

Part 3 - Responsibility for Functions

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2. Responsibility for Executive Functions

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1. Responsibility for Council Functions

As at July 2009

All those matters for the time being specified as functions not to be the responsibility of an authority's executive in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any other regulations amending, modifying and/or expanding same -which shall include

- the functions of imposing any conditions, limitation or other restriction on an approval, consent, licence, permission or registration granted in the exercise of any of those functions and determining any other terms to which any such approval, consent, licence, permission or registration is subject
- the function of determining whether and in what matter to enforce any failure to comply with an approval, consent, licence, permission or registration granted; any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject or any other contravention in relation to a matter with regard to which the function of determining an application, for approval, consent, licence permission or registration.
- the function of amending, modifying or varying any such approval, consent, licence, permission or registration or any condition, limitation or term to which it is subject or revoking any such approval, consent, licence, permission or registration.

PLANNING COMMITTEE

- Membership - 12 Councillors - Politically balanced
- Functions - Planning and Conservation
Functions relating to town and country planning and development control as specified in Schedule 1 and the matters specified in Regulation 2(2), (3) and (4) in relation thereto of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as varied from time to time (the Functions Regulations).
- Trees and Hedgerows
Powers relating to the preservation of trees and the protection of important hedgerows as specified in Schedule 1, and the matters specified in Regulation 2(2), (3) and (4) in relation thereto of the Functions Regulations.

AGENCY POWERS

The following powers are exercised by South Bucks District Council as agents for other statutory bodies.

POWER

TREE PRESERVATION ORDERS

Responsibility for administering all Tree Preservation Orders made by the County Council prior to the 13 January 1981 including any consents granted in respect of such Orders.
Planning & Development Committee – 22 June 1988 - Minute 101.

**The Local Authorities (Functions and Responsibilities) (England)
Regulations 2000 as amended from time to time (the Functions Regulations)
[AS AT JULY 2009]**

SCHEDULE 1

| (1) Function | (2) Provision of Act or Statutory Instrument |
|---|--|
| A. Functions relating to town and country planning and development control. | |
| 1. Power to determine application for planning permission | Sections 70(l)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c8). |
| 2. Power to determine applications to develop land without compliance with conditions previously attached. | Section 73 of the Town and Country Planning Act 1990. |
| 3. Power to grant planning permission for development already carried out. | Section 73A of the Town and Country Planning Act 1990. |
| 4. Power to decline to determine application for planning permission. | Section 70A of the Town and Country Planning Act 1990 |
| 5. Duties relating to the making of determinations of planning applications. | Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder |
| 6. Power to determine application for planning permission made by a local authority, alone or jointly with another person | Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492) |
| 7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights. | Parts 6,7, 11, 17, 19,20,21 to 24,26,30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418). |
| 8. Power to enter into agreement regulating development or use of land. | Section 106 of the Town and Country Planning Act 1990. |
| 9. Power to issue a certificate of existing or proposed lawful use or development. | Sections 191(4) and 192(2) of the Town and Country Planning Act 1990 |
| 10. Power to serve a completion notice. | Section 94(2) of the Town and Country Planning Act 1990. |
| 11. Power to grant consent for the display of advertisements. | Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 |
| 12. Power to authorise entry onto land. | Section 196A of the Town and Country Planning Act 1990 |
| 13. Power to require the discontinuance of a use of land. | Section 102 of the Town and Country Planning Act 1990. |
| 14. Power to serve a planning contravention notice, breach of condition notice or stop notice. | Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990 |
| 15. Power to issue a temporary stop notice (SI 2005/929). | Sections 171E of the Town and Country Planning Act 1990 |
| 16. Power to issue an enforcement notice. | Section 172 of the Town and Country Planning Act 1990 |
| 17. Power to apply for an injunction restraining a breach of planning control. | Section 187B of the Town and Country Planning Act 1990 |
| 18. Power to determine applications for hazardous substances consent, and related powers. | Sections 9(1) and 10 of the Planning (hazardous Substances) Act 1990 (c. 10). |

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| 19. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject. | Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act. |
| 20. Power to require proper maintenance of land. | Section 215(1) of the Town and Country Planning Act 1990. |
| 21. Power to determine application for listed building consent and related powers. | Sections 16(1) and (2), 17, 27(2) and 33(l) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c.9). |
| 22. Power to determine applications for conservation area consent. | Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas Act 1990, as applied by section 74(3) of that Act |
| 23. Duties relating to applications for listed building consent and conservation area consent. | Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1900/1519) and paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01. |
| 24. Power to serve a building preservation notice, and related powers. | Sections 3(l) and 4(l) of the Planning (Listed Buildings and Conservation Areas) Act 1990. |
| 25. Power to issue enforcement notice in relation to demolition of listed building in conservation area. | Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990. |
| 26. Powers to acquire a listed building in need of repair and to serve a repairs notice. | Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 |
| 27. Power to apply for an injunction in relation to a listed building. | Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990 |
| 28. Power to execute urgent works. | Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990. |
| 29. Powers relating to the preservation of trees. | Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1982). |
| 30. Powers relating to the protection of important hedgerows. | The Hedgerows Regulations 1997(S.I. 1997/1160). |
| 31. Powers relating to complaints about high hedges (SI 2005/719). | Part 8 of the Anti-Social Behaviour Act 2003. |

LICENSING COMMITTEE

- Membership - 12 Councillors - Politically Balanced
- Functions - Taxi, Gaming, Entertainment, Food and Miscellaneous Licensing
Functions relating to licensing and registration as specified in Schedule 1 and the matters specified in Regulation 2(2), (3) and (4) in relation thereto of the Functions Regulations, as amended from time to time.

To determine applications for track betting licences.

To determine hearing of the cancellation or refusal of registrations under the Vehicle (Crimes) Act 2001 - when in force.

LICENSING SUB-COMMITTEE

- Membership 3 Members of the Licensing Committee (including the Chairman and / or Vice-Chairman, if circumstances allow).

- Functions Licensing Act 2003

See page 35 for detailed description of Sub-Committee responsibilities and officer delegations.

- Gambling Act 2005

See page 37 for detailed description of responsibilities and delegations.

- Hackney Carriage and Private Hire Licensing

To hold hearings where required for renewal, granting, refusing, suspension or revocation of Private Hire and Hackney Carriage Licences.

**The Local Authorities (Functions and Responsibilities) (England)
Regulations 2000 as amended from time to time (the Functions Regulations)
[AS AT JULY 2009]**

SCHEDULE I

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| B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) | |
| 1. Power to issue licences authorising the use of land as a caravan site ("site licences"). | Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62). |
| 2. Power to license the use of moveable dwellings and camping sites | Section 269(l) of the Public Health Act 1936 (c.49). |
| 3. Power to license hackney carriages and private hire vehicles. | (a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & II Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57,58,60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. |
| 4. Power to license drivers of hackney carriages and private hire vehicles. | Sections 51, 53, 54, 59. 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. |
| 5. Power to license operators of hackney carriages and private hire vehicles. | Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. |
| 6. Power to register pool promoters. | Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2)(c) as saved for certain purposes by the Gambling Act Order. ("The Gambling Act Order" means the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006) |
| 7. Power to grant track betting licences. | Schedule 3 to the Betting, Gaming and Lotteries Act 1963(d), as saved for certain purposes by the Gambling Act Order. |
| 8. Power to license inter-track betting schemes. | Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963(e), as saved for certain purposes by the Gambling Act Order. |
| 9. Power to grant permits in respect of premises with amusement machines. | Schedule 9 to the Gaming Act 1968 (c. 65), as saved for certain purposes by the Gambling Act Order. |
| 10. Power to register societies wishing to promote lotteries. | Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32), as saved for certain purposes by the Gambling Act Order. |
| 11. Power to grant permits in respect of premises where amusements with prizes are provided. | Schedule 3 to the Lotteries and Amusements Act 1976, as saved for certain purposes by the Gambling Act Order. |
| 12. Power to issue cinema and cinema club licences. | Section 1 of the Cinema Act 1985 (c. 13). |
| 13. Power to issue theatre licences. | Sections 12 to 14 of the Theatres Act 1968 (c. 54). |
| 14. Power to issue entertainments licences. | Section 12 of the Children and Young Persons Act 1933 (c. 12), section 52 of and Schedule 12 to, the London Government Act: 1963 (c. 33). Section 79 of the Licensing Act 1964 (c. 26). Sections 1 to 5 and 7 of. And Parts I and II of the Schedule to the Private Places of Entertainment (Licensing) Act 1967 (c. 19) and Part I of, and Schedules I and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30). |
| 14A. Functions relating to licensing. | Sections 5 to 8 of the Licensing Act 2003. |
| 14AA Duty to comply with requirement to provide information to the Gambling Commission. | Section 29 of the Gambling Act 2005. |
| 14AB Functions relating to exchange of information. | Section 30 of the Gambling Act 2005. |
| 14AC Functions relating to occasional use notices. | Section 39 of the Gambling Act 2005. |

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| 14B. Power to resolve not to issue a casino premises licence. | Section 166 of the Gambling Act 2005. |
| 14C. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises. | Section 304 of the Gambling Act 2005. |
| 14CA. Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises. | Section 284 of the Gambling Act 2005. |
| 14D. Power to institute criminal proceedings. | Section 346 of the Gambling Act 2005. |
| 14E. Power to exchange information. | Section 350 of the Gambling Act 2005. |
| 14F. Functions relating to the determination of fees for premises licences. | The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479). |
| 14G. Functions relating to the registration and regulation of small society lotteries. | Part 5 of Schedule 11 to the Gambling Act 2005. |
| FA. Functions relating to smoke-free premises etc. | |
| 1. Duty to enforce chapter 1 and regulations made under it. | Section 10(3) of the Health Act 2006. |
| 2. Power to authorise officers. | Section 10(5) of and paragraph 1 of Schedule 2 to the Health Act 2006. |
| 3. Functions relating to fixed penalty notices. | Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (S.I. 2006/760). |
| 4. Power to transfer enforcement functions to another enforcement authority. | Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368). |
| 15. Power to license sex shops and sex cinemas. | The Local Government Miscellaneous Provisions) Act 1982. section 2 and Schedule 3. |
| 16. Power to license performances of hypnotism. | The Hypnotism Act 1952 (c. 46). |
| 17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis. | Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982. |
| 18. Power to license pleasure boats and pleasure vessels | Section 94 of the Public Health .Acts Amendment Act 1907 (c. 53). |
| 19. Power to license market and street trading. | Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c.vii) and section 6 of the London Local Authorities Act 1994 (c.xii). |
| 20. Power to license night cafes and take-away food shops | Section 2 of the Late Night Refreshment Houses Act 1969 (c. 53)(f), Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994. |
| 21. Duty to keep list of persons entitled to sell non-medicinal poisons. | Sections 3(l)(b)(ii), 5. 6 and 11 of the Poisons Act 1972 (c. 66)(g). |
| 22. Power to license dealers in game and the killing and selling of game. | Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c. 32); sections 2 to 16 of the Game Licensing Act 1860 (c. 90). section 4 of the Customs and Inland Revenue Act 1883 (c. 10). sections 12(3) and 27 of the Local Government Act 1874 (c. 73), and section 213 of the Local Government Act 1972 (c. 70). |
| 23. Power of register and license premises for the preparation of food. | Section 19 of the Food Safety Act 1990 (c. 16). |
| 24. Power to license scrap yards. | Section I of the Scrap Metal Dealers Act 1964 (c. 69). |
| 25. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds. | The Safety of Sports Grounds Act 1975 (c. 52) |

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| 26. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds. | Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27). |
| 27. Power to issue fire certificates. | Section 5 of the Fire Precautions Act 1971 (c. 40). |
| 28. Power to license premises for the breeding of dogs. | Section 1 of the Breeding of Dogs Act 1973 (c.60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11). |
| 29. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business. | Section I of the Pet Animals Act 1951 (c. 35) section I of the Animal Boarding Establishments Act 1963(c. 43) the Riding Establishments Acts 1964 and 1970(1964 c. 70 and 1970 c. 70) ; section I of the Breeding of Dogs Act 1973 (c. 60) and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999. |
| 30. Power to register animal trainers and exhibitors. | Section 1 of the Performing Animals (Regulation) Act 1925 (c.38) |
| 31. Power to license zoos. | Section 1 of the Zoo Licensing Act 1981 (c.37) |
| 32. Power to license dangerous wild animals. | Section 1 of the Dangerous Wild Animals Act 1976 (c.38). |
| 33. Power to license knackers' yards. | Section 4 of the Slaughterhouses Act 1974. See Also the Animal By-Products Order 1999 (S.I. 1999/646). |
| 34. Power to license the employment of children. | Part II of the Children and Young Persons Act 1933 (c. 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37). |
| 35. Power to approve premises for the solemnisation of marriages. | Section 46A of the Marriage Act 1949 (c. 76) and the Marriages (Approved Premises) Regulations 1995 (S. 1. 1995/510) |
| 36. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to— (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or (b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. C. 118). | Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843). |
| 37. Power to register variation of rights of common. | Regulation 29 of the Commons Registration (General) Regulations 1966(S.I. 1966/1971). |
| 38. Power to license persons to collect for charitable and other causes. | Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act 1939(c. 44). |
| 39. Power to grant consent for the operation of a loudspeaker. | Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40). |
| 40. Power to grant a street works licence | Section 50 of the New Roads and Street Works Act 1991 (c. 22). |
| 41. Power to license agencies for the supply of nurses | Section 2 of the Nurses Agencies Act 1957 (c.16). |
| 42. Power to issue licences for the movement of pigs. | Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI. 1995/11). |
| 43. Power to license the sale of pigs. | Article 13 of the Pigs (Records, Identification and Movement) Order 1995. |
| 44. Power to license collecting centres for the movement of pigs. | Article 14 of the Pigs (Records, Identification and Movement) Order 1995. |
| 45. Power to issue a license to move cattle from a market. | Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871). |
| 46. Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers. | Sections 115E, 115F and 115K of the Highways Act 1980. |
| 47. Power to permit deposit of builder's skip on highway. | Section 139 of the Highways Act 1980 (c.66). |

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| 47A. Duty to publish a notice in respect of a proposal to grant permission under section 115E of the Highways Act 1980. | Sections 115G of the Highways Act 1980. |
| 48 Power to license planting, retention and maintenance of trees etc. in part of highway. | Section 142 of the Highways Act 1980. |
| 49. Power to authorise erection of stiles etc. on footpaths or bridleways. | Section 147 of the Highways Act 1980. |
| 50. Power to license works in relation to buildings etc. which obstruct the highway. | Section 169 of the Highways Act 1980. |
| 51. Power to consent to temporary deposits or excavations in streets. | Section 171 of the Highways Act 1980. |
| 52. Power to dispense with obligation to erect hoarding or fence. | Section 172 of the Highways Act 1980. |
| 53. Power to restrict the placing of rails, beams etc. over highways. | Section 178 of the Highways Act 1980. |
| 54. Power to consent to construction of cellars etc. under street. | Section 179 of the Highways Act 1980. |
| 55. Power to consent to the makings of openings into cellars etc. under streets, and pavement lights and ventilators. | Section 180 of the Highways Act 1980. |
| 56. Power to sanction use of parts of buildings for storage of celluloid. | Section 1 of the Celluloid and Cinematograph Film Act 1922 (c.35). |
| 57. Power to approve meat product premises. | Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082). |
| 58. Power to approve premises for the production of minced meat or meat preparations. | Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205). |
| 59. Power to approve dairy establishments. | Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)(e). |
| 60. Power to approve egg product establishments. | Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520). |
| 61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods. | Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763). |
| 62. Power to approve fish products premises. | Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994). |
| 63. Power to approve dispatch or purification centres. | Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. |
| 64. Power to register fishing vessels on board which shrimps or molluscs are cooked. | Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. |
| 65. Power to approve factory vessels and fishery product establishments. | Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. |
| 66. Power to register auction and wholesale markets. | Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. |
| 67. Duty to keep register of food business premises. | Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/ 2828). |
| 68. Power to register food business premises. | Regulation 9 of the Food Premises (Registration) Regulations 1991. |
| 69. Power to issue near beer licence. (S.I. 2001/2212) | Sections 16 to 19 and 21 of the London Local Authorities Act 1995 (c.x.) and, to the extent that it does not have effect by virtue of regulation 2(3), section (3), section 25 of that Act. |
| 70. Power to register premises or stalls for the sale of goods by way of competitive bidding. | Section 28 of the Greater London Council (General Powers) Act 1984 (c.xxvii). |

71. Power to register motor salvage operators.

Part I of the Vehicles (Crime) Act 2001.

72. Functions relating to the registration of common land and town or village greens.
(S.I. 2008/2787)

Part I of the Commons Act 2006 and the Commons Registration (England) Regulations 2008.

STANDARDS COMMITTEE

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| Membership | <ul style="list-style-type: none">- 6 Councillors- 3 outside appointments- 3 Town/Parish Councillors |
| Function | <ul style="list-style-type: none">- The promotion and maintenance of high standards of Conduct within the Council. |
| Remit | <ul style="list-style-type: none">a. To develop and then subsequently review on a regular basis the Code of Conduct for Members and also for Officers.b. To monitor the effect of implementation of the Codes of Conduct.c. To receive any references from the Standards Board for England and deal with them as necessary.d. To receive complaints and thereafter consider, review, investigate, conduct hearings and impose sanctions as may be required.e. To promote on an active basis the highest standards of ethical conduct by Councillors and Officers.f. To provide training and guidance to Councillors, including assisting Parishes to train their own Councillors, on all aspects of Codes of Conduct and adherence to ethical standards for Councillors.g. To consider the withdrawal of allowances, wholly or in part, in the event of any member being suspended.h. To consider and grant dispensations for District and Parish Councillors of South Bucks.i. To consider granting exemptions from the political restrictions on officers of the Council. |

SUB-COMMITTEES have been appointed as follows:

Assessment Sub-Committee; Review Sub-Committee; and Hearings Sub-Committee

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| Membership | One Independent Co-opted Member and two elected members of the Council - or one elected member and one Parish or Town Council representative where required (membership to be floating from within the whole Committee subject to member availability), with delegated authority for the Monitoring Officer to call a meeting of a Sub-Committee as and when required. |
| Remit | Terms of reference for each Sub-Committee are set out on the following pages. |

Shared Members

The Monitoring Officer is authorised to co-opt Independent Members of Chiltern District Council's Standards Committee for a short term appointment to sit on any of the SBDC Standards Committee Sub-Committees as and when required.

Terms of Reference of the Assessment Sub-Committee

As approved by the Standards Committee

1. Terms of Reference

- a. The Assessment Sub-Committee is established to receive allegations that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct.
- b. Upon receipt of each allegation and any accompanying report by the Monitoring Officer - including any referrals back by the Monitoring Officer pursuant to regulation 16 of The Standards Committee (England) Regulations 2008, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:
 - i. refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation;
 - ii. refer the allegation to the Monitoring Officer directing that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;
 - iii. refer the allegation to the Standards Board for England;
 - iv. decide that no action should be taken in respect of the allegation; or
 - v. where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

- c. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) (ii), (iii) or (iv) above, the Sub-Committee shall state its reasons for that decision.
- d. The Sub-Committee shall consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act.
- e. The Sub-Committee shall, upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2(2) of the 1989 Act, and may direct the Authority to include a post in that list.

2. Composition of the Assessment Sub-Committee

The Assessment Sub-Committee shall comprise 3 members, of whom 1 shall be an independent co-opted member of the Standards Committee (who shall chair the Sub-Committee) and 2 elected members of the Authority - or when the Assessment Sub-Committee considers a matter relating to the conduct of a person in his/her capacity as a

Parish or Town Councillor, the Sub-Committee shall comprise 3 members, consisting of 1 independent co-opted member of the Standards Committee (who shall chair the sub-committee), one elected member and 1 member being a Parish or Town Council representatives.

Membership shall not be fixed but shall be made up of 3 relevant available members of the Standards Committee provided no member of the Assessment sub-committee shall sit on the Review sub-committee relating to the same matter - and so far as possible the same members shall not sit on any Hearing Sub-committee for that matter.

3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent Co-opted member as Chairman, and at least one elected member of the Council - and at least one Parish or Town Council representative when considering a matter relating to the conduct of a member as Parish or Town Councillor.

4. Frequency of Meetings

The Committee has given delegated authority to the Monitoring Officer to call a Sub-committee as and when needed to ensure assessments are carried out within an average of 20 working days from the date the subject complaint is received.

Terms of Reference of the Review Sub-Committee

As approved by the Standards Committee

1. Terms of Reference

- a. The Review Sub-Committee is established to review, upon the request of a person who has made an allegation that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct, a decision of the Assessment Sub-Committee that no action be taken in respect of that allegation.
- b. Upon receipt of each such request and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the Assessment Sub-Committee and shall then do one of the following:
 - i. refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or specifying that he/she take an alternative action as permitted by Regulations;
 - ii. refer the allegation to the Standards Board for England;
 - iii. decide that no action should be taken in respect of the allegation; or
 - iv. where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

- c. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) above, the Sub-Committee shall state its reasons for that decision.

2. Composition of the Review Sub-Committee

The Review Sub-Committee shall comprise 3 members, of whom 1 shall be an independent co-opted member of the Standards Committee (who shall chair the Sub-Committee) and the other 2 shall be elected members of the Authority. When the Review Sub-Committee considers a matter relating to the conduct of a person in his/her capacity as a Parish or Town Councillor, the Sub-Committee shall comprise 3 members, consisting of one independent co-opted member of the Standards Committee (who shall chair the Sub-Committee), one elected members of the Authority and one member being a Parish or Town Council representative.

Membership shall not be fixed but shall be made up of 3 relevant available members of the Standards Committee provided no member of the Assessment sub-committee shall sit on the Review sub-committee relating to the same matter - and so far as possible the same members shall not sit on any Hearing Sub-committee for that matter.

3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent Co-opted member as Chairman, and at least one elected member of the Council - and at least one Parish or Town Council representative when considering a matter relating to the conduct of a member as Parish or Town Councillor.

4. Frequency of Meetings

Delegated authority has been given to the Monitoring Officer to call a Review Sub-Committee to meet as and when required to enable it to undertake the review of any decision of the Assessment Sub-Committee within 3 months of the receipt of the request for such a review from the person who made the allegation.

Terms of Reference of the Hearings Sub-Committee

As approved by the Standards Committee

1. Terms of Reference

The Hearings Sub-Committee is established to

- a. receive and consider a report referred by a Monitoring Officer and make one of the following findings in relation thereto
 - i). accept the monitoring officers finding of no failure (“a finding of acceptance”)
 - ii). refer the matter for consideration at a full hearing of the sub-committee
 - iii). refer the matter to the Adjudication Panel for determination.Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(a) (i) or (iii) above, the Sub-Committee shall state its reasons for that decision.
- b. conduct a hearing in relation to an allegation that a member failed to comply with the authority’s Code of Conduct or with the Code of Conduct of any other authority over which the South Bucks District Council Standards Committee has jurisdiction and make one of the following findings in relation thereto
 - i). that the member who was the subject of the hearing had not failed to comply with the Code of Conduct of the authority concerned
 - ii). that the member who was the subject of the hearing had failed to comply with the Code of Conduct of the authority concerned but that no action needs to be taken in respect of the matter which were considered a the hearing or
 - iii). that the member who was the subject of the hearing had failed to comply with the Code of Conduct of the authority concerned and that a sanction should be imposed.
- c. conduct a hearing in relation to an allegation that a member failed to comply with Protocols approved by Council
- d. to impose a sanction or any combination of sanctions
- e. to make consequential recommendations to Council and Cabinet.

2. Composition of the Hearings Sub-Committee

The Hearings Sub-Committee shall comprise 3 members, of whom 1 shall be an independent co-opted member of the Standards Committee (who shall chair the Sub-Committee) and the other 2 shall be elected members of the Authority. When the Hearings Sub-Committee considers a matter relating to the conduct of a person in his/her capacity as a Parish or Town Councillor, the Sub-Committee shall comprise 3 members, consisting of one independent co-opted member of the Standards Committee (who shall chair the Sub-Committee), one elected member of the Authority and one member being a Parish or Town Council representative.

Membership shall not be fixed but shall be made up of 3 relevant available members of the Standards Committee provided so far as possible no member of the Assessment sub-committee or the Review sub-committee shall sit on the Hearings Sub-Committee relating to the same matter.

3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent Co-opted member as Chairman, and at least one elected member of the Council - and at least one Parish or Town Council representative when considering a matter relating to the conduct of a member as Parish or Town Councillor.

4. Frequency of Meetings

Delegated authority has been given to the Monitoring Officer to call a Hearings Sub-Committee to meet as and when required to enable it to undertake the a hearing within 3 months of the decision to hold a hearing.

AUDIT COMMITTEE

| | |
|------------|--|
| Membership | <p>6 Councillors - Politically balanced</p> <p>[The Committee shall not include any members of the Cabinet].</p> |
| Function | <p>A Committee of the Council to provide independent assurance of the adequacy of the internal controls and assurance mechanisms of the Council and to approve its financial accounts.</p> |
| Remit | <p>To consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.</p> <p>To seek assurances that action is being taken on risk-related issues identified by auditors and inspectors.</p> <p>To review and approve the authority's assurance statements, including the Statement on Internal Control, on behalf of the authority.</p> <p>To approve, but not direct, internal audit's strategy, plan and monitor performance.</p> <p>To review the main issues arising from the internal audit reports and seek assurance that action has been taken where necessary.</p> <p>To receive the annual report of the internal audit service.</p> <p>To consider the reports of external audit and inspection agencies, and monitor management action in response to issues raised.</p> <p>To ensure that there are effective relationships between external and internal audit, inspection agencies, other relevant bodies, and that the value of the audit process is actively promoted.</p> <p>To review and approve the financial statement on behalf of the authority and review the external auditors opinion on the financial statements.</p> <p>To review the charitable accounts on behalf of the Farnham Charitable Trust.</p> |

PERSONNEL COMMITTEE

- Membership - 6 Councillors - Politically balanced.
- Function - A Committee of the Council established to consider staffing matters.
- Remit
- a. To be responsible for the overall management of the Council's Human Resources so as to enable the economic, efficient and effective provision of services.
 - b. To ensure that appropriate policies and procedures are in place to support the objectives set out in (a) above and to make recommendations to full Council thereon.
 - c. To consider reports from the Joint Staff Consultative Group and make recommendations thereon.
 - d. To deal with any other statutory duties of the Council relating to employment of staff not otherwise delegated to officers.

Matters Reserved to Full Council

Those matters listed in Article 4 to the Constitution and those functions specified in relation to

- Health and Safety at work.
- Elections.
- Name and status of areas and individuals.
- Powers to make amend revoke or re-enact byelaws.
- Power to promote or oppose local or personal bills.
- Functions relating to pensions etc.
- Miscellaneous functions (other than those Re: Tree Preservation and Hedgerows delegated the Planning Committee) as specified in Schedule 1 to the Functions Regulations unless otherwise delegated under this scheme of delegation.

- Approval of the Housing Strategy Statement and the proposed capital programme in connection with the Housing Investment Programme bid. (E & H).

- The appointment of any individual to a joint committee of two or more authorities and any committee or sub-committee of such a body and the revocation of such a appointment

(The following Joint Committees are relevant to this function:-)

EVREHAM SPORTS CENTRE MANAGEMENT COMMITTEE

Joint Committee established under Section 101 of the Local Government Act 1972 with Members appointed by Buckinghamshire County Council and South Bucks District Council.

Two Members appointed by South Bucks

Two Members appointed by Bucks County Council

**The Local Authorities (Functions and Responsibilities)(England)
Regulations 2000 as amended from time to time (the Functions Regulations)
[AS AT JULY 2009]**

SCHEDULE 1

| (1) Function | (2) Provision of Act or Statutory Instrument |
|---|---|
| C. Functions relating to health and safety at work Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer. | Part I of the Health and Safety at Work etc. Act 1974 (c. 37). |
| D. Functions relating to elections | |
| 1. Duty to appoint an electoral registration officer. | Section 8(2) of the Representation of the People Act 1983(c.2). |
| 2. Power to assign officers in relation to requisitions of the registration officer. | Section 52(4) of the Representation of the People Act 1983. |
| 3. Functions in relation to parishes and parish councils. | Part II of the Local Government and Rating Act 1997 (c.29) and subordinate legislation under that Part. |
| 4. Power to dissolve small parish councils. | Section 10 of the Local Government Act 1972. |
| 5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups. | Section 11 of the Local Government Act 1972. |
| 6. Duty to appoint returning officer for local government elections. | Section 35 of the Representation of the People Act 1983. |
| 7. Duty to provide assistance at European Parliamentary elections. (S.I. 2007/2593) | Section 6 (7) and (8) of the European Parliamentary Elections Act 2002. |
| 8. Duty to divide constituency into polling districts. | Sections 18A to 18E of and schedule 1A to the Representation of the People Act 1983. |
| 9. Power to divide electoral divisions into polling districts at local government elections. | Section 31 of the Representation of the People Act 1983. |
| 10. Powers in respect of holding of elections. | Section 39(4) of the Representation of the People Act 1983. |
| 11. Power to pay expenses properly incurred by electoral registration officers. | Section 54 of the Representation of the People Act 1983. |
| 12. Power to fill vacancies in the event of insufficient nominations. | Section 21 of the Representation of the People Act 1985. |
| 13. Duty to declare vacancy in office in certain cases. | Section 86 of the Local Government Act 1972. |
| 14. Duty to give public notice of a casual vacancy. | Section 87 of the Local Government Act 1972. |
| 15. Power to make temporary appointments to parish councils. | Section 91 of the Local Government Act 1972. |
| 16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents, | Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215). |
| 17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000. | Section 10 of the Representation of the people Act 2000 (c.2). |
| 18. Duty to consult on change of scheme for electors. (S.I. 2008/516) | Sections 33(2), 38(2) and 40(2) of the Local Government and Public Involvement in Health Act 2007 (The 2007 Act). |
| 19. Duties relating to publicity. | Sections 35, 41 and 52 of the 2007 Act. |

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| 20. Duties relating to notice to Electoral Commission. | Sections 36 and 42 of the 2007 Act. |
| 21. Power to alter years of ordinary elections of parish councillors. | Section 53 of the 2007 Act. |
| 22. Functions relating to change of name of electoral area. | Section 57 of the 2007 Act. |
| E. Functions relating to name and status of areas and individuals | |
| 1. Power to change the name of a county, district or London borough. | Section 74 of the Local Government Act 1972. |
| 2. Power to change the name of a parish. | Section 75 of the Local Government Act 1972. |
| 3. Power to confer title of honorary alderman or to admit to be an honorary freeman. | Section 249 of the Local Government Act 1972. |
| 4. Power to petition for a charter to confer borough status. | Section 245b of the Local Government Act 1972. |
| EB. Functions relating to community governance | |
| 1. Duties relating to community governance. | Section 79 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act). |
| 2. Functions relating to community governance petitions. | Sections 80, 83 to 85 of the 2007 Act. |
| 3. Functions relating to terms of reference review. | Sections 81(4) to (6) of the 2007 Act. |
| 4. Power to undertake a community governance review. | Section 82 of the 2007 Act. |
| 5. Functions relating to the making of recommendations. | Sections 87 to 92 of the 2007 Act. |
| 6. Duties when undertaking review. | Sections 93 to 95 of the 2007 Act. |
| 7. Duty to publicise outcome of review. | Section 96 of the 2007 Act. |
| 8. Duty to send two copies of order to Secretary of State and Electoral Commission. | Section 98(1) of the 2007 Act. |
| 9. Power to make agreements about incidental matters. | Section 99 of the 2007 Act. |
| F. Power to make, amend, revoke, re-enact or enforce byelaws. (S.I. 2006/886) | Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c.30). |
| FA. Functions relating to smoke free premises etc (See Licensing) | |
| G. Power to promote or oppose local or personal Bills. | Section 239 of the Local Government Act 1972. |
| H. Functions relating to pensions etc. | |
| 1. Functions relating to local government pensions, etc. | Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c.11). |
| 2. Functions under the Firefighter's Pension Scheme relating to pensions, etc. as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004. | The Fire and Rescue Services Act 2004: Sections 34 and 36. |
| I. Miscellaneous functions | |
| <i>Part I: functions relating to public rights of way.</i> | |
| 1. Power to create footpath or bridleway by agreement. | Section 25 of the highways Act 1980 (c.66). |
| 2. Power to create footpaths and bridleways. | Section 26 of the Highways Act 1980. |
| 3. Duty to keep register of information with respect to maps, statements and declarations. | Section 31A of the Highways Act 1980. |
| 4. Power to stop up footpaths and bridleways. | Section 118 of the Highways Act 1980. |
| 5. Power to determine application for public path extinguishment order | Sections 118ZA and 118C(2) of the Highways Act 1980. |

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| 6. | Power to make a rail crossing extinguishment order. | Section 118A of the Highways Act 1980. |
| 7. | Power to make a special extinguishment order. | Section 118B of the Highways Act 1980. |
| 8. | Power to divert footpaths and bridleways. | Section 119 of the Highways Act 1980. |
| 9. | Power to make a public path diversion order. | Sections 119ZA and 119C(4) of the Highways Act 1980. |
| 10. | Power to make a rail crossing diversion order. | Section 119A of the Highways Act 1980. |
| 11. | Power to make a special diversion order. | Section 119B of the Highways Act 1980. |
| 12. | Power to require applicant for order to enter into agreement. | Section 119C(3) of the Highways Act 1980. |
| 13. | Power to make an SSSI diversion order. | Section 119D of the Highways Act 1980. |
| 14. | Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980. | Section 121B of the Highways Act 1980. |
| 15. | Power to decline to determine certain applications. | Section 121C of the Highways Act 1980. |
| 16. | Duty to assert and protect the rights of the to use and enjoyment of highways. | Section 130 of the highways Act 1980. |
| 17. | Duty to serve notice of proposed action in relation to obstruction. | Section 130A of the Highways Act 1980. |
| 18. | Power to apply for variation of order under section 130B of the Highways Act 1980. | Section 130B(7) of the Highways Act 1980. |
| 19. | Power to authorise temporary disturbance of surface of footpath or bridleway. | Section 135 of the Highways Act 1980. |
| 20. | Power temporarily to divert footpath or bridleway. | Section 135A of the highways Act 1980. |
| 21. | Functions relating to the making good of damage and the removal of obstructions. | Section 135B of the Highways Act 1980. |
| 22. | Powers relating to the removal of things so deposited on highways as to be a nuisance. | Section 149 of the Highways Act 1980. |
| 23. | Power to extinguish certain public rights of way. | Section 32 of the Acquisition of Lane Act 1981 (c.67). |
| 24. | Duty to keep definitive map and statement under review. | Section 53 of the Wildlife and Countryside Act 1981 (c.69). |
| 25. | Power to include modifications in other orders. | Section 53A of the Wildlife and Countryside Act 1981. |
| 26. | Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981. | Section 53B of the Wildlife and Countryside Act 1981. |
| 27. | Duty to reclassify roads used as public paths. | Section 54 of the Wildlife and Countryside Act 1981. |
| 28. | Power to prepare map and statement by way of consolidation of definitive map and statement. | Section 57A of the Wildlife and Countryside Act 1981. |
| 29. | Power to designate footpath as cycle track. | Section 3 of the Cycle Tracks Act 1984 (c.38). |
| 30. | Power to extinguish public right of way over land acquired for clearance. | Section 294 of the Housing Act 1981 (c.68). |
| 30A. | Power to authorize stopping up or diversion of highway. | Section 247 of the Town and Country Planning Act 1990. |
| 31. | Power to authorise stopping-up or diversion of footpath or bridleway. | Section 257 of the Town and Country Planning Act 1990. |
| 32. | Power to extinguish public rights of way over land held | Section 258 of the Town and Country Planning Act 1990. |

for planning purposes.

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|--|---|
| 33. Power to enter into agreements with respect to means of access. | Section 35 of the Countryside and Rights of Way Act 2000 (c.37). |
| 34. Power to provide access in absence of agreement. | Section 37 of the Countryside and Rights of Way Act 2000. |
| <i>Part II: other miscellaneous functions</i> | |
| 35. Functions relating to sea fisheries. | Sections 1,2,10 and 19 of the Sea Fisheries Regulation Act 1966 (c.38). |
| 36. Power to make standing orders. | Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972 (c.70). |
| 37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal). | Section 112 of the Local Government Act 1972. |
| 38. Power to make standing orders as to contracts. | Section 135 of the Local Government Act 1972. |
| 39. Duty to make arrangements for proper administration of financial affairs etc. | Section 151 of the Local Government Act 1972. |
| 40. Power to appoint officers for particular purposes (appointment of "proper officers"). | Section 270(3) of the Local Government Act 1972. |
| 41. Power to make limestone pavement order. | Section 34(2) of the Wildlife and Countryside Act 1981 (c.69). |
| 42. Power to make closing order with respect to take-away food shops. | Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c.30). |
| 43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc. | Section 4(1) of the Local Government and Housing Act 1989 (c.42). |
| 44. Duty to designate officer as the monitoring officer, and to provide staff, etc. | Section 5(1) of the Local Government and Housing Act 1989. |
| 44A. Duty to provide staff, etc. to person nominated by monitoring officer. | Section 82A(4) and (5) of the Local Government Act 2000. (S.I. 2004/2748) |
| 44B. Powers relating to overview and scrutiny committees (voting rights of co-opted members). | Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000. (S.I. 2004/2748) |
| 45. Duty to approve authority's statement of accounts, income and expenditure and balance, sheet, or record of payments and receipts (as the case may be). | The Accounts and Audit Regulations 1996 (S.I. 1996/590). |
| 48. Power to make payments or provide other benefits in cases of maladministration etc. | Section 92 of the Local Government Act 2000". |
| 49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption." | Section 13(2) of the Criminal Justice and Police Act 2001 (c.16). |
| 50. Power to apply for an enforcement order against unlawful works on common land. | Section 41 of the Commons Act 2006. (S.I. 2008/2787) |
| 51. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference. | Section 45 (2)(a) of the Commons Act 2006. (S.I. 2008/2787) |
| 52. Power to instigate proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens. | Section 45 (2)(b) of the Commons Act 2006. (S.I. 2008/2787) |

Note: To be added as an Appendix to Council functions. Repeated HBF(i) of current delegation scheme save for Local Government Act 1972 S.96(1) and S. 96(2) and Local Government and Housing Act 1989 S.19 appointments which provisions are repealed under the Local Government Act 2000.

Head of Paid Services Monitoring Officer and Chief Finance Officer are appointed under Article 10 of the Constitution.

APPOINTMENT OF PROPER OFFICER

LOCAL GOVERNMENT ACT 1972

- (1) (a) Any reference in any enactment passed before or during 1971/1972 Session of Parliament, other than the Local Government Act 1972 or any Instrument made before 26th October 1972 to any Officers of a Council referred to below, shall be construed as a reference to the Proper Officer in the manner shown below, except where the Council by resolution has provided, or provides, otherwise.
- (b) Any reference in any local Statutory Provisions to an Officer of the Beaconsfield Urban District Council or of the Eton Rural District Council (except where such reference is made solely in regard to part of the Eton Rural District which did not become part of the South Bucks District) shall be construed as a reference to the Proper Officer as shown below:-

Officer Referred to in Legislation, etc.

Proper Officer to whom the duties are to be transferred pursuant to Paragraph (4)(1) of Schedule 29 to the Act

| | | |
|---|---|-----------------------|
| Clerk of the Council | } | Chief Executive |
| Town Clerk | } | |
| Clerk to Beaconsfield Urban District Council | } | |
| Clerk to Eton Rural District Council | } | |
| Treasurer and/or Financial Officer of the Council | } | Director of Resources |
| Treasurer to Beaconsfield Urban District Council | } | |
| Treasurer to Eton Rural District Council | } | |
| Engineer and/or Surveyor of the Council | } | Director of Services |
| Engineer and/or Surveyor of Beaconsfield Urban District Council | } | |
| Engineer and/or Surveyor of Eton Rural District Council | } | |
| Sanitary Inspector to the Council | } | |
| Public Health Inspector of the Council | } | |

- (2) The following Officers are hereby appointed to be Proper Officer for the purpose of the respective Sections of the Local Government Act 1972 indicated:-

| <u>Section of the Act</u> | <u>Proper Officer's Functions</u> | <u>Officer to be designated to act as Proper Officer for this purpose</u> |
|----------------------------------|---|--|
| 83(1) to (4) | Witness and receipt of declarations of acceptance of office | Chief Executive (Deputy: Director of Resources) |
| 84 | Receipt of declaration of resignation of office | Chief Executive (Deputy: Director of Resources) |

| | | |
|----------------------------------|--|--|
| 88(2) | Convening of meeting of Council to fill casual vacancy in the office of Chairman | Chief Executive |
| 89(1)(b) | Receipt of notice of casual vacancy from two local government electors | Chief Executive |
| 115(2) | Receipt of money due from Officers | Director of Resources |
| 146(1)(a) & (b) | Declarations and certificates with regard to securities | Director of Resources |
| 151 | Responsible officer for the administration of the Council's financial affairs (See Article 10) | Director of Resources or Head of Finance and IT in his absence |
| 191 | Functions with respect to ordnance survey | Director of Services |
| 204(3) | Receipt of application for licence under Schedule 2, Licensing Act 1964 (replaces clerk to rating authority) | Director of Resources |
| 223 | Proper officer to take legal proceedings (See Article 13) | Head of Legal Services, the other Solicitors and the Senior Legal Assistant authorised to deputise |
| 225(1) | Deposit of documents | Chief Executive |
| 228(3)* | Accounts of "any Proper Officer" to be open to inspection by any member of the authority | Chief Executive |
| 229(5) | Certification of photographic copies of documents | Chief Executive |
| 234(1) & (2) | Authentication of documents | Each Chief Officer in respect of documents issued by his department |
| 236(9) | To send copies of byelaws for Parish records | Chief Executive |
| 236(10) | To send copies of byelaws to the County Council | Chief Executive |
| 238 | Certification of byelaws | Chief Executive |
| 248 | Keeping of roll of freemen | Chief Executive |
| Schedule 12 Paragraph 4(2)(b) | Signature of summonses to Council meetings | Chief Executive |
| Paragraph 4(3) | Receipt of notices regarding address to which summons to meeting is to be sent | Chief Executive |

*Section 228(3) applies automatically to any officer who is designated as Proper Officer for any purpose and who keeps accounts. Any other officer of a local authority who keeps accounts may, however, be designated by the authority as a Proper Officer for the purposes of the section.

- (3) The following Officers are hereby appointed to be Proper Officer for the purpose of the respective section of the Local Government and Housing Act 1989 indicated:-

| <u>Section of Act</u> | <u>Proper Officer Functions</u> | <u>Officer to be Designated as Proper Officer for these purposes</u> |
|---------------------------------|--|---|
| 15-17 | Committee and Political Groups | Chief Executive |
| 18 (and Regulations thereunder) | Members' Allowances | Director of Resources |
| 2 and 21 | Politically Restricted Posts | Chief Executive as Head of Paid Service |

In the event of the Proper Officer being absent or being unable to act, the appropriate second tier officer shall be entitled to act as Proper Officer in his place.

OTHER APPOINTMENTS

In addition the following "Proper Officer" appointments have also been made:-

| <u>Functions</u> | <u>Proper Officer</u> |
|---|---|
| (1) (a) Functions relating to Infectious Disease Control. | Dr Kathy J Cann |
| (b) Functions under Section 47 of the National Assistance Act 1948 (removal of person in need of care and attention). | Deputies:- Alyson Smith, Jane O'Grady, Clare Strong, Nick Hicks, Vasco Fernandez, Kyle Knox, Muhammed Abid, Bharat Pankhania |
| (2) Registration Officer and Returning Officer (Local, General and European Elections). | Chief Executive |
| (3) Deputy to the Registration Officer (Representation of the People Act 1983). | Mrs Kully Tumber Democratic and Electoral Services Manager |

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

On 4th March 1986, the Council made the following appointments:-

| <u>Section of Act</u> | <u>Function</u> | <u>Proper Officer</u> |
|------------------------------|---|----------------------------------|
| 100B(2) | To decide which Committee reports or parts of reports are unlikely to be taken in public and which reports should be excluded from public inspection. | Chief Executive |
| 100B(7)(c) | To decide which additional explanatory material should be sent to the press if requested. | Chief Executive |
| 100C(2) | To make written summaries of proceedings were public excluded. | Chief Executive |
| 100F(2) | To decide which documents appear to contain exempt information of a kind which excludes automatic disclosure to Members. | Chief Executive |
| 100D(1)(a) & 100D(5)(a) | To comprise lists of background papers for reports. | Chief Officer making the report. |

DATA PROTECTION ACT 1998

Data Protection Officer for the purposes of the Act

Corporate Information Officer

HEALTH AND SAFETY AT WORK ACT 1974

The Chief Executive has overall responsibility for ensuring the provision of a safe and healthy workplace and working environment for all the Council's employees, contractors, sub-contractors and members of the public coming into contact with the Council's activities and services.

The Director of Services is responsible for ensuring the Council's safety policy is reviewed, updated and implemented. The Building Control Manager is responsible for the maintenance, amendment and distribution of the safety policy documents and shall advise on, or facilitate safety training in conjunction with the Personnel Officer.

FREEDOM OF INFORMATION ACT 2000

The Corporate Information Officer is the relevant officer with responsibility for adopting and maintaining the Publication Scheme under the Act.

This Officer also deals with requests for information submitted under the Freedom of Information Act and the Environmental Information Regulations 2004.

ADOPTIVE PROVISIONS

The following provisions have been adopted by the South Bucks District Council or its predecessor authority and are currently in force within the District:-

| <u>ACT</u> | <u>DATE OF ADOPTION</u> |
|--|--|
| 1. <u>Public Health Act 1925</u> Sections 17, 18 and 19 - Naming of Streets | Eton Rural District Council (Urban Powers) Orders 1933, 1935 and 1949 |
| 2. <u>Local Government (Miscellaneous Provisions) Act 1982</u> Schedule 1 (Paragraphs 3 & 4) Entertainment Licences | 10/11/82 Environmental Control - Minute 111 |
| Schedule 3 Sex Establishments | 10/11/82 Environmental Control - Minute 111 |
| Sexual Entertainment Venues | Licensing Com/Council – Dec 2010/Jan 2011 – to add specific dates |
| Schedule 4 Street Trading | 10/11/82 Environmental Control - Minute 111 |
| Sections 14-17 Acupuncture, Tattooing, Ear Piercing and Electrolysis | 10/11/82 Environmental Control - Minute 111 |
| Section 37 Temporary Markets | 13/10/82 Planning & Development - Minute 152 |
| 3. <u>Private Places of Entertainment (Licensing Act) 1967</u> All Sections | 13/9/89 Environmental Control - Minute 100 |
| 4. <u>Noise and Statutory Nuisance Act 1993</u> Schedule 2 Use of Loudspeakers | 15/3/94 Health & Housing Minute 32(a) |
| 5. <u>Sunday Trading Act 1994</u> Section 2 Designation of South Bucks District as a loading control area | 13/9/94 Health and Housing Minute 102 as amended by Council on 25/10/94 |
| 6. <u>Local Government Miscellaneous Provisions Act 1976 PART II</u> Provisions for Hackney Carriage Private Hire Licensing | 18/3/97 Health and Housing Minute 42. Council 29/4/97. To come into effect on 30/6/97. |

PLANNING COMMITTEE
- AS AMENDED AT PLANNING COMMITTEE 13.4.11

A. Delegations to Officers

Chief Officers and Heads of Service are authorised to arrange for delegated matters to be carried out by appropriate staff in their department/service unit.

| <u>Matter Delegated</u> | <u>Officer</u> |
|--|---------------------------------|
| (1) <u>Determination of Applications</u> [WITH THE PROVISIO that an application by a Member or Officer of the Council will not be subject to these delegation arrangements but will be reported to the Committee (or Consultative Body) for determination]. | |
| (a) Subject to (l) and (m) below, authority to approve in accordance with the provisions of the relevant development plan and in the light of other relevant material considerations any application or notification submitted under the Town and Country Planning Act 1990 and associated legislation, where no material planning objections have been received. | Head of Sustainable Development |
| (b) Subject to (l) below, authority to refuse in accordance with the provisions of the relevant development plan and in the light of other relevant material considerations any application or notification submitted under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 and associated legislation, notwithstanding any representations of support that may have been received. | Head of Sustainable Development |
| (c) Subject to (l) and (m) below, authority to approve in accordance with the provisions of the relevant development plan and in the light of other relevant material considerations any application submitted under the Planning (Listed Buildings and Conservation Areas) Act 1990 and associated legislation, notwithstanding any representations of objection that may have been received, but subject to the Conservation and Design Officer finding the proposal acceptable. | Head of Sustainable Development |
| (d) Authority to determine any application for a certificate of lawfulness for an existing development, taking account of any information that may be provided by local Members and following consultation with the Head of Legal & Democratic Services. | Head of Sustainable Development |
| (e) Authority to determine any applications for a certificate of lawfulness for a proposed development. | Head of Sustainable Development |
| (f) Subject to (l) below, authority to determine in accordance with the provisions of the relevant development plan and in the light of other relevant material considerations any application for consent to display advertisements, notwithstanding any representations of objection that may have been received. | Head of Sustainable Development |

- (g) Authority to formulate the Council's appeal case as a basis for advising the Planning Inspectorate and appellants of the District Planning Authority's submissions in respect of any appeal lodged against a decision of the District Planning Authority, delegated or otherwise, or any non-determination appeal. Head of Sustainable Development
- (h) Subject to (l) and (m) below, authority to renew permission/consent, or to grant a further permission/consent for an amended form of development, in cases where there has been no material change in circumstances since the grant of the previous permission/consent, notwithstanding any representations of objection that may have been received. Head of Sustainable Development
- (i) Subject to (l) and (m) below, authority to approve in accordance with the provisions of the relevant development plan and in the light of other relevant material considerations any application or notification involving the forms of development listed below, where fewer than 10 separate letters of objection from individual households (not petitions or duplicate letters) have been received: Head of Sustainable Development
- Householder developments, including domestic extensions and buildings or other works within the curtilage of a dwelling.
 - Developments involving a net increase up to 9 dwelling(s).
 - All forms of development (excluding the erection of dwellings) falling within the Government's definition of "minor development".
 - Changes of use of single parcels of land or single buildings.
 - the erection, installation or alteration of street furniture including telecommunications equipment.
- (j) Subject to (l) and (m) below, authority to approve applications for forms of development that raise special material considerations, such that the spirit or intent of the relevant development plan policy is not prejudiced, with the further exception that such applications are to be determined by the Committee if relevant planning objections have been raised by the Town/Parish Council or the public. Head of Sustainable Development
- (k) Subject to (l) and (m) below and notwithstanding (j) above, to approve applications for domestic two storey or first floor extensions less than one metre distant from the relevant plot boundaries, in those cases that raise special material circumstances such that the spirit or intent of the relevant development plan policy is not prejudiced, where fewer than 10 separate letters of objection from individual sources have been received. Head of Sustainable Development

- | | | |
|-----|---|---------------------------------|
| (l) | The delegated authority referred to in (a)-(c),(f) and (h)-(k) above shall not be exercised in any case where a Member of the Committee has specifically requested, for sound policy reasons, that the matter be referred to the Committee for determination, and that such request has been notified to the Development Control Unit within 27 days of the date that the application is registered. Where a Member requests that the Committee undertake a site visit, the request is subject to the agreement of the Chairman of the Committee. | Head of Sustainable Development |
| (m) | The delegated authority referred to in (a), (c), and (h) to (k) above shall not be exercised in any case whereby the recommended decision may run counter to an earlier decision taken by the Committee to undertake enforcement action against the relevant development. | Head of Sustainable Development |
| (n) | Authority to issue screening and scoping opinions in connection with the administration of environmental impact assessment procedures, with details being reported for information purposes to the next available meeting of the Committee. | Head of Sustainable Development |
| (o) | Authority to grant applications for Hazardous Substances Consent under the Planning (Hazardous Substances) Act 1990, subject to conditions as thought fit, where there are no objections or conflict with the development plan. | Head of Sustainable Development |
| (p) | Authority to agree minor amendments to approved applications or notifications. | |

The delegations hereby given to grant approvals includes the power to attach conditions.

Reference to the Acts shall include any statutory modifications or re-enactments thereof.

- | | | |
|-----|---|---|
| (2) | The requesting of further information under the General Development Order in respect of outline planning applications. | Head of Sustainable Development |
| (3) | The drafting of grounds of refusal and conditions of approval where the Committee come to a decision other than that recommended by the Director of Services. | Head of Sustainable Development |
| (4) | The issue of planning permission following satisfactory completion of the agreement under the Town and Country Planning Acts. | Head of Sustainable Development |
| (5) | Advertising and taking of appropriate steps in respect of substantial departures, listed building applications and Conservation Areas. | Head of Sustainable Development |
| (6) | Power to advise the relevant Government Office whether or not any more favourable decision or permission for development could be given where a claim made for loss of development value. | Head of Sustainable Development |
| (7) | Attendance of officers at meetings arranged by local authorities or outside organisations relevant to the work of the Committee. | Appropriate Chief Officer/Head of Service |

- (8) **Tree Preservation Orders, Trees, Hedgerows**
- 8(a) Authority to make tree preservation orders. Head of Sustainable Development
- 8(b) Authority to confirm unopposed tree preservation orders (with or without modification). Head of Sustainable Development
- 8(c) Authority to revoke Tree Preservation Orders provided that they are being replaced with a more up to date Order (covering either a Woodland, an Area, a Group of trees or individual trees, or a combination of these). Head of Sustainable Development
- 8(d) Authority to sign tree preservation orders, including the confirmation, revocation and variation of tree preservation orders. Head of Sustainable Development
- 8(e) Authority to grant or refuse consent to applications to fell, top, or lop trees included in a tree preservation order, notwithstanding if objections or letters of support have been received. Head of Sustainable Development
- 8(f) Power to determine whether or not to make tree preservation orders in response to notifications of works to trees (including felling) in Conservation Areas. Head of Sustainable Development
- 8(g) To object to all referrals by the Forestry Commission within the Green Belt where no replacement planting or the promotion of regeneration is proposed. Head of Sustainable Development
- 8(h) Authority to respond to the Forestry Authority, where needed, on forestry proposals noted in the Forestry Authority's Public Register. Head of Sustainable Development
- 8(i) Authority, in dealing with Hedgerow Removal Notices, to decide whether or not a hedgerow is important i.e. if it meets the criteria laid down in the Regulations, and if it does, to decide whether or not to serve a Hedgerow Retention Notice. Head of Sustainable Development
- (9) **Spheres of Mutual Interest - Consultations from other Local Planning Authorities**
- 9(a) Subject to A 1(l) authority to respond to consultations from other Local Planning Authorities on proposals outside the District Council's area, taking into account the views of Town/Parish Councils if received in time even if that response would not accord with the views of the Town/Parish Council or other representatives. This delegation not to apply to proposals which would have a significant effect on the South Bucks District. Head of Sustainable Development
- 9(b) Subject to A 1 (l) authority to respond to consultations from the County Council on 'county matter' applications and on applications that the County Council has submitted to itself provided that such responses are in accordance with the relevant Development Plan and are consistent with previous views of the District Council. Head of Sustainable Development
- (10) **Agricultural and Forestry Buildings**
- To decide whether details of farm and forestry buildings should be requested from developers serving notice that permitted development rights are to be exercised. Head of Sustainable Development

- (11) **Planning and Compensation Act 1991**
- (a) Authority to issue planning contravention notices. Head of Legal Services
- (b) Power to issue Breach of Condition Notice under Section 187A. Head of Sustainable Development in consultation with the Head of Legal Services, (notices to be issued in the name of the Head of Legal Services).
- (12) **Anti-Social Behaviour Act 2003 - High Hedges**
- (a) To administer, determine and take such action as appropriate in relation to any enquiries or applications, under part 8 of the Act, with formal determinations to be subject to consultation with the Consultative Body. Where the Consultative Body considers sensitive and/or community issues are involved, determination be referred to the Committee. Director of Services
- (b) Authority to waive or refund the fee (set at £420 initially) in whole or in part in cases of hardship or in cases where the matter is resolved without the need for a formal notice. Director of Services,
- (13) **Enforcement**
- (a) Power to issue an enforcement notice under the Town & Country Planning Acts in cases where the contravention has been the subject of a previous refusal of planning consent, and further that if necessary, legal proceedings be instituted to secure compliance. Head of Sustainable Development in consultation with the Head of Legal Services, (notices to be issued in the name of the Head of Legal Services).
- (b) Authority to decide when it is not considered expedient to take enforcement action. Head of Sustainable Development
- (c) Authority to consider the evidential and public interest tests as to whether or not a prosecution should be commenced for breach of a planning control related offence under prior authority from the Committee. Head of Legal Services in consultation with the Head of Sustainable Development
- (d) Authority to determine that a Simple Caution be offered and administered as opposed to a prosecution for relevant planning control related offences (whether already delegated or authorised by Committee or pending a report for specific authority for a prosecution) where the circumstances support this way forward (the administering of a Simple Caution to be reported to the next available Planning Committee). Head of Legal Services in consultation with the Head of Sustainable Development
- (e) Authority to administer the Simple Caution, where a Simple Caution is considered to be the appropriate course of action. Head of Legal Services
- (14) **Planning Controls Over Demolition**
- Authority to deal with applications for demolition of buildings without neighbourhood notification pursuant to DoE Circular 16/92. Head of Sustainable Development

(15) Licensing Act 2003

Authority to make representations on licensing applications received under the Licensing Act 2003 on behalf of the local planning authority.

Head of Sustainable Development

(16) Town and Country Planning Act 1990

(a) Powers under Section 330 to require information about ownership, use and occupation of land.

Head of Legal Services

(b) Power under Section 225 to arrange for removal of offending advertisements and/or prosecution.

Head of Sustainable Development in consultation with the Head of Legal Services

B. Delegations to Officers - subject to consultation with Consultative Body

Officer

(1) Authority to serve Enforcement Notices and Stop Notices in cases of urgency.

Head of Sustainable Development in consultation with the Head of Legal Services

(2) Authority to take proceedings for breach of any notice or order within the work of the Committee.

Head of Sustainable Development in consultation with the Head of Legal Services

(3) Matters of routine business and those requiring urgent decisions between meetings.

Appropriate Chief Officer

Spheres of Mutual Interest - Consultations from other Local Planning Authorities

(4) Authority to respond to consultations from other Local Planning Authorities on proposals outside the District Council's area, which would have a significant effect on South Bucks District

Head of Sustainable Development

(5) Authority to respond to consultations from the County Council on 'county matter' applications and on applications that the County Council has submitted to itself where the response would not be in accordance with the relevant Development Plan or would be materially different from previous views of the District Council.

Head of Sustainable Development

(6) Temporary Stop Notices

Authority to issue a Temporary Stop Notice, such Notice to be issued in the name of the Head of Legal Services.

Head of Sustainable Development in consultation with the Head of Legal Services

C. Delegation from Buckinghamshire County Council

Authority to remove flyposting on the highway / verge /affixed to Bucks County Council street furniture (S. 132 of Highways Act 1980)

Director of Services

LICENSING COMMITTEE

A. Delegations to Officers

Chief Officers are authorised to arrange for delegated matters to be carried out by appropriate staff in their department.

(1) Gaming, Lotteries

- | | | |
|----|--|----------------------|
| a) | Authority to grant or renew permits for amusement with prizes gaming machines (fruit machines) for all premises (Section 34, Gaming Act 1968). | Director of Services |
| b) | Authority to issue an order authorising low-stake gaming on alcohol licensed premises (Section 6, Gaming Act 1968). | Director of Services |
| c) | Authority to issue permits for amusements with prizes on all premises (Section 16, Lotteries and Amusements Act 1976). | Director of Services |

(Note: If Officers are minded to refuse any of the above, the matter be delegated to the Licensing Sub-Committee for determination. Any reviews regarding unresolved appeals will be referred to the Licensing Sub-Committee).

(2) Licences and Registrations

- | | | |
|----|---|----------------------|
| a) | Authority to grant a licence and/or registration. | Director of Services |
| b) | Authority to refuse a licence and/or registration on technical grounds under the following Acts:- | Director of Services |

The Cinemas Act 1985
The Private Places of Entertainment (Licensing) Act 1967
The Local Government (Miscellaneous Provisions) Act 1982 (Part VIII)
The Fire Safety and Safety of Places of Sport Act 1987
The Late Night Refreshment Houses Act 1969
The Young Persons Employment Act 1938
The Dangerous Wild Animals Act 1976
The Pet Animals Act 1951
The Breeding of Dogs Acts 1973 and 1991
The Animal Boarding Establishments Act 1963
The Riding Establishments Acts 1964 and 1970
The Game Act 1831

- | | | |
|----|--|----------------------|
| c) | Authority to determine transfers of Track Betting Licences under the Betting, Gaming and Lotteries Act 1963. | Director of Services |
|----|--|----------------------|

(3) Hackney Carriage and Drivers' Licences Private Hire Operators, Drivers and Vehicle Licences

Matter to be dealt with

Application for the grant of a Hackney Carriage Driver Licence

Director of Services

Providing the Applicant is considered to be a fit and proper person and meets the policy criteria.

For Applicants who have received endorsements on their DVLA driving Licence a maximum of up to nine (9) penalty points will be considered by the Team Leader and the Licensing Team Leader may decide to impose a strict warning or an informative on the licence relating to future conduct and/or production of documentation to the Council at a set frequency during the duration of the Licence.

| | |
|---|--|
| Application for the grant of a Hackney Carriage Vehicle Licence | <p>Providing the vehicle meets the policy criteria and passes all required inspections.</p> <p>Applications for vehicles of an 'exceptional' standard in which case a special condition be imposed on the Licence regarding six monthly mechanical testing.</p> |
| Application for the renewal of a Hackney Carriage Driver Licence | <p>Providing Applicant is considered to be a fit and proper person and meets the policy criteria</p> <p>For Applicants who have received endorsements on their DVLA driving Licence a maximum of up to nine (9) penalty points will be considered by the Team Leader and the Licensing Team Leader may decide to impose a strict warning or an informative on the licence relating to future conduct and/or production of documentation to the Council at a set frequency during the duration of the Licence.</p> |
| Application for the renewal of a Hackney Carriage Vehicle Licence | <p>Providing the vehicle meets the policy criteria and passes all required inspections.</p> <p>Applications for vehicles of an 'exceptional' standard in which case a special condition be imposed on the Licence regarding six monthly mechanical testing.</p> |
| Application for the grant of a Private Hire Operator Licence | <p>Providing Applicant is considered to be a fit and proper person and the application meets the policy criteria.</p> |
| Application for the renewal of a Private Hire Operator Licence | <p>Providing Applicant is considered to be a fit and proper person and the application meets the policy criteria.</p> |
| Application for the grant of a Private Hire Driver Licence | <p>Providing the Applicant is considered to be a fit and proper person and meets the policy criteria.</p> <p>For Applicants who have received endorsements on their DVLA driving Licence a maximum of up to nine (9) penalty points will be considered by the Team Leader. In determining an application under delegated authority the Licensing Team Leader may decide to impose a special condition/s on the licence requesting production of documents including but not limited to the DVLA Driving licence and Insurance to a Licensing Officer at a set frequency during the duration of the Licence. The Licensing Team Leader may also further choose to impose a warning on the Licence as to future conduct.</p> |
| Application for the grant of a Private Hire Vehicle Licence | <p>Providing the vehicle meets the policy criteria and passes all required inspections.</p> <p>Applications for vehicles of an 'exceptional' standard in which case a special condition be imposed on the Licence regarding six monthly mechanical testing.</p> |

| | |
|---|--|
| Application for the renewal of a Private Hire Driver Licence | Providing the Applicant is considered to be a fit and proper person and meets the policy criteria. |
| | For Applicants who have received endorsements on their DVLA driving Licence a maximum of up to nine (9) penalty points will be considered by the Team Leader. In determining an application under delegated authority the Licensing Team Leader may decide to impose a special condition/s on the licence requesting production of documents including but not limited to the DVLA Driving licence and Insurance to a Licensing Officers at a set frequency during the duration of the Licence. The Licensing Team Leader may also further choose to impose a warning on the Licence as to future conduct. |
| Application for the renewal of a Private Hire Vehicle Licence | Providing the vehicle meets the policy criteria and passes all required inspections. |
| | Applications for vehicles of an 'exceptional' standard in which case a special condition be imposed on the Licence regarding six monthly mechanical testing. |
| Delegation to allow renewal of Licence where Sub-Committee has already allowed a departure from Policy and no further change of circumstance | Subject to same conditions/ informatives / warnings as Sub-Committee imposed if still applicable – Licensing Committee 17.3.10 |
| Refusal of an application for the grant of a Hackney Carriage Driver Licence, Hackney Carriage Vehicle Licence, Private Hire Operator Licence, Private Hire Driver Licence and Private Hire Vehicle Licence | Providing the applicant fails to meet the policy criteria. Discretion remains for the Licensing Team Leader to refer any application of concern to the Licensing Sub-Committee for determination. Report to the next Licensing Committee of any licences refused under this delegation. |

(3A) **Applications for the renewal of Hackney Carriage and/or Private Hire Drivers Licences granted by the Licensing Sub-Committee**

Authority to grant, providing there has been no change in the drivers circumstances since the grant of the drivers' licence by the Licensing Sub-Committee, and further subject to any special conditions / Informatives / Warnings imposed by the Licensing Sub-Committee to again be imposed if still applicable.

(4) **Heavy Goods Vehicle Operators Licence Applications**

Authority to submit objections in appropriate cases due to the short length of time allowed for consultations, subject to a report to the next meeting of the Committee.

Director of Services in consultation with the Head of Legal Services

(5) **Street and House to House Collections**

Issue of permits.

Director of Services

(6) **Zoo Licensing Act 1981**

(a) Authority to issue a zoo licence.

Director of Services

(b) Authority to refuse a licence on technical grounds.

Director of Services

(c) Authority to enter premises and undertake the relevant duties under the Act.

Director of Services

(d) Authority to appoint Inspectors from the Secretary of State's list.

Director of Services

(7) **Public Entertainments and Theatre Licences**

Paragraphs (a) to (g) deleted – superseded by Licensing Act 2003.

- (h) Decision on whether to seek an injunction in the event of an illegal Rave Party being proposed in the district. Director of Services in consultation with Head of Legal Services

(8) **Noise and Statutory Nuisance Act 1993**

Authority to grant conditional consent or refuse consent of an application to operate a loudspeaker in accordance with Schedule 2 of the Noise and Statutory Nuisance Act 1993. Director of Services

(9) **Scrap Metal Dealers Act 1964**

Director of Services

Registration of scrap metal dealers and exemption of a registered dealer from the requirements to keep records.

(10) **Caravans**

(a) Issue of Site Licence for caravans where planning permission granted. Director of Services

(b) Alterations to conditions of Site Licence following amendment to condition of planning permission. Alteration of conditions not connected with planning conditions. Director of Services

(11) **Vehicles (Crime) Act 2001**

Head of Environment

Authority to authorise officers to issue, refuse and cancel registrations, carry out enforcement duties under the Act and to enter premises as required for these purposes.

Head of Environment

Maintenance of Public Register

(12) **Food Safety**

Authority to issue or refuse licences or issue notices revoking or suspending licences issued under the Food Safety (General Food Hygiene) (Butchers' Shops) Amendment Regulations 2000. Director of Services in consultation with the Head of Legal Services

(13) **Licensing Act 2003**

The table below sets out the agreed delegation of decisions and functions of the Licensing Committee, Sub-Committee and Officers. The various delegations include delegation to impose appropriate decisions.

This scheme of delegations is without prejudice to the right of officers to refer an application to a Licensing Sub-Committee or the full Licensing Committee if considered appropriate in the circumstances of any particular case.

Unless there are compelling reasons to the contrary, the Council will require the Licensing Committee or any of its sub-committees to meet in public – although Members can retire in private session to consider their decision.

| Matter to be dealt with | Full Licensing Committee | Licensing Sub-committee | Director of Services |
|--|--------------------------|--|------------------------------------|
| Application for grant or renewal of Personal Licence inc. revocation | | If a relevant representation made other – Section 120(7), 121(6) and 124(4). | If no relevant representation made |
| Application for personal licence with unspent convictions | | All cases | |

| | | | |
|--|--|--|------------------------------------|
| Application for premises licence/club premises certificate | | If a relevant representation made Section 18(3), Section 72(3) | If no relevant representation made |
| Application for provisional statement | | If a relevant representation made Section 31(3) | If no relevant representation made |
| Application to vary premises licence/club premises certificate | | If a relevant representation made Section 35(3), Section 85(3) | If no relevant representation made |
| Application to vary designated premises supervisor | | If a police objection Section 39(3) | All other cases |
| Request to be removed as designated premises supervisor | | | All cases |
| Application for transfer of premises licence | | If a police objection Section 44(5) | All other cases |
| Applications for Interim Authorities | | If police objection Section 48(3) | All other cases |
| Decision on whether a complaint is irrelevant frivolous vexatious etc | | | All cases |
| Decision to object when local authority is a consultee and not the lead authority | | | All cases |
| Determination of a temporary event notice | | If a police objection - including powers to serve a counter notice Section 105(2) | All other cases |
| Determination of an application to review a premises licence | | Application for a review by an interested party or a responsible authority – all cases. Section 51 | |
| Determination of an application to review a club premises certificate | | Application for a review by an interested party or a responsible authority – all cases. Section 87 | |
| Determination of a review of a premises licence following a closure order | | Order made a senior police officer or a Magistrates Court – all cases. Section 167 | |
| Determination of whether the variations to a Premises Licence applied for pursuant to Section 41A of the Act fall within the definition of “Minor Variations” taking into account the Act and the DCMS Guidance | | | All cases |
| Determination of an Application for a minor variation to a Premises Licence – Section 41A of the Act | | | All cases |
| Determination of whether the variations to a Club Premises Certificate applied for pursuant to Section 86A of the Act fall within the definition of “Minor Variations” taking into account the Act and the DCMS Guidance | | | All cases |
| Determination of an Application for a minor variation to a Club Premises Certificate – Section 86A of the Act | | | All cases |

| | | | |
|---|--|-----------------------------------|------------------------------------|
| Determination of whether an applicant fulfils the criteria of the statutory definition of "Management Committee" regarding applications made pursuant to Section 25A and 41D of the Act taking into account DCMS Guidance | | | All cases |
| Determination of whether a premises falls within the statutory definition of "Community Premises" regarding applications made pursuant to Sections 25A and 41D of the Act taking into account DCMS Guidance | | | All cases |
| Determination of an Application for a new Premises Licence which includes an application for an Alternative Licence Condition – Section 25A of the Act | | If a relevant representation made | If no relevant representation made |
| Determination of an Application to vary a Premises Licence to include the Alternative Licence Condition or an application which includes an application for the Alternative Licence Condition – Section 41D of the Act | | If a relevant representation made | If no relevant representation made |
| Determination of a review of a Premises Licence when held by a management Committee which includes the Alternative Licence Condition – Section 51 of the Act - Review | | All cases | |
| Determination of validity of all applications and administration thereof | | | All cases |

13A. Authority to vary/amend the Hearings Procedure from time to time as necessary on the basis of changes to law and practice.

Head of Legal Services

13B. The consultation provisions contained in Part 10.2 of the Council's adopted Licensing Policy be waived in respect of applications made pursuant to Sections 41A and 86A of the Act for Minor Variations and for applications made pursuant to Sections 41D of the Act for the Alternative Licence Condition when the only variation sought was for the Alternative Licence Condition in place of Mandatory Conditions.

(14) **Gambling Act 2005**

Authority for the following matters delegated as set out (in relation to applications received from 30 April 2007 onwards):

| Matter to be dealt with | Full Council | Licensing committee | Sub-Committee | Director of Services |
|---|---------------------|----------------------------|--|---|
| Three year licensing policy | x | | | |
| Policy not to permit casinos | x | | | |
| Fee Setting – when appropriate | | x | | |
| Application for Premises Licences | | | Where representations have been received and not withdrawn | Grant where no representations have been received/representations have been withdrawn |
| Application for a Variation to a Licence | | | Where representations have been received and not withdrawn | Grant where no representations have been received/representations have been withdrawn |
| Application for a Transfer of a Licence | | | Where representations have been received from the Commission | Grant where no representations have been received from the commission |
| Application for a Provisional Statement | | | Where representations have been received and not withdrawn | Grant where no representations have been received/representations have been withdrawn |
| Review of a Premises Licence | | | x | |
| Application for club gaming/club machine permits | | | Where representations have been received and not withdrawn | Grant where no representations have been received/representations have been withdrawn |
| Cancellation of club gaming/club machine permits | | | x | |
| Applications for other permits | | | | x |
| Cancellation of licensed premises gaming machine permits | | | | x |
| Consideration of temporary use notice | | | | x |
| Decision to give a counter notice to a temporary use notice | | | x | |
| Approval and/or amendments to Delegation Scheme | | x | | |

(15) **Health Act 2006**

Authority to issue fixed penalty notices for offences under the Health Act 2006 (relating to the Smoke-free provisions) and regulations in connection therewith.

Director of Services

(16) **Sex Establishment Licences**

Authority for the following matters to be delegated as set out:

| Matter to be dealt with: | Delegated to: |
|--|---|
| <p>The determination of all valid applications in respect of Sex Establishment Licences in accordance with the Council's functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended when a valid objection/representation is received or when Officer recommendation is for refusal and the Applicant, Transferee or Licence Holder (as applicable) requests a hearing before the Licensing Sub-Committee.</p> <p>If hearing not requested</p> | <p>Licensing Sub-Committee</p> <p>Director of Services</p> |
| <p>The consideration of referrals by the Council's Licensing Team Leader recommending revocation of a Sex Establishment Licence pursuant to Paragraph 17 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended.</p> | <p>Licensing Sub-Committee</p> |
| <p>The determination of whether an objection to a Sexual Entertainment Venue is irrelevant, vexatious or frivolous – paragraph 8.3 of the SEV report – be widened to relate to Sex Establishment Licences generally and not just Sexual Entertainment Venues.</p> | <p>Director of Services</p> |
| <p>Authority to vary/amend the Hearings Procedures from time to time as necessary on the basis of changes to the law and practice.</p> | <p>Head of Legal Services</p> |
| <p>Authority to commence prosecution proceedings regarding offences relating to Sex Establishments.</p> | <p>Head of Legal Services in consultation with the Director of Services</p> |

B. Delegation to Officers – subject to consultation with Consultative Body

- (1) **Licensing Acts 1964 and 1968 - Applications for Liquor Licences and Club Registration Certificates**
- Lodging of objections
- Director of Services in consultation with the Head of Legal Services
- (2) **Entertainment Licences**
- Authority to deal with application for extended hours
- Director of Services or Head of Environment
- (3) **Zoo Licences**
- Authority to determine fees.
- Director of Services and Director of Resources.
- (4) **Licenses and Registrations**
- Authority to prosecute under the following Acts:-
- The Cinemas Act 1985
The Private Places of Entertainment (Licensing) Act 1967
The Local Government (Miscellaneous Provisions) Act 1982 (Part VIII)
The Fire Safety and Safety of Places of Sport Act 1987
The Late Night Refreshment Houses Act 1969
The Dangerous Wild Animals Act 1976
The Pet Animals Act 1951
The Breeding of Dogs Acts 1973 and 1991
The Animal Boarding Establishments Act 1963
The Riding Establishments Acts 1964 and 1970
The Game Act 1831
- Director of Services in consultation with the Head of Legal Services
- (5) **Scrap Metal Dealers Act 1964**
- Authority to prosecute for contraventions.
- Director of Services in consultation with the Head of Legal Services
- (6) **Moveable Dwellings**
- Control of use of moveable dwellings (excluding caravans) Section 269 Public Health Act 1936.
- Director of Services in consultation with the Head of Legal Services
- (7) Authority to take proceedings for breaches of Caravan Sites and Control of Development Act.
- Director of Services in consultation with the Head of Legal Services

STANDARDS COMMITTEE

A. Delegations to Members / Officers

- | | | |
|-----|---|---|
| (1) | Determination as to whether an allegation relates to Code of Conduct issue. | Monitoring Officer |
| (2) | Acknowledging complaints and notifying the subject member (subject to public interest / prejudice – in consultation with the Chairman of the Committee). | Monitoring Officer |
| (3) | Appointment of an investigator to conduct a formal local investigation | Chief Executive, in consultation with the Chairman of the Committee and the Monitoring Officer |
| (4) | To deal with applications from Members for dispensations (to participate in the business of the authority from which they would otherwise be impeded by reason of a prejudicial interest) | A Sub-Committee comprising Cllrs Chhokar, Oxley and Sandy; Independent Members Mr Sheriff and Mr Steeds; and Parish representative Mr Cathcart (to be consulted by post/e-mail where insufficient time to convene a meeting). |

For Monitoring Officer read Monitoring Officer or in her absence Deputy Monitoring Officer.

FULL COUNCIL DELEGATIONS

Delegations to Officers

Chief Officers are authorised to arrange for delegated matters to be carried out by appropriate staff in their department.

- | <u>Matter Delegated</u> | <u>Officer</u> |
|---|-----------------------|
| (1) <u>Definitive Map Modifications</u> | Chief Executive? |
| Authority to reply to the Proposals for Definitive Map Modifications within the 28 day period allowed. | |
| (2) <u>Charges for Public Path Orders</u> | Director of Resources |
| Authority to waive the charge in particular circumstances e.g. an application from a charity. | |
| (3) <u>Appointments, Authority to Enter Premises, New Authorisations, etc.</u> | |
| (a) Power to appoint authorised officers and inspectors for functions and issue new authorisations and powers of entry under all Acts of Parliament and Regulations. | All Chief Officers |
| (b) Power to appoint outside technical experts for specific functions under all Acts of Parliament and Regulations. Subject to Contract Procedure Rules - Part 4. | All Chief Officers |
| (a) and (b) subject to any exercise of the powers being reported to the next meeting of the Council/relevant Committee. | |
| NOTE – AMENDED TO REFLECT ALL FUNCTIONS RATHER THAN JUST E & H MATTERS – TAKES IN NO. 35 (E & H), AND E(1) PLANNING COMMITTEE AND E(1) POLICY COMMITTEE. | |
| (4) <u>Mines and Quarries Act 1954</u> | Director of Services |
| Notice with regard to fencing of abandoned and disused mines and quarries (Section 151). | |
| (5) <u>Highways Act 1980</u> | Director of Services |
| Notices requiring removal of barbed wire and fencing of dangerous land adjoining a street (Section 164). | |
| (6) <u>Attendance at Meetings</u> | All Chief Officers |
| Authority to agree attendance of Officers at meetings arranged by outside organisations. | |

Note (1), (2)

Previously delegated to officers in consultation with Consultative Body. These cannot be “Executive” functions. As there will be no Consultative Body for Full Council these matters are now delegated to officers.

- (7) **The Health and Safety (Enforcing Authority) Regulations 1998**
- (a) Authority for enforcement of the Health and Safety at Work etc. Act 1974 in premises and activities listed in Schedule 1 of the Regulations. Director of Services
- (b) Authority to sign transfer documents (Regulations 5 and 6). Director of Services and Head of Environment
- (8) **Election Fees**
- Authority to increase election fees in line with inflation and to keep them comparable with Parliamentary election fees. Chief Executive
- (9) **Appointment of Staff**
- (a) authority to appoint temporary staff (and a total of five supernumeraries within the authority); All Chief Officers
- (b) confirmation of appointment after probationary period, authorising post entry training and attendance of Officers at outside meetings, granting minor benefits of removal expenses; All Chief Officers
- (c) appointment of employees other than Chief Officers or Deputies. All Chief Officers

2. Responsibility for Executive Functions

Matter Delegated

The Executive will exercise all the local authority functions which are not the responsibility of any other part of the local authority by law (Schedule 1 to the Functions Regulations) or under this Constitution.

All functions are to be the responsibility of the Executive acting **collectively** other than set out in the following Scheme of Delegation.

Functions include but are not limited to the following.

- Proposing Budget to Council
- Proposing Policy Framework to Council
- To consider and determine applications made for grants, initial subscriptions, donations, community development funding, arts, grants and grant aid for village halls under the scheme and within the approved budget.
- Authority to submit of planning applications for development by the Council under the Town and Country Planning General Regulations 1992.
- Authority to approve select list of tenderers and appointment of Consultants in connection with Executive functions and when within budget.
- Authority to consider and decide action re Mortgage arrears.
- Making Demolition and Closing Orders unless special circumstances warranted otherwise.
- Rent (Agriculture) Act 1976 – authority to deal with cases referred to the Council.
- To co-ordinate and report on the implementation of the Councils Environmental Strategy
- Authority to prosecute under various Acts, Byelaws and Regulations under the functions of the Executive.
- Control of unauthorised encampments – Criminal Justice and Public Order Act 1994.
- Authority to commence proceedings for breach of tenancy agreements and for eviction.
- Authority to take proceedings for rent arrears or other breaches of shared ownership leases.
- Authority to determine the allocation of resources between grants and LA SHG within the Capital Programme.
- To approve terms for purchase of land or provision of Social Housing Grant for registered social landlords subject to a maximum amount of £5 million and appropriate planning permission being in place for the development.
- All such approvals to be reported to the next appropriate meeting.
- Authority for proceedings for contravention of the Council's byelaws in respect of swimming pools.
- To exercise reciprocal arrangements with other authorities in relation to food and drugs.

- Building Control functions.
- Decision as to opposition to proposed public transport fare increases and adjustment of timetables.
- To consider on a continuing basis all matters relating to bus services within the Council's policy laid down from time to time and if necessary to report thereon to Buckinghamshire County Council as the authority responsible for public transport matters.
- Financial Management
- Overall strategic management of audit together with any probity or fraud issues, as set out below notwithstanding the role of the Overview and Scrutiny Committee in relation to (b), (d), (e), (f) and (g)
 - (a). Examination of the accounts including the power to look at individual documents, accounts, etc.
 - (b). Adequacy and effectiveness of the Council's systems of internal financial control
 - (c). Adequacy, effectiveness and timeliness of financial statements and related information provided to Councillors and the Public
 - (d). Compliance with financial regulations
 - (e). Reviewing audit plans and reports, both internal and external, and advising on appointment and replacement of internal and external auditors
 - (f). Reviewing the adequacy and effectiveness of the resources allocated to internal audit and its performance
 - (g). Reviewing the adequacy and effectiveness of the Council's policies and procedures in relation to financial probity and fraud and participating where necessary in the investigation of allegations of such fraud and failures.
 - (h). With regard to the Council's investments to
 - (i) appoint a Fund Manager(s) and to set terms of appointment
 - (ii) establish performance criteria for each fund operated by the Council
 - (iii) review the performance of all investment funds operated by the Council and to amend performance criteria as necessary
 - (iv) take any action necessary to resolve the future investment arrangements at Stoke Poges Memorial Gardens Maintenance Fund.
- Responsibility for **Local Choice Functions** relevant to South Bucks District Council (Schedule 2 to Functions Regulations).
 - A Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.
 - B. The determination of an appeal against any decision made by or on behalf of the authority – inc. hearing and deciding appeals against benefits determinations and Council Tax benefits.
 - C. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under Section 5 (best value reviews) of the Local Government Act 1999.
 - D. Any function relating to contaminated land – Environmental Protection Act 1990.

- E. The discharge of any function relating to the control of pollution or the management of air quality Pollution Prevention and Control Act 1999, Part IV of the Environment Act 1995, Part I of the Environmental Protection Act 1990 and the Clean Air Act 1993.
- F. The service of an abatement notice in respect of a statutory nuisance – Section 80(1) Environmental Protection Act 1990.
- G. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority area – Section 8 Noise and Statutory Nuisance Act 1993.
- H. The inspection of the authority's area to detect any statutory nuisance – Section 79 Environmental Protection Act 1990.
- I. The investigation of any complaint as to the existence of a statutory nuisance – Section 79 Environmental Protection Act 1990.
- J. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.
- K. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- L. The appointment of any individual –
 - (a) to any office other than an office in which he is employed by the authority;
 - (b) to any body other than –
 - (i) the authority;
 - (ii) a joint committee of two or more authorities; or
 - (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.
- M. The making of agreements with other local authorities for the placing of staff at the disposal of those other local authorities.

Delegations to Officers

Chief Officers are authorised to arrange for delegated matters to be carried out by appropriate staff in their departments.

| | <u>Matter Delegated</u> | <u>Officer</u> |
|------|---|-----------------------|
| (1) | <u>Appointments, Authority to Enter Premises, New Authorisations, etc.</u> Power to appoint authorised officers and inspectors for functions and issue new authorisations and powers of entry under all Acts of Parliament and Regulations within the terms of reference of the Executive, subject to any exercise of the powers being reported to the next meeting. Power to approve revisions to named Proper Officer appointments relating to Infectious Disease Control functions. | Director of Services |
| (2) | <u>Cemeteries</u> - authority to sign Deeds of Grant | All Chief Officers |
| (3) | <u>Attendance of officers at meetings</u> arranged by outside organisations relevant to functions of the Executive. | Director of Services |
| (4) | <u>Consent for minor functions</u> or purposes of land managed by the Executive and approval of minor alterations to buildings. | Director of Services |
| (5) | <u>The sale of surplus materials</u> , plant and vehicles. (Annual report by Chief Officer). | Director of Services |
| (6) | <u>Day to day management</u> of recreational areas provided by the Council including the Farnham Park Sports Fields, the Farnham Park Golf Course and the Stoke Poges Memorial Gardens. | Director of Services |
| (7) | <u>Demolition</u> of unwanted buildings or properties managed by the Executive. (Report to Executive). | Director of Services |
| (8) | <u>Power to erect flagpoles</u> in highways for displaying decorations subject to consent of Highway Authority. | Director of Services |
| (9) | <u>Arts Events/Promotions</u> Authority to spend up to £500 from the support for the arts budget on sponsorship or promotion of any event. | Director of Services |
| (10) | <u>Street Numbering</u> Allocation of street numbers to new developments (No. 13 to be included in future numbering schemes). | Director of Services |
| (11) | <u>Sports Development</u> Authority to investigate future dual use agreements and foster partnerships with the private and commercial sectors for future provision. | Director of Services |
| (12) | <u>Arts Grants and Community Development Funding</u> Authority to expend up to £1,000. | Director of Services |

- | | | |
|------|---|----------------------|
| (13) | <u>Sporting Facilities - Discounts</u> | Director of Services |
| | (a) Authority to allow discounts on all sporting provision facilities for up to four weeks. | |
| | (b) Authority to make promotional offers as and when necessary. | Director of Services |
| | (c) Authority to allow discounts on retail services in all sporting provision facilities for up to four weeks. | Director of Services |
| | (d) Authorities exercised in (a) (b) and (c) above to be reported to the Policy Advisory Group twice a year covering all promotions in a six month period. | Director of Services |
| (14) | <u>Arts and Sports Development Programmes</u> | |
| | Authority to set fees to cover sports development programmes and courses, arts, children's events and holiday activities. | Director of Services |
| (15) | <u>Car Parking</u> | |
| | Authority to issue Season Tickets in all car parks (except at Jennery Lane, Burnham) up to a maximum of 50% of the spaces available. | Director of Services |
| (16) | <u>Application for Planning Permission</u> | |
| | Authority to submit planning applications under Regulations 3 of the Town and Country Planning Act 1990, after consultation with the Director of Services, report to the next Executive after any such applications have been made. | Director of Services |
| (17) | <u>Administration of minor matters</u> re: properties managed by Executive. | Director of Services |
| (18) | <u>Matters of routine business</u> and those requiring urgent decisions between meetings. | Director of Services |
| (19) | <u>Naming of Streets and Renumbering of Property</u> | Director of Services |

Note: (17), (18) and (19) previously delegated to officers in consultation with Consultative Body – now delegate to officers.

HOUSING

- (20) **Notices to Quit**
Service of notices of seeking possession in accordance with the Council's policy. Director of Services
- (21) **Rent Arrears**
- (a) Commencement of legal proceedings in accordance with the Council's policy. Director of Services
- (b) Signature of warrants to bailiffs. BHA as agents for the Council
- (22) **Housing Act 1985 - Sections 118-121 Right to Buy**
- (a) Authority to make applications to Secretary of State for exceptions, all such applications to be reported to the Executive for information with Secretary of State's decision (if available). Director of Services
- (b) Granting of option to purchase property on payment of £150 on being satisfied that purchasers' resources insufficient to finance mortgage requirements. Director of Services
- (23) **Remortgages**
Postponement of Council's charge in respect of obligations to repay discount in cases where building societies are remortgaging the property. Director of Resources
- (24) **Licences to Assign**
To deal with applications for consent to assign the leases of Council flats and to give written consent under hand. Director of Services in consultation with Head of Legal Services
- (25) **Loans for House Purchasers - Interest Rates**
Authority to vary interest rates in accordance with Schedule 16 of the 1985 Housing Act. Director of Resources
- (26) **Mortgage Arrears**
To institute legal proceedings in any cases where arrears are £700 or more for three months unless there are extenuating circumstances. Director of Resources
- (27) Deleted
- (28) Deleted

- (29) **Improvement Grants and Common Parts Grant**
- Decisions approving applications for grants. Report to next meeting. Director of Services
- (30) **Housing Association Grants**
- Authority to deal with applications to carry out improvements to means of fire escape. Director of Services
- (31) **Social Housing Grant Schemes**
- (a) Certifying claims for minor works schemes (under £20,000) Director of Services
- (b) Certifying claims for larger schemes Director of Resources
- (c) Authority to deal with all claims and payments that relate to LA SHG Schemes Director of Resources in consultation with Director of Services
- (d) Approving advanced payments of SHG to Associations. Management Team
- (32) **Housing Act 2004**
- (a) Authority to issue notices and take the necessary enforcement action with regards to tackling Category 1 and Category 2 Hazards identified under the new Health and Housing Safety Rating System (HHSRS). Director of Services
- (b) Authority to grant, set conditions and vary licences as necessary under the mandatory Licensing of Houses in Multiple Occupation (HMO) regime. Director of Services
- (c) To seek to make Interim and Final Management Orders where there is no prospect that an HMO can be licensed. Director of Services
- (Note: Authority to refuse or revoke licences for HMOs is reserved to the Portfolio Holder in consultation with his/her PAG).
- (33) **Assignment of Shop Leases**
- To deal with applications for consent to assign the leases of Council owned shops. Director of Resources in consultation with Director of Services
- (34) **Shared Ownership Developments - Repurchase of Properties**
- To proceed on behalf of the Council to repurchase properties on shared ownership development which are offered to it in accordance with the leases. Director of Resources
- (35) **Temporary Housing of Homeless Families**
- Authority to agree terms for provision of mobile homes at Wyatts Covert including the number of units and the level of charges with the Beacon Housing Association. Director of Resources in consultation with the Director of Services

- (36) **Leasehold for the Elderly Schemes**
 Authority to reject applications which are unsuitable and to determine priorities between applicants in the event of more than one applying. Director of Services
- (37) **Mortgage Rescue Scheme**
 Authority to agree any further details with Beacon Housing Association and to implement the scheme. Director of Resources in consultation with the Director of Services
- (37a) **Rent Deposit Guarantee Scheme**
 Authority to enter into the agreements with landlords and sign certificates and other papers relating to the scheme. Director of Services
- ENVIRONMENTAL HEALTH**
- (38) **Sewers**
 Applications for financial assistance to connect properties to main drainage and authority for orders declaring sums due to be repayable with interest within 7 years. Director of Resources and Director of Services. (Report to next meeting).
- (39) **Disease**
 Public Health (Control of Disease) Act 1984 - Authority to serve notices. Consultant in Communicable Disease
- (40) **Public Health Act 1936**
- (a) Notice to repair defective closet (Section 45). Director of Services
 - (b) Notice prohibiting the use of rooms as a living, sleeping or work room (Section 49). Director of Services
 - (c) Notice of requirements with regard to cesspool (Section 50). Director of Services
 - (d) Notice with regard to care of closets (Section 51). Director of Services
 - (e) Notice with regard to care of sanitary conveniences used in common (Section 52). Director of Services
 - (f) Notice to remedy the condition of filthy, verminous premises or articles and verminous persons (Section 83). Director of Services
 - (g) Notices under Part V of the Act dealing with infectious and notifiable diseases. Director of Services
 - (h) Notices under Part XI of the Act with regard to watercourses, ditches, ponds, etc. Director of Services
 - (i) Authority to secure a Justice's warrant to enter premises and for proceedings in the event of obstruction (Sections 287 and 288). Director of Services

- (41) **Prevention of Damage by Pests Act 1949**
 Notice requiring steps to be taken to destroy rats or mice or otherwise to keep land and buildings free from rats and mice. Director of Services
- (42) **Offices, Shops and Railway Premises Act 1963**
 Exemptions in respect of sanitary conveniences and running water for washing facilities (Section 46). Director of Services
- (43) **Public Health Act 1961**
 Service of notices with regard to the repair of drains and the remedy of stopped up drains (Section 17). Director of Services
- (44) **Environmental Protection Act 1990; The Environment Act 1995; The Pollution Prevention and Control Act 1999; The Control of Pollution Act 1974 – including all and any subordinate regulations/orders made thereunder - Health and Housing PAG 29.3.11.** Director of Services or Head of Environment
- (a) Authority to serve notices and carry out emergency works in default.
- (b) Issue or refusal of authorisations for discharge to air from prescribed processes. Director of Services or Head of Environment
- (c) Issue authorisations for petrol stations and terminals Director of Services or suitably qualified officers authorised by him.
- (d) Authority for proceedings for offence of leaving litter. Director of Services
- (e) Authority to decide when recycling credits are payable. Director of Services
- (f) Authority to determine applications for prior consent under S.61 of the Control of Pollution Act 1974. Director of Services or Head of Environment
- (g) Authority to enforce against environmental damage/breaches – Health and Housing PAG 29.3.11 Director of Services or Head of Environment
- (44A) **Waste Control – Sharing of Functions** Director of Services
 Authority to undertake investigation into and prosecution of offences in connection with fly tipping, duty of care incidents, waste control enforcement and generally, including authority for these to be dealt with by Buckinghamshire County Council on behalf of South Bucks District Council, with reference to the following enactments:
 Local Government Act 1972
 Refuse Disposal (Amenity) Act 1978
 Highways Act 1980
 Control of Pollution (Amendment) Act 1989
 Environmental Protection Act 1990
 Anti-Social Behaviour Act 2003
 Clean Neighbourhoods and Environment Act 2005
 and any subsequent statute or statutory instrument in relation thereto.

- (45) **Local Government (Miscellaneous Provisions) Act 1976**
- (a) Authority to service notices requiring provision of sanitary appliances at public entertainments, etc. (Section 20). Director of Services
- (b) Service of notices on properties served by obstructed private sewers (Section 35). Director of Services
- (c) Authority to serve notices for the provision of sanitary accommodation at "relevant places" including betting offices and places of entertainment (Section 20). Director of Services
- (d) Service of notices requiring supply of information as to interest in land or buildings (Section 16). Director of Services
- (e) Authority to institute legal proceedings where information as to interest in land or buildings has not been supplied after due period (Section 16). Director of Services (in consultation with Head of Legal Services)
- (45A) **Town and Country Planning Act 1990**
- Powers under Section 330 to require information about ownership, use and occupation of land. Head of Legal Services
- (46) **The Asbestos (Licensing) Regulations 1983 - The Control of Asbestos at Work Regulations 1987**
- Authority regarding the 28 day notices in the 1983 and 1987 Regulations and discretion to permit early commencement of work thereunder. Director of Services
- (47) **Dangerous Dogs Act 1991**
- Power to seize or destroy dogs where the Council is required in conjunction with any agent or contractor. Director of Services
- (47A) **Health & Safety Enforcement – Shared Functions**
- Authority to undertake enforcement work in the South Bucks District, with specific reference to the Local Government Act 1972 and the Health and Safety (Enforcing Authority) Regulations 1998. Authorised Officers / Appointed Inspectors of: Aylesbury Vale DC, Chiltern DC, Wycombe DC, Milton Keynes C and Health & Safety Executive.
- (48) **Prosecutions: Food Safety Act 1990; Health and Safety at Work Act 1974; Control of Pollution Act 1974; Environmental Protection Act 1990; Building Act 1984 & Similar Public Health Legislation**
- Authority to prosecute or take proceedings where a notice has been served and not complied with or where there is an immediate risk to public health and safety (report to next Meeting). Director of Services in consultation with the Head of Legal Services

- (49) **Food and Environment Protection Act 1985**
- The service of notices with regard to the control of pesticides (Section 19). Director of Services
- (50) **The Milk and Dairies (General) Regulations 1959**
- The service of notices with regard to infection of milk (Part VII). Consultant in Communicable Disease Control
- (51) **Food Safety Act 1990 and all Regulations made thereunder**
- (a) The seizure of food which fails to comply with food safety requirements or appears likely to cause food poisoning or any disease communicable to human beings (Section 9). Director of Services
- (b) The service of Improvement Notices (Section 10).
- (c) The service of Emergency Prohibition Notices (Section 12). Director of Services (in consultation with Head of Legal Services)
- (d) The issue of approvals under "Product Specific" Regulations. Director of Services
- (51A) **Food Safety Enforcement**
- (a) Authority to make a departure from the approved Food Safety Enforcement Policy; Director of Services in consultation with the Health & Housing Portfolio Holder.
- (b) Authority to revise the policy to take account of staff and legal changes, as necessary from time to time; and Director of Services
- (c) Authority to issue a formal caution as an alternative to pursuing a prosecution, in appropriate circumstances, for offences in relation to Food Safety. Environmental Health Officer in consultation with the Head of Legal Services and the Head of Environment / Director of Services in accordance with considerations set out in the Policy.
- (52) **Adoption of Sewers - Section 104 Water Industry Act 1991**
- Authority to approve the making of agreements for the adoption of sewers under Section 104 of the Water Industry Act 1991. Director of Services
- (53) **Stray Dogs - Environmental Protection Act 1990**
- (a) Authority to act as delegated officer responsible for implementing the Council's duties under Section 149 of the Environmental Protection Act 1990. Director of Services
- (b) Authority to delegate functions relating to Section 149 of the Environmental Protection Act 1990 to contractor or other agency. Director of Services
- (c) Authority to collect all charges due from owners, together with a set fee. Director of Services in consultation with the Director of Resources

- (54) **The Private Water Supplies Regulation 1991**
- Authority to use discretion to waive charges for water sampling where the relevant person defined by Regulation 20 was unemployed or receiving income support. Director of Services
- (54A) **The Private Water Supplies (England) Regulations 2009**
- (a) Authority to revise the Private Water Supplies Enforcement Policy from time to time to take account of staff and legal changes. Director of Services
- (b) Authority to issue formal notices, only where an informal approach has failed to achieve remedial action. Director of Services/Head of Legal Services
- (55) **Clean Air Act 1993**
Service of notices and institution of Proceedings under the Act. Director of Services/Head of Legal Services
- (56) **Building Act 1984**
- (a) Service of notices with respect to drainage of a building (Section 59). Director of Services
- (b) Carrying out of work in default if a notice served under Section 59 is not complied with in due time.
- (57) **Noise and Statutory Nuisance Act 1993**
- (a) Authority to authorise Officers to take any necessary steps to enter, open or remove vehicles, machinery or equipment, etc. under the provisions of Paragraphs 2 and 2A of Schedule 3 to the Environmental Protection Act 1990. Director of Services
- (b) The Director of Environmental Services be authorised to grant instruments of appointment to Officers, or authorise organisations to carry out functions relating to the access to, or the removal of vehicles, machinery or equipment, etc. or to execute any work as may be necessary to abate or prevent nuisance. Director of Services
- (c) Authority to serve notices and copy notices to recover expenses and accrued interest under Section 81a of the Environmental Protection Act 1990 as introduced by S. 10 of the Nuisance and Statutory Nuisance Act 1993. Director of Services
- (58) **Environmental Improvement Schemes**
- Authority to incur small scale expenditure on District Council Environmental Improvement schemes up to a maximum of £1,000 per scheme and £5,000 per financial year. Director of Services.
- (59) **Local Government (Misc. Provs.) Act 1982**
- Authority to require the boarding up of dangerous derelict property and to carry out the work in default if required, under Section 29. Director of Services

- (60) **Works in Default**
- Authorise works in default where a Statutory Notice previously authorised has not been complied with, up to a limit of £1,000. (Above this limit any work carried out will be subject to Executive approval). Director of Services in conjunction with the Director of Resources (Legal and Finance)
- Authority to seek the recovery of expenses, reasonably incurred as a result of exercising these powers by Court action if necessary. Director of Services
- Proper Officers for the signature on a formal demand, in respect of the recovery of those expenses reasonably incurred. Director of Services and the Head of Environment
- Authority to gain entry to property and if necessary obtain a Justices Warrant in this respect to carry out the relevant works in default. Director of Services
- (61) **Licensing Act 2003**
- Authority to make representations on Licence applications under the Licensing Act 2003. Environmental Health Manager
- HOUSING**
- (62) **Gas, Water and Electricity**
- Powers under Section 33 of the Local Government (Miscellaneous Provisions) Act 1976 restoration or continuation of supply of water, gas or electricity. Director of Services
- (63) **Homelessness**
- Powers under Housing Act 1985, Part III, other than those involving capital expenditure. Director of Services
- (64) **Local Government (Miscellaneous Provisions) Act 1976**
- (a) Authority to deal with matters included in Section 34 (rejection of plans where access or means of removal of refuse inadequate). Director of Services
- (b) Dangerous Trees - Investigation of complaints, service of notice and recovery of expenses. Director of Services in consultation with the Head of Legal Services
- (65) **Criminal Justice and Public Order Act 1994**
Gypsy Encampments
- (a) Authority to serve directions to leave land (Section 77). Director of Services
- (b) Authority to initiate legal proceedings where directions are contravened (Sections 77 and 78) Director of Services in consultation with the Head of Legal Services

- (66) **Cable Television**
- To agree the guidelines to be established under Condition 4 of the Licence to Windsor TV Limited and to act on behalf of the Council in response to consultations initiated in compliance with the conditions contained in Schedule 4 of the Licence.
- Director of Services
- (67) **Concessionary Bus Fares**
- To decide applications for permits from six additional classes of persons listed in the Transport Act 1985 (Extension of Eligibility for Travel Concession 1985).
- Director of Resources
- (68a) **Beaconsfield Common Land**
- Authority to prosecute persons illegally trading in breach of the byelaws on the common land in Beaconsfield.
- Director of Services in conjunction with Head of Legal Services
- (68b) **Clean Neighbourhoods and Environment Act 2005**
- Authority to arrange for the issue of fixed penalty notices for offences under the Act, as and when such are brought into force, the fixed penalty notices to be issued by officers and/or Police Community Support Officers (PCSOs) as appropriate, at a charge to be approved by the Council.
- Director of Services
- BUILDING CONTROL**
- (69) **Building Act 1984**
- (a) Approval or rejection of applications under Building Regulations and waiving requirements of Regulations where such waiver does not affect any other premises.
- Director of Services
- (b) Authority to enter premises for carrying out functions under Building Regulations.
- Building Control Manager
- (c) Service of notices under Sections 35, 36, 77, 78 or 81 covering removal or alteration of offending work and emergency measures for dangerous buildings or adjacent buildings.
- Director of Services
- (d) Authority to carry out works in default under Section 77 and works under Section 78, and the recovery of expenses reasonably incurred as a result of exercising these powers.
- Director of Services
- (e) Nominated Proper Officers for the signature of a formal demand in respect of the recovery of the expenses.
- Director of Services / Building Control Manager
- (70) **Demolition of Buildings**
- Service of notices on persons undertaking demolition.
- Director of Services
- (71) **Dangerous Buildings**
- Notice requiring owner to deal with ruinous or dilapidated buildings Section 79 Building Act 1984).
- Director of Services in consultation with the Head of Legal Services

GENERAL

- (72) Ensuring that adequate financial controls are in place to give probity and accountability and to advise the meeting accordingly. Director of Resources
- (73) To act as Data Protection Officer and to register systems if necessary in consultation with the Management Team and the Information and Communication Technology PAG to achieve corporate policy. Corporate Information Officer
- (74) Power to deal with flooding and other peacetime emergencies including incurring expenditure. Chief Executive
- (75) **Property**
- (a) co-ordination of property management and rent reviews; Director of Resources
- (b) approval of revised rent not exceeding £10,000 p.a. and approval of other small transactions. Management Team
- (c) approval of revised rent not exceeding £5,000 p.a. and approval of other small transactions such as easements, licences and consent under existing leases. Director of Services and Director of Resources in consultation with Head of Legal Services

FINANCE

- (76) Functions under the Finance Acts. Director of Resources
- (77) Appointment of Insurance Officer. Director of Resources
- (78) The making of all payments to which the Council is committed and the collection of all sums due to the Council. Director of Resources
- (79) **Cheque Signatories**
- Authority to appoint cheque signatories on behalf of the council subject to the names of Officers so appointed being reported for information to the following Executive meeting. Director of Resources
- (80) The following provisions of the Local Government Finance Act 1988:-
- (a) discretionary provision to have rateable value apportioned; Director of Resources
- (b) the granting of mandatory rate relief to charitable and other organisations (Section 47 calculated at the percentage approved by the Council as generally applicable, but not the granting of additional relief); Director of Resources
- (Register to be kept available at meetings)
- (c) determination of effective date for rateable value changes and charge periods; Director of Resources
- (d) authority to serve notices under Schedule 4A- empty rating on new properties. Director of Resources

- (81) Investment of surplus cash in hand. Director of Resources
- (82) Implementation of the borrowing policy of the Council and management of the loan debt (periodic report). Director of Resources
- (83) The writing off of debts up to a maximum of £500 in any one case. Director of Resources
- (84) The writing off of irrecoverable Community Charge/Council Tax, NNDR and Sundry Debtors due to insolvency Director of Resources
- (85) Incurring of expenditure in accordance with approved estimates for the appropriate Executive with the exception of any provision reserved for further Executive consideration. The appropriate Chief Officer or second tier officer in his absence
- (86) Proceedings for recovery of outstanding debts (including Personal Community Charges, Collective Community Charges, Standard Community Charges and National Non-Domestic Rates). The various Officers authorised to institute proceedings in the Magistrates' Court and to make affidavits on behalf of the Council in connection with proof of debts in bankruptcies and liquidations in respect of rates and any other monies due to the Council. Director of Resources and any Officer or contractor's personnel authorised by him.
- (87) Administration of Collection Fund. Director of Resources
- (88) **Housing Benefits/Council Tax Benefits**
All matters relating to Housing Benefits and Council Tax Benefits and rebates, in particular all discretions, considerations, determinations, decisions, claims and payments, and the taking of proceedings. Director of Resources
- (88A) Authority to undertake investigation into and prosecution of offences in connection with Housing/Council Tax Benefit Fraud, including authority for these to be dealt with by Chiltern District. Director of Resources
- (89) **Fees and Charges**
Authority to amend fees and charges in line with changes in taxation and other legislation in relation to Executive matter. Director of Resources in consultation with appropriate Chief Officer

PERSONNEL

- (90) **Car Loans**
Approving applications from staff. Director of Resources on the recommendation of the Chief Officer
- (91) **Car Allowances**
Allocation of an allowance to a post. Chief Executive

- (92) **Courses**
- (a) authorising attendance at courses not exceeding two weeks in duration relevant to the work of the council (report to next meeting with costs). Chief Executive
- (b) authorising attendance of officers at courses, conferences, seminars, etc., not exceeding one week and relevant to the work of the Department. All Chief Officers
- (93) **Telephone Rentals**
- Authority to approve applications by staff. Management Team
- (94) **Honoraria**
- To agree payments of honoraria to staff in line with National Conditions, payments not to exceed savings from vacant posts. Chief Executive
- (95) **First Aid**
- To designate employees required to practice First Aid and hold a certificate subject to suitable maximum number to suit the requirements of the Council. Chief Executive
- (96) **Overtime Payments - Out of Office Hours Emergencies**
- To authorise payment of overtime to those participating officers who are involved in call-out visits to emergencies and are only eligible to receive time off in lieu for additional hours worked outside normal office hours. All Chief Officers in consultation with Chief Executive
- (97) **Accelerated Increments**
- Power to grant increments under Paragraph 30 of the National Conditions of Service within the basic grade. All Chief Officers
- (98) **Relocation Assistance**
- Power to effect the use of an outside agency in appropriate instances to sell the former residential properties of newly appointed Officers in respect of Officers salaried at Scale 4 and above only. Management Team
- (99) Implementation of national and local awards relating to salaries, allowances and conditions of service where they are within budget. Director of Resources in consultation with the Chief Executive
- (100) **Child Care - Crèche Allowance**
- Authority to maintain the crèche allowance at 50% of the actual fees paid, up to a maximum of 50% of the Jack-in-the-Box Day Nursery fee or other day nursery selected by the Director of Resources as a suitable benchmark comparison. Director of Resources

- (101) **Road Closures**
 Power to issue formal consent for the temporary closure of roads pursuant to Section 21 of the Town Police Clauses Act 1847 subject to no objections from the usual Consultees. Director of Resources
- (102) **Dispersal Orders**
 To consent to an Dispersal Order under the Anti Social Behaviour Act 2003 on behalf of the local authority. Chief Executive
- (103) **Legal Services - Joint Working**
 Authority to authorise Legal Officers of Bucks County Council, Aylesbury Vale District Council, Wycombe District Council and/or Chiltern District Council to prosecute/defend various Legal actions in the Magistrates/Crown Court on behalf of SBDC. Head of Legal Services
- (104) **Removal of a Public Call box**
 Authority to consult on and respond to notifications of intended removal of public call boxes by BT, including the submission of a local veto and pursuance of an appeal, if appropriate. Chief Executive
- (105) **Local Land Charges fees**
- (a) Authority to calculate the unit charge for access to individual property records, according to the principle of cost recovery, as set out in the new Charges for Property Searches Regulations, and in line with the total charge for a full search. Director of Resources
- (b) Authority to exercise discretion to charge for 'answering enquiries about a property' based on the costs/time taken to answer such enquiries. Director of Resources/Head of Legal Services
- (106) **Authority to prosecute in the Magistrates Court (where appropriate) for non payment of Excess Charge Notices**
 Director of Services in consultation with Head of Legal Services
- Environment PAG - March 2011**