

# SCHEME OF DELEGATION

## INTRODUCTION AND GENERAL OFFICER POWERS

### Concept and Layout of the Scheme

- The Schedule starting on page 58 is the prime component of the Scheme. It defines the functions which must be exercised at Committee level, or be recommended to Council.
- Functions not listed for Council or Committee may be exercised by the Officer (or Officers) identified from Annex 1.
- There are some specific delegations identified in Annexe 2 which will be exercised by Officer(s) specified.
- Where under this Scheme a function may be exercised by an identified Officer, the function may also be exercised by any Officer on the identified Officer's staff acting within arrangements authorised by the identified Officer. The Council authorises such Officers to act accordingly.
- Annexe 3 sets out guidance to Officers for informing and consulting Members, and requires specific consultation for some functions. The Schedule and Annexe 2 are subject to Annexe 3. However consultation or agreement with others is only a prerequisite for the exercise of the function if expressly mentioned in Annexe 1 or 2.
- Annexe 4 sets out the Council's Consultation guidance as a matter of guidance to Committees, Sub-Committees, and Officers.

### Use of the Scheme

If a decision includes any matter which is a Committee responsibility it must be taken by the Committee and not by an Officer.

An Officer may ask Committee to decide any matter, even if he or she has the power, if he or she considers it appropriate on the basis of political or public interest, or for any other reason. He or she should also refer a matter to Committee if there is any doubt as to whether it is within the range of functions committed to Officers.

Committees may delegate additional specific matters to Officers, and with the approval of Council may reserve additional matters to themselves.

**Officers must bear in mind the possible need to inform or consult Members, as described in Annexe 3, and the general Consultation Guidance in Annex 4.**

### Information reports

Committees may decide what reports they want from Officers on the exercise of delegated functions. In any case, Officers must report at suitable intervals on the progress of projects or other action initiated by the Committee.

### Definitions

In this Scheme, "policy" or "policies" refers to matters of general principle for exercising a function, the setting of conditions or limitations on the way in which it is to be exercised, the setting of matters to be taken into account in exercising it, and the setting of particular objectives and/or targets for its exercise. These expressions do not include the making of decisions on individual matters within whatever criteria are set.

If any decision raises a new issue of policy, the Officer concerned must make a report to the appropriate Committee and ask it to consider the policy before taking the decision, with Council approval if necessary.

Officers' general powers and duties

**To avoid any doubt, provided budgetary provision is available, Officers are instructed and authorised to:**

- Do all things necessary to manage the Council's finances and property in accordance with the law and Council policy (including Financial Regulations);
- Do all things necessary to manage the Council's staff in order to discharge the Council's functions, in accordance with the law and Council policy;
- Do all things necessary to conduct the Council's office administration efficiently, in accordance with the law and Council policy;
- Do all things necessary to maintain the Council's property and equipment in accordance with the law and Council Policy;
- Take any administrative or practical step necessary for the implementation of any Council or Committee decision;
- Alter fees and charges within a financial year, notwithstanding the fact that they might have been approved with the budget, to respond to market conditions, changes in tax or other legislation, or for other sufficient cause, provided that no adverse budgetary consequences are anticipated). For the avoidance of doubt this includes power to set promotional prices and incentives.
- Respond to any matter (except development proposals) on which the Council is consulted and which does not raise any new issues of policy;
- Exercise any power or duty of the Council to take action for the safety, health or protection of people or property;
- Serve notices exercising statutory powers or duties, in accordance with any relevant Council policy, as the need may arise (unless listed below for a Committee);
- Respond or serve counter-notice to any formal notice served on the Council;
- Enter into contracts as necessary to implement the Council's agreed decisions and policies, subject to budgetary provision and provided the contract raises no new issues of principle. Except as provided in Standing Orders for Contracts, this function is exercisable only by the Corporate Head of Law and Governance, subject to appropriate discussion with staff of other departments.
- Recover costs, debts, or other money due to the Council where the Council is authorised to do so under any enactment, provided that the Chief Officer of the service involved considers it reasonable to do so;
- Take and defend legal proceedings where necessary to protect the Council's interests, recover money or compensation due to the Council, or enforce a regulatory power within Council policy, provided the Corporate Head of Law and Governance believes that there is a good chance of success, and save that if the Council's own costs of the action are likely to exceed five thousand pounds, specific authority must be obtained. This authority includes any proceedings of any description in any Court. Proceedings may be settled or compromised without Committee authority provided that the total cost to the Council does not exceed five thousand pounds.
- The Assistant Chief Executive and Corporate Head of Law and Governance are authorised under Section 223 of the Local Government Act 1972 to authorise such named Officers as they see fit to take proceedings in the Magistrates' Court to recover Council Tax and National Non-Domestic Rates and Sundry Debts.
- Administer formal cautions within any guidelines approved by the Council;
- Serve notice requiring information where required for any Council function.

- To sign any Notices or Agreements which relate to their specific service areas e.g. Notices or Tenancy or management agreements, consents, permissions, licences, Direct Let Service and Deposit Agreements.

**If there is a conflict between this list and the Schedule, this list prevails.**

## SCHEDULE

### MATTERS RESERVED TO COMMITTEE OR COUNCIL

The purpose of this Schedule is to define what has to be decided at Member level. It is not to define the Committees' terms of reference, which may be wider than the matters listed below. The Terms of Reference are set out in an earlier section, starting on page 32.

***The following functions must normally be handled by Committee, Sub-Committee, or Council. The Terms of Reference set out earlier indicate which Committee or Sub-Committee has responsibility. Most matters can be dealt with by the appropriate Committee or Sub-Committee. Under the Constitution, there are some matters in which full Council must normally take the decision. As a guide only, the asterisks below are intended to identify these.***

To avoid doubt, any function delegated to an Officer in the Scheme of Delegation to Officers dated January 1998, as amended from time to time, is still exercisable by the appropriate Officer ascertained from this Constitution.

#### **General**

- 1.1 Any matter reserved to the full Council by Article 4 of the Constitution;\*one of the effects of this is that full Council must consider matters of policy going beyond the terms of reference of a single committee;
- 1.2 The setting of charges for the exercise of any function (except as listed above under "Officers' General Powers and Duties");
- 1.3 Any matter where the law states that Committee/Council must make the decision;
- 1.4 Financial or business planning for any function.
- 1.5 The setting of policy, subject to any specific delegation to Officers
- 1.6 Corporate Business Plan\*

#### **Specific functions**

#### **2 Staff**

- 2.1 Any proposal which will result in a reduction in staffing numbers by virtue of compulsory redundancy\* or which has an additional budgetary impact (budgetary impact in excess of £50,000 must be recommended to Full Council)\*;
- 2.2 The corporate management structure\*.
- 2.3 Pay Policy statement\*
- 2.4 In case of termination on efficiency grounds, any severance payment to any Chief Officer with a net cost of less than £50,000. If a net cost above £50,000, the matter will be determined by Full Council

#### **3 Finance**

- 3.1 Approval of revenue estimates and annual budget\* (but not including the Council Tax base).
- 3.2 Approval of Capital Programme\*
- 3.3 Capital Estimates up to £250,000. Capital estimates over £250,000 must be recommended to Full Council (as a general principle, the Corporate Management Committee will approve a capital estimate only when it is content to authorise a project to proceed, though the Council may earlier have included the proposal in the capital programme). This does not apply to property transactions. Refer to standing orders for acquisition and disposal of property.
- 3.4 Revenue and capital expenditure forecasts.

- 3.5 Financial Regulations\*.
- 3.6 General financial management policy
- 3.7 Approval of supplementary revenue/capital estimates up to £250,000. Only Supplementary estimates over £250,000 must be recommended to Full Council. The Housing Committee can agree any HRA related supplementary estimate up to £100,000 providing there are sufficient HRA working balances in the relevant financial year. Any expenditure above this amount and all General Fund expenditure must be referred to Corporate Management Committee for approval.
- 3.8 Annual Investment Strategy if changed after prior approval\*
- 3.9 Treasury Management Strategy\* and Treasury Annual Report\*
- 3.10 Financial Forecast\*
- 3.11 Statement of Accounts
- 3.12 Virements within limits specified in Financial Regulations
- 3.13 Variations to capital programme up to £250,000. Variations over £250,000 must be reported to Full Council
- 3.14 Borrowing limits\*.
- 3.15 The writing off of debts exceeding £15,000 for any one matter.
- 3.16 The charge to be made for any service, so far as not delegated to an Officer (as to which see above under "Officers' General Powers and Duties")
- 3.17 Members Allowances and appointment of Independent Remuneration Panel\*
- 3.18 Appointment of external auditors \*

#### **4 Real Property**

- 4.1 Property Investment Strategy (including any changes to rates of return and yields)\*
- 4.2 All property ~~transactions~~ acquisitions, subject to borrowing approval being in place, and if no borrowing approval in place the decision be made by Full Council. Refer to standing orders for Acquisition and Disposal of property.
- 4.3 Except for sales of council houses and DIYSO properties
  - The appropriate Committee must approve disposal of land exceeding £100,000 in value with disposal of land below a value of £100,000 delegated to Officers;
  - The appropriate Committee must approve the Grant of Rights exceeding £100,000 in value with Grant of Rights below a value of £100,000 delegated to Officers;
  - The appropriate Committee must grant any lease for a term in excess of 10 years with a grant of any lease for under 10 years delegated to Officers;
  - The appropriate Committee must grant any lease where the annual rent is in excess of £100,000 and grant of any lease where annual rent is below £100,000 be delegated to Officers.
- 4.4 The form of any proposed development or redevelopment of Council land.
- 4.5 Deciding or changing the purpose for which a particular property is to be held.

#### **5 General administration**

- 5.1 Corporate organisation and structure, including Terms of Reference of Committees and Calendar of Meetings\*.

- 5.2 Information Systems Strategy and Information and Communication Strategy.
- 5.3 Procurement or replacement of IT equipment and software exceeding £20,000 in value.
- 5.4 Replacement of CCTV and other Safer Runnymede equipment if the value expended exceeds the remaining balance of contributions to the Equipment Replacement Reserve.
- 5.5 Procurement of goods, works, or services where Standing Orders require a Committee report.
- 5.6 Making and amendment of Standing Orders\*, except where necessary only for legal compliance.
- 5.7 Response to Government and other consultations involving new issues of policy.
- 5.8 Any function exercisable by the Council as Trustee, if it would be a Committee matter for a function exercisable in the Council's own right.
- 5.9 Risk Management Policy & Strategy

## **6 Grant aid**

- 6.1 The award of Grant Aid of any description exceeding £10,000 in value in one financial year.

## **7 Council, social, and affordable housing**

- 7.1 The Housing Revenue Account Business Plan, Asset Management Strategy and Housing Strategy Statement.
- 7.2 The formulation of initiatives to meet affordable housing targets.
- 7.3 Rents and rent policy.
- 7.4 Scheme for the allocation of Housing accommodation and the determination of priorities between individuals and groups, but not the making of minor amendments
- 7.5 Programmes for improvement of Council housing stock.
- 7.6 Strategies for housing and assisting the homeless.
- 7.7 New build.
- 7.8 The approval of projects to be undertaken with other bodies

## **8 Community Services**

- 8.1 Provision of new land or premises.
- 8.2 Improvement of facilities to a cost greater than £20,000.

## **9 Matters relating to Highways**

- 9.1 Comment on County Highways policy.
- 9.2 Approval of input to Local Transport Plan, and funding bids relating to it.
- 9.3 Comment on schemes of the County Council or DETR when consulted.
- 9.4 Control of trading on the highway, except enforcement.

*All other highway-related functions may be exercised by Officers, subject to any special conditions set*

## **10 Car Parks**

- 10.1 Car park provision and the making and amendment of off-street parking places orders, except consolidation orders.

## **11 Drainage**

- 11.1 Approval of land drainage improvement schemes where the cost exceeds £20,000

## **12 Leisure Services**

- 12.1 Provision of new premises, land, parks or open spaces.
- 12.2 Improvement of facilities to a cost greater than £20,000.

## **13 Appointments**

- 13.1 Power to make and revoke appointments to any body or partnership or joint working Group as envisaged by Article 10 in connection with the discharge of any function unless specifically delegated to Officers.

## **14 Waste Management**

- 14.1 Waste Management Action Plan

## **15 Audit**

- 15.1 Annual report on Internal Audit

## **16 Licensing and Registration**

- 16.1 Note: by statute, the Licensing Committee has exclusive responsibility for licensing matters under the Licensing Act 2003. Any delegations to sub-committees or Officers are for that Committee alone and are set out in the Council's Licensing Policy. In the event of any conflict on 2003 Act licensing matters with the provisions below, the Licensing Policy prevails.
- 16.2 Approval of standard licence or registration conditions and procedures for any matter under the relevant Committee's Terms of Reference. (Note: this does not prevent the appropriate Committee or Officer from varying such conditions or imposing special conditions where they see fit on individual cases.
- 16.3 The determination of licensing or other applications requiring a hearing by virtue either of legal requirements or of any procedure adopted by the authority.
- 16.4 Licensing Policy\*
- 16.5 Gambling Policy
- 16.6 Hackney Carriage and Private Hire Policy

## **17 Elections**

- 17.1 Appointment of an Electoral Registration Officer\*
- 17.2 Appointment of a Returning Officer for Local Government Elections\*
- 17.3 Representations to Local Government Commission or Boundary Commission and comment on proposals affecting electoral areas.
- 17.4 Approval of Polling Districts and Polling Places (except in case of emergency).
- 17.5 Changes in rates of pay for Presiding Officers and Poll Clerks in Local Government Elections outside the annual cost of living settlement.

17.6 Change of name of electoral wards\* including prior formal consultation thereon

## **18 Name and status of area and individuals**

18.1 Power to change the name of a district\*

18.2 Power to confer the title of honorary alderman or to admit a person as honorary freeman\*

## **19 Miscellaneous Statutory and Regulatory Functions**

19.1 Application of Schedule 2 to the Noise and Statutory Nuisance Act 1993 to the area

19.2 Power to make, amend, revoke or re-enact bylaws under any legislation\*

19.3 The adoption of standards for houses in multiple occupation (but not their waiver or amendment in individual cases)

19.4 Power to promote or oppose local or personal Bills\*

19.5 The determination of appeals against decisions made by or on behalf of the authority, unless specifically delegated to Officers

19.6 Functions in relation to the Local Government Pension Scheme, including functions relating to the award of discretionary payments in cases of redundancy, etc.

19.7 Power to make closing orders with respect to premises where meals or refreshments are supplied for consumption off the premises

19.8 Duty to approve authority's statement of accounts, income and expenditure and balance sheet

## **20 Standards and Audit Committee**

20.1 The whole of the Committee's functions except for those matters expressly delegated to the Monitoring Officer.

## **21 Crime and Disorder Committee – explanatory note**

21.1 The Committee has no power to determine action and must make recommendations to Council, but Council may authorise Officers to exercise Crime and Disorder functions as it chooses.

## **22 Englefield Green Committee**

22.1 The whole of the Committee's functions except the following matters, delegated to Officers:

- Grounds maintenance issues (such as grass cutting, litter clearance and road repairs)
- Replacement of existing furniture and fittings (Bins, signage, benches, etc.)
- The erection of new small scale signage
- Play equipment maintenance
- Tree and woodland management
- Routine maintenance and repairs

## **23. Planning**

23.1 All applications required to be referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009;

- 23.2 New full, hybrid or outline planning applications recommended for approval (with the exception of S73 & S73A applications, unless referred to Committee under provision 23.3) that fall into the definition of major development as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (or as superseded) or are for a net increase of 5 or more new dwellinghouses.
- 23.3 Planning applications where a Councillor of the Authority has requested that the application be the subject of a decision by the committee (an application in this case being an application for Full, Outline, Reserved Matters, Hybrid, S73/S73A or Householder Planning Permission or an application for Listed Building Consent. No other case types are the subject of this provision).
- The request must be in writing, relate to development in their own ward, state whether it applies if the recommendation is to permit or refuse (not both), give a valid planning reason, and be received within 28 days of the registration of the application.
- 23.4 Any matter where authority is normally delegated to the CHDMBC, but where the CHDMBC chooses not to exercise their delegated authority and considers the matter to be most appropriately dealt with by the committee.
- 23.5 Planning applications made on behalf of the Council for its own developments for new buildings or extensions which result in an increase in floor space greater than 250sqm and for which three or more objections have been received.
- 23.6 Any planning applications which are recommended for approval but on which a planning objection has been received from one of Natural England, the Environment Agency, Historic England, Sport England or the County Highway Authority which have not, in the opinion of the CHDMBC, been subsequently resolved by negotiation or through the imposition of conditions;
- 23.7 Any planning applications that are not caught by other provisions of this section and are for householder development or minor development and are recommended for approval, that have received objections from more than 10 different parties\*.
- \*For this purpose, objections received from different members of the same household or address shall count as coming from a single party.*
- 23.8 Any planning applications submitted by, or on behalf of, a Councillor of the Authority (or their spouse/civil partner or a person with whom they are living as spouse/civil partner) where there is one or more objections received within 28 days of registration of the planning application.
- 23.9 Any planning applications submitted by, or on behalf of, an officer (or their spouse/civil partner or a person with whom they are living as spouse/civil partner)\*\* that has a role or potential involvement in the planning process, where there are one or more objections received within 28 days of registration of the planning application.
- \*\*For this purpose, such a member of staff shall be broadly defined as a member of the Development Management and Building Control Service, a Member of the Planning Policy and Economic Development Service, any internal consultees who respond on planning applications or a member of the Senior/Corporate Leadership teams.*
- 23.10 The making of Directions restricting permitted development under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order which revokes and re-enacts that Order.
- 23.11 The making of Local Development Orders under the Town and Country Planning Act.
- 23.12 All necessary approvals for the Compulsory Purchase of land under the Town and Country Planning Act and determinations as to whether to appropriate land for planning purposes, or dispose of such land held for planning purposes under section 232 and 233 of the Act.
- 23.13 The adoption/making of Development Plan Documents (the Local plan/Neighbourhood Plans) and Supplementary Planning Documents.

*Note on committee items: For the avoidance of doubt, where it is in the interests of good planning and decision making and where it would not conflict with the instruction of the committee on a particular matter, the CHDMBC has the delegated authority to add, remove or amend conditions, reasons or obligations ahead of a formal notice being issued.*

*In any case where the CHDMBC is unsure of whether it is appropriate to exercise this authority, permission should be sought from the chair of the committee in writing.*

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## ANNEXE 1

### DIVISION OF OFFICER RESPONSIBILITIES

(Note: The purpose of this annexe is to identify the officer responsible for doing something. It is not in itself a list of delegated powers. Whether specifically stated or not, officers exercising functions are expected to consult other officers whose functions may be affected by their actions. See also Annexe 3.)

#### Staff

(N.B. refer to Personnel Policies and Procedures handbook)

Appointment and starting terms within established range; disciplinary action; capability matters; dismissal; general management in accordance with established policy and procedures; advancement within salary range in accordance with established policy; variation of terms and conditions within established policy:

**The Chief Executive and Corporate Head concerned.**

Administration of staff car leasing scheme, car loans, and computer loans:

**ACE151 following consultation with Corporate Head concerned, in case of individual applications.**

All other Officer staffing decisions, including variations to gradings and establishment within available flexibility:

**CE following consultation with Corporate Head concerned.**

#### Finance

All financial matters delegated to an Officer, including administration and collection of Council Tax and Non-Domestic Rates and Sundry Debts

**ACE151/CHCDCS, subject to consultation with the Corporate Head responsible for any service involved.**

#### Property

Acquisitions, disposals, dealings, rights, statutory powers:

**CE and CHAR, subject to considering the advice of a qualified Valuer on significant transactions, and subject to consultation with the Chief Officer or Corporate Head responsible for any service involved.**

#### Legal matters

The initiation or defence of legal proceedings:

**CHLG, subject to consultation with the Corporate Head responsible for any service involved.**

**ACE151/CHCDCS** for recovery or non-payment of Council Tax, Non-Domestic Rates, or benefit fraud and Sundry Debts

**CHH** for recovery of rent, service charges, rechargeable works, homelessness and ASB.

Entering into legally binding obligations (if not delegated to another Officer):

**CHLG, subject to consultation with the Corporate Head responsible for any service involved.**

#### Administration

The procurement of goods, materials, labour or services:

**CE/ACE151 and Corporate Head responsible for the service involved, to act in accordance with Standing Orders.**

Amendment of Standing Orders where necessary to comply with Legal requirements

**CHLG**

Insurance

**ACE151**

**Refuse collection and recycling:**

**DSO MANAGER/CHES/PEHO**

**Pollution and nuisance control:**

**CHES/PEHO**

**Food legislation:**

**CHES/PEHO**

**Health and Safety at Work:**

**CHES/PEHO**

**Stray Dogs:**

**CHES/PEHO**

**National Assistance Act burials and cremations and dealing with estates of deceased persons:**

**CHES/PEHO**

**Public Conveniences:**

**DSO MANAGER/CHES/PEHO**

**Licensing and registration**

All matters not allocated specifically elsewhere:

**CHES/PEHO**

Betting Gaming and Lotteries legislation:

**CHES/PEHO**

House-to-house and street charitable collections:

**CHLG**

Film licensing:

**CHAR**

Market and Street trading:

**CHES/PEHO** (CHLG for licence consents etc issue and administration)/

Mobile Homes Act 2013

**CHES/PEHO**

Scrap Metal Dealers Act 2013

**CHES/PEHO**

Sunbed Regulations

**CHES/PEHO**

Gambling Act 2005

**CHES/PEHO**

Hackney Carriage & Private Hire Licensing Policy

**CHES/PEHO**

## Housing

Council and social housing:  
**CHH/HEAD OF HOUSING**

Council caravan sites:  
**CHH/HEAD OF HOUSING**

Homelessness, Housing advice and Housing Register:  
**CHH/HEAD OF HOUSING**

Mortgages and loans:  
**ACE151**

Private Sector Housing Standards and grants:  
**CHES/CHH/HEAD OF HOUSING**

Enabling affordable housing:  
**CHH/HEAD OF HOUSING**

Housing Revenue Account  
**ACE151/CHH/HEAD OF HOUSING**

## Services for Older Persons

Generally:  
**CHCS**

Home Improvement Service:  
**CHCS**

## Housing Benefit and Council Tax Support

**ACE151/CHCDCS**

## Community Safety Functions:

**CHES/CHCS**

## Highways Functions and car parking:

**CHCS/PRINCIPAL ENGINEER / PARKING MANAGER**

Orders made under the Town Police Clauses Act 1847:  
**CHLG**

## Leisure, sporting, cultural and recreational functions:

**CHCS**

## Cemeteries:

**CHECS**

## Grant aid:

Functions not delegated elsewhere:  
**CHCS**

Grant aid for sporting, recreational or cultural purposes; including community events (shows) etc;  
**CHCSLG**

Grant aid to be paid out of capital monies:  
**CHCSLG**

Grant aid for community halls:

**CHESLG**

Rent Grant Aid:

**CHCS in consultation with CHAR**

Planning grant powers:

**CHDMBC**

**Community Right to Bid for Assets of Community Value**

Initial application to register an asset as a community asset under Localism Act 2011

**CHDMBC/CHH**

Review of a decision to accept a decision to register an asset as a community asset

**CE/ACEs**

**Town and Country Planning and Planning Policy:**

**CHDMBC/DM/ADM//CHEDPP/LPM/SPM**

**Building Regulation and Building Control:**

**CHDMBC/ABCM**

Minor amendments to the constitution

CHLG / HoDS

**Any function not specified above:**

**The Officer designated by the Chief Executive or, in his absence, the Monitoring Officer**

## ANNEXE 2

### FUNCTIONS SPECIFICALLY OR CONDITIONALLY DELEGATED TO OFFICERS

#### Note 1:

These functions involve some detailed provision, or are exercisable by staff other than CE/ACEs/Corporate Heads. They are exercisable by the named officers regardless of anything in the main Schedule or in Annexe 1 above. Note also the requirements of Annexe 3.

#### Note 2:

Powers restricted to a single transaction or matter are not noted here, but are minuted and are kept in a publicly available list.

To avoid doubt, any function delegated to an officer in the Scheme of Delegation to Officers dated January 1998, as amended from time to time, is still exercisable by the appropriate officer ascertained from this Constitution.

#### Works Direct Service Organisation

##### Scheme of Delegation to the DSO Manager

- Note:
- a) Functions 1,2,3 and 4 may be exercised only with the agreement of the CHES or PEHO or in his absence, the Assistant Chief Executive.
  - b) All functions are subject to the availability of approved budgetary provision and compliance with Financial Regulations and Standing Orders.
  - c) The drafting and submission of tenders under Functions 5 and 6 may be carried out only with the agreement of the Assistant Chief Executive and Corporate Head of Law and Governance.
  - d) No contract for the provision of goods, services or works to the Council may be entered into under these powers so as to last beyond the time at which the function giving rise to the provision is intended or required to be exposed to competitive tendering.

##### FUNCTIONS

1. The acquisition (other than by way of leasing, contract hire, or hire purchase arrangements), whether at auction or otherwise, of all vehicles, plant and machinery employed in the discharge of any DSO functions, subject to Standing Orders for Contracts.
2. The management, maintenance and disposal of all vehicles, plant and machinery employed in the discharge of any DSO functions.
3. The acquisition (other than by way of leasing, contract hire, or hire purchase arrangements) management and disposal of all materials properly required to discharge the DSO functions.
4. Where required in pursuance of paras. 1, 2 and 3, or for other reasons, the seeking and acceptance, in accordance with Standing Orders for Contracts (and in place of the "relevant Chief Officer"), of the most advantageous tenders for the provision of services or the execution of works in respect of DSO functions.
5. In respect of works contracts with third parties which it is within the Council's power to discharge, where the tender will exceed £50,000, but not £100,000, the identification, in consultation with the Chief Executive and the Assistant Chief Executive, of those contracts for which the Council will submit tenders, and the drafting and submission of such tenders.
6. In respect of works contracts with third parties which it is within the Council's powers to discharge, where the tender will not exceed £50,000, the identification of those contracts for which the Council will submit tenders and the drafting and submission of such tenders, PROVIDED that where the aggregate value of all such contracts running simultaneously exceeds £150,000 the DSO Manager shall first consult the Chief Executive and the Assistant Chief Executive before the submission of any further tenders.
7. The execution of such contracts following successful tenders.

## **General Delegations**

### **Staffing**

Approval of staffing proposals for services being provided in house following a competitive bid, subject to consultation with the Chief Officer or Corporate Head concerned and consideration of the effect on the business or financial plan

CE/ACEs/CORPORATE HEADS

With the approval of Chief Executive, Corporate Heads may vary the number, grading and salary costs in their business centres within the salary base, except where compulsory redundancies are required.

CE/ACEs/CORPORATE HEADS

Approval of all employment policies and procedures, responsibility for policies and procedures for operational matters excluding pay policy, pension policy, compensation policy and any further policy which will have an additional budgetary impact.

CE

Except in cases of dismissal, application of employment policies on capability, sickness absence and disciplinary action

LINE MANAGERS

Dismissal of staff

CE/ACEs/CORPORATE HEADS

### **Employment Stability Policy**

Approval of proposals for salary protection in event of redeployment to a lower graded post for periods longer than one year on exceptional grounds

CE

Salary sacrifice arrangements – agreement of in cases where there are advantages to doing so and where costs/additional work could be contained within current budgets and staffing levels.

CE/ACE<sup>151</sup>

### **Administration**

Authorisation of any staff member to act as Proper Officer or for any other statutory purpose (if Committee or Council resolution not required by law), if no other officer specifically nominated for this function

CE

Co-option of Members to the Crime and Disorder Committee:

CHLG

Minor amendments to the Constitutions of the Cabrera Trust Management Committee or the Chertsey Meads Management Liaison Group

CHLG

Calendar of Committee and Council meetings – ad hoc minor changes

CE in consultation with Group Leaders.

Use of funds from New Initiatives Fund

CE in consultation with Leader of the Council

### **Communications**

Signing of location agreements for news filming on Council land or locations after consultation with relevant service area and to sign a booking form to confirm individual advertisements in Council publications.

Head of Public Relations and Marketing, or in their absence, the Marketing and Communications Manager.

### **Refuse collection and recycling**

Waiver of charges for collection of bulky household refuse for householders in receipt of Council Tax Benefit

DSO MANAGER/CHES/PEHO

Adjustment of trade refuse charges to respond to market, and discounts for customers with two or more containers

DSO MANAGER/CHES/PEHO

### **Environmental Health**

The issue of any notice in an emergency for a function exercisable by

CHES/PEHO - Any Environmental Health Officer, Environmental Health Technician, or Trainee Environmental Health Officer

Serving of all relevant notices under Part II of the Environmental Protection Act 1990 in particular any notice which the Authority may serve under Sections 33, 34, 46, 47 and 59 or any subsection thereunder.

CHES/PEHO

Authorisation of employees of Runnymede Borough Council and other persons who, in pursuance of arrangements made by the Authority, have the function of giving such notices as 'Authorised Officers' for the purposes of giving notices, written warnings and requiring the payment of fixed penalties under Part II and appropriate sections of the Environmental Protection Act 1990 and associated Regulations.

CHES/PEHO

The appointment of appropriate staff of the UK Health Security Agency as Proper Officers for relevant purposes under the Public Health (Control of Diseases) Act 1984 and the National Assistance Acts 1948 and 1951

CHES/PEHO

The issue of fixed penalty notices in accordance with the Environmental Protection Enforcement policies prevailing at the time

CHES/PEHO

Smoke-free legislation –

Authorisation of any such persons as deemed necessary to enforce the smoke-free provisions of the Health Act 2006 and any Regulations made thereunder.

CHES/PEHO

Sunbeds (Regulation) Act 2010

- i) appointment of appropriate authorised Officers under the Act and
- ii) institution of legal proceedings in relation to offences under the Act
  - i) CHES/PEHO
  - ii) CHLG/CHES/PEHO

Sanitary facilities in Council Enforced Premises – discretion to allow deviation from British Standard in small premises holding less than 20 persons.

CHES/PEHO

Dogs – authorisation of any person (“an authorised person”) to act for the purpose of enforcing the Microchipping of Dogs (England) Regulations 2015 in the Runnymede area.  
CHES/PEHO

## Licensing

The functions of an authorised person under the Licensing Act 2003  
Any Senior Licensing Officer or any Environmental Health Officer

Licensing Code of Conduct and Licensing Rules of Procedure for Sub-Committee Hearings under Licensing Act 2003 – minor updates and amendments  
CHES/PEHO

Performance/exhibitions of hypnotism – licensing  
CHES/PEHO

Gambling Policy – non substantive administrative amendments  
CHES/PEHO and Senior Licensing Officer

Power to grant or refuse applications for minor variations of a premises licence or club premises certificate  
CHES/PEHO

Authorisation to sign decisions of Licensing Committee or Licensing Sub Committee  
CHLG/DCHLG

Pavement Licences

Authorisation of relevant officers to determine, issue and undertake enforcement in respect of pavement licences.  
CHES

Littering from vehicles outside of London (Keepers: Civil Penalties) Regulations 2018 – perform any litter authority functions conferred under the Regulations and authorise employees of RBC and other persons, as “authorised officers” for the purposes of the Regulations  
CHES/PEHO

Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018 authorisation of any persons to act for purposes of enforcing the Regulations and issue of any applicable notices and grant, suspend, vary, revoke or reinstate suspended licenses under these Regulations.  
CHES/PEHO

Scrap Metal Dealers Act 2013

- i) Issue renewal or vary scrap metal site Licence or collectors licences
  - ii) Refuse or revoke a scrap metal site licence or collectors licence after consulting CHLG
  - iii) Hearing oral representations in accordance with schedule 1 Para 7 (8) of that Act
- CHES/PEHO

Mobile Homes Act 2013

Issue and transfer site licences, and to issue, revoke or vary a Compliance Notice under Section 9 of the Caravan Sites Act 1960  
CHES/PEHO

Mobile Homes (Requirement for Manager of site to be Fit and Proper person)(England) Regulations 2020

- i) Grant, grant with conditions, or reject applications for inclusion of persons on the relevant register of fit and proper persons; and

- ii) remove a person from the register or vary or remove a condition imposed on a person on the register; and
- iii) to appoint a person to manage a site if the local authority was satisfied that the person was a fit and proper person;  
CHES

Hackney Carriage & Private Hire Licensing  
CHES/PEHO

Hackney carriage and private hire licensing – Joint Warranting of Licensing Officers

The Hackney Carriage and Private Hire enforcement functions under the legislation is delegated to the following Surrey Licensing Authorities:

- Elmbridge Borough Council
- Epsom and Ewell Borough Council
- Mole Valley District Council
- Reigate and Banstead Borough Council
- Guildford Borough Council
- Spelthorne Borough Council
- Surrey Heath Borough Council
- Tandridge District Council
- Waverley Borough Council
- Woking Borough Council

in addition to retaining those functions within the Borough. Similarly, for the Council to receive the delegated Hackney Carriage and Private Hire enforcement functions from the following Surrey Licensing Authorities;

- Elmbridge Borough Council
- Epsom and Ewell Borough Council
- Mole Valley District Council
- Reigate and Banstead Borough Council
- Guildford Borough Council
- Spelthorne Borough Council
- Surrey Heath Borough Council
- Tandridge District Council
- Waverley Borough Council
- Woking Borough Council

CHES/Senior Licensing Officer and Taxi Licensing Officers

Suspension or revocation of or refusal to renew licences of hackney carriage or private hire drivers and vehicle licences under sections 60, 61 and 68 Local Government (Miscellaneous Provisions) Act 1976

CHES/PEHO after consulting CHLG

The suspension or revocation of or refusal to renew or grant licences of hackney carriage or private hire drivers or operators as legislated for under the Local Government (Miscellaneous Provisions) Act 1976 – Section 62 having regard to the Council's policy, medical, technical, or legal advice

CHES/PEHO after consulting CHLG

Exercise of the Private Hire Plate Exemption Policy

CHES/PEHO

Allow specific vehicles to be MOT tested outside the borough, where the nature or size of the vehicle makes this necessary.

CHES/PEHO

## **Housing**

Allocation of additional management/welfare points to applicants in urgent need of housing in exceptional cases.

CHH/HEAD OF HOUSING

Determination of applications made for a review under the Allocations Policy

CHH/HEAD OF HOUSING

Waiver of standard recharges to tenants to avoid unreasonable hardship

CHH/HEAD OF HOUSING

Acceptance of leases of properties for housing purposes for terms of less than seven years

CHH/HEAD OF HOUSING with agreement of CHLG

Use of bonds and/or rent in advance payments flexibly in order to secure private lettings up to a total value of 3 months' rent if required, not exceeding the upper limit of the 4 bedroom LHA rates for RBC at £1598.70 pcm.

CHH/HEAD OF HOUSING

Local Authority Housing Possession Cases (including recovery of rent, mesne profits or damages – authorisation of named Officers to appear in County Court proceedings on behalf of the Council.

CHLG

Consideration and approval of requests to postpone the Council's priority right to enforce Right to Buy discounts where they are for approved purposes (as defined by section 156 of the Housing Act 1985) and providing sufficient equity exists in the property at the time that the request is received, but any request for any other purpose be considered by Corporate Management Committee.

CHLG

To determine applications for the release of restrictive covenants which were imposed on the disposal of Right to Buy properties

CHH in consultation with CHAR

## **Discretionary Housing Payments Policy**

Amendments to policy to take account of Government guidance

Housing Benefit Technical Manager in conjunction with CHH in consultation with Chairman and Vice-Chairman

Purchase of properties on the open market and up to the value of £350,000 where such purchases would have strategic advantages for the Council and would assist in meeting current housing requirements

CHH/HEAD OF HOUSING in consultation with Chairman and Vice-Chairman of Housing Committee

## **Private Sector Housing**

See Schedule below for list of authorised Officers and relevant powers.

### **Private Sector Housing**

#### **Specific Officer Delegations**

1. Reference to any Act includes any amendment to, or re-enactment of, that Act and/or any Orders or Regulations made under that Act.
2. Reference to any Order or Regulations includes reference to any Order or Regulations amending or revoking and re-enacting that Order or those Regulations (with or without modification).
3. The named Officers are authorised to:

- a) perform all functions listed below on behalf of the Council and in the Council's name
- b) act, subject to statutory requirements, within any relevant aspects of the Council's Strategy and Programme.

4. The authorised Officers must

- a) consult with the appropriate professional or technical Officer of the Authority in respect of matters not within the competence of the Nominated Officer; and
- b) maintain an adequate record of action taken.

**Authorised Officers**

The following Officers are authorised to undertake the functions listed below:-

CHH and/or Head of Housing  
 Private Sector Housing Manager (Enforcement)  
 Private Sector Housing Officer  
 CHES/PEHO

**Functions**

**Powers of Entry**

To authorise any other Officer to exercise the authority's powers of entry pursuant to sections 260, or 319 of the Housing Act 1985 – such authorisation to be in writing.

**Notices etc**

To issue, serve, review and determine notices, directions and orders pursuant to powers contained in the following legislation:-

- Housing Act 1985 (as amended)
- Housing Grants, Construction and Regeneration Act 1996
- Environmental Protection Act 1990
- Housing(Management of Houses in Multiple Occupation)(England)Regulations 2006
- Local Government (Miscellaneous Provisions) Act 1976

**Works in Default**

To issue notices of intention to carry out works in default in respect of any failure to comply with any notice served under section 80 of the Environmental Protection Act 1990 and to make any arrangements necessary to carry out those works, subject to the Council's Standing Orders and Financial Regulations.

**Financial Assistance**

To process and approve all grant applications under the Housing, Grants, Construction and Regeneration Act 1996 and the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 in accordance with the authority's published policy (Runnymede Renewal) and to make payments in respect of approved grants.

**Specific Officer Delegations under Housing Act 2004**

## **Authorised Officers**

The following Officers are authorised to undertake the functions listed below:

CHH and/or Head of Housing  
CHES/PEHO  
Private Sector Housing Manager (Enforcement)  
Private Sector Housing Officer (Part 1 only)

### **Housing Act 2004**

#### **Part 1**

- Assessment of housing conditions using the Housing Health and Rating System;
- Enforcement of Housing Standards and the service of a range of statutory notices (to which this part applies);
- Emergency measures

#### **Part 2**

- Licensing of Houses in Multiple Occupation (HMO's);
- Granting or refusing a Licence;
- Variation and revocation of licensing;
- Enforcement provisions (to which this applies);

#### **Part 4**

- Additional control provisions in relation to residential accommodation;
- Overcrowding notices

#### **Part 7**

- Supplementary and final provisions including the management regulations in respect of HMO's.

### **Housing and Planning Act 2016 Enforcement of provisions of the Act**

CHES/PEHO  
Private Sector Housing Manager (Enforcement)  
Private Sector Housing Officer

### **Smoke and Carbon Monoxide Alarms (England) Regulations 2015**

Service of remedial notices under Regulation 5  
Private Sector Housing Manager (Enforcement)  
Private Sector Housing Officer  
All Environmental Health Officers and Environmental Health Technicians

Service of Penalty Charge Notice under Regulation 8 and taking of remedial action under Regulation 7

CHH/Head of Housing  
CHES/PEHO

Reviews and determinations of penalty charge notices under Regulation 10  
CHH  
CHES/PEHO

## **Regulation of Investigatory Powers Act 2000**

Authorisation of Officers

The Officers named in the report to Corporate Management Committee 14.12.2017

## **Highway related matters**

Street trading consents

CHLG with agreement of Chairman and following consultation with Ward Members

## **Car Parks**

Temporary waiver of car parking charges by order, notice, or permit [\(including the granting of permits for no longer than 12 months\)](#), either for individuals or generally, subject to the cost being contained within budget

CHDCS and C S Manager

The annual grant of one day's free parking in connection with Magna Carta Day (Egham), the Arts Festival (Addlestone) and Black Cherry Fair (Chertsey)

CHCS/Parking Manager

## **Leisure Facilities**

Adjustment of approved charges for Leisure facilities to respond to market

CHCS

## **Development Management**

All planning decisions except for those reserved to Committee in Scheme of Delegation on page 65 of the Constitution. Planning Decisions include, but are not limited to:

Development Management decisions including the determination of all forms of application under the Town and Country Planning Act; the making of Tree Preservation and Tree Replacement Orders and Dangerous Tree Notices, the consideration and taking of enforcement action under that Act, Temporary Stop Notices, Stop Notices, Planning Contravention Notices, Enforcement Notices, Breach of Condition Notices, Section 215 Notices, Planning and Listed Building enforcement Orders, Dangerous Tree Notices; the screening and consideration of proposals under the EIA Regulations and consideration of NSIP matters; the agreement and execution of Planning Performance Agreements, the agreement and execution of Agreements under Section 106 of that Act or any other part; the taking and defending of any legal proceedings pursuant to, or seeking to resolve, actions taken under that Act (including applications for Injunctions and taking of direct action in relation to planning enforcement matters, including operational development, engineering operations, material change of use, trees and listed building matters); decisions necessary to progress and resolve appeals to the Secretary of State or courts in respect of such decisions and actions; and including any revocation, modification or rescission of such decisions.

CHDMBC/DM/ADM

## **Planning Policy**

Planning policy strategy and policy making and progression including all necessary agreements or authorisations in the consideration of:

- designation of neighbourhood areas and neighbourhood forum,
- neighbourhood development plans, neighbourhood development orders or community right to build orders
- the progression of any part or all of the Local Plan, any Supplementary Planning Documents or associated guidance; and the approval of the Annual Monitoring Report and any other evidence base document for Publication.
- NSIP matters

To agree Statements of Common Ground pursuant to the Duty to Co-operate with other bodies and provide responses to the emerging Local Plans of other Local Planning Authorities, Strategic Plans subject to the Duty to Co-operate, or other general planning policy consultations in consultation with the Chair and Vice-Chair of the Planning Committee, and that the Chair and Vice-Chair of that Committee be notified as soon as possible of new consultations received.

CHPPED/LPM/HEPCC

### **Building Control**

Adjustment of fees to respond to market

CHDMBC/ABCM

### **Benefits**

Representation of the Council at Appeals Service hearings

ACEs, CHCDCS, Housing Benefits Technical Manager and Senior Benefit Assessment Officer

### **Council Tax and Business Rates**

Authority under section 223 Local Government Act 1972 to appear in the Magistrates Court to recover Council Tax and National Non-Domestic Rate

- i) Ms L Norman – CHCDCS
- ii) Ms Jackie Jefferies – Senior Recovery Officer
- iii) Miss L Lowin – Technical Team Leader
- iv) Ms G. McKenna – Revenues Technical Manager

The writing off of debts up to £15,000 for any one matter

ACE151/CHCDCS

### **Council Tax Discretionary Relief Policy**

Any minor updates and/or revisions to Policy except changes of a structural nature

ACE151/CHCDCS in consultation with Chairman of Corporate Management Committee

Council Tax Empty and Unoccupied Premiums – decision on whether to not charge or delay application of premium in individual cases

ACE151/CHCDCS

### **Council Tax Discretionary Relief**

Determination of all category 1 and 2 requests for discretionary relief in respect of hardship resulting from Council Tax support scheme (Category 1) or general hardship (Category 2)

ACE151/CHCDCS

### **NNDR Discretionary Relief**

Determination of all applications for discretionary relief

CHCDCS/ Revenues Technical Manager

Review of decision to grant/refuse relief or an amount of any discretionary relief or to revoke relief

CHCDCS

Determination of appeals against the outcome of a review of a decision to grant/refuse relief or an amount of any discretionary relief or to revoke relief

ACE151 except where they decide to refer the case to Corporate Management Committee for final decision

### **Public Charitable Collections**

Determination and grant of applications for house to house and street collections

CHLG

### Commercial Clothing Collections

Amend the pre-requisite and other relevant requirements in respect of commercial and charitable clothing collections as necessary.

CHLG

### Council Land - Rights of Access:

- i) the initial fee for pedestrian access rights licences over Council land be determined by the Corporate Head of ~~Law and Governance~~Assets and Regeneration (in consultation with the Corporate Head of Housing in respect of housing land) -on a case by case basis:
- ii) the initial fee for vehicular (including pedestrian where appropriate) access rights licences over Council land be determined by the Corporate Head of ~~Law and Governance~~Assets and Regeneration (in consultation with the Corporate Head of Housing in respect of housing land) on a case by case basis:
- iii) the fees for the grants of any new licences providing rights of access over Council land be reviewed annually by the Corporate Head of Assets and Regeneration (in consultation with the Corporate Head of Housing in respect of housing land)~~Law and Governance~~ and
  - a) the fees will be reviewed in line with inflation, by indexing by the Government's preferred measure of Consumer Prices Index (CPI);
  - b) the Council's legal costs for this work will be reviewed annually in line with CPI and will be set at £250 per case initially;
  - c) whilst a one year Licence can be granted if desired by the resident concerned, the following will be offered by Officers;

A 5 year Licence, subject to full payment up front by the 5 years, with no CPI uplift during the term of the licence, or a 10 year Licence, on the same basis as for the 5 year licence.

CH~~ARLG~~

### Community Safety

Anti-Social Behaviour Crime & Policing Act 2014 –

Application to Court under the Act for injunctions, Criminal Behaviour Orders and Orders for Possession of dwellinghouses on grounds of anti-social behaviour

CE/CHES/CHH/CHCS in consultation with CHLG

To issue the following under the Act:

- i) Community Protection Notices;
- ii) Public Space Protection Orders;
- iii) Closure Notices in respect of premise; and
- iv) Fixed Penalty Notices in respect of any breaches of the above Notice and Order and in respect of littering from vehicles.

CE/CHES/CHH/CHCS

Deployable CCTV Cameras – setting of fees subject to financial thresholds for sign off being adhered to.

CHCS/Safer Runnymede Manager

### Property

Runnymede Borough Council Investment (Surrey) Ltd  
and RBC Services (Addlestone ONE) Ltd:

- i) To act as the Council's proxy to attend meetings of these companies and cast votes at such meetings on behalf of the Council in accordance with decisions made by Corporate Management Committee  
CE or CHLG as substitute
- ii) To sign any documents the Council is required to sign in its capacity as shareholders of these companies  
CE or CHLG or substitute

Signing off SANGS payments  
CHLG or DCHLG

### **Property and Leases**

- Grant and Renewal of leases including new rents and rent reviews, whether to or from the Council, for a term not exceeding ten years;
- Grant and renewal of lease where any premium or when the total rent payable under the lease does not exceed £100,000 per annum;
- Renewal of leases as compelled by statute, where satisfied the tenant meets all necessary tenancy requirements.  
CHAR (in consultation with ACE 151 or CHLG)

#### In relation to properties/leases/licences to or by RBC:

- To agree to variations to any of the lease covenants, subject to professional valuation advice (which must be taken into consideration by Officers) where appropriate.  
CHAR (in consultation with CEO)
- To initiate proceedings or issue notices that may or will terminate leases or interests in land including issue of break notices or forfeiture proceedings (where it is necessary to protect the interest of RBC, recover money or prevent further loss of income) and the financial loss to RBC does not exceed £100k (financial impact to be based on contractual rental values.)  
CHAR (in consultation with CEO)

#### Other

- To accept or agree to a surrender of lease where the land or property is no longer required by RBC or the Tenant (as appropriate) and the financial loss to RBC does not exceed £350k (financial impact to be based on contractual rental values.)  
CHAR (in consultation with CEO)
- In relation to freehold land owned by RBC as a corporate asset (i.e. not land held on charitable trusts) to obtain or grant approve release of restrictive title covenants subject to obtaining appropriate legal and valuation advice and payment to RBC of appropriate consideration where legally permitted.  
CHAR (in consultation with CEO)
- In relation to freehold land owned by RBC in any capacity:  
CHAR (in consultation with CEO)
- To grant miscellaneous licences, wayleaves and easements to domestic utilities providers (including but not limited to statutory wayleaves and easements) as required.  
CHAR (in consultation with CEO)

### **Cemeteries**

Deed of Grant of Exclusive Right of Burial  
Green Spaces Manager or any officer that he authorises when absent

### **Allotments**

Signing of agreements for allotment plots  
Green Spaces Manager or any officer that he authorises when absent

### **Minor amendments to the Constitution**

Minor amendments to the Constitution that do not alter the intention of any existing provision e.g. changes to post titles or updates relating to statutory external provisions such as legislation and regulations.