJ(7)]: Changed reporting line

<u>Subject/ Enabling Statute</u>	<u>Authority</u>
Council Tax and National Non-Domestic Rates	
HRB	
44 <u>Council Tax and National Non-Domestic Rates discounts and exemptions</u> <u>Local Government Finance Acts 1988 and 1992</u>	To administer & review Council Tax and National Non-Domestic Rates discounts and exemptions in accordance with the <u>Local Government Finance Acts 1988 and 1992</u> .
45 <u>Billing and Collection</u>	To bill and collect the Council Tax, National Non-Domestic Rate and Miscellaneous debts, including instituting and carrying on enforcement proceedings.
46 <u>Mandatory and Discretionary Relief</u> <u>Local Government Finance Act 1988</u>	To determine applications from charitable and non-profit making organisations for mandatory and discretionary relief in respect of liability for National Non-Domestic Rates in consultation with the Director of Law and Democratic Services and the Director of Finance (s151 Officer).
47 <u>Village Shop Relief</u> <u>Non-Domestic rating (Rural Settlements) (England) Order 1997</u>	To determine applications for discretionary rate relief from businesses in rural settlements ("Village Shop Relief") in consultation with the Director of Law and Democratic Services and the Director of Finance (s151 Officer).
48 <u>Hardship Relief</u> <u>Local Government Finance Act 1988</u>	To determine applications for discretionary relief from businesses sustaining hardship Rates in consultation with the Director of Law and Democratic Services and the Director of Finance (s151 Officer).
49 <u>Legal Proceedings</u> <u>Section 223(1), Local Government Act 1972</u>	To (a) prosecute or defend on behalf of the Council or (b) appear on the Council's behalf in proceedings before a Magistrates Court, in relation to the Council Tax, Community Charge and the National Non-Domestic Rate Rates in consultation with the Director of Law and Democratic Services and the Director of Finance (s151 Officer).

<u>Subject/ Enabling Statute</u>	<u>Authority</u>
<u>Council Tax and National Non-Domestic Rates</u>	
<u>HRB</u>	
50 <u>Tribunal guidance that all local Councils should adopt policies for discretionary discounts</u>	<p>In consultation with the Cabinet Member Finance and Corporate Services, the Director of Law and Democratic Services and the Director of Finance (s151 Officer) be authorised to:</p> <ul style="list-style-type: none"> • <u>determine applications for Council Tax Discretionary Discounts.</u> • <u>determine applications for exemption from the Council Tax Empty Homes Premium.</u>
<u>Recovery</u>	
<u>HRB</u>	
51 <u>Distraint and Recovery</u>	<u>To distrain (taking control of goods) for rent, council tax and national non-domestic rates owing to the Council and recover costs to which the Council are entitled.</u>
<u>Benefits</u>	
<u>HRB</u>	
52 <u>Administration of Benefits Schemes</u> <u>Housing Benefit (General) Regulations 1987</u> <u>Council Tax Benefit (General) Regulations 1992</u> <u>Community Charge Benefit (General) Regulations 1989</u>	<u>To administer the Council Tax and Housing Benefits Schemes in accordance with current legislation.</u>
53 <u>Discretionary Housing Payments</u> <u>Discretionary Financial Assistance Regulations 2001 and Local Welfare Assistance Payments</u>	<u>To determine applications for discretionary housing payments and any similar discretionary payment scheme in consultation with the Director of Law and Democratic Services and the Director of Finance (s151 Officer).</u>

<u>54</u>	<u>Fraud Investigation Social Security Administration Act 1992 & The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013</u>	<u>In conjunction with Internal Audit, to undertake fraud investigations and implement sanctions.</u>
<u>55</u>	<u>Contract for outsourced Benefits services</u>	<u>To be the Council's "Authorised Officer" as defined in the contract for outsourced Benefits and Revenues services.</u>
<u>56</u>	<u>Partial Empty Rate Relief Section 44A of the Local Government Finance Act 1988</u>	<u>To grant partial empty rate relief in respect of hereditaments which are partly occupied.</u>
<u>57</u>	<u>Rating Agent</u>	<u>To ensure the Council limits its rating liability via the use of rating agents.</u>

**DIRECTOR OF HUMAN RESOURCES & ORGANISATIONAL DEVELOPMENT HEAD OF
PEOPLE, PERFORMANCE AND ENGAGEMENT**

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Subject/ Enabling Statute	Authority
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Recruitment and Selection		HPPE DHRO D
82	Employment Practices	To implement any other matters relating to such employment practices as may have been approved by the Council.
83	Grading of Posts	To determine the grading of posts.
84	Lodging Allowances	To approve requests for extensions to the Council's Lodging Allowance Scheme.
85	Disclosure and Barring Service	To undertake the role of lead Counter signatory on behalf of the Council.

Employee Relations		HPPE DHRO D
86	Trades Unions	To negotiate on behalf of the Council with any Trades Union recognised by the Council in respect of i) industrial action being taken or threatened by employees and ii) the terms and conditions of employment of Council employees.

Employer Discretion Policy		HPPE DHRO D
87	Local Government Pension Scheme <i>Local Government Pension Scheme (Administration) Regulations 2008</i> <i>(Administration) Regulations 2008</i>	To determine the exercise of the Council's discretion in relation to the Employer Discretion policy, in consultation with the Director of Finance (s151 Officer) and the relevant Cabinet Member and other Corporate Director.

National and Provincial Negotiations		HPPE DHRO D
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88	National and Provincial negotiations	To implement the decisions of national and provincial negotiating bodies.
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HEAD OF CUSTOMER AND BUSINESS SERVICES

Commented [SJ(8)]: Post deleted from Establishment. Delegations distributed to other officers (see report to Council).

<i>Subject/ Enabling Statute</i>	<i>Authority</i>
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Health and Safety		HCBS
89	Health and Safety Explosives Act 1875 Explosives Act 1975 Health and Safety at Work etc. Act 1974 Fire Precautions Act 1971	To be an inspector and exercise the Council's functions.
90	Health and Safety at Work Health and Safety at Work etc. Act 1974	To exercise the functions of the Council in relation to the Health and Safety at Work etc. Act 1974. (exercised concurrently with the Director of Public Health)
91	Sanitary Conveniences in Workplaces Section 65, Building Act 1984	To serve notices requiring the provision of sanitary conveniences in workplaces. (exercised concurrently with the Director of Public Health)
92	Sunday Trading Sunday Trading Act 1994	To enforce the provisions of the Act. (exercised concurrently with the Director of Public Health)

Street Naming and Property Numbering		HCBS
93	Gazetteer	Implement procedures to (re)name and (re)number existing streets in consultation with residents and where appropriate ward members. To develop and maintain the relevant Gazetteer(s) in respect of streets and properties and to make available in accordance with the MSA.

94	<u>Street Naming</u>	To name new streets, subject to consultation with other appropriate officers as necessary, the Royal Mail and with Parish Councils where applicable.
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HEAD OF PROPERTY ASSETS

Commented [SJ(9)]: Change reporting line.

Subject/
Enabling Statute

Authority

Property Services

HPA

293	<u>Applications for Vendor Consent</u>	<u>To determine applications for vendor consent in respect of (a) non-residential properties, and (b) community buildings in consultation with the Chief Executive and relevant Cabinet Member(s) and Ward Members.</u>
294	<u>Acquisition or Disposal of land</u>	<u>In agreement with the Director of Law and Democratic Services, the Director of Finance (s151 Officer) and the appropriate Officer(s) and Cabinet Member(s) (and following consultations at both the initial and detailed stages with the relevant ward councillors in respect of (a), (b) and (c) and in respect of (e) following consultation with tenant farmers representatives), (a) to agree terms for the disposal of land and property interests up to a value of £1m, (b) to investigate, evaluate, negotiate and agree terms for land and property acquisition up to a value of £1m, (c) to agree terms in respect of the Council's leasehold and freehold estate, (d) to carry out commission valuations, and (e) to approve, acquire and dispose of milk quota assets relevant to the effective management of the Borough Farm Estate.</u>

Right To Buy

HPA

295	<u>Right to Buy</u> <u>Housing Act 1985, the</u> <u>Housing and Planning Act</u> <u>1986 and the Housing Act</u> <u>1988 and the Leasehold</u> <u>Reform, Housing and Urban</u> <u>Development Act 1993</u>	<u>To carry out the Council's functions concerning</u> <u>the Right to Buy.</u>
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<u>Subject/ Enabling Statute</u>	<u>Authority</u>
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<u>Assets of Community Value</u>	<u>HPA</u>
296 <u>Localism Act 2011</u>	<u>To maintain the List of Assets of Community Value and take all necessary steps to promote and implement the proposed arrangements.</u>

<u>Subject/ Enabling Statute</u>	<u>Authority</u>
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<u>Mapping Services</u>	<u>HCBS HPA</u>
95 Mapping Services <i>Mapping Services Agreement (MSA)</i>	In conjunction with the Director of Law and Democratic Services, to discharge the Council's duties under the MSA.

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**CORPORATE DIRECTOR COMMUNITIES & PLACE
CORPORATE DIRECTOR COMMUNITIES AND HOUSING**

***Subject/
Enabling Statute***

Authority

Regeneration and Acquisition Fund

**CDCH
CDCH**

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| 96 | Regeneration and Acquisition Fund | In consultation with the Corporate Director, Resources <u>and Growth</u> , <u>the</u> Head of Housing <u>Management and Community Safety</u> and the Cabinet Member with portfolio responsibility for Housing, to use the Regeneration and Acquisition fund of up to £1m, to purchase 1 and 2 Bedroom accommodation to enable these properties to be included with the Council's housing stock. |
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HEAD OF HOUSING ~~MANAGEMENT AND COMMUNITY SAFETY~~

**Subject/
Enabling Statute**

Authority

Estate and Tenancy Management

HHMCS

HH

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| 97 | Housing Management | To deal with Housing Management matters arising from the day-to-day management of the Council's housing stock. |
| 98 | Notices and Possession Action
<i>The relevant Housing Acts and the Law of Property Act 1925</i> | To sign notices and take possession action, under the Housing Acts, to sign notices to determine licences and notices to quit premises held under non-secure tenancies. <i>(The authorisation to sign notices under Section 83 of the Housing Act 1985 is exercised concurrently with the Director of Law and Democratic Services)</i> |
| 99 | Evictions | To take all necessary action with regard to the eviction of tenants in breach of suspended possession orders. |
| 100 | Protection from Eviction
<i>Protection from Eviction Act 1977 (as amended)</i> | To investigate alleged breaches of the Protection from Eviction Act 1977 (as amended) by way of alleged harassment or unlawful eviction. |
| 101 | Local Lettings Plans | To introduce local lettings plans in order to maintain strong and cohesive communities. |

Allocations and Housing Advice

HHMCS

HH

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| 102 | Housing Allocation Policy | To carry out the Council's allocation policy. |
| 103 | Housing Allocation Policy | To approve owner occupiers under 60 years of age with a medical issue to be allowed to bid for properties. |

Subject/ Enabling Statute		Authority
Homelessness		HHMCS HH
104 Homelessness <i>Homelessness Housing Act 1985 as amended by the Homelessness Act 1996. Homelessness Act 2002 and the Rent (Agriculture) Act 1976</i>	To carry out the Council's functions regarding Homelessness.	
105 Protection from Eviction <i>Protection from Eviction Act 1977 (as amended)</i>	To investigate alleged breaches of the Protection from Eviction Act 1977 (as amended) by way of alleged harassment or unlawful eviction.	
Travellers and Gypsy Site Management		HHMCS HH
106 Unauthorised Encampments <i>Section 77 of the Criminal Justice and Public Order Act 1994</i>	To determine the action required to remove unauthorised campers within the Borough, and to give a Direction under Section 77 of the Criminal Justice and Public Order Act 1994, if appropriate, and if necessary, to request the Police to invoke their powers under the Criminal Justice and Public Order Act 1994.	
Community Protection		HHMCS HH
107 Community Protection Notices <i>Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014</i>	In consultation with the Director of Law and Democratic Services, to serve Community Protection Notices in accordance with Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 and in the event of a breach serve fixed penalty notices <i>(exercised concurrently with the Director of Public Health and the Head of Planning, Regulatory Services and Heritage).</i>	
108 Closure Notices and Closure Orders <i>Chapter 3 of the Anti-Social behaviour, Crime and Policing Act 2014</i>	In consultation with the Director of Law and Democratic Services, to issue Closure Notices and apply for Closure Orders.	

HEAD OF STREETSMART

Subject/ Enabling Statute	Authority
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Refuse Collection		HS
109	Waste on vacant sites <i>Section 34, Public Health Act 1961</i>	To arrange the removal of accumulations of refuse from vacant sites which are seriously detrimental to the amenities of the neighbourhood. <i>(exercised concurrently with the Director of Public Health)</i>
110	Collection of Waste - Notices <i>Sections 46 and 47 of the Environmental Protection Act 1990</i>	To serve notices requiring an occupier to place waste for collection/storage in a receptacle of a kind and number specified. <i>(exercised concurrently with the Director of Public Health and Head of Planning, Regulatory Services and Heritage)</i>
111	Abandoned Vehicles <i>Section 3(2) and 3(5) of the Refuse Disposal (Amenity) Act 1978 and Section 99(3) and 99(4) of the Road Traffic Regulation Act 1984</i>	To sign and serve notices, or to sign and affix a notice to an abandoned vehicle (as appropriate). <i>(exercised concurrently with the Director of Public Health)</i>

Waste Management		HS
112	Penalty notices for graffiti and fly-posting <i>Section 43 of the Anti-Social Behaviour Act 2003</i>	To issue fixed penalty notices against any person that an Authorised Officer of the Authority has reason to believe has committed a relevant offence in the area of the Authority. <i>(exercised concurrently with the Director of Public Health)</i>
113	Graffiti removal notices <i>Section 48 of the Anti-Social Behaviour Act 2003</i>	To serve graffiti removal notices upon any person who is responsible for a surface which has been defaced. This notice shall require that the defacement is remedied within a period specified in the notice of not less than 28 days. <i>(exercised concurrently with the Director of Public Health)</i>
114	Duty to produce authority transport controlled waste <i>Section 5 of the Control of Pollution (Amendment) Act 1989</i>	To stop and search any vehicle that appears to an Authorised Officer to be transporting waste in contravention of S.1 of the Act. <i>(exercised concurrently with the Director of Public Health)</i>

Subject/ Enabling Statute	Authority
Waste Management	
HS	
115 Seizure and disposal of vehicles used for illegal waste disposal <i>Section 6 of the Control of Pollution (Amendment) Act 1989</i>	Upon the issue of a warrant, to seize a vehicle used for illegal waste disposal. The Authority may dispose of the vehicle in accordance with the Provisions of the Act. <i>(exercised concurrently with the Director of Public Health)</i>
116 Further enforcement provision <i>Section 7 of the Control of Pollution (Amendment) Act 1989</i>	To exercise provisions as prescribed in S. 91 to 94 of the Control of Pollution Act 1974. <i>(exercised concurrently with the Director of Public Health)</i>
117 Rights of entry and inspection etc. <i>Section 91 of the Control of Pollution Act 1974</i>	To allow Authorised Persons to enter upon any land or vessel in carry out their duties under the Provisions of the Act. <i>(exercised concurrently with the Director of Public Health)</i>
118 Powers of authorities to obtain information <i>Section 93 of the Control of Pollution Act 1974</i>	To serve a notice on any person requiring him to furnish information, required by the Authority to carry out any functions conferred by the Act, to the Authority within a period or at a time specified in the notice and in a form so specified. To request the Director of Law and Democratic Services to prosecute or caution any person failing to recognise the notice. <i>(exercised concurrently with the Director of Public Health)</i>
119 Powers of enforcing authorities and persons authorised by them <i>Section 108 of the Environment Act 1995</i>	To carry out all Provisions as prescribed in S.108 of the Act in relation to the "enforcing authority" including powers of entry. <i>(exercised concurrently with the Director of Public Health)</i>
120 Prohibition on unauthorised or harmful Deposit, treatment or disposal etc. of waste <i>Section 33 of the Environmental Protection Act 1990</i>	To request the Director of Law and Democratic Services to take prosecutions and issue cautions against persons committing an offence in relation to this section. <i>(exercised concurrently with the Director of Public Health)</i>

Subject/ Enabling Statute	Authority
Waste Management	
HS	
121 Duty of care etc. as respects waste <i>Section 34 of the Environmental Protection Act 1990</i>	To serve notice requiring the production of information required to be kept in accordance with this section. To request the Director of Law and Democratic Services to prosecute or caution any person failing to recognise the notice and prosecute or caution any person who has committed an offence under this section of the Act. <i>(exercised concurrently with the Director of Public Health)</i>
122 Receptacles for household waste <i>Section 46 of the Environmental Protection Act 1990</i>	To serve notice requiring the placement of household waste in a manner prescribed by the Authority. To request the Director of Law and Democratic Services to take prosecutions or issue cautions against persons failing to comply with the notice. <i>(exercised concurrently with the Director of Public Health)</i>
123 Receptacles for commercial industrial waste <i>Section 47 of the Environmental Protection Act 1990</i>	To serve notice requiring the placement of commercial or industrial waste in a manner prescribed by the Authority in the event that existing or proposed arrangements may be detrimental to the amenities of the locality. To request the Director of Law and Democratic Services to take prosecutions or issue cautions against persons failing to comply with the notice. <i>(exercised concurrently with the Director of Public Health)</i>
124 Powers to require removal of waste unlawfully Deposited <i>Section 59 of the Environmental Protection Act 1990</i>	To serve notice on the occupiers of land to ensure removal of any waste deposited in contravention of Section 33 and to take steps with a view to eliminating or reducing the consequences of the deposit of the waste. To request the Director of Law and Democratic Services to take prosecutions or issue cautions against any persons failing to comply with the notice. <i>(exercised concurrently with the Director of Public Health)</i>

Subject/ Enabling Statute	Authority
Waste Management	
125 Interference with waste sites and receptacles for waste <i>Section 60 of the Environmental Protection Act 1990</i>	To request the Director of Law and Democratic Services to take prosecutions and issue cautions against any person interfering with waste receptacles provided by the Authority. <i>(exercised concurrently with the Director of Public Health)</i>
126 Offence of leaving litter <i>Section 87 of the Environmental Protection Act 1990</i>	To request the Director of Law and Democratic Services to take prosecutions and issue cautions against any person dropping litter in a manner prescribed by the Act. <i>(exercised concurrently with the Director of Public Health)</i>
127 Fixed penalty notices for leaving litter <i>Section 88 of the Environmental Protection Act 1990</i>	To issue Fixed Penalty Notices against any person committing an offence under Section 87. <i>(exercised concurrently with the Director of Public Health)</i>
128 Litter control areas <i>Section 90 of the Environmental Protection Act 1990</i>	To designate areas as Litter Control Areas. <i>(exercised concurrently with the Director of Public Health)</i>
129 Summary proceedings by authorities <i>Section 92 of the Environmental Protection Act 1990</i>	To serve litter abatement notices imposing requirements or prohibitions on relevant land. <i>(exercised concurrently with the Director of Public Health)</i>
130 Street litter control notices <i>Section 93 of the Environmental Protection Act 1990</i>	To serve street litter control notices imposing requirements in relation to litter or refuse on occupiers of premises to ensure they control any litter or refuse generated from their property, in accordance with this section and Section 94. <i>(exercised concurrently with the Director of Public Health)</i>

Subject/ Enabling Statute	Authority
Waste Management	
131 Powers in relation to abandoned shopping and luggage trolleys <i>Section 99 of the Environmental Protection Act 1990</i>	To make resolutions under this Section to resolve that Schedule 4 of the Act shall apply in its area. <i>(exercised concurrently with the Director of Public Health)</i>
132 Penalty for unauthorised dumping <i>Section 2 of the Refuse Disposal (Amenity) Act 1978</i>	To request the Director of Law and Democratic Services to take prosecutions against persons found abandoning waste, including motor vehicles. <i>(exercised concurrently with the Director of Public Health)</i>
133 Removal of abandoned vehicles <i>Section 3 of the Refuse Disposal (Amenity) Act 1978</i>	To remove any vehicles that it appears to the authority to have been abandoned.
134 Disposal of abandoned vehicles <i>Section 4 of the Refuse Disposal (Amenity) Act 1978</i>	To dispose of any vehicles which are in their custody in pursuance of S.3 in accordance with the conditions as set out by the Act.
135 Recovery of expenses connected with removed vehicles <i>Section 5 of the Refuse Disposal (Amenity) Act 1978</i>	To recover charges for costs incurred in carrying out S.3(1) of the Act. These charges are as set by the Secretary of State.
136 Removal and disposal of other refuse <i>Section 6 of the Refuse Disposal (Amenity) Act 1978</i>	To remove any waste which appears to the Authority to have been abandoned on any land in the open air or on any other land forming part of a highway.
137 Powers of entry etc. <i>Section 8 of the Refuse Disposal (Amenity) Act 1978</i>	To allow Authorised Persons to enter upon any land for the purpose of ascertaining whether any of the functions conferred by S.3 or S.6 of the Act should be exercised. <i>(exercised concurrently with the Director of Public Health)</i>

<i>Subject/ Enabling Statute</i>		<i>Authority</i>
Town Centre Management		HS
138 Street Cafes	To authorise the siting of tables and chairs for outside refreshments in the Town Centre pedestrianised area and to recover from each applicant the Council's reasonable costs based on the size of the area the subject of the permission.	
139 Promotions and Entertainments <i>Highways Act 1980</i>	To authorise promotions and entertainments in the Town Centre pedestrianised area.	

Parks and Amenities

HS

Commented [SJ(11)]: Formerly the responsibility of Head of Planning etc

<u>268</u>	<u>Dangerous Trees</u> <u>Sections 23 and 24 of the</u> <u>Local Government</u> <u>(Miscellaneous Provisions)</u> <u>Act 1976</u>	<u>To exercise the Council's power to deal with</u> <u>dangerous trees.</u>
<u>269</u>	<u>Leisure Gardens and</u> <u>Allotments</u>	<u>To sign Tenancy Agreements and give Notices to</u> <u>Quit.</u>

HEAD OF HIGHWAYS AND TRANSPORT

Subject/ Enabling Statute	Authority
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Traffic Management	HHT
140 Traffic Management <i>Traffic Management Act 2004</i>	In consultation with the relevant Cabinet Member, to exercise any powers, rights and duties under parts of the Traffic Management Act 2004 that fall to be exercised by the Council, as follows: <ul style="list-style-type: none"> ○ Part 2 (Network Management) ○ Part 3 (Permit Schemes) ○ Part 4 (Street Works) ○ Part 5 (Highways and Roads) ○ Part 6 (Civil Enforcement of Traffic Contraventions) ○ Part 7 (Miscellaneous and General).

Highway Management	HHT
141 Bus Shelters Bus Shelters Agreement	To manage, give effect to and take action Where enabled to do so, under the bus shelters agreement.
142 Damage to footways or street	To make good damage to footways or streets caused by excavation or other works on land adjoining the street and recover the expenses incurred.
143 Entry – Powers to Highways Act 1980 ss.293 & 294	In accordance with the provisions and to fulfil the purposes laid down under ss.293 & 294 an authorised officer/person may enter onto land or enter, examine and lay open premises.

Subject/ Enabling Statute	Authority
Highway Management	
	HHT
144 Fees and Costs	Where enabled to do so, to exercise the power to set fees, recover costs and cancel such fees and costs.
145 Fencing of Dangerous Land Highways Act 1980 s.165	To serve notices requiring the fencing of dangerous land adjoining the street and/or a forecourt.
146 Highway Activities Highways Act 1980 s.171	To grant consent in respect of activities within the highway.
147 Licences - General	Where empowered to do so to issue, revoke, enforce and take enforcement actions for licences issued in relation to highway matters.
148 Outward Opening Doors Highways Act 1980 s.153	To grant consent for an outward opening door onto the highway and to serve notices requiring outward opening doors onto a street to be altered.
149 Ownership of Land Highways Act 1980 s.297	Power of the Highway Authority or Council to require information as to the ownership of land.
150 Removal of – Barbed Wire Highways Act 1980 s.164	To issue notice for the removal of barbed wire causing a nuisance to the highway.
151 Removal of - Obstructions Highways Act 1980 ss.143 & 149	To serve notices to remove obstructions from the highway and take urgent action to remove dangerous obstructions which need to be removed without delay.
152 Removal of – Items from the highway Highways Act 1980 s.149	To sign and serve notices in respect of the removal of things from the highway which are creating a nuisance.
153 Removal of – Snow, collapsed banks and/or obstructions Highways Act 1980 s.150	To arrange for the removal of accumulations of snow or collapsed banks on the side of the highway or anything else causing an obstruction to the highway.
154 Rope etc across the highway Highways Act 1980 s.162	To commence proceedings where a person has not taken all necessary means to give adequate warning of the danger.

<i>Subject/ Enabling Statute</i>	<i>Authority</i>
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Highway Management		HHT
155	Scaffolding Highways Act 1980 s.169	To grant licences for the erection of scaffolding on the highway.
156	Skips Highways Act 1980 s.139 & 140	To grant permission to site builders skips on the highway and to exercise the Council's powers relating to the removal or repositioning of skips in the highway.
157	Street Works – Inspections New Roads & Street Works Act 1991 s.72	To carry out street works inspections and to require undertakers to carry out works to defective reinstatements or where necessary to carry out works on behalf of the undertaker and recharge for said works.
158	Street Works – Unauthorised Street Works New Roads & Street Works Act 1991 s.51	To give direction to any person to remove apparatus or carry out reinstatement works and upon failure to comply with such a direction to remove apparatus and/or carry out reinstatement works and recover from that person any costs of doing so.
159	Street Works – Utility Apparatus (Maintenance of) New Roads & Street Works Act 1991 s.81	To issue notice of and undertake works to enable the inspection and/or maintenance of apparatus and recover the costs incurred in doing so from the undertaker.
160	Vehicles and Appliances Highways Act 1980 s.300	Right of local authorities to use vehicles and appliances on footpaths and bridleways.
161	Water on the Highway	To serve notices requiring the prevention of water falling or flowing onto the highway.
162	Highway Management – Overarching Power	To exercise any powers, rights and duties under the Highways Act 1980 and any other enabling power.

Subject/ Enabling Statute		Authority
Highway Management		HHT
163	Adoption of highway to be maintained at the public expense Highways Act 1980 ss.38 & 228	To adopt highway as that to be maintained at the public expense either by agreement, by the issue of the appropriate notice or by fulfilling the requirements of any other enabling power. To give consideration to, and where considered necessary, to implement provisions available to call in any bond or security in relation to the adoption of highway to be maintained at the public expense.
164	Agreement with neighbouring authorities (Moiety Agreements)	To enter into agreements with neighbouring authorities in order to maintain cohesive network management duties.
165	Agreements for the use of Highway Land Highways Act 1980 s.253	To enter into agreements to mitigate the effects of construction, improvement, existence or use of a highway upon the surroundings of the highway.
166	Agreements for drains and sewers Water Industries Act 1991 s.115	To enter into agreements with sewage undertakers to use highway drains as sewers and/or sewers as highway drains.
167	Classification of Roads	To designate the classification of a road and identify and designate a road as traffic sensitive or that of special engineering difficulty. Where appropriate to do so to vary or revoke such classifications or designations.
168	Closure and Diversion of Roads	To agree, advertise and implement road closures and diversions.
169	Conversion of a footpath to cycleway Cycle Tracks Act 1984.	To convert a definitive footpath to a cycle track following the procedure set out in the Cycle Tracks Regulations 1984 and obtaining the written consent of any persons with a legal interest in the land.
170	Construction within the Highway Highways Act 1980 s.179	To grant consents to permit construction of any part of a building, vault, arch or cellar etc. within the public highway.

Subject/ Enabling Statute		Authority
Highway Management		HHT
171	Creation of footpaths and bridleways Highways Act 1980 s 26.	To enter into a creation agreement where it is expedient that a path should be created, having regard to the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public.
172	Dedication of Highway	To consider, and where appropriate, enter into or instruct the drafting of an agreement for the dedication of land as highway maintained at the public expense.
173	Definitive Map and Statement Wildlife and Countryside Act 1981 ss.53, 56 and 57	Duty to keep the definitive map and statement under continuous review, the effect of the definitive map and statement to the particulars contained therein and the supplementary provisions as to the definitive map and statement in relation to the scale of maps.
174	Fencing Highways Highways Act 1980 s.80	To exercise the power to fence highways.
175	Footways – Cellar openings Highways Act 1980 ss.179 & 180	To exercise control in relation to openings in footways for cellars.
176	Gating Orders Highways Act 1980 Part 8A	In accordance with the provisions of Part 8A of the Highways Act 1980 to consider all the circumstances and determine, after consultation with interested parties where necessary, whether it is appropriate and expedient to make a gating order where premises adjoining the highway are affected by crime or anti-social behaviour.

Subject/ Enabling Statute		Authority
Highway Management		HHT
177	Gateways Highways Act 1980 s.145	To serve notices requiring gateways to be enlarged or gates to be removed from across the highway, footpaths or bridleways.
178	Drainage Land Drainage Act 1991	To exercise the powers of the Council under the Land Drainage Act 1991.
179	Enforcement – General power	Where empowered to do so to issue notices, take and manage enforcement action and to initiate proceedings either upon a breach, to ensure compliance or to fulfil a duty in accordance with highway legislation.
180	Highway Bridges Highways Act 1980 ss.176 & 177	To issue licences in respect of ‘over-sailing’ and building bridges over the public highway.
181	Highway Register - List of Streets Highways Act 1980 s.36	To maintain and make available the list of streets maintained at the public expense and to provide this information in any other format that may be suitable in the circumstances.
182	Highway Works Highways Act 1980 s.278 Town and Country Planning Act 1990 s.106	To enter into an agreement for the execution of highway works and to exercise any rights and enforce any provision within any such agreement.
183	Hoardings Highways Act 1980 ss.172 & 173	To issues or refuse consents and/or licences and where appropriate manage and enforce the erection of hoardings and to commence proceedings for breach or non-compliance.
184	Improvements	To identify and implement Highway, Street Lighting, Traffic and Safety improvements subject to the approval of the members project board.

<i>Subject/ Enabling Statute</i>	<i>Authority</i>
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Highway Management		HHT
185	Interference of Right of Way Highways Act 1980 s.137A	To issue notice for the interference of a right of way by crops.
186	Licences - General	Where empowered to do so to issue, revoke, enforce and take enforcement actions for licences issued in relation to highway matters.
187	Local Access Forum Countryside and Rights of Way Act 2000 ss.94 & 95	To establish and appoint members to a Local Access Forum.
188	Maintenance of the Highway Highways Act 1980 s.41	To manage, as client, the duty to maintain highways maintainable at the public expense.
189	Network Management Duty Traffic Management Act 2004 Part II	Carry out the network management duty in accordance with Part II of the Traffic Management Act.
190	Ownership of Land Highways Act 1980 s.297	Power of the Highway Authority or Council to require information as to the ownership of land.
191	Overhead Beams etc Highways Act 1980 s.178	To grant consent for overhead beams, rails, pipes, cables, wires etc over the highway.
192	Path Creation Orders Countryside & Rights of Way Act 2000 s.58	To make an application for the purposes of enabling access to land.
193	Permit Schemes Traffic Management Act 2004 Part III	To prepare and submit permit schemes.

<i>Subject/ Enabling Statute</i>	<i>Authority</i>
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Highway Management		HHT
194	Planting and Maintenance of Shrubs and Trees Highways Act 1980 ss.141 & 142	To issue notice and to act in relation to the prohibition of the planting of shrubs and trees as described under s.141 and to grant licences to plant and maintain trees and shrubs etc within the public highway under s.142.
195	Ploughing/Disturbance of a footway or bridleway Highways Act 1980 s.134 (as amended) and Countryside and Rights of Way Act 2000 s.70(2)	To issue notices for the ploughing/disturbance of a footpath or bridleway.
196	Removal of – Signs	To require the removal of signs for the guidance or direction of road users and to enter land to remove signs in default.
197	Road Markings and Signs	To determine the style, extent and location of road markings and signs.
198	Roads Used as Public Paths (RUPPs) Wildlife and Countryside Act 1981 s.54	Duty to reclassify RUPPs as public paths.
199	Retaining Walls	Where enabled to do so, to grant consent for the erection of retaining walls near streets and the service of notices requiring the repair of dangerous retaining walls.
200	Rights of Way Highways Act 1980 sch.12	To issue all necessary authorisations and notices required to enable the Council to protect the definitive rights of way network.
201	Highway Activities Highways Act 1980 s.171	To grant consent in respect of activities within the highway.

Subject/ Enabling Statute	Authority
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Highway Management		HHT
202	Stiles on footpaths and bridleways Highways Act 1980 ss.146 & 147	To take all reasonable steps to fulfil the Council's duty to maintain stiles on footpaths and bridleways and to authorise the erection of stiles etc.
203	Stopping Up and/or Diversion of Highway Highways Act 1980 Town and Country Planning Act 1990 Countryside and Rights of Way Act 2000	Where enabled to do so, to make application to the relevant body, and in accordance with the relevant procedure, to proceed with the 'stopping up', 'diversion' or extinguishment of public highway or rights of way.
204	Street Decorations Highways Act 1980 s.144	To permit the erection of flagpoles, pylons and other structures on the highway for displaying decorations.
206	Street Events Town and Police Clauses Act 1847 s.21	To determine applications in respect of orders for temporary street closures to enable events and processions to be held.
206	Street Furniture	To grant consents to parish councils to provide bus shelters, seats, lampposts etc where there are no financial implications for this Council.
207	Street Works Highways Act 1980 New Roads & Street Works Act 1991	Where empowered to do so to grant highway and street works licences.
208	Street Works – Inspections New Roads & Street Works Act 1991 s.72	To carry out street works inspections and to require undertakers to carry out works to defective reinstatements or where necessary to carry out works on behalf of the undertaker and recharge for said works.

<i>Subject/ Enabling Statute</i>	<i>Authority</i>
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Highway Management		HHT
209	Street Works - Charge for occupation of the Highway New Roads & Street Works Act 1991 s.74	To levy charges upon undertakers where the undertakers work in the publicly maintained highway is unreasonably prolonged.
210	Street Works - Co-ordination of Works New Roads & Street Works Act 1991 s.59	To exercise the duty of the Council, as Highway Authority, to co-ordinate street works.
211	Street Works Register New Roads & Street Works Act 1991 s.53	To carry out the Council's duty, as Highway Authority, to maintain a street works register.
212	Street Works - Restriction of Works New Roads & Street Works Act 1991 s.58	Where substantial road works have been undertaken to exercise a restriction of future works as appropriate.
213	Street Works - Streets with special engineering difficulties New Roads & Street Works Act 1991 s.63 and Sch 4	To exercise the powers of the Council as Highway Authority in respect of streets with special engineering difficulties.
214	Street Works – Timing of New Roads & Street Works Act 1991 s.56	To enable the issue of a direction upon an undertaker as to the timing of proposed street works.
215	Street Works - Traffic Sensitive Streets New Roads & Street Works Act 1991 s.64	To designate a street or part of a street as traffic sensitive.
216	Street Works – Unauthorised Street Works New Roads & Street Works Act 1991 s.51	To give direction to any person to remove apparatus or carry out reinstatement works and upon failure to comply with such a direction to remove apparatus and/or carry out reinstatement works and recover from that person any costs of doing so.

Subject/ Enabling Statute	Authority
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Highway Management		HHT
217	Street Works – Utility Apparatus (Location of) New Roads & Street Works Act 1991 s.80	To inform undertakers of any utility apparatus that is unmarked or incorrectly marked.
218	Street Works – Utility Apparatus (Maintenance of) New Roads & Street Works Act 1991 s.81	To issue notice of and undertake works to enable the inspection and/or maintenance of apparatus and recover the costs incurred in doing so from the undertaker.
219	Traffic Regulation Road Traffic Regulation Act 1984	To advertise and make Traffic Regulation Orders for whatever permitted purpose and where objections have been received to approve Traffic Regulation Orders in consultation with the relevant Cabinet Member and Ward Councillors.
220	Vehicle Crossings Highways Act 1980 s.184	To serve a notice that the Council proposes to construct a vehicle crossing or impose conditions on the use of a footway as a vehicle crossing.
221	Vehicles and Appliances Highways Act 1980 s.300	Right of local authorities to use vehicles and appliances on footpaths and bridleways.
222	Walkway Agreements Highways Act 1980 s.35	To implement the Council's powers, as Highway Authority, to create walkways by agreement.
223	Place orders for Statutory Undertakers where required for highway works	To enter into agreements with statutory undertakers to carry out works to their plant where this work is required under the NRSWA and the Highway Act.
224	Removal of illegal advertising	To remove and serve notice in respect if removal of advertising signs on the public highway
225	Removal of items from the highway <i>Section 149 of the Highways Act 1980</i>	To sign and serve notice in respect of the removal of things from the highway which are creating a nuisance.

Subject/ Enabling Statute	Authority	
Passenger Transport		HHT
226 Licences - Objections <i>Transport Act 1968 and the Goods Vehicle (Operators Licences Qualifications and Fees) Regulations 1974.</i>	To lodge formal objections to the Licensing Authority.	
Car Parks Administration		HHT
227 Car Park Maintenance Budget	To determine and implement individual schemes within the Council's agreed Car Park Maintenance Budget, subject to the approval of the relevant Cabinet Member.	
Traffic Regulation		HHT
228 Traffic Regulation	To advertise and make Traffic Regulation Orders.	
229 Traffic Regulation	To approve Traffic Regulation Orders in consultation with the relevant Cabinet Member and Ward Councillors, where objections have been received.	

HEAD OF PROPERTY MAINTENANCE

<i>Subject/ Enabling Statute</i>

<i>Authority</i>

Housing Maintenance

HPM

230	Housing Maintenance	To deal with Housing maintenance matters arising from the day-to-day management of the Council's housing stock.
231	Adaptation of Council houses for use by disabled persons	To approve, within the estimated provision for this purpose, works of adaptation to Council houses for the use of the properties by disabled persons following the means testing of the tenant.
232	Re-imburement of tenants on the termination of a tenancy	To agree the re-imburement of tenants, on the termination of the tenancy of a Housing Revenue Account dwelling, in respect of central heating or garages provided by such tenants.

~~HEAD OF LOCALITIES, COMMUNITY INVOLVEMENT AND VOLUNTEERING~~

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<i>Subject/ Enabling Statute</i>	<i>Authority</i>
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	Grants	HLCIV
233 Determination of grant applications	To approve, or refuse, grant allocations from the various budgetary provisions for one-off grant funds, subject to: (i) a maximum of £15,000 approval on any one grant (this amount to be reviewed annually); (ii) any grant being "one-off", with no recurring liability; and (iii) applications being in accordance with the current Council criteria relating to the relevant grant fund.	
234 Grassroots Grants	In consultation with the appropriate Cabinet Member, to approve the award of Grassroots Grants.	

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	One Swindon	HLCIV
235 One Swindon and Community Budgets <i>Local Government Act 2000</i>	Administration of the Council's One Swindon and Community Budgets.	

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CORPORATE DIRECTOR ECONOMY, REGENERATION AND SKILLS**Commented [SJ(15)]:** Post deleted from the Establishment.***Subject/
Enabling Statute******Authority******Listing of Assets of Community Value******CDERS*****236 *Assets of Community Value***

In consultation with the Cabinet Member for Finance and Corporate Services, or such other Cabinet Member as may be nominated by the Leader of the Council, be authorised to determine, by way of the Cabinet Member Briefing Note process, any application under the Localism Act 2011 to list any building and/or other land as an asset of community value, and/or any claim for compensation arising from an asset being listed.

HEAD OF PLANNING, REGULATORY SERVICES AND HERITAGE

<i>Subject/ Enabling Statute</i>	<i>Authority</i>
Licensing	HPRSH
237 Skin Piercing, Acupuncture, semi-permanent make-up, and Tattooing <u>and Invasive Skin Treatment</u> <i>Part VIII of the Local Government (Miscellaneous Provisions) Act 1982</i>	To sign certificates of issue registrations and licences of persons carrying on the practice of acupuncture or the business of tattooing, ear piercing or electrolysis <u>and invasive skin treatment</u> . To inspect registered premises and enforce the provisions of the Act.
238 House to House/Street Collections <i>House to House Collections Act 1939</i> <i>Police, Factories etc. (Miscellaneous Provisions) Act 1916 as amended</i>	To grant licences and permits relating to house-to-house collections and issue street collection permits.
239 Scrap Metal Dealers <i>Scrap Metal Dealers Act 2013</i>	To administer and enforce the provisions of the Act in respect of all applications and renewals together with licensed operator of sites and mobile collection.
240 Zoos <i>Zoo Licensing Act 1981</i>	To issue licences for the operation of Zoos and to enforce the provisions of the Act.
241 Performing Animals <i>Performing Animals (Regulation) Act 1925</i>	To register persons to exhibit or train performing animals and to enforce the provisions of the Act.
242 Poisons <i>Poisons Act 1972</i>	To register persons to sell non-medicinal poisons and to enforce the provisions of the Act.

243	<p>Illegal importation of animals</p> <p><i>The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974</i></p> <p><u><i>Non-Commercial movement of Pet Animals Order 2011</i></u></p>	<p>To administer and enforce the provisions of the Order in respect of illegal importation, including commercial gain.</p>
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Subject/ Enabling Statute	Authority
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Licensing		HPRSH
244	Licensing <i>Licensing Act 2003</i>	To exercise the Council's powers <u>determine licence applications</u> under the Licensing Act 2003 pursuant to the scheme of delegation contained within the Council's Statement of Licensing Policy.
245	Petroleum Licensing	To exercise the functions of the Council with regard to Petroleum Licensing. <i>(exercised jointly with the Director of Public Health)</i>
	<u>Licensing of sex shops, sex cinemas and sex establishments</u> <u>Local Government Miscellaneous Provisions Act 1982</u>	<u>To exercise the Council's powers under the Local Government Miscellaneous Provisions Act 1982 in respect of sex shops, sex cinemas and sex establishments</u>
89	<u>Health and Safety</u> <u>Explosives Act 1875</u> <u>Explosives Act 1975</u> <u>Health and Safety at Work etc. Act 1974</u> <u>Fire Precautions Act 1971</u>	<u>To be an inspector and exercise the Council's functions. (exercised concurrently with the Head of Planning and Regulatory Services)</u>
90	<u>Health and Safety at Work</u> <u>Health and Safety at Work etc. Act 1974</u>	<u>To exercise the functions of the Council in relation to the Health and Safety at Work etc. Act 1974. (exercised concurrently with the Director of Public Health and the Head of Planning and Regulatory Services)</u>
92	<u>Sunday Trading</u> <u>Sunday Trading Act 1994</u>	<u>To enforce the provisions of the Act. (exercised concurrently with the Director of Public Health and the Head of Planning and Regulatory Services)</u>

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Commented [SJ(16)]: New – to rationalise current licensing practices and arrangements

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Taxi Licensing	HPRSH
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246	Licences - Taxi and Private Hire <i>Town Police Clauses Act 1847 (as amended)</i> <i>Local Government (Miscellaneous Provisions) Act 1976</i>	To: - (a) grant or renew Hackney Carriage and Hackney Carriage Drivers' licences and (b) grant or renew licences for private hire vehicles, and for drivers and operators of such vehicles.
247	Taxi Licensing <i>Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by the Road Traffic Act 1991</i>	Where it appears that the interests of public safety require it, to suspend <u>or revoke</u> with immediate effect <u>or otherwise</u> a Hackney Carriage or Private Hire Drivers Licence in the light of evidence obtained through operations or checks, or as a result of details provided by the Police <u>or other partners</u> .
248	Taxi Licensing <i>Local Government (Miscellaneous Provisions) Act 1976 Part 2</i>	To appoint authorised officers for Taxi Licensing duties.
249	Inspections <i>Part 1 of the Local Government (Miscellaneous Provisions) Act 1976</i>	To nominate officers from time to time to inspect and test, for the purposes of ascertaining fitness, any Hackney Carriage or Private Hire Vehicle licensed or proposed to be licensed by the Council or any taxi meter affixed to such vehicle, and for the purpose as maybe required under the enabling statute.

Subject/ Enabling Statute	Authority
Gambling	
HPRSH	
250 Licensing Administration and Enforcement <i>Gambling Act 2005</i>	To exercise the Council's powers under the Gambling Act 2005 pursuant to the scheme of delegation contained within the Council's Statement of Licensing Policy.

Development Control	
HPRSH	
251 Enforcement Action	To determine whether it would be expedient to request the Director of Law and Democratic Services to pursue enforcement action following investigation of a complaint and subject to the local Member(s) concerned being consulted and having an opportunity to refer the proposed action to the Planning Committee.
252 Temporary Stop Notice <i>Section 171E of the Town and Country Planning Act 1990 (as amended)</i>	Following consultation with the Director of Law and Democratic Services, to issue a temporary Stop Notice.
253 Applications for vendor or lessor consent in respect of residential properties.	To determine applications for vendor or lessor consent in respect of residential properties, but in cases where he/she is doubtful whether to issue such consent he shall refer the matter to the Planning Committee for decision. If the Head of Planning, Regulatory Services and Heritage intends to refuse any consent which does not follow a refusal of planning permission for the same proposed development then the matter must be referred to the Planning Committee.
254 Tree Preservation Orders <i>Town and Country Planning Act 1990, Sections 198, 210 and 211</i>	To make and confirm Tree Preservation Orders (TPOs), including temporary TPOs, and to consult with the Director of Law and Democratic Services on the prosecution of any person carrying out any unauthorised works to trees subject to such an Order or trees within Conservation Areas.
255 Tree Preservation Orders	To determine requests to lop, top, or fell trees in Conservation Areas or covered by Tree Preservation Orders.

Subject/ Enabling Statute	Authority
Development Control	
	HPRSH
256 Determination of planning and other applications	<p>To determine all planning applications and related matters including, following consultation with the Director of Law and Democratic Services, the terms of legal obligations under Town and Country Planning and associated legislation except where (a) the Head of Planning, Regulatory Services and Heritage determines it should be determined by the Planning Committee; or (b) an application in writing requesting consideration by the Planning Committee has been received from a Member no later than 21 <u>(or 14*)</u> calendar days following validation of the application or the expiration of any consultation period; or (c) a Parish or Town Council has requested in writing no later than 21 <u>(or 14*)</u> calendar days following notification of the application that the Planning Committee consider an application because it raises significant planning issues and/or is locally controversial. Such requests from a Parish or Town Council shall clearly set out the reasons why an application is considered to raise significant planning issues and / or locally controversial.</p> <p><u>* The reference to 14 calendar days shall apply in respect of applications for Permission in Principle and Technical Details Consent.</u></p>
257 Referral of Planning Applications to the Secretary of State	To refer applications to the Secretary of State when necessary for determination/consideration.
258 Planning applications referred from other authorities	To make observations on planning applications referred to the Council by other local authorities.
259 Certificates of lawfulness of existing use or development (CLUEDs) and Certificates of lawfulness of proposed use or development (CLOPUDs)	Following consultation with the Director of Law and Democratic Services, where necessary, to determine all matters concerning Certificates of lawfulness including applications for certificates of lawfulness or development (CLUEDs) and applications for certificated lawfulness of proposed use or development (CLOPUDs).

<i>Subject/ Enabling Statute</i>	<i>Authority</i>
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Development Control	HPRSH
260 Development Control	To agree design codes and discharge conditions imposed by planning or other permissions.
261 Development Control	To determine minor variations to permissions, including non-material and minor material amendments, design codes, agreements and obligations entered into by the Council.
262 Development Control	To determine the extent of publicity arrangements required under Town and Country Planning legislation.
263 Development Control	To determine prior approval applications by telecommunications operators or for agricultural, householder, commercial or other prior approval requirements.
264 Development Control	To agree all matters required of mineral operators in association with development having permitted development rights under the relevant parts of the Town and Country Planning (General Permitted Development) (England) Order, 2015 as amended.
265 Environmental Impact Assessment Regulations	In consultation with the Director of Law and Democratic Services, to give a screening opinion on developments in accord with the Environmental Impact Assessment Regulations.
266 Appeals against non-determination of a planning application	To set out the position of the Local Planning Authority in respect of an appeal against non-determination of a planning application (that would fall within the scheme of delegation) as it would have determined the application if it had been able to.
<u>Publication of Part 1 of the Brownfield Register Town and Country Planning (Brownfield Land Register) regulations 2017</u>	<u>To prepare, maintain and publish at least annually, Part 1 of the Brownfield Register.</u>

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Subject/ Enabling Statute	Authority
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Design, Conservation and Development		HPRSH
267	Environmental Statements <i>Town and Country Planning (Environmental Impact Assessment) Regulations 2011.</i>	To decide on the need for an environmental statement in connection with any planning application falling within Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

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Parks and Amenities		HPRSH
268	Dangerous Trees Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976	To exercise the Council's power to deal with dangerous trees.
269	Leisure Gardens and Allotments	To sign Tenancy Agreements and give Notices to Quit.

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Environmental Protection		HPRSH
270	Placards and posters <i>Town and Country Planning Act (1990) – Sections 220 and 225</i>	In consultation with the Director of Law and Democratic Services, to issue notices to remove a placard or poster to persons who displayed, or caused it to be displayed, in contravention of regulations made under Section 220 of the Town and Country Planning Act 1990 ('the Act'), and if such notices are not complied with, to recover from the said person the costs reasonably incurred by the authority to remove the placard or poster pursuant to Section 225 of the Act.

Land Charges		HPRSH
271	Land Charges <i>Local Land Charges Act 1975</i>	To administer local land charges.

Subject/ Enabling Statute	Authority
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Community Infrastructure Levy		HPRSH
272 Community Infrastructure Levy Regulations, 2010 (as amended)	To oversee and implement the adoption of, and subsequent operation, enforcement and review of the Community Infrastructure Levy Charging Schedule and all associated documents, including responsibility for financial management, instalment and surcharge policy and the availability of discretionary relief and establishment of the relevant procedures and process.	

Building Regulations		HPRSH
273 Building Regulations - Applications <i>Building Act 1984.</i>	To determine applications for Building Regulation approvals.	
274 Building Regulations - Notices <i>Section 32, Building Act 1984</i>	To serve notices informing the owner that, as no work has commenced, plans deposited under the Building Regulations more than three years previously shall have no effect and any work started after the service of this notice shall be treated as if no plans had been deposited.	
275 Building Regulations - Relaxation <i>Section 8, Building Act 1984</i>	To determine applications for the relaxation of building regulations.	
276 Building Regulations - Contraventions <i>Section 36, Building Act 1984</i>	To take appropriate action to secure the removal or alteration of work in contravention of the Building Regulations.	

Demolition		HPRSH
277 Demolition of a building <i>Section 81, Building Act 1984</i>	To serve notices on persons undertaking the demolition of a building to ensure that it will not cause damage, danger or nuisance.	

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<u>Dangerous Structures</u> <u>Sections 77 and 78,</u> <u>Building Act 1984</u>	<u>To take appropriate action where a building or structure is in such a condition, or is used to carry such loads as to be dangerous, to remedy the danger.</u>
<u>Ruinous or Dilapidated Structures</u> <u>Section 79, Building Act 1984</u>	<u>To take appropriate action, where a building or structure is in a ruinous or dilapidated condition, to remedy the defects.</u>

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<u>Neighbourhood Planning</u>	
<u>Neighbourhood Development Plan & Neighbourhood Development Order Area</u> <u>Neighbourhood Planning (General) Regulations 2012 (as amended).</u>	<u>To receive, consider, publicise and determine (approve/reject) proposed neighbourhood development plans and neighbourhood development orders (including community right to build orders) area designation requests from qualifying bodies and Neighbourhood Forum designation requests and publicise decisions made, unless called in for decision by Cabinet by Cabinet or local Ward Member</u>
<u>Strategic environmental assessment and habitats regulations assessment of neighbourhood development plans and neighbourhood development orders.</u> <u>Environmental Assessment of Plans and Programmes Regulations 2004. The Conservation of Habitats and Species Regulations 2017</u>	<u>To carry out screening and if appropriate a strategic environmental assessment and habitats regulations assessment of neighbourhood development plans and neighbourhood development orders (including community right to build orders) and provide a statement of reasons for determination.</u>
<u>Receipt and consideration of final draft neighbourhood development plans and neighbourhood development orders</u> <u>Neighbourhood Planning (General) Regulations 2012 (as amended).</u>	<u>To receive and consider, including making comments on, final draft neighbourhood development plans and neighbourhood development orders (including community right to build orders), and to inform and invite representations from people who live, work or carry on business in the area to which the plan or order relates by appropriate advertising.</u>
<u>Appointment of Independent Examiner.</u> <u>Localism Act 2011</u>	<u>To select and appoint a suitably qualified and experienced person to conduct the independent examination of a neighbourhood development plan or neighbourhood development order (including a community right to build order) in agreement with the Parish or Town Council.</u>

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Subject/ Enabling Statute	Authority
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Stray Dogs		HPRSH
278	Stray Dogs Section 149, Environmental Protection Act 1990	To discharge the Council's functions with regard to stray dogs.

Animal Welfare		HPRSH
279	Licences <i>Dangerous Wild Animals Act 1976</i> <i>Breeding of Dogs Act 1973</i> <i><u>Breeding and sale of dogs (Welfare) Act 1999</u></i> <i>Pet Animals Act 1951</i> <i>Dangerous Dogs Act 1991</i> <i>Animal Boarding Establishment Act <u>1963</u></i> <i><u>Riding Establishments Act 1964</u></i> <i><u>Riding Establishments Act 1970</u></i>	To grant or renew licences subject to such grant or renewal being only in relation to premises which have been inspected by such officers as are authorised in accordance with the provisions of the Council's scheme of delegations.
280	Licences <i>Dangerous Wild Animals Act 1976</i> <i>Dangerous Dogs Acts 1989 and 1991</i> <i>Dogs act 1871</i> <i>Dogs Protection of Livestock Act 1953</i> <i>Guard Dogs Act 1975</i>	To exercise all the Council's powers in respect of <i>Dangerous Wild Animals or</i> Dangerous Dogs <u>and</u> <u>Control of Dogs.</u>

281	Licences <i>Riding Establishments Act 1964</i> <i>Riding Establishments Act 1970</i> <i>Animal Welfare Act 2006</i> <i>Animals Act 1971</i> <i>Control of Horses Act 2015</i> <i>Control of trade in endangered species (Enforcement regulations) 1997</i> <i>EU Wildlife Trade Regulations – Council regulation (EC 338/97)</i> <i>Hunting Act 2004</i> <i>Wildlife and Countryside Act 1981</i>	To grant or renew licences or grant provisional licences exercise the Council's powers in respect of the welfare and Control of animals.
282	Farm Livestock <i>Animal Health Act 1981</i>	To exercise the Council's powers in respect of the control of disease , welfare and , movement and control of disease of livestock.
	Fly Grazing	To exercise the Council's powers in respect of the fly grazing of animals.

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Subject/ Enabling Statute	Authority
Safety of Sports Grounds	
HPRSH	
283 Safety of Sports Grounds and indoor sports facilities <i>Safety of Sports Grounds Act 1975</i> <i>Fire Safety and Safety of Places of Sports Act 1987</i>	To exercise the powers of the Council in relation to the Council's functions under the Safety of Sports Grounds Act (1975) and its responsibilities for indoor sports facilities under the Fire Safety and Safety of Places of Sports Act 1987 and to exercise the Council's powers to appoint the Chair of the Safety Advisory Committee and issue safety certificates on receipt of advice from all relevant parties.
Refuse Collection	
HPRSH	
284 Collection of Waste - Notices <i>Sections 46 and 47 of the Environmental Protection Act 1990</i>	To serve notices requiring an occupier to place waste for collection/storage in a receptacle of a kind and number specified. (<i>exercised concurrently with the Director of Public Health</i>)
Street Trading	
HPRSH	
285 Street Trading Consents	To manage grant, renew or revoke <u>Street Trading Consents in accordance with</u> the Council's approved Street <u>T</u> trading scheme <u>policy</u> .
Health and Safety	
HPRSH	
286 Health and Safety <i>Explosives Act 1875</i> <i>Explosives Act 1975</i> <i>Health and Safety at Work etc. Act 1974</i> <i>Fire Precautions Act 1971</i>	To be an inspector and exercise the Council's functions.
287 Sanitary Conveniences in places serving food <i>Local Government Miscellaneous Provisions Act 1976</i>	To require the provision of sanitary conveniences for the public in places serving food. (<i>exercised concurrently with the Director of Public Health</i>).

Subject/ Enabling Statute	Authority
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Smoking in Public Places		HPRSH
288	Smoking in Public Places <i>Health Act 2006</i>	To exercise the Council's Powers in respect of smoking in public places including the service of fixed penalty notices.

Community Protection		HPRSH
289	Community Protection Notices <i>Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014</i>	In consultation with the Director of Law and Democratic Services, to serve Community Protection Notices in accordance with Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 and in the event of a breach serve fixed penalty notices <i>(exercised concurrently with the Director of Public Health and the Head of Housing and Community Safety).</i>
	<u>Public Spaces Protection Order</u> <u>Anti-Social Behaviour, Crime and Policing Act 2014</u>	<u>To serve fixed penalty notices in respect of any designated Public Space Protection orders.</u>

Commented [SJ(23)]: New – to accommodate existing practice and arrangements

General		HPRSH
290	Requisitions for information <i>Local Government (Miscellaneous Provisions) Act 1976</i>	To serve requisitions for information as to ownership/occupation on all persons having an interest in premises. <i>(exercised concurrently with the Director of Public Health)</i>

291	Entry onto and inspection of land and premises <i>Health and Safety at Work etc. Act 1974</i>	Where the enabling statute permits, to authorise persons not appointed by this Council to enter upon land or premises in order to carry out their respective duties and in particular, but without prejudice to the generality of this authority, to authorise the Chief Fire Officer and officers of the Fire Brigade to enter upon land or premises for the purpose of examination of means of escape in case of fire in accordance with the Housing Act 1985 and appropriate licensing functions (<i>exercised concurrently with the Director of Public Health</i>)
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<i>Subject/ Enabling Statute</i>	<i>Authority</i>
292 Power of Entry <i>Sections 196 and 324 of The Town and Country Planning Act 1990 and S88 of the Listed Buildings Act</i>	Authority to use powers of entry under sections 196 and 324 of The Town and Country Planning Act 1990 and S88 of the Listed Buildings Act

Street Naming and Property Numbering

HCBS

Gazetteer

Implement procedures to (re)name and (re)number existing streets in consultation with residents and where appropriate ward members. To develop and maintain the relevant Gazetteer(s) in respect of streets and properties and to make available in accordance with the MSA.

Street Naming

To name new streets, subject to consultation with other appropriate officers as necessary, the Royal Mail and with Parish Councils where applicable.

Commented [SJ(24)]: Transferred from deleted post of Head of Customer and Business Services

HEAD-OF-PROPERTY ASSETS

Commented [SJ(25)]: Changed reporting line .. to S151 Officer

Subject/ Enabling Statute	Authority
Property Services HPA	
293 Applications for Vendor Consent	To determine applications for vendor consent in respect of (a) non-residential properties, and (b) community buildings in consultation with the Chief Executive and relevant Cabinet Member(s) and Ward Members.
294 Acquisition or Disposal of land	In agreement with the Director of Law and Democratic Services, the Director of Finance (s151 Officer) and the appropriate Officer(s) and Cabinet Member(s) (and following consultations at both the initial and detailed stages with the relevant ward councillors in respect of (a), (b) and (c) and in respect of (e) following consultation with tenant farmers representatives), (a) to agree terms for the disposal of land and property interests up to a value of £1m, (b) to investigate, evaluate, negotiate and agree terms for land and property acquisition up to a value of £1m, (c) to agree terms in respect of the Council's leasehold and freehold estate, (d) to carry out commission valuations, and (e) to approve, acquire and dispose of milk quota assets relevant to the effective management of the Borough Farm Estate.
Right To Buy HPA	
295 Right to Buy <i>Housing Act 1985, the Housing and Planning Act 1986 and the Housing Act 1988 and the Leasehold Reform, Housing and Urban Development Act 1993</i>	To carry out the Council's functions concerning the Right to Buy.

<i>Subject/ Enabling Statute</i>	<i>Authority</i>
	Assets of Community Value HPA
296 Localism Act 2011	To maintain the List of Assets of Community Value and take all necessary steps to promote and implement the proposed arrangements.

DIRECTOR OF CHILDREN'S SERVICES**CORPORATE DIRECTOR OF CHILDREN'S SERVICES**

<i>Subject/ Enabling Statute</i>	<i>Authority</i>
Children's Services	DCC
297 Children's Services	To exercise the functions of the Borough Council as a Children's Services Authority as set out in Section 18 of the Children Act 2004 and to take such other action which he/she considers is calculated, or is conducive or incidental to, the discharge of these functions.
298 Swindon Foster Panel	To discharge the Council's functions in respect of maintaining a Central List of persons who are considered to be suitable to be members of the fostering panel.

DIRECTOR OF ADULT SERVICES**CORPORATE DIRECTOR OF ADULT SOCIAL SERVICES AND HEALTH**

Adult Social Services		DAS
299 Adult Social Services	<p>To exercise the functions of the Borough Council in respect of the provision of Adult Social Services, excepting functions specifically delegated to another Officer, and to take such other action which he/she considers is calculated to facilitate, or is conducive or incidental to, the discharge of these functions.</p> <p>To secure safeguarding and protection arrangements for vulnerable people, in line with legislation, national guidance and best practice.</p>	

DIRECTOR OF PUBLIC HEALTH

Subject/ Enabling Statute	Authority
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Environmental Protection	DPH
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| 300 | Burial and/or Cremation
<i>Section 46, Public Health (Control of Disease) Act 1984</i> | Causing and arranging the burial or cremation of the body of any person where no suitable arrangements have been made for the disposal. |
| 301 | Caravan Site Licences
<i>Sections 3, 8 and 10 of the Caravan Sites, Control of Development Act 1960</i> | To exercise the Council's powers in relation to the issue, amendment or transfer of Caravan Site licences. |
| 302 | Construction Sites
<i>Section 60, Control of Pollution Act 1974</i> | To serve notices to reduce or prevent noise being emitted from construction sites. |
| 303 | Construction Sites
<i>Section 61, Control of Pollution Act 1974</i> | To grant or refuse prior consent to measures which will attenuate noise produced on construction sites. |
| 304 | Cesspools
<i>Section 50, Public Health Act 1936</i> | To serve notices to require works etc. to prevent soakage or overflow of a cesspool. |
| 305 | Cesspools
<i>Section 59, Building Act 1984</i> | To serve notices requiring works to cesspools, etc. which are insufficient, prejudicial to health or a nuisance. |
| 306 | Drainage - Yards and Passages
<i>Section 84, Building Act 1984</i> | To serve notices requiring the paving and drainage of yards and passages. |
| 307 | Drains and Private Sewers
<i>Section 48, Public Health Act 1936</i> | To test and examine certain drains and private sewers. |
| 308 | Filthy or Verminous Articles
<i>Section 84, Public Health Act 1936</i> | To authorise the cleansing, purification, disinfestation or destruction of articles considered to be filthy or verminous. |

Subject/ Enabling Statute	Authority
Environmental Protection	
309 Drains and Sewers <i>Section 17, Public Health Act 1936</i>	To serve notices and carry out works to (a) repair drains, private sewers, water closets, waste pipes and sewer pipes which are not sufficiently maintained and kept in good repair and which can be repaired at a cost not exceeding £250 and recovering the costs incurred, and (b) remedy stopped up drains, private sewers, water closets, waste pipes and sewer pipes and recovering the costs incurred.
310 Moveable Dwellings <i>Section 269, the Public Health Act 1936.</i>	To exercise the powers of the Council (Use of land for moveable dwellings etc.).
311 Notices <i>Section 80, Environmental Protection Act 1990</i>	To serve notices on behalf of the Council, <u>in conjunction with the Head of Planning, Regulatory Services and Heritage.</u>
312 Enforcement Action <i>Part III of the Food and Environmental Protection Act 1985</i> <i>Control of Pesticides Regulations 1986</i>	With all officers nominated by him/her under the provisions of this Scheme of Delegations, to enforce Part III of the Food and Environmental Protection Act 1985 in relation to contraventions of the Control of Pesticides Regulations 1986, in those premises for which this Council is the enforcing authority by virtue of Regulation 3 of the Health and Safety (Enforcing) Regulations 1989 and in private dwellings (non-work activities) but providing that no enforcement authority shall be given for any contravention of Regulation 4(1) of the Control of Pesticides Regulations 1986 which relates to the advertising of a pesticide.
313 Noise Nuisance	To commence proceedings in case of noise nuisance where equipment has not been seized <u>in conjunction with the Head of Planning, Regulatory Services and Heritage.</u>
314 Noise Offences - Seizure of Equipment	To request the Director of Law and Democratic Services to commence proceedings in cases of noise offences leading to equipment being seized, <u>in conjunction with the Head of Planning, Regulatory Services and Heritage.</u>

Subject/ Enabling Statute	Authority
Environmental Protection	
DPH	
315 Notices - Enforcement <i>Section 81 (3) and Paragraph 2(3) of Schedule 3 of the Environmental Protection Act 1990</i>	To exercise the powers of the Council in relation to the enforcement of notices issued under Section 80 of the Environmental Protection Act 1990, <u>in conjunction with the Head of Planning, Regulatory Services and Heritage.</u>
316 Public Sewers - obstructions <i>Section 35, Local Government (Miscellaneous Provisions) Act 1976</i>	To serve notices requiring the removal of obstructions from public sewers and carrying out works in default.
317 Ruinous and Dilapidated Buildings <i>Section 79, Building Act 1984</i>	To serve notices to deal with ruinous and dilapidated buildings and neglected sites.
318 Sanitary Accommodation <i>Section 64, Building Act 1984</i>	To serve notices to require works to buildings having insufficient sanitary accommodation or sanitary accommodation which is prejudicial to health or a nuisance and which requires reconstruction.
319 Sanitary Accommodation <i>Section 45, Public Health Act 1936</i>	To serve notices to require works to sanitary accommodation which is prejudicial to health or a nuisance but which is capable of repair.
320 Verminous Premises <i>Section 83, Public Health Act 1936</i>	To serve notices in the case of filthy or verminous premises requiring works and carrying out of those works in default and recovery of the costs incurred.
321 Placards and posters <i>Town and Country Planning Act (1990) – Sections 220 and 225</i>	In consultation with the Director of Law and Democratic Services, to issue notices to remove a placard or poster to persons who displayed, or caused it to be displayed, in contravention of regulations made under Section 220 of the Town and Country Planning Act 1990 ('the Act'), and if such notices are not complied with, to recover from the said person the costs reasonably incurred by the authority to remove the placard or poster pursuant to Section 225 of the Act.

Subject/ Enabling Statute	Authority
Environmental Protection	
DPH	
322 Waste on vacant sites <i>Section 34, Public Health Act 1961</i>	To arrange the removal of accumulations of refuse from vacant sites which are seriously detrimental to the amenities of the neighbourhood.
323 Disposal of Waste on open land <i>Section 6 of the Refuse Disposal (Amenity) Act 1978</i>	To serve notices in relevant cases to deal with the proposed removal by the Council of waste abandoned on any land in the open air in this Borough.
Private Sector Housing	
DPH	
324 Closing Orders <i>Housing Act 1985 and Housing Act 2004</i>	To determine Closing Orders when the dwelling has been made fit for human habitation or any Category 1 Hazards assessed under the Housing Health & Safety Rating System have been removed.
325 Enforcement Housing Act 1985, Housing Act 1996, Housing Act 2004	To exercise the Council's powers under the relevant sections of the Acts, subordinate and other legislation to effect the enforcement provisions of the Acts, including those for service of notices, carrying out works in default, prosecution, fitness for number of occupants, overcrowding, recovery of costs and assessment of Housing under the Housing Health and Safety Rating system.
326 Part 2 and Part 3 of the Housing Act 2004	To exercise Council's powers to licence Houses in Multiple Occupation, including the setting of charges, imposing conditions and powers to extend the scheme to other residential properties.
327 Part 4 of the Housing Act 2004	To exercise the council's powers to make interim and final management orders in respect of Houses on Multiple Occupation, other residential accommodation and empty dwellings.
328 Works to defective premises <i>Section 76, Building Act 1984</i>	To serve notices requiring works to defective premises and, in the event of default, carrying out of those works and recovery of the costs incurred.

Subject/ Enabling Statute	Authority	
Private Sector Housing		DPH
329 Protection from Eviction <i>Protection from Eviction Act 1977 (as amended)</i>	To investigate alleged breaches of the Act by way of alleged harassment and unlawful eviction.	
Private Sector Housing Renewal Assistance Policy	Where variations on policy arise but they have similarity to previous cases, or where minor changes to the policy are required, to approve such changes, after consultation with Cabinet Member for Housing and Homelessness, the Director of Law and Democratic Services, and the s151 Officer.	
Air Quality		DPH
330 Chimneys <i>Section 15, Clean Air Act 1993</i>	To approve or refuse applications relating to the height of a new chimney or existing chimney serving a new furnace.	
331 Control of emissions <i>Part I of the Environmental Protection Act 1990</i>	To exercise all the powers conferred on the Council in respect of the provision for controlling emissions which are harmful to the environment and requiring the owners of industrial plant at which certain specified industrial processes are carried on to apply to the local authority for authorisation to carry out that process.	
Dangerous Structures		DPH
332 Dangerous Structures <i>Section 270, Housing Act 1985</i>	To serve notices on the occupier(s) of a building to which a demolition order relates requiring that person(s) to quit the building.	
Pest Control		DPH
333 Damage by Pests - Rats and Mice <i>Section 4, Prevention of Damage by Pests Act 1949</i>	To serve notices requiring steps to be taken to destroy rats or mice on land.	

Subject/ Enabling Statute	Authority
Pest Control	
DPH	
334 Damage by Pests - Rats and Mice <i>Section 6, Prevention of Damage by Pests Act 1949</i>	To carry out of works to destroy rats and mice on premises in the occupation of different persons and recovery of costs.
335 Damage by Pests - Recovery of costs <i>Section 5, Prevention of Damage by Pests Act 1949</i>	In default, to carry out works specified in notice served under Section 4 of the Act and to recover costs.
Trading Standards	
DPH	
336 Sunday Trading <i>Sunday Trading Act 1994</i>	To enforce the provisions of the Act, <u>in conjunction with the Head of Planning, Regulatory Services and Heritage.</u> -(exercised concurrently with the Head of Customer and Business Services)
337 Trading Standards	In respect of trading standards:- (a) to exercise the powers of the Council, (b) to allow authorised officers from local authorities to act in Swindon on behalf of their Councils or on behalf of the Council in relation to trading standards, and (c) to authorise such officers of the Council as he may determine to act in an area of another local authority in relation to trading standards.
338 Trading Standards <i>Licensing Act 1964 (as amended by the Criminal Justice Act 2001)</i>	<u>In conjunction with the Head of Planning, Regulatory Services and Heritage.</u> Trading Standards staff are authorised to enforce those provisions of the Licensing Act (as amended) which prohibit the sale of alcohol to persons less than 18 years of age.
Renovation Grants	
DPH	
339 Breach of grant conditions - No discretion	Where a breach of grant conditions has occurred, and where there is no discretion in the amount of money to be reclaimed, to reclaim the required amount as required by the appropriate statute.

<i>Subject/ Enabling Statute</i>	<i>Authority</i>
340 Breach of grant conditions - discretion	Where there has been a breach of grant conditions, and where the Council has discretion whether or not to require repayment of the grant either in full or in part, to use his discretion, following consultation with the relevant Cabinet Member, to decide whether repayment of grant is required.
341 Home Repair Assistance Grants	To approve applications for Home Repair Assistance Grants in respect of minor works to dwellings, including thermal insulation, in accordance with such regulations as may from time to time be made by the Secretary of State and within the current policy of the Council.
342 Private Sector Renovation Grant	In consultation with the Director of Finance (s151 Officer) and the relevant Cabinet Member, to make further changes to the award policy for Renovation Grant, as appropriate, to ensure best use of available funds within the Council's current Housing Strategy.
343 Re-determination of grant expenditure	To re-determine the estimated expense of carrying out the eligible works for any type of grant mentioned in this section, on being satisfied that the works of improvement or repair in respect of which the grant was sought cannot be or could not have been carried out on the basis of the original estimated expense due to circumstances beyond the control of the applicant, or on being satisfied that the works cannot be or could not have been carried out without the applicant carrying out additional works unforeseen at the time of the application for a grant.
344 Reinstatement Grants	To approve Reinstatement Grants in respect of Defective Houses where a person has established eligibility for assistance, including the determination or re-determination of the eligible expense, up to 90% of the maximum limit or 100% in cases of hardship, as may be defined from time to time by the Council or the appropriate forum.
345 Refusal of applications for improvement grants	To refuse applications for all types of improvement grants which either do not meet the requirements of the legislation or which fall outside the scope of the Council's current award policy.

Subject/ Enabling Statute	Authority
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Renovation Grants		DPH
346 Renovation Grants, Common Parts Grants, Disabled Facilities Grants and Houses in Multiple Occupation Grants	To approve applications, including the determination of the eligible expense and amount of grant, for Renovation Grants, Common Parts Grants, Disabled Facilities Grants and Houses in Multiple Occupation Grants and the approval of any such grant, including grants for the adaptation and use of dwellings for disabled persons, this to include situations where the works were commenced before approval was given and where in the opinion of the officer concerned there were good reasons for the works having been commenced before approval was given.	
347 Disabled Facilities Grants	To approve additional Discretionary Disabled Facilities Grants for mandatory works only in situations where these cannot reasonably be carried out at or below the maximum amount currently specified for Mandatory Disabled Facilities Grants.	

Food Safety		DPH
348 Food Safety - Enforcement <i>Food Safety Act 1990</i>	To request the Director of Law and Democratic Services to commence legal proceedings following breaches of the Food Safety Act 1990 and associated regulations.	
349 Food Safety <i>Public Health (Control of Disease) Act 1984</i> <i>Food Safety Act 1990</i> <i>Food and Environmental Protection Act 1985 and associated regulations</i>	With such officers as he may nominate, to enforce, on behalf of the Council, the provisions of the Acts.	
350 Food Safety - Enforcement <i>Food Safety Act 1990</i>	With such officers as he/she may nominate, to enforce the provisions of the Food Safety Act 1990 (and amendments to this legislation plus subordinate and other legislation) in relation to inspection and control of unsound food and matters relating to food hygiene, food sampling analysis and food safety, service of notices, prosecution and seizure of suspected food.	

Subject/ Enabling Statute		Authority
Food Safety		DPH
351	Food Analysis and Examination <i>Food Safety Act 1990</i>	To appoint one or more persons to act as Public Analysts and Food Examiners for the purposes of the Act and to appoint a Deputy to act during any vacancy, absence or incapacity in the office of Public Analyst or Food Examiner.
352	Food Safety <i>National Assistance Act 1948 and 1951</i> <i>Public Health (Infectious Diseases) Regulations 1968</i>	To authorise the Council's functions under this legislation to be discharged by the Consultant for Communicable Disease Control or other registered Medical Practitioner approved by the Council.
353	Food Safety <i>Slaughter of Poultry Act 1967</i> <i>Slaughter Houses Act 1974</i>	With such officers as he/she may nominate, to enforce, on behalf of the Council, the provisions of the Acts and subordinate legislation.

Cleaner Neighbourhoods		DPH
354	Nuisance Parking Offences <i>Part 2 of the Cleaner Neighbourhoods and Environment Act 2005</i>	To exercise the powers of the Council in relation to the enforcement of Nuisance Parking Offences under Part 2 of the Cleaner Neighbourhoods and Environment Act 2005 including the use of fixed penalties when appropriate.
355	Illegally parked Vehicles <i>Part 2 of the Cleaner Neighbourhoods and Environment Act 2005</i>	To exercise the powers of the Council in relation to the enforcement of Illegally parked Vehicles under Part 2 of the Cleaner Neighbourhoods and Environment Act 2005 including the use of fixed penalties when appropriate.
356	Litter and Refuse <i>Part 3 of the Cleaner Neighbourhoods and Environment Act 2005</i>	To exercise the powers of the Council in relation to the enforcement of litter and refuse under Part 2 of the Cleaner Neighbourhoods and Environment Act 2005 including the use of fixed penalties when appropriate.

Subject/ Enabling Statute	Authority
Cleaner Neighbourhoods	
DPH	
357 Graffiti and other defacement <i>Part 4 of the Cleaner Neighbourhoods and Environment Act 2005</i>	To exercise the powers of the Council in relation to the enforcement of Graffiti and other defacement under Part 3 of the Cleaner Neighbourhoods and Environment Act 2005 including the use of fixed penalties when appropriate.
358 Sale of aerosol paint to children <i>Anti-Social Behaviour Act 2003 section 54.</i> <i>Part 4 of the Cleaner Neighbourhoods and Environment Act 2005</i>	To exercise the powers of the Council in relation to the enforcement of the provisions to prevent the sale of aerosol paint to children contained in the Anti-Social Behaviour Act 2003 section 54 as amended by Part 4 of the Cleaner Neighbourhoods and Environment Act 2005.
359 Abandoned Vehicles <i>Part 2 of the Cleaner Neighbourhoods and Environment Act 2005</i>	To exercise the powers of the Council in relation to the enforcement of Abandoned Vehicles under Part 2 of the Cleaner Neighbourhoods and Environment Act 2005.
360 Transport of Waste <i>Control of Pollution (Amendment) Act 1989 as amended by Part 5 of the Cleaner Neighbourhoods and Environment Act 2005</i>	To exercise the powers of the Council to stop, search and seize vehicles believed to be carrying controlled waste or to have been used in the commission of an offence under these provisions and to take enforcement action including the use of fixed penalties when appropriate.
361 Offences relating to waste receptacles <i>Environmental Protection Act 1990 as amended by Part 5 of the Cleaner Neighbourhoods and Environment Act 2005</i>	To exercise the powers of the Council in relation to offences concerning waste receptacles and to take enforcement action including the use of fixed penalties when appropriate.
362 Removal of waste on land. <i>Environmental Protection Act 1990 as amended by Part 5 of the Cleaner Neighbourhoods and Environment Act 2005</i>	To exercise the powers of the Council requiring the owner of land to remove waste unlawfully deposited and to take enforcement action including the use of fixed penalties when appropriate.

Subject/ Enabling Statute	Authority
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High Hedges		DPH
363 High Hedges	To set the fees for investigating complaints of high hedges, including a discount for those who are in possession of a Swindon Card (level 2).	
364 High Hedges <i>Part 8 of the Anti-Social Behaviour Act 2003</i>	To investigate complaints about high hedges upon payment of the proper fee. To enter land to investigate complaints about high hedges. To serve notices requiring the remediation of high hedges. To exercise the powers of the Council in relation to the enforcement of notices issued under Part 8 of the Ant Social Behaviour Act 2003.	

Waste Management		DPH
365 Penalty notices for graffiti and fly-posting <i>Section 43 of the Anti-Social Behaviour Act 2003</i>	To issue fixed penalty notices against any person that an Authorised Officer of the Authority has reason to believe has committed a relevant offence in the area of the Authority. <i>(exercised concurrently with the Head of Streetsmart)</i>	
366 Graffiti removal notices <i>Section 48 of the Anti-Social Behaviour Act 2003</i>	To serve graffiti removal notices upon any person who is responsible for a surface which has been defaced. This notice shall require that the defacement is remedied within a period specified in the notice of not less than 28 days. <i>(exercised concurrently with the Head of Streetsmart)</i>	
367 Duty to produce authority transport controlled waste <i>Section 5 of the Control of Pollution (Amendment) Act 1989</i>	To stop and search any vehicle that appears to an Authorised Officer to be transporting waste in contravention of S.1 of the Act. <i>(exercised concurrently with the Head of Streetsmart)</i>	
368 Rights of entry and inspection etc. <i>Section 91 of the Control of Pollution Act 1974</i>	To allow Authorised Persons to enter upon any land or vessel in carry out their duties under the Provisions of the Act. <i>(exercised concurrently with the Head of Streetsmart)</i>	

Subject/ Enabling Statute	Authority
Waste Management	
DPH	
369 Seizure and disposal of vehicles used for illegal waste disposal <i>Section 6 of the Control of Pollution (Amendment) Act 1989</i>	Upon the issue of a warrant, to seize a vehicle used for illegal waste disposal. The Authority may dispose of the vehicle in accordance with the Provisions of the Act. <i>(exercised concurrently with the Head of Streetsmart)</i>
370 Further enforcement provision <i>Section 7 of the Control of Pollution (Amendment) Act 1989</i>	To exercise provisions as prescribed in S. 91 to 94 of the Control of Pollution Act 1974. <i>(exercised concurrently with the Head of Streetsmart)</i>
371 Powers of authorities to obtain information <i>Section 93 of the Control of Pollution Act 1974</i>	To serve a notice on any person requiring him to furnish information, required by the Authority to carry out any functions conferred by the Act, to the Authority within a period or at a time specified in the notice and in a form so specified. To request the Director of Law and Democratic Services to prosecute or caution any person failing to recognise the notice. <i>(exercised concurrently with the Head of Streetsmart)</i>
372 Powers of enforcing authorities and persons authorised by them <i>Section 108 of the Environment Act 1995</i>	To carry out all Provisions as prescribed in S.108 of the Act in relation to the "enforcing authority" including powers of entry. <i>(exercised concurrently with the Head of Streetsmart)</i>
373 Prohibition on unauthorised or harmful Deposit, treatment or disposal etc. of waste <i>Section 33 of the Environmental Protection Act 1990</i>	To request the Director of Law and Democratic Services to take prosecutions and issue cautions against persons committing an offence in relation to this section. <i>(exercised concurrently with the Head of Streetsmart)</i>

Subject/ Enabling Statute	Authority
Waste Management	
374 Duty of care etc. as respects waste <i>Section 34 of the Environmental Protection Act 1990</i>	To serve notice requiring the production of information that is required to be kept in accordance with this section. To request the Director of Law and Democratic Services to prosecute or caution any person failing to recognise the notice and prosecute or caution any person who has committed an offence under this section of the Act. <i>(exercised concurrently with the Head of Streetsmart)</i>
375 Receptacles for household waste <i>Section 46 of the Environmental Protection Act 1990</i>	To serve notice requiring the placement of household waste in a manner prescribed by the Authority. To request the Director of Law and Democratic Services to take prosecutions or issue cautions against persons failing to comply with the notice. <i>(exercised concurrently with the Head of Streetsmart)</i>
376 Receptacles for commercial industrial waste <i>Section 47 of the Environmental Protection Act 1990</i>	To serve notice requiring the placement of commercial or industrial waste in a manner prescribed by the Authority in the event that existing or proposed arrangements may be detrimental to the amenities of the locality. To request the Director of Law and Democratic Services to take prosecutions or issue cautions against persons failing to comply with the notice. <i>(exercised concurrently with the Head of Streetsmart)</i>
377 Powers to require removal of waste unlawfully Deposited <i>Section 59 of the Environmental Protection Act 1990</i>	To serve notice on the occupiers of land to ensure removal of any waste deposited in contravention of Section 33 and to take steps with a view to eliminating or reducing the consequences of the deposit of the waste. To request the Director of Law and Democratic Services to take prosecutions or issue cautions against any persons failing to comply with the notice. <i>(exercised concurrently with the Head of Streetsmart)</i>

Subject/ Enabling Statute	Authority
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Waste Management	DPH
378 Interference with waste sites and receptacles for waste <i>Section 60 of the Environmental Protection Act 1990</i>	To request the Director of Law and Democratic Services to take prosecutions and issue cautions against any person interfering with waste receptacles provided by the Authority. <i>(exercised concurrently with the Head of Streetsmart)</i>
379 Offence of leaving litter <i>Section 87 of the Environmental Protection Act 1990</i>	To request the Director of Law and Democratic Services to take prosecutions and issue cautions against any person dropping litter in a manner prescribed by the Act. <i>(exercised concurrently with the Head of Streetsmart)</i>
380 Fixed penalty notices for leaving litter <i>Section 88 of the Environmental Protection Act 1990</i>	To issue Fixed Penalty Notices against any person committing an offence under Section 87 <u>in conjunction with the Head of Planning, Regulatory Services and Heritage and the Head of Streetsmart.</u> <i>-(exercised concurrently with the Head of Streetsmart)</i>
381 Litter control areas <i>Section 90 of the Environmental Protection Act 1990</i>	To designate areas as Litter Control Areas. <i>(exercised concurrently with the Head of Streetsmart)</i>
382 Summary proceedings by authorities <i>Section 92 of the Environmental Protection Act 1990</i>	To serve litter abatement notices imposing requirements or prohibitions on relevant land. <i>(exercised concurrently with the Head of Streetsmart)</i>
383 Street litter control notices <i>Section 93 of the Environmental Protection Act 1990</i>	To serve street litter control notices imposing requirements in relation to litter or refuse on occupiers of premises to ensure they control any litter or refuse generated from their property, in accordance with this section and Section 94. <i>(exercised concurrently with the Head of Streetsmart)</i>

Subject/ Enabling Statute	Authority
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Waste Management		DPH
384	Powers in relation to abandoned shopping and luggage trolleys <i>Section 99 of the Environmental Protection Act 1990</i>	To make resolutions under this Section to resolve that Schedule 4 of the Act shall apply in its area. <i>(exercised concurrently with the Head of Streetsmart)</i>
385	Penalty for unauthorised dumping <i>Section 2 of the Refuse Disposal (Amenity) Act 1978</i>	To request the Director of Law and Democratic Services to take prosecutions against persons found abandoning waste, including motor vehicles. <i>(exercised concurrently with the Head of Streetsmart)</i>
386	Powers of entry etc. <i>Section 8 of the Refuse Disposal (Amenity) Act 1978</i>	To allow Authorised Persons to enter upon any land for the purpose of ascertaining whether any of the functions conferred by S.3 or S.6 of the Act should be exercised. <i>(exercised concurrently with the Head of Streetsmart)</i>

Enforcement Policy		DPH
387	Fixed Penalty Notices <i>Clean Neighbourhoods and Environment Act 2005</i>	To set levels of fixed penalty charges for offences. The level of the fixed penalty charge shall be set having regard to: - <ul style="list-style-type: none"> Any Government guidance on the level at which the fixed penalty charge should be set; The likely level of fine that a court would impose for a similar offence; The need to deter offenders from opting for prosecution because they believe that the court would impose a lower level of penalty; and The cost of bringing a prosecution where fixed penalties were not paid.

Subject/ Enabling Statute	Authority
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Peacetime Emergencies		DPH
388	Peacetime emergencies	To exercise the powers of the Council in relation to planning for peacetime emergencies.

Refuse Collection		DPH
389	Waste on vacant sites <i>Section 34, Public Health Act 1961</i>	To arrange the removal of accumulations of refuse from vacant sites which are seriously detrimental to the amenities of the neighbourhood (<i>exercised concurrently with the Head of Streetsmart</i>).
390	Collection of Waste - Notices <i>Sections 46 and 47 of the Environmental Protection Act 1990</i>	To serve notices requiring an occupier to place waste for collection/storage in a receptacle of a kind and number specified (<i>exercised concurrently with the Head of Streetsmart and the Head of Planning, Regulatory Services and Heritage</i>).
391	Abandoned Vehicles <i>Section 3(2) and 3(5) of the Refuse Disposal (Amenity) Act 1978 and Section 99(3) and 99(4) of the Road Traffic Regulation Act 1984</i>	To sign and serve notices, or to sign and affix a notice to an abandoned vehicle (as appropriate). (<i>exercised concurrently with the Head of Streetsmart</i>).

Health and Safety		DPH
392	Health and Safety at Work <i>Health and Safety at Work etc. Act 1974</i>	To exercise the functions of the Council in relation to the Health and Safety at Work etc. Act 1974. (<i>exercised concurrently with the Head of Customer and Business Services <u>Internal Audit</u></i>)

Subject/ Enabling Statute	Authority
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Health and Safety		DPH
393 Sanitary Conveniences in Workplaces <i>Section 65, Building Act 1984</i>	To serve notices requiring the provision of sanitary conveniences in workplaces. <i>(exercised concurrently with the Head of Customer and Business ServicesInternal Audit)</i>	
394 Sanitary Conveniences in places serving food <i>Local Government Miscellaneous Provisions Act 1976</i>	To require the provision of sanitary conveniences for the public in places serving food. <i>(exercised concurrently with the Head of Planning, Regulatory Services and Heritage)</i>	

Community Protection		DPH
395 Community Protection Notices <i>Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014</i>	In consultation with the Director of Law and Democratic Services, to serve Community Protection Notices in accordance with Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 and in the event of a breach serve fixed penalty notices <i>(exercised concurrently with the Head of Housing Management and Community Safety and the Head of Planning, Regulatory Services and Heritage).</i>	

<u>Grants</u>		<u>DPH</u>
<u>Determination of grant applications</u>	<u>To approve, or refuse, grant allocations from the various budgetary provisions for one-off grant funds, subject to: (i) a maximum of £15,000 approval on any one grant (this amount to be reviewed annually); (ii) any grant being "one-off", with no recurring liability; and (iii) applications being in accordance with the current Council criteria relating to the relevant grant fund.</u>	
<u>Grassroots Grants</u>	<u>In consultation with the appropriate Cabinet Member, to approve the award of Grassroots Grants.</u>	

Commented [SJ(26)]: Transferred from the deleted post of Head of Communities, Localities and Volunteering

One Swindon**HLCIV**

One Swindon and Community
Budgets
Local Government Act 2000

Administration of the Council's Community
Budgets.

<i>Subject/ Enabling Statute</i>	<i>Authority</i>
	General DPH
396 Entry onto and inspection of land and premises	To enter and inspect land and premises in accordance with the powers specified in Statutes, Orders and Regulations falling within their purview.
397 Entry onto and inspection of land and premises <i>Health and Safety at Work etc. Act 1974</i>	Where the enabling statute permits, to authorise persons not appointed by this Council to enter upon land or premises in order to carry out their respective duties and in particular, but without prejudice to the generality of this authority, to authorise the Chief Fire Officer and officers of the Fire Brigade to enter upon land or premises for the purpose of examination of means of escape in case of fire in accordance with the Housing Act 1985 and appropriate licensing functions (<i>exercised concurrently with the Head of Planning, Regulatory Services and Heritage</i>).
398 Petroleum Licensing	To exercise the functions of the Council with regard to Petroleum Licensing. (<i>exercised concurrently with the Head of Planning, Regulatory Services and Heritage</i>)

399	Requisitions for information <i>Local Government (Miscellaneous Provisions) Act 1976</i>	To serve requisitions for information as to ownership/occupation on all persons having an interest in premises. <i>(exercised concurrently with the Head of Planning, Regulatory Services and Heritage)</i>
400	Medical Referee to the Crematorium	To appoint a registered medical practitioner as Medical Referee to the Crematorium, and other registered medical practitioners as Deputy Medical referees to the Crematorium.

DESIGNATIONS OF "PROPER OFFICERS"

Subject to the provisions of Standing Orders, Financial Regulations and the Scheme of Delegations:-

CHIEF EXECUTIVE

The Chief Executive, and in the event of his/her being absent or otherwise unable to act, the Officers referred to in Article 14.07 of this Constitution, is hereby appointed the proper officer in relation to:-

- (a) any reference in any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972, or in any instrument made before 26th October, 1972 or in any document made before 1st April, 1974 to the Clerk of a Council or the Town Clerk of a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the proper officer of the Council;
- (b) the following provisions:-

Local Government and Housing Act 1989

<u>Section of Act</u>	<u>Proper Officer's functions</u>
Section 4	Head of Paid Service

Local Government Act 1972

<u>Section of Act</u>	<u>Proper Officer's functions</u>
Section 137(A)	Receipt of a written statement or Annual Report or Accounts deposited under Section 137(A) where the Council has provided financial assistance to any organisation, body or fund

DIRECTOR OF LAW AND DEMOCRATIC SERVICES

The Director of Law and Democratic Services is hereby appointed the proper officer in relation to the following provisions:-

Marriage Act 1949

<u>Section of Act</u>	<u>Proper Officer's functions</u>
Sections 9, 13 & 20	Registration of Births, Deaths and Marriage
Section 57(4)	Reimbursement of fees

Registration Service Act 1953

<u>Section of Act</u>	<u>Proper Officer's functions</u>
Sections 6(1), 6(3) 10(1) and 14(1)	Dealings with registration officers

Local Government Act 1972

<u>Section of Act</u>	<u>Proper Officer's functions</u>
13(3)	To act as one of the Parish trustees in parishes having no separate Parish Council.
83(1) to (4)	Witness and receipt of declarations of acceptance of office.
84	Receipt of declaration of resignation of office.
88(2)	Convening of meeting of Council to fill casual vacancy in the office of Mayor.
Schedule 12 Part 1 para. 4(2)(b)	Signature of summonses to Council Meetings.
para. 4(3)	Receipt of notices regarding address to which s summons to meetings is to be sent.
Schedule 14	Certification of resolutions to adopt certain Acts under para. 25(7) para. 25 of Schedule 14.
89(1)(b)	Receipt of notice of casual vacancy from 2 local government electors.
100B(2)	Circulation of reports and agendas
100B(7)(c)	Supply of papers to the press
Section 100C(2)	Summaries of minutes
100F(2)	Papers not open to members
210(6) and (7)	Charity functions of holders of office with existing authorities transferred to holders of equivalent office with new authorities or if there is no such office, to proper officers.
225(1)	Deposit of documents
229(5)	Certification of photographic copies of documents

234(1) and (2)	Authentication of documents (including the authentication of those documents for which another officer has also been appointed the Proper Officer)
236(9)	To send copies of byelaws for Parish records
236(10)	To send copies of byelaws to the County Council
238	Certification of byelaws
248	Keeping of Roll of Freeman.
Schedule 16 Para. 28	Receipt on deposit of lists of protected buildings (Section 54(4) of the Town and Country Planning Act, 1971)

Local Government Act 1974

<u>Section of Act</u>	<u>Proper Officer's functions</u>
Section 30	Receipt of Ombudsman Reports (In the event of his/her being absent or otherwise unable to act, the Chief Executive is appointed Proper Officer)

Local Government (Miscellaneous Provisions) Act, 1976

<u>Section of Act</u>	<u>Proper Officer's functions</u>
Section 41	Authentication of copies of minutes etc. for production in Court

Representation of the People Act 1983

<u>Section of Act</u>	<u>Proper Officer's functions</u>
Section 8	Electoral; Registration Officer for any constituency or part of a constituency coterminous with or situated in the Borough of Swindon
Section 82(4)	A person before whom declarations may be made as to election expenses

Local Government and Housing Act 1989

<u>Section of Act</u>	<u>Proper Officer's functions</u>
Section 5	Monitoring Officer
Section 15	Calculation of Political Balance on Committees

Regulation of Investigatory Powers Act 2000

<u>Section of Act</u>	<u>Proper Officer's functions</u>
Sections 28 and 29	To maintain and keep under review a central register of authorisations issued under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.

Local Government Act 2000

<u>Section of Act</u>	<u>Proper Officer's functions</u>
Section 52	Receipt of written undertaking from Members to observe the Authority's Code of Conduct

Crematorium Regulations 1930

<u>Section of Act</u>	<u>Proper Officer's functions</u>
17	Registrar to the Crematorium

ELECTORAL SERVICES MANAGER

The Electoral Services Manager is hereby appointed the proper officer in relation to the following provisions:

The Representation of the People Act 1983

<u>Section of Act</u>	<u>Proper Officer's Functions</u>
Sections 52(2) and 52(3)	Deputy to Electoral Registration Officer

COMMITTEE AND MEMBER SERVICES MANAGER

The Committee and Member Services Manager is hereby appointed the proper officer in relation to the following provisions:

Local Democracy, Economic Development and Construction Act 2009

<u>Section of Act</u>	<u>Proper Officer's Functions</u>
Section 31	Statutory Scrutiny Officer

DIRECTOR OF FINANCE (S151 OFFICER)

The Director of Finance (s151 Officer) is hereby appointed the proper officer in relation to:-

- (a) any reference in any enactment passed before or during the 1971 - 72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October, 1972 or in any document made before 1st April, 1974 to the Treasurer or Chief Financial Officer of a Council or of a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the proper officer of the Council; and
- (b) the following provisions:

Local Government Act 1972

<u>Section of Act</u>	<u>Proper Officer's functions</u>
146(1)(a) and (b)	Declarations and certificates with regard to securities.
151	Proper administration of the Council's financial affairs.

Local Government Finance Act 1992

<u>Section of Act</u>	<u>Proper Officer's functions</u>
Section 38(2)	Giving notice in the press of the amounts of Council Tax that have been set; and the maintenance of the Loans Register and signing of certificates issued under the provisions of the Local Authority (Stocks and Bonds) Regulations, 1974.

DIRECTOR OF PUBLIC HEALTH

The Director of Public Health is hereby appointed the Proper Officer in relation to :-

- (a) any reference in any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972, or in any instrument made before 26th October, 1972, or in any document made before 1st April, 1974, to the Public Health Inspector or Sanitary Inspector of a Council or of a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the proper officer of the Council;
- (b) the following provisions, except so far as any part of any particular duty included therein falls to be dealt with by the Registered Medical Practitioner appointed by the Council as the proper officer for any such part:-

Public Health Act, 1936

<u>Section of Act</u>	<u>Proper Officer's functions</u>
24	Power to issue a certificate where urgent action is needed for work to be carried out on a public sewer.
238	Inspection of premises the subject of application for registration as keeper of Common Lodging House.
284	Notices, etc., to be signed on behalf of Borough Council.

Public Health (Control of Disease) Act 1984

<u>Section of Act</u>	<u>Proper Officer's functions</u>
18	Information to be furnished by occupier in case of notifiable disease or food poisoning.
24	Disinfection of infected article, or satisfaction that it has been disinfected, before sending to laundry.
29	Certification as to disinfection of house and contents before re-letting.
29	Certification as to disinfection of hotel room and contents before re-letting.
30(2)	Notice as to disinfection of house and contents after vacation.
31(1)	Certification to Borough Council as to the cleansing and disinfection of premises, and the disinfection or destruction of articles, so as to prevent the spread of infection.
31(2)	Satisfaction as to steps taken in the cleansing and disinfection of premises, and the disinfection or destruction of articles.
59	Notices etc. to be signed on behalf of the Borough Council.

Building Act, 1984

<u>Section of Act</u>	<u>Proper Officer's functions</u>
78	Giving of notice, and taking such steps as are necessary to remove danger, in respect of dangerous building or structure.

Public Health Act, 1961

<u>Section of Act</u>	<u>Proper Officer's functions</u>
37	Disinfection or destruction of verminous article.

Housing Act, 1985

<u>Section of Act</u>	<u>Proper Officer's functions</u>
606(1)	Report to Borough Council as to unfitness of a house or as to a clearance area.
606(2)	Complaint by a Justice of the Peace or a Parish Council as to unfitness of a house or as to a clearance area.

Local Government Act 1972

<u>Section of Act</u>	<u>Proper Officer's functions</u>
234	Authentication of Documents as approved by the Director of Law and Democratic Services.
234(1) and (2)	Authentication of such documents as relate to matters within the delegated powers of the Corporate Director Resources and Transformation <u>Corporate Director Resources and Growth</u> .

Local Government and Housing Act 1989

<u>Section of Act</u>	<u>Proper Officer's functions</u>
204(3)	Receipt of Applications for licences under Schedule 2 of the Licensing Act, 1964.

Local Government and Housing Act 1989

<u>Section of Act</u>	<u>Proper Officer's functions</u>
179	To exercise power of entry by an authorisation within the meaning of Parts 3 and 4 of the Act and within the meaning of Section 108(5).

The Director of Public Health is hereby appointed the proper officer in relation to the following provisions:

Local Government Act 1972

<u>Section of Act</u>	<u>Proper Officer's functions</u>
Section 101	To enter into a Service Level Agreement on behalf of the Council with another appropriate local weights and measures authority to enable this Council to meet and discharge its metrological functions under Sections 4 and 5 of Weights and Measures Act 1985 relating to Local and Working Standards respectively on terms to be finalised in consultation with the Director (Law and Democratic Services)

DIRECTOR OF ADULT SERVICES**CORPORATE DIRECTOR OF ADULT SOCIAL SERVICES AND HEALTH**

The ~~Director of Adult Services~~**Corporate Director of Adult Social Services and Health**, in consultation with the Director of Public Health jointly appointed with Swindon Primary Care Trust is authorised to appoint a Registered Medical Practitioner to act as the proper officer in relation to the following provisions, except so far as any part of any particular duty included therein falls to be dealt with by the Director Adult Services appointed by the Council as the proper officer for any such part:-

National Assistance Act 1948

<u>Section of Act</u>	<u>Proper Officer's functions</u>
47	Persons in need of care and attention

National Assistance (Amendment) Act 1951

<u>Section of Act</u>	<u>Proper Officer's functions</u>
1	Persons in need of care and attention