PART 3

SECTION 3 – SCHEME OF DELEGATION TO OFFICERS

1.1 General Delegation

The Council and the Leader delegate to the Officers identified in Parts 2 and 3 (the Chief Executive, Executive Directors, Heads of Service, the Regulatory Services Manager and Policy Managers) and authorise them, subject to the limitations and reservations of this scheme, to:

a) exercise the Council’s functions (both Executive and Non-Executive) which relate to their area of responsibility described in Part 3 Section 2; and

b) exercise functions specifically delegated to them either by the Leader (under the Local Government Act 2000 and Localism Act 2011) or by the Council, a Committee or Sub-Committee (under Section 101 of the Local Government Act 1972).

This scheme of delegation comprises four parts:

PART 1 – The Overall Scheme of Delegation to Officers

3.2 General Conditions

The exercise of functions delegated to Officers under this scheme must comply with:

a) any legal requirements or restrictions;

b) the Council’s Constitution;

c) the Council’s Policy Framework and any other plans and strategies approved by the Council or Cabinet;

d) the in-year budget;

e) the Code of Conduct for Staff; the Bullying and Harassment Procedure; the Equality and Diversity in Employment Policy; the Health, Safety and Wellbeing Policy; and any other Policy or Procedure issued by the Council from time to time;

f) the Council’s Human Resources policies and procedures including those relating to employment;

g) the Code of Recommended Practice on Local Authority Publicity;

h) Contract Standing Orders, Financial Regulations and Financial Procedures;
i) the adopted Development Plan policies and any guidance issued by the Cabinet.

Where a function has been delegated to an Officer the decision may be taken in the name of (but not necessarily personally by) the delegated Officer or by another Officer in accordance with arrangements made from time to time by such delegated Officers for this purpose. For clarity, all Officers will keep written records of decisions taken under this scheme of delegation.

The Chief Executive and Executive Directors may exercise all the powers and duties of their respective Heads of Service. In the absence of a Head of Service, another Head of Service may be authorised in writing to exercise his/her powers and duties. Heads of Service may delegate to other Officers in their respective teams, in writing, certain of their powers and amend these as is necessary from time to time.

On occasion Officers may wish to consult the relevant Cabinet Member before taking a decision on a delegated matter or refer the matter to a Cabinet Member for decision.

The extent to which the functions described above have been delegated to Officers is set out in this section of the Council’s Scheme of Delegation.

3.3 Reservations

This scheme does not delegate any function to an Officer which:

a) is reserved by law or this Constitution to the Full Council or any Committee of the Council or the Cabinet; or

b) may not by law be delegated to an Officer; or

c) is an Executive Function which the Leader has reserved to him/herself, an individual Cabinet Member, or the Cabinet for decision.

3.4 Limitations

Officers in the exercise of functions delegated by this scheme may not:

a) change or contravene policies or strategies approved by the Council or the Cabinet;

b) create or approve new policies and strategies;

c) take decisions to significantly modify public services without
consultation with the appropriate Cabinet Member;

d) take decisions on significant new powers or duties arising from legislation before the new powers or duties have been reported to the Council or the Cabinet as appropriate, (except in cases of urgency and in consultation with the appropriate Cabinet Member or Committee Chair).

3.5 Executive Decisions

Executive decisions taken by Officers which fall within the following categories must be recorded and published on the Council’s website:

a) Any Key Decisions (as defined in Article 11.3 of this Constitution).

b) Decisions that would result in the setting up of a company or entering into a partnership arrangement with any other body.

c) Major individual service reorganisation decisions likely to involve 20 or more redundancies.

d) Decisions to waive the procurement rules in respect of contracts over the value of £7550,000.

e) Any decision specifically delegated to an Officer at a Cabinet or Cabinet Committee meeting, or by an individual member of the Cabinet.

f) Urgent decisions on matters that are otherwise reserved to the Cabinet.

PART 2 – Delegation Structure

The Head of Paid Service may engage such staff (referred to as Officers) as s/he considers necessary to carry out his/her functions.

3.6 The Chief Executive

The Chief Executive shall:

1) Be responsible for the general management of the Council’s workforce and the authority.

2) Make Proper Officer appointments in cases of urgency or expediency.

3) Exercise the powers of the Council under section 138 of the Local Government Act 1972 in the event of a civil emergency or disaster and may authorise in writing another Officer(s) to exercise these powers on his/her behalf as required.
4) Be the Electoral Registration Officer and Returning Officer and be responsible for the functions, staff and budget for elections and registration therefor.

5) Sign the Summons to attend meetings of the Cabinet and Council Committees specifying the business to be transacted. If a Member of the Council desires that such agenda shall be sent to any address other than his/her place of residence s/he shall give notice in writing to the Proper Officer. The Local Government (Electronic Communications) (England) Order 2015 allows for electronic communication of agendas and reports.

If the Chief Executive is absent, unable to act or prevented from acting, the Deputy Chief Executive or one or all of the Executive Directors shall, either individually or between them, exercise and carry out all of his/her responsibilities, powers, duties and functions.

3.7 Executive Directors

Subject to any statutory restrictions and/or any specific personal qualification requirements that may exist, any Executive Director may exercise and carry out any of the responsibilities, powers, duties and functions of any Head of Service.

3.8 Authority of Heads of Service

Heads of Service are authorised to:

1) Authorise in writing another officer controlled by them to exercise any of their powers, duties and functions to any other officer or contractor of the Council as appropriate, and amend such delegation as is necessary. This does not release them from the responsibility arising from the exercise of the authority that has been delegated to them in this scheme.

2) Discharge such Executive and Non-Executive Functions as are delegated to them by the Constitution, the Strategic Leadership Team or Full Council, its Committees/Sub-Committees, or the Leader and Cabinet.

3) Apply for planning permission on the Council’s behalf.

4) Subject to sub-paragraph 5 below, take action to implement the decisions and policies of the Leader and Cabinet Members.

5) Approve and incur any revenue expenditure contained within Budgets subject to compliance with Contract Standing Orders and this Constitution.

6) Subject to an initial report to, and approval from the Cabinet or
the relevant Cabinet Member, as appropriate, and (subject to compliance with the Council's Financial Regulations, Contract Standing Orders and all other provisions of this Constitution) to incur any expenditure contained in Capital Budgets.

7) Take any action to implement an approved Service Plan.

8) Subject to the overall responsibility and direction of the Chief Executive, in consultation with the Head of Human Resources and Organisational Development and in accordance with the Officer Employment Procedure Rules, to appoint, discipline, dismiss, transfer, or second employees, or take any other action in relation to employees, in accordance with the approved procedures of the Council and the approved Staff Handbook.

9) Accept quotations and tenders for the acquisition and disposal of services, supplies and works, subject to the requirements of Contract Standing Orders.

10) Authorise Officers of the Council to enter any land for the purposes of any statutory powers of the Council.

11) Contribute to the corporate management of the Council, in particular through the provision of professional advice.

3.9 General Provisions

1) Where an Officer takes a decision under delegated powers on a matter which has significant policy, service or operational implications, or is known to be politically sensitive, the Officer shall first consult with the appropriate Cabinet Member(s) or the relevant Committee Chair before exercising their delegated powers.

2) An Officer may, at their discretion, consult the appropriate Cabinet Member(s) or the appropriate Committee, or its Chair, before exercising delegated powers; or not exercise delegated powers but refer the matter to the Leader, the Cabinet or a Committee for a decision.

3) In exercising their delegated powers, Officers will keep local Councillors informed of matters affecting their wards.

4) In exercising their delegated powers, decisions made by Officers should be taken, where appropriate, on the basis of due consultation and professional legal, financial and technical advice.

5) In order to ensure the smooth running of the Council, the effective deployment of resources and the efficient delivery of services, delegations to Officers (both in this section of the Constitution, and throughout) should be interpreted as widely as possible.
6) In the event that there are any doubts about the responsibility for the exercise of a delegated power, the Chief Executive (or whoever the Chief Executive shall nominate) is authorised to act.

7) The Council will provide the Monitoring Officer and Chief Finance Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

PART 3: Specific Delegated Powers

3.10 Head of Law and Governance

May:

1) Apply for an injunction restraining a breach of planning control.

2) Designate alternative polling places, after consultation with the Council’s Returning Officer, in the event that an existing polling place becomes unavailable.

3) The Head of Law and Governance shall, at the land owner’s request, review the decision of the Head of Borough Development and Implementation to include land in the list of assets of community value, and any compensation decision of the Head of Financial Services, pursuant to sections 92 and 99 of the Localism Act 2011.

4) Institute, prosecute, defend, participate in, or settle any legal or other proceedings whatsoever in any case where such action is necessary to give effect to the decisions and/or policies of the Council or in any case where the Head of Law and Governance considers that such action is necessary to protect the Council’s interests.

5) Appear (or provide an appearance under delegation) on behalf of the Council in proceedings at any appropriate Court, Tribunal or Inquiry and to take any appropriate action in connection with such proceedings including settlement. In respect of Council Tax proceedings in the Magistrates Court, the Exchequer Manager and the Head of Financial Services may exercise these powers too.

6) Authorise the sealing of any document necessary to give effect to a decision of the Council (or Committee or sub-committee) or of the Cabinet (or committee or member of the Cabinet) or Officer acting under delegated powers.

7) Act as the custodian of the Common Seal of the Council, keep it in a safe place under lock and key, and determine the nature or type of
documents to be sealed; and delegate (where appropriate) the authorisation to affix and attest the seal.

8) Keep a record of all documents which are sealed with the Common Seal in a register with the authority therefor which shall be available for inspection by Members of the Council.

9) Have custody under secure arrangements of all title deeds, land certificates, leases, tenancy agreements and contracts and associated bonds under seal (and any other such documents).

10) Determine applications for dispensation from Councillors who may request one where they have a Disclosable Pecuniary Interest.

**Powers**

The above powers may be exercised on behalf of the Head of Law and Governance by any qualified lawyer (or – where appropriate - by a person authorised under Section 223 of the Local Government Act 1972) employed by the Council.

Shall:

(1) Oversee all of the Council’s procurement systems, processes and activities, including training and issuing instructions and directions.

(2) Ensure that all contracts for services and supplies above the applicable EU thresholds currently £181,302,641,76, or for construction works above £4,551,413,104,394 or £612,278 for light touch contracts are advertised in the Official Journal of the European Union when appropriate.

(3) Record the results of the tender evaluation process.

(4) Maintain and publish a contracts register and record the Officers who act as a primary contact for all contracts over £50,000.

(5) Make minor amendments to the Procurement and Contract Management Strategy.

(6) Enter into transport contract arrangements on behalf of the authority for approved routes.

**3.11 Head of Financial Services**

Shall:

(1) Countersign payments and sign instructions to the Council’s bank.
(2) Agree and sign any contract agreement or other document with the Council’s bank for the provision of banking services.

(3) Make all insurance arrangements.

(4) Deal with all matters connected with the administration of Council Tax, Business Rates Housing Benefits and the Local Council Tax Support Scheme excepting such matters as are expressly reserved by legislation for the Council to determine.

(5) Enter into leasing arrangements on behalf of the authority for items approved.

(6) Be responsible for the management and administration of the Invest to Grow Fund

(7) Take all actions that s/he considers appropriate for recovery of council debts.

(8) (Where appropriate) impose financial penalties for the recovery of debts owed to the Council.

(9) Approve the write-off of bad debts including Housing Benefit (or non-domestic rates) up to £3,000 in each case.

(10) As appropriate:

   (a) determine applications for Certificates of Partial Occupation;

   (b) object to or propose alterations to the Valuation List;

   (c) approve the write-off of arrears of Non-Domestic Rates, or Council Tax of up to £10,000 in each case;

   (d) Assess Council Tax Support Scheme applications

(11) Grant mandatory, discretionary and hardship rate relief in accordance with relevant policy and legislation and any extraordinary ring-fenced grant in response to a civil emergency or otherwise.

(12) Incur expenditure outside the provision of estimates in accordance with the Financial Regulations set out in this Constitution.

(13) Make all payments within the Council’s Financial Regulations and/or that are legally payable.

3.12 Head of Environmental Services

   May:
(1) Issue notices under the land drainage legislation.

(2) Authorise action under the highways agency agreement for grass cutting and manage changes and improvements in relation to street name plates, lighting, bus shelters and other street furniture on highways and pedestrianised areas.

(3) Exercise agency powers in relation to highways to lop trees and cut back vegetation on land adjoining highways.

(4) Authorise the repair of roadside fencing.

(5) Take all steps necessary to make and implement Traffic Regulation Orders in circumstances where no objections have been received and where the Ward Councillors have expressed support for the advertised proposal; and

(6) Take all steps necessary to make and implement Temporary Traffic Regulation Orders, and to develop, make and implement experimental traffic orders (and/or amendments during the first six months of operation), subject to consultation with the relevant Cabinet member and affected Ward Councillors; and, confirm experimental traffic orders (i.e. the making, amendment or removal of, six months after implementation) in circumstances where no objections have been received and where the Cabinet Member and the Ward Councillors have expressed support.

(7) Allocate the annual funding from the Environmental Initiatives revenue budget (Biodiversity Advice Fund).

(8) Authorise the making and revocation of Tree Preservation Orders and TPO Variation Orders; and where there are no unresolved objections, the confirmation of such Orders.

(9) Authorise the service and enforcement of a Tree Replacement Notice pursuant to Sections 207, 209 and 213 of the Town and Country Planning Act 1990.

(10) Grant dispensation from the requirement to plant replacement trees (Sections 206 and 213 of the said 1990 Act) provided that such decisions are in accordance with the Council’s adopted Tree Policy.

(11) Decide applications for works to trees protected by Tree Preservation Orders in accordance with the Council’s adopted tree policy where the site lies

(i) outside a settlement policy boundary; and no more than three independent letters raising material planning objections have
been received and

(ii) within the settlement policy boundary) and no more than 5 independent letters raising material planning objections have been received.

(12) Authorise the investigation of unauthorised works and the issue of legal proceedings under:

(a) sections 209(6) 210, 211, 214A and 214D(3) of the Town and Country Planning Act 1990 in respect of contraventions of a Tree Preservation Order.

(b) sections 7, 8, 9, 11, 12, 13, 14, and 16 of the Hedgerows Regulations 1997.


Shall:

(1) Manage the Council’s tree resource.

(2) Deal with dangerous trees on third party land in accordance with sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976.

(3) Control the Council’s car parks and enforce on-street and off-street parking restrictions, including having the power to waive charges and to agree rights of way over them.

3.12.1 Licensing

May

(1) Licence and regulate hackney carriage and private hire vehicles, their drivers and operators.

(2) Authorise suspension and revocation of licences.

(3) Determine non-contentious licensing applications.

(4) Approve applications for performances of hypnotism.

(5) Approve licences of dog breeders, animal boarding establishments, pet shops, keepers of dangerous wild animals and keepers of riding establishments, and operators of zoos.

(6) Permit and regulate street and house to house collections.
(7) Grant or refuse all street trading consent applications.

(8) Determine all applications for registrations of acupuncture, tattooing, electrolysis and cosmetic piercing.

(9) Determine all applications for scrap metal dealer and collector licences.

(10) Determine all applications for authorisations under the Act, to include the authority to grant, review, refuse and impose conditions on such authorisations except where Section 10(4) of the Licensing Act 2003 provides that such function must be discharged by a Committee or Sub-Committee.

Shall:

(1) Determine all applications for authorisations under the Act, to include the authority to grant, review, refuse and impose conditions on such authorisations except where Section 10(4) of the Licensing Act 2003 as applied to the functions under the Gambling Act by S154(4) provide that such functions must be discharged by a Committee or Sub-Committee.

(2) Determine applications made under section 115E of the Highways Act 1980.

3.12.2 Environmental Health

The Regulatory Services Manager (RSM) is

(1) responsible for the effective delivery of a comprehensive environmental health service, licensing, parking and engineering which includes:

(a) Environmental Protection – includes environmental offences such as fly tipping and dog fouling, abandoned vehicles, air quality management, private water supplies, gypsy and travellers, contaminated land and statutory nuisances.

(b) Food Safety

(c) Health and Safety

(d) Licensing

(e) Private Sector Housing – includes delivering housing grants/loans, licensing HMOs, licensing park home sites, enforcing housing standards
(f) Pest Control and Stray Dog Service

(2) authorised to enforce the legislation set out under, but not limited to, (ix) below, and subordinate legislation made thereunder and any amendments thereto.

(3) authorised to carry out the activities in (i) to (viii) below and to delegate these responsibilities as appropriate to;

(i) make charges, agree contracts, incur expenditure, authorise work in default, and approve and allocate financial assistance in accordance with the Council’s Private Sector Housing Renewal Policy, as permitted within approved budgets and environmental health legislation.

(ii) respond to consultations relating to technical and legal matters which are delegated.

(iii) promote and publicise compliance with legislation, good health and good environmental practice.

(iv) exercise the Council’s powers and duties (including any related enforcement action and recovery of costs) relating to Environmental Health and Licensing matters, as permitted under the relevant legislation set out in (ix) below and subordinate legislation made there under including any amendments thereto.

(v) carry out investigations and to obtain, issue, give or publish notices or orders for the control of infectious disease as permitted under the relevant legislation.

(vi) grant (with or without conditions), refuse, vary, suspend and/or revoke registrations and licences/permits as are applied for under the legislation set out in (ix) below and to maintain appropriate registers.

(vii) prepare reports for legal proceedings in the event of contravention of the legislation set out in (ix) below and issue instructions to the Head of Law and Governance to take legal proceedings.

(viii) authorise Officers and/or appoint Inspectors to enter land, or premises, and to carry out any act authorised by the legislation (including the authority to serve notices, fixed penalty notices and the laying of information in consultation with and with the agreement of the Head of Law and Governance) set out in (ix) below and subordinate legislation made there under and any amendments thereto.

(ix) The Legislation
Building Act 1984
Caravan Sites and Control of Development Act 1960
Mobiles Homes Act 2013
Housing Acts 1957 to 2004
Housing Grants, Construction and Regeneration Act 1996
Local Government and Housing Act 1989
Prevention of Damage by Pests Act 1949
Public Health Acts 1875, 1936 to 1961
Clean Air Act 1993
The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002
Control of Pollution Act 1974
Noise Act 1996
Environment Act 1995
Environmental Protection Act 1990
Noise and Statutory Nuisance Act 1993
Water Industry Act 1991
The Private Water Supplies Regulations 2009 Hampshire Act 1983
Public Health (Control of Disease) Act 1984
Shops Act 1950
Refuse Disposal (Amenity) Act 1978 and associated Regulations
National Assistance Act 1948
Litter Act 1993
Pollution Prevention and Control Act 1999
The Environmental Permitting (England and Wales) Regulations 2010
The Anti-social Behaviour, Crime and Policing Act 2014 - Part 4
Clean Neighbourhoods and Environment Act 2005 Chapter 1, Part 7
Animal Boarding Establishment Act 1962
Breeding and Sale of Dogs (Welfare) Act 1999
Breeding of Dogs Act 1991
Dangerous Dogs Act 1991 (as amended)
The Dogs Act 1871
Animal Welfare Act 2006
Basingstoke and Deane Dogs (Fouling of Land) Act Designation Order, 1997
Dangerous Wild Animals Act 1976
Riding Establishment Acts 1964 and 1970
Crime and Disorder Act 1998
Police and Criminal Evidence Act 1984
The Criminal Justice and Public Order Act 1994 – Part V
Equality Act 2010
The Food Safety Act 1990
The European Communities Act 1972 and Orders or Regulations or other instruments made thereunder, or relating thereto, or having effect by virtue of and relating to food safety
The Food Safety and Hygiene (England) Regulations 2013
Animal By-Products (Enforcement) (England) Regulations 2011
Food Labelling Regulations 1996
General Food Regulations 2004
Official Feed and Food Control Regulations 2009 (as amended)
The Food Information Regulations 2013
Food and Environmental Protection Act 1988
Natural Mineral water, Spring Water and Bottled Drinking Water Regulations 1999
The Transmissible Spongiform Encephalopathy (England) Regulations 2002
Imported Food Regulations 1997
The Official Feed and Food Controls (England) Regulations 2009 (as amended)
The Trade in Animals and Related Products Regulations 2011
Emergency Control Regulations
Contaminants in Food (England) Regulations 2007
Quick Frozen Foodstuffs Regulations 1990
The Health and Safety at Work etc. Act 1974 and Orders or Regulations or other instruments made thereunder
The Health and Safety Enforcement Regulations 1998
Asbestos at Work Regulations 1994
Factories Act 1961
Offices, Shops and Railway Premises Act 1963
Animal Health Act 1981
Health Act 2006 – Smoke free provisions Part 1 Chapter 1
Gambling Act 2005
Police and Crime Act 2017
Housing and Planning Act 2016
Highways Act 1980 – Section 115E
Scrap Metal Dealers Act 2013
Town Police Clauses Act 1847

3.13 Monitoring Officer (or Deputy Monitoring Officer)
Shall:

(1) Maintain an up to date version of the Constitution and ensure that it is widely available for Councillors, officers and the public.

(2) Establish and maintain a register of interests of Councillors and co-opted members of the Council and ensure that copies of the register are available for inspection by the public at all reasonable hours.

(3) After consulting with the Head of Paid Service and Chief Finance Officer, report to Full Council, or the Cabinet in relation to an Executive Function, if s/he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given, or may give, rise to maladministration.

(4) Provide advice on the scope of powers and authority to take decisions, on maladministration, probity and propriety issues to all Councillors, with the assistance throughout of the Head of Law and Governance.

(5) Ensure that Executive Decisions, together with the reasons for those decisions and relevant reports and background papers are made publicly available as soon as possible.

(6) Advise, as required, on whether Executive Decisions of the Cabinet, its Committees and individual Cabinet Members and Officers are within the Policy and Budgetary Framework.

(7) Contribute to the promotion and maintenance of high standards of conduct through the provision of support to the Standards Committee and Councillors generally.

(8) Disclose any information relating to the Council's affairs, and provide copies of any records or documents belonging to the Council, to the Standards Committee for the purposes of the investigation or determination of a complaint against a Councillor.

(9) Arrange for the conduct of investigations, agree a local resolution where possible to any complaint of breach of the authority's Code of Councillor Conduct, and make reports and recommendations in respect of them to the Standards Committee (or instruct another person to undertake this role.)

(10) Agree a local resolution, if possible, to any complaint of maladministration, in consultation with the Chief Executive and the Executive Director of Finance and Resources and the relevant Portfolio Holder, including power to agree a compensation payment of up to £10,000 in any one case.
(11) Investigate any application for a dispensation and make a report and recommendations to the Standards Committee.

(12) Conduct investigations into matters and carry out any other actions as required by the arrangements agreed by the Council.

(13) Consult regularly with the Head of Paid Service and the Executive Director of Finance and Resources in order to identify any areas where the probity of the authority can be improved or better protected, and take appropriate actions.

(14) Ensure that Councillors and Officers of the authority are fully aware of their obligations in relation to probity.

(15) Report to the Cabinet and the Full Council on the resources which the Monitoring Officer requires for the discharge of his/her functions.

Resources

For the purpose of carrying out these functions, the Monitoring Officer shall be provided with the following resources:

a) The right of access to all documents and information held by or on behalf of the authority, including documents and information held by any Officer or Councillor of the authority. This right does not extend to documents and information held by or on behalf of any political party represented on the Council;

b) The right of access to any meetings of Officers or Councillors (or both) of the authority, whether or not such meetings include any other persons. This right does not extend to any meetings held by or on behalf of any political party represented on the Council;

c) The right to request any Officer or Councillor of the authority, or any contractor of the authority, to provide an explanation of any matter under investigation;

d) The right to report to the Council, the Standards Committee, and the Cabinet and to attend and advise orally;

e) The right to require the assistance of any Officer of the authority (or external appointment) to carry out an investigation and to delegate to that Officer any of the powers of the post of Monitoring Officer;

f) The right of access to the Head of the Paid Service and Executive Director of Finance and Resources;

g) The right, after consultation with the Head of the Paid Service and the Executive Director of Finance and Resources, to notify the
police, the authority’s auditors and other regulatory agencies of
his/her concerns in respect of any matter and/or to provide them
with information and documents in order to assist them with their
statutory functions;

(h) The right to obtain, at the authority’s expense, legal advice, either
internally or from an independent external solicitor or barrister, on
any matter which s/he believes may be a reportable incident, and
sufficient financial resource to enable him/her to do so;

3.14 Executive Director of Finance and Resources (Section 151 Officer)

Shall:

(1) Undertake the allocation and control of the Council’s financial
resources in accordance with approved policies.

(2) After consulting with the Chief Executive and the Monitoring
Officer, report to the Full Council or the Cabinet as appropriate
and the Council’s external auditor if s/he considers that any
proposal, decision or course of action will involve incurring
unlawful expenditure, or is unlawful and is likely to cause a loss or
deficiency or if the Council is about to enter an item of account
unlawfully.

(3) Have responsibility for the administration of the financial affairs of
the Council.

(4) Provide advice on financial matters, including financial
impropriety, probity and budget and policy framework issues to all
Councillors and support and advise Councillors and Officers in
their respective roles.

(5) Contribute to the corporate management of the Council, in
particular through the provision of professional financial advice.

(6) Provide financial information to Councillors, the media, members
of the public and the community.

(7) Have the authority to make special payments, whether or not
provision has been made in the approved estimates, in the
following cases:

(a) payments specifically required by law;

(b) payments under a Court Order;

(c) payments under agreements entered into by and on behalf of
the Council;

(d) payments made on the advice of the Chief Executive
in the settlement of any action, complaint, or claim against the Council;

(e) payments made on the advice of the Chief Executive in settlement of any complaint investigated by him/her or any maladministration identified by the Local Government Ombudsman.

May:

Appoint a Deputy Chief Finance Officer for purposes of Section 151 of the Local Government Act 1972.

The Council and the Chief Finance Officer will operate in accordance with the Section 151 Officer protocol contained in the Constitution

(1) Be responsible for the execution and administration of treasury management policies, strategies, practices and activities including:

(a) determining the delivery methodology for, and implementation of, the Treasury Management Strategies.

(b) deciding on the amounts to invest and the instruments to invest in within the limits set out in the Investment Strategy.

(c) selecting suitable lending criteria that fulfil the requirements of the Investment Strategy.

(d) the invest to grow fund and property investment strategy.

(2) Exercise borrowing powers contained in the Local Government Finance Act 2003, as amended, in accordance with the prudential framework and Council approved limits.

(3) Set the Council Tax base for the Basingstoke and Deane area.

(4) Approve the annual National Non Domestic Rates returns to Central Government.

(5) Approve the following transactions and actions in relation to the Council’s land and property holdings and sign the appropriate documentation in respect of them (including all commercial property and leases, operational buildings, the civic campus and all buildings used for leisure and community purposes):

(a) Repair, maintenance or improvement of land or buildings within approved estimates;

(b) Grant of licences, temporary lettings, easements, rights of way, wayleaves and tenancies-at-will;
(c) Approval of tenants;

(d) Grant of occupational leases of premises at open market value up to a rent of £250,000 per annum;

(e) Renewal of occupational leases of premises at open market value up to £250,000 per annum;

(f) Outside the Property Investment Strategy and the Invest to Grow Strategy (11 below) the disposal of the freehold in land at an open market value subject to that value not being more than £250,000 and to no objection from ward Councillors or adjoining ward Councillors, Cabinet Member(s) and the Section 151 Officer;

(g) Revisions of rent and rent reviews;

(h) Building works or alterations;

(i) Assignment, Sub-letting, Surrender and Changes of Use;

(j) All detailed terms for the acquisition or disposal or use of land or interests in land where the principle of the acquisition, disposal or use has been duly approved including the fixing of fees;

(k) Subject to achieving the best consideration that can reasonably be obtained, all variations and rectifications to the terms of assignments, sub-lettings, surrenders and changes of use;

(l) Subject to receiving the best consideration that can reasonably be obtained, to lift or restructure restrictive covenants on land previously disposed of by the Council.

(6) Authorise the following actions in relation to the Council’s land holdings:

(a) Forfeiture of leases in the event of non-payment of rent or breach of covenant;

(b) Termination of leases and licences including issue of Notice to Quit;

(c) Securing vacant possession of land or buildings;

(d) Paying statutory compensation;

(e) Making arrangements for re-letting, where necessary;
(f) Pursuing appeals in respect of rating assessments.

(g) All action to secure the dedication of, and the diversion and stopping up of public highway (in circumstances where this is essential to the delivery of the estate management functions of the Council's property portfolio);

(7) Authorise the following actions in relation to land occupied, or to be occupied, by the Council under lease or licence:

(a) Taking leases, licences or other appropriate interests;

(b) Approval of all terms, including rental and revisions thereof;

(c) Approval of building works or alterations;

(d) Agreement and settlement of schedules of condition and dilapidations.

(8) Authorise an election for Value Added Tax on Council properties.

(9) Manage the Council’s markets (and licencing of markets) including approving uses, repair, maintenance and improvement as required, collecting rent or fees and pursuing arrears.

(10) Be responsible for the appointment of external consultants to advise and/or act for the Council in negotiations and/or transactions relating to property matters, subject to the Council’s Financial Regulations and Contract Standing Orders.

(11) Following receipt of advice from the Officer Investment Panel and external property specialists and consultation with the Portfolio Holders for Property and Development and Finance, Service Delivery and Improvement, to make investment decisions in accordance with the Property Investment Strategy and the Annual Property Plan subject to any single transaction not exceeding 7.5% of the portfolio value.

To be responsible for investment decisions under the Council’s Property Investment Strategy and Invest to Grow Fund within the Cabinet’s agreed annual strategy.

(12) To make investment decisions as the Investment Manager in consultation with the Portfolio Holders for Property and Development and Finance, Service Delivery and Improvement, for the Invest to Grow Fund within the terms of the Invest to Grow Fund Investment Strategy.

(13) To authorise as appropriate the appropriation of land from one Council function/Service in which it is held to another.
3.15 **Head of Planning and Infrastructure**

Shall:

(1) Prepare and update the Local Plan and undertake the statutory stages of the Local Plan preparation including providing evidence at the Local Plan Inquiry.

(2) Commission, prepare and publish research and evidence based documents in support of the Local Plan, Supplementary Planning Documents, Development Plan Documents and related planning policy documents.

(3) Prepare and publish performance data in the Authority Monitoring Report on an annual basis.

(4) Respond to consultations on planning policy and transport and related matters on behalf of the Council (in liaison with relevant Ward Councillors and Cabinet Members.)

(5) Provide planning policy, affordable housing delivery, conservation, urban design advice, and other material planning advice to be used in the determination of planning applications.

(6) Agree tenure and other mix on affordable housing schemes proposed within the Councils area in accordance with the Local Plan and Housing Strategy of the Council

(7) To provide support and assistance at the appropriate stages in the Neighbourhood Planning Process

(8) Undertake the duties imposed by the Town and Country Planning (Brownfield Land Register) Regulations 2017

(9) Exercise all Building Control functions and associated matters under the Building Control Act 1984, Building Regulations 2010 and all associated legalisation

(10) Subject to the following conditions in paragraph (10.1.1) determine applications and consultations as set out in paragraph (10.1.2) below:

(10.1.1) Conditions allowing delegation of applications and consultations:

a. Councillors and Parish Councils and all statutory consultees have been notified of the application, site notices posted (where required) and the minimum period for receipt of comments has elapsed;

b. Copies of applications are available for public inspection
and comment during the above period;

c. The proposal is an application for planning permission relating to house-holder, minor or other developments (as defined in relation to DCLG guidelines and with the exception of lawful development certificates) or is an application for Permission in Principle, the Officer recommendation is for approval

(i) (where the site lies outside a Settlement Policy Boundary) no more than three independent letters raising material planning objections have been received; and

(ii) (when the site lies within a Settlement Policy Boundary) no more than five independent letters raising material planning objections have been received.

(d) The proposal is an application for planning permission relating to major development, the Officer recommendation is for approval, and (as defined in relation to DCLG guidelines); and no more than 10 independent letters raising material planning objections have been received.

e. The determination of applications for the approval of reserved matters where objections received relate only to the principle of development (which will have already been dealt with via the grant of outline planning permission);

f. The Officer recommendation is for refusal and the application is contrary to the provisions of the Statutory Development Plan.

NB: In determining the number of objections received pursuant to paragraphs (10.1.1)(c) and (d) above, objections from Parish Councils are treated in the same manner as all other objections.

(10.1.2) May:

where the conditions allowing delegation referred to in paragraph (10.1.1) above have been met, (except in the circumstances described immediately below in paragraphs (a) – (f)), determine all applications and consultations under the “Planning Acts” as defined in Section 336(1) of the Town and Country Planning Act 1990 unless:

(a) The applicant is a Member of Full Council;

(b) The applicant is an Officer of the Council who is making a personal application.

(c) The planning application was made by the Council pursuant to
Regulation 3 of the Town and Country Planning General Regulations 1992 and the Head of Planning and Infrastructure is of the view that planning permission should not be granted;

(d) Where (and subject to giving of clear material planning justifications) one or more Councillors of the ward within which the application lies wish to have a matter considered by the Development Control Committee and has given notice of this;

(e) The Officer recommendation is for approval and the decision would be a departure from the provisions of the current Statutory Development Plans; or

(f) The Head of Planning and Infrastructure is of the opinion that the application should be determined by the Committee.

(11) Determine all consultations.


(13) Authorise Enforcement Action (and the issue of a Stop Notice) where:

(i) Such action/issue has been notified in advance to the relevant Ward Councillors and such Councillors have not requested the action/issue to be dealt with by the Development Control Committee; and/or

(ii) Development has commenced prior to the issue of a decision notice granting planning permission and with outstanding matters to be resolved.


(15) Authorise the issue of Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990.

(16) Determine all applications and notifications made under the Town and Country Planning (General Permitted Development) (England) Order 2015 having taken into account all representations received where:

(i) Councillors and Parish Councils and all relevant statutory consultees have been notified of the application, site notices posted and the minimum period for receipt of comments has elapsed; and
(ii) Copies of applications are available for public inspection and comment during the above period;

(17) Authorise the instigation of proceedings under Section 187B of the Town and Country Planning Act 1990, following consultation with and agreement from the Head of Law and Governance.


(19) Authorise minor amendments to planning obligations in Section 106 legal agreements and to conditions where the objectives of the Committee can nevertheless still be secured.

(20) Authorise amendments to agreements made under Section 106 of the Town and Country Planning Act where such action/issue has been notified in advance to the relevant ward Councillor Councillors and such Councillors have not requested the matter to be dealt with by the Development Control Committee within 21 days of the date of the registration of the submission. Councillors are asked to communicate expressions of interest at the earliest possible time and discuss with the relevant planning Officer.

(21) Make non-material, minor amendments to planning permissions and permissions in principle and technical details consent.

(22) Following refusal of a planning application or an application for Permissions in Principle or technical details consent by the Development Control Committee, authorise the withdrawal of a reason, or reasons, for refusal after consultation with the Chair of the Committee and local Ward Councillors in which the application is situated.

(23) To take all actions, and make all such decisions and determinations-under the High Hedges provisions of the Anti-Social Behaviour Act 2003 pursuant to that Act.


(26) Make highway diversions and closure orders.

(27) Determine all applications for Hazardous Substances Consent and to issue Hazardous Substances Enforcement Notices and Contravention Notices provided that:
(i) Councillors and Parish Councils and all statutory consultees have been notified of the application, site notices posted and the minimum period for receipt of comments has elapsed;

(ii) Copies of applications are available for public inspection and comment during the above period;

(iii) No unresolved objection remains; and

(iv) The determination is in accordance with the advice of the Health and Safety Executive.

(28) Exercise street-naming and building numbering powers in consultation with the developers, Ward Councillors and Parish Councils.

(29) Exercise all powers and functions in relation to the Community Infrastructure Levy.

(30) Enter into transport contract arrangements on behalf of the authority for approved routes.

(29)(31) To prepare and publish a register under the Self-Build and Custom Housebuilding Act 2015.

3.16 Housing Manager

Shall:

(1) Exercise all responsibilities in relation to homelessness including the implementation of the Housing and Homelessness Strategy.

(2) Provide technical responses to consultations from stakeholders and partners and requests from RSL’s regarding views on stock disposals or mergers in consultation with the Portfolio Holder.

(3) Manage the Councils statutory Housing Register.

(4) Agree housing/tenure mix on Affordable Housing Schemes proposed within the Borough in accordance with the direction set out within the Local Plan and Housing Strategy.

(5) Agree Nomination Rights to social housing on Affordable Housing Schemes.

(6) Provide advice and assistance, including taking appropriate legal action in relation to the Protection from Eviction Act 1977.
3.17 Head of Human Resources and Organisational Development

Shall:

(1) Make and account for appropriate deductions from pay and to make appropriate employer contributions in respect of income tax, national insurance and the superannuation fund.

(2) Implement all nationally agreed pay and related awards immediately.

(3) Apply the provisions of the Pay Policy Statement.

(4) Ensure that all appointments of employees are made in accordance with the Council Procedure Rules.

(5) Maintain a list of politically restricted posts in accordance with section 2 of the Local Government and Housing Act 1989.

(6) Make minor changes to the Pay Policy Statement as a result of any national pay awards and produce a report annually on the Pay Policy Statement that will go to Full Council.

(7) Consider and approve requests for early retirement on the grounds of ill health and agree the release of preserved pension benefits in accordance with the Local Government Pension Scheme Regulations 2014.

(8) Monitor and oversee:

(a) requests for paid or unpaid leave of absence in accordance with Council policy.

(b) the Health and Safety arrangements within all service areas.

(c) all disciplinary action taken in accordance with the Council’s disciplinary procedures.

(9) Receive notices of:

(a) Appointments, resignations, dismissals, suspensions, secondments and transfers.

(b) Absences from duty for sickness, leave or other reason.

(c) Information necessary to maintain records of service for superannuation, income tax and national insurance.

(d) Additional work of employees such as overtime.
(e) All employees in receipt of taxable benefits.

3.18 Head of Borough Development and Implementation

Shall:

(1) Take any decisions in relation to community safety and anti-social behaviour including the submission of all funding bids, approving projects relating to community safety and anti-social behaviour, authorising enforcement action, including the service of Fixed Penalty Notices and other activity contributing to the Community Safety Partnership Plan.

(2) Make decisions on whether to add nominated land to the Council’s list of assets of community value, following consultation with local Ward Councillors and in liaison with the relevant Cabinet Member, pursuant to sections 89 to 91 of the Localism Act 2011.

(3) Manage the allocated services and facilities including developing strategies and action plans; approving allocation of capital and revenue resources for repair, maintenance and improvement as required; and fixing and collecting fees or charges and pursuing arrears.

(4) In consultation with the Chief Executive and relevant Cabinet Member, oversee the delivery of EU funded projects.

(5) In consultation with the relevant Cabinet Member, commission, prepare and publish research and other evidence based information to support economic development and other services.

(6) Offer discounts or price variations to achieve priority outcomes relating to outdoor sports facilities.

(7) Undertake initiatives to raise awareness and contribute to climate change adaptation (in liaison with the relevant Cabinet member).

3.19 Policy Managers

Policy and Performance Manager

Shall:

(1) In consultation with the relevant Cabinet Member, commission, prepare and publish research and other evidence based information to support corporate policy development.