

Notice of Meeting

Council

A Meeting of the Test Valley Borough Council will be held on

Date: Wednesday, 27 June 2018

Time: 16:00

Venue: The Council Chamber, Guildhall, High Street, Andover, Hampshire

when your attendance is required to consider the business set out in the agenda.



Head of Legal and Democratic Services

For further information or enquiries please contact:

Emma Horbury - **01264 368001**

email ehorbury@testvalley.gov.uk

Legal and Democratic Service

Test Valley Borough Council,

Beech Hurst, Weyhill Road,

Andover, Hampshire,

SP10 3AJ

www.testvalley.gov.uk

PUBLIC PARTICIPATION SCHEME

If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.

Council

Wednesday, 27 June 2018

AGENDA

- 1 Prayers
- 2 Apologies
- 3 Public Participation
- 4 Declarations of Interest
- 5 To approve the minutes of the meeting of the Council held on 11 April, 26 April and 9 May 2018
- 6 Mayor's Announcements
- 7 **To receive and adopt Committee reports** 4 - 33
To receive and, where necessary, adopt reports of Committees.
- 8 Questions on resolved items - Rule 11.1
- 9 Questions under Rule 11.2
- 10 Notice of Motion - Rule 12
- 11 **Amendments to the Scheme of Delegations to the Head of Housing and Environmental Health** 34 - 55
To consider proposals to revise and update the Scheme of Delegations to the Head of Housing and Environmental Health.
- 12 **Property Purchases under Head of Estates Delegation** 56 - 59
To receive information related to the property purchases approved by the Head of Estates in consultation with the Member Panel for property investment.
- 13 **Overview and Scrutiny Annual Report 2017/18** 60 - 62
The report will be delivered by the Chairman, Councillor Jeffrey.

- 14 **Amendments to the Council's Constitution under Article 14.3** 63 - 76
- To report amendments made to the Constitution under Article 14.2 of the Council's Constitution.
- 15 **Exclusion of the Public** 77 - 77
- The following items are confidential.
- 16 **To receive and adopt Committee reports - Confidential Appendix**
- Information relating to the financial or business affairs of any particular person (including the authority holding that information);
- 17 **Property Purchases under Head of Estates Delegation - Confidential Annex**
- Information relating to the financial or business affairs of any particular person (including the authority holding that information);
- 18 **Strategic Land Purchase**
- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

ITEM 7 To receive and, where necessary, adopt the following reports of Committees:

To receive and, where necessary, adopt the following reports of Committees:

(Some reports may involve the disclosure of exempt information. If the Council wishes to debate them, for each individual case the Council will need to adopt a suitable motion).

7.1 To receive the minutes of the following meetings:

- 7.1.1 Northern Area Planning Committee – 29 March 2018
- 7.1.2 Southern Area Planning Committee – 3 April 2018
- 7.1.3 General Purposes Committee – 18 April 2018
- 7.1.4 Cabinet – 18 April 2018
- 7.1.5 Northern Area Planning Committee – 19 April 2018
- 7.1.6 Southern Area Planning Committee – 24 April 2018
- 7.1.7 Overview and Scrutiny Committee – 25 April 2018
- 7.1.8 Southern Area Planning Committee – 30 April 2018
- 7.1.9 Northern Area Planning Committee – 10 May 2018
- 7.1.10 Southern Area Planning Committee – 15 May 2018
- 7.1.11 Cabinet – 16 May 2018
- 7.1.12 Planning Control Committee – 22 May 2018
- 7.1.13 Overview and Scrutiny Committee – 23 May 2018
- 7.1.14 Southern Area Planning Committee – 5 June 2018
- 7.1.15 Planning Control Committee – 12 June 2018
- 7.1.16 General Purposes Committee – 20 June 2018
- 7.1.17 Cabinet – 20 June 2018
- 7.1.18 Northern Area Planning Committee – 21 June 2018

7.1.19 Overview and Scrutiny Committee – 25 June 2018

7.1.20 Southern Area Planning Committee – 26 June 2018

(Note: in relation to 7.1.15, 7.1.16, 7.1.17, 7.1.18, 7.1.19 and 7.1.20 these minutes are not included in the minute book and will be presented at the next Council meeting but members are able to ask questions on resolved items.)

7.2 **Written Record of Decision by the Leader.**

7.3 **To adopt recommendations from the following:**

7.3.1 Cabinet – 18 April 2018

7.3.1.1 New Forest Special Protection Area Mitigation Project (APPENDIX A)

Consideration was given to the report of the Planning Portfolio Holder which set-out the details of a successful bid for a £250,000 grant towards understanding the impact of recreational pressure from new development on the New Forest SPA. The Council had led the bid on behalf of several authorities and organisations.

Recommended:

That the Head of Planning Policy, in consultation with partnering authorities and the Planning Portfolio Holder, be given delegated authority to use the Ministry of Housing, Communities and Local Government grant of £250,000 on the New Forest Special Protection Area (SPA) mitigation project.

7.3.2 Cabinet – 16 May 2018

7.3.2.1 Capital Outturn 2017/18 (APPENDIX B)

Consideration was given to a report of the Finance Portfolio Holder which summarised expenditure on the Capital Programme in 2017/18 and explained the reasons for variances from the forecast, including a summary of the total budget slippage within the Capital Programme.

The report made recommendations for the carry forward of certain unspent capital budgets into 2018/19 as detailed throughout the report and provided an updated capital programme for 2017/18 to 2019/20.

The positive variance between budgeted and actual expenditure was £5.2M in 2017/18. Apart from Asset Management budgets the main variances to existing schemes within the Capital Programme were, slippage of projects as detailed in Annex 2 to the report offset against the increased spend of Community Asset Fund

grants and purchase of additional investment properties. The ongoing budget requirement for all outstanding projects had been reviewed in the preparation of the report and the updated Capital Programme as shown in Annex 1 to the report was recommended for approval.

Recommended:

That the updated Capital Programme, as shown in Annex 1 to the report, be approved.

7.3.2.2 Proposed amendment to the Council's Constitution (APPENDIX C)

Consideration was given to a report of the Corporate Portfolio Holder which put forward an amendment to the Council's Constitution enabling a vote to be taken on suspending Council Procedure Rules relating to the duration of Committee and Sub-Committee meetings. This would enable meetings to be extended where appropriate to conclude all listed items of business.

Recommended:

- 1. That the Council's Constitution be amended as set out in this report.**
- 2. That the Head of Legal and Democratic Services be authorised to amend the Constitution accordingly.**

7.3.2.3 Leisure Contract Capital Update (APPENDIX D – see Item 16)

Consideration was given to the confidential report of the Community and Leisure Portfolio Holder.

Recommended:

- 1. That the progress on the new Leisure Contract be noted.**
- 2. That the allocation of funding outlined in paragraphs 8.1 to 8.3 of the report be approved.**

7.3.3 Planning Control Committee – 12 June 2018

Recommendations to follow (if any)

7.3.4 General Purposes Committee – 20 June 2018

Recommendations to follow (if any)

7.3.3 Cabinet – 20 June 2018

Recommendations to follow (if any)

7.3.5 Northern Area Planning Committee – 21 June 2018

Recommendations to follow (if any)

7.3.6 Overview and Scrutiny Committee – 25 June 2018

Recommendations to follow (if any)

7.3.7 Southern Area Planning Committee – 26 June 2018

Recommendations to follow (if any)

Report to Cabinet – 18 April 2018

ITEM New Forest Special Protection Area Mitigation Project

Report of the Planning Portfolio Holder

Recommended:

That the Head of Planning Policy be given delegated authority to use the Ministry of Housing, Communities and Local Government grant of £250,000 on the New Forest Special Protection Area (SPA) mitigation project.

SUMMARY:

- The Council, on behalf of several authorities and organisations, successfully bid for a £250,000 grant towards understanding the impact of recreational pressure from new development on the New Forest SPA.
- As this grant for this joint project is outside of the annual budget process, it is necessary for Cabinet to approve its use for the purposes outlined in this report and for delegated authority to be sought.

1 Introduction

1.1 In January 2018 the Council, on behalf of several authorities and organisations, submitted a bid to the Ministry for Housing, Communities and Local Government's 'Planning Delivery Fund – Joint Working' to seek a grant of £250,000 to fund a study to understand the impact of recreational pressure on the New Forest SPA arising from new development. This bid was successful.

1.2 As the spending and funding for this joint project is outside of the annual budget process, it is necessary for Cabinet to approve delegated authority to the Head of Planning Policy to use for the purposes of the original bid, as outlined in this report.

2 Background

2.1 Many people enjoy outdoor recreation and leisure activities and contact with wildlife and the natural environment. While such activities have been proven to have positive mental and physical health benefits, some recreational activities in certain natural environments can have adverse effects on biodiversity.

APPENDIX A

- 2.2 The Conservation of Habitats and Species Regulations (2017) (referred to as the Habitat Regulations) include provisions to assess whether planning proposals could result in likely significant effects on certain nature conservation designations, and the steps to follow should such effects be identified.
- 2.3 The New Forest Special Area of Conservation (SAC), Special Protection Area (SPA)¹ and Ramsar² sites cover more than 29,000 hectares. Collectively they represent one of the largest protected habitats in England. Habitat Regulation Assessments supporting Local Plans for the six planning authority partners³ identified the potential for recreational pressure arising from new residential development in and around these designations will have a potentially harmful impact which needs to be addressed. Failure to do so would impact on the scale and rate of housing delivery and slow the progress of each authority's respective Local Plans as evidence was collected and mitigation agreed. It was for this purpose that the funding was sought.
- 2.4 Currently each authority has established its own method for addressing these impacts on the New Forest, based on what is now relatively dated evidence. The Council's evidence dates from 2014⁴. A coordinated cross boundary approach to ensuring impacts arising from each area are appropriately mitigated would enable a more consistent approach and ensure potentially harmful impacts are properly addressed. It would also enable the delivery of housing, streamline the planning process, and provide greater certainty for the benefit of the development industry, whilst protecting the integrity of the internationally protected sites.
- 2.5 In 2016 officers from the named authorities and Natural England established a joint project group specifically focussing on strategic mitigation for the New Forest in order to help progress the individual Local Plans and housing delivery. This overlapped with the work of the New Forest Partnership Plan which had also identified this as an action.
- 2.6 The funding awarded has enabled the named authorities, with TVBC as the contracting authority, to commence work on jointly commissioning the necessary evidence base. Phase one would concentrate on establishing a robust evidence base to understand existing and future pressure on the internationally protected habitats of the New Forest from increased population and visitor numbers. The second phase would lead to a joint strategic mitigation framework.
- 2.7 The impacts of achieving funding would be to help move forward with balancing the strategic issues which the area faces – delivering the homes needed in the area whilst conserving the natural environment.

¹ International designation in relation to the presence of certain bird species.

² Wetlands of International Importance especially as Waterfowl Habitat

³ Eastleigh Borough Council, New Forest District Council, New Forest National Park National Park Authority, Southampton City Council, Test Valley Borough Council and Wiltshire Council.

⁴ Qa Research - Open Space Residents Survey 2013-14 (2014)

APPENDIX A

- 2.8 The grant funding is time limited. By the 31 March 2019 the evidence gathering needs to have been completed; reviewed, actions identified and progress made with establishing a framework. To enable this work to be commissioned expediently and the targets achieved before the deadline delegated authority for the Head of Planning Policy to use the funds as identified is sought.

3 Corporate Objectives and Priorities

- 3.1 While this matter has been driven by legal requirements, there are links to two of the aims within the Corporate Plan; namely Live and Work.
- 3.2 It should be noted that the bid achieved support from the MHCLG on the basis of it scoring highly on the scale and strength of the proposal, its commitment to effective planning across authority boundaries and the potential to accelerate the delivery of housing growth.

4 Consultations/Communications

- 4.1 The Council has been working with Natural England, Eastleigh Borough Council, New Forest District Council, New Forest National Park Authority, Southampton City Council and Wiltshire Council. There is further scope to also work with the Forestry Commission and their respective management strategies.

5 Options

- 5.1 As the grant has been received solely to fund the gathering of evidence for this specific project there is no option of using the money for an alternative purpose.
- 5.2 The option revolves around allowing the Head of Planning Policy to have delegated powers to use the grant received.

6 Option Appraisal

- 6.1 Allowing delegated powers would enable the project to progress against the timetable submitted by the project group mindful of the MHCLG deadline of 31 March 2019 to spend the grant.
- 6.2 To not delegate would result in the project timetable being slowed as officers reported key stages and expenditure for Cabinet approval.

7 Risk Management

- 7.1 A risk assessment has been completed in accordance with the Council's risk management process and the existing risk controls in place mean that no significant risks (Red or Amber) have been identified.

APPENDIX A

8 Resource Implications

- 8.1 The grant will be received in two equal tranches of £125,000 for 2017/18 and 2018/19. As the bid was led by the Council, officers have the responsibility for procurement and administration of that process. This can be met within existing resources.

9 Legal Implications

- 9.1 The proposed approach would assist the Council satisfying its obligations in determining planning applications in relation to the Conservation of Habitat and Species Regulations 2010 (as amended).

10 Equality Issues

- 10.1 The EQIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.

11 Other Issues

- 11.1 Community Safety – not applicable
- 11.2 Environmental Health Issues – not applicable
- 11.3 Sustainability and Addressing a Changing Climate - The basis for undertaking this joint project will support the delivery of more sustainable development in line with the guidance contained within the National Planning Policy Framework (NPPF)
- 11.4 Property Issues – not applicable
- 11.5 Wards/Communities Affected – Current evidence considers that a population increase in the following Wards of the borough, either whole or in part, would have an impact on the New Forest: Chilworth, Nursling and Rownhams; Romsey Extra, Abbey; Cupernham; Tadburn; North Baddesley; Valley Park; Blackwater; Ampfield and Braishfield; Dun Valley; King's Somborne and Michelmersh; Broughton and Stockbridge.

12 Conclusion and reasons for recommendation

The Council has successfully bid for a £250,000 grant from MHCLG on behalf of a number of authorities. However, work needs to progress to a relatively tight timetable. To enable this project to progress expediently it is recommended that the Head of Planning Policy be given delegated powers to undertake the necessary procurement process.

APPENDIX A

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Test Valley Revised Local Plan 2016 New Forest Interim Framework (2014)			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	0	File Ref:	Pt4.1
(Portfolio: Planning) Councillor Adams-King			
Officer:	Graham Smith	Ext:	8141
Report to:	Cabinet	Date:	18 April 2018

APPENDIX B

Report to Cabinet – 16 May 2018

ITEM **Capital Outturn 2017/18**

Report of the Finance Portfolio Holder

Recommended:

That the updated Capital Programme, as shown in Annex 1 to the report, be approved.

Recommendation to Council

SUMMARY:

- This report summarises expenditure on the Capital Programme in 2017/18 and explains the reasons for variances from the forecast, including a summary of the total budget slippage within the Capital Programme.
- The report makes recommendations for the carry forward of certain unspent capital budgets into 2018/19 as detailed throughout the report and provides an updated capital programme for 2017/18 to 2019/20.

1 Introduction

- 1.1 The progress of the Capital Programme is reported to Cabinet regularly throughout the year. The most recent update was presented to Cabinet on 14 February 2018.
- 1.2 The purpose of this report is to present the final 2017/18 expenditure for the Capital Programme and explain significant variances compared to the estimated expenditure for the year. The report also updates the expected budget for 2018/19 and 2019/20.
- 1.3 Any slippage from 2017/18 and other changes in the programme have been taken into account in updating the cost and phasing of schemes within the updated programme presented for approval.

2 Background

- 2.1 In updating the Capital Programme the main issues relate to changes in the cost or phasing of existing schemes and changes to the level of capital resources that will influence the way in which the programme is financed.

APPENDIX B

- 2.2 Additional capital requirements on existing projects are included in the report. Where additional resources are necessary, the report will address the reasons why additional resources are requested and the method of funding those resources.

3 Capital Outturn 2017/18

- 3.1 Annex 1 provides details of the revised estimate for individual schemes in 2017/18 and the actual amount that was spent in the year. It also shows an updated estimate of the remaining costs and timescale of all projects in the Capital Programme.
- 3.2 Overall, the Capital Programme has spent £17.5M against a forecast of £19.7M during the 2017/18 financial year.
- 3.3 The following table shows how the overall variance of £2.2M in 2017/18 is broken down between Services:-

Service	Estimate	Actual	Variance
	£'000	£'000	£'000
Asset Management Projects	2,177.5	1,521.9	(655.6)
Community & Leisure	7,561.0	6,163.0	(1,398.0)
Estates, E.D. and Transport	940.6	1,044.7	104.1
Project Enterprise	7,893.4	7,855.9	(37.5)
Housing & Environmental Health	919.1	682.2	(236.9)
I.T.	0	0	0
Affordable Housing	207.5	207.5	0
Total	19,699.1	17,475.2	(2,223.9)

- 3.4 The main reasons for the variance in the year are explained in the following paragraphs.

3.5 Asset Management Projects

The Asset Management Plan was last reported to Cabinet on 15 November 2017. This identified the Council's requirement for maintaining its asset base over three categories; land & property; vehicles & plant and IT equipment.

The budgets approved covered both revenue and capital items, with the capital element introduced to the Capital Programme. All costs are to be met from the Asset Management reserve.

APPENDIX B

Overall, capital expenditure in the year was £655,600 less than budgeted.

Detailed explanations of variances within the Asset Management Plan for 2017/18 are included in the Asset Management Plan Outturn report elsewhere on this agenda.

3.6 Community & Leisure

The Community & Leisure capital programme has a variance of £1,398,000 against its forecast of £7,561,000.

The main reasons for this are:

- The Urban Realm Project was delayed due to the development of the Andover Leisure Centre. This project has now been deleted from the Capital Programme as consultations with regard to the 'Cultural Quarter' development are now being considered.
- The Community Asset Fund (CAF) is showing a variance for 2017/18 due to the timing of grant applications. Applicants have a total of two years in which to claim approved grants and a total of £157,900 of additional Capital grants have been added to the programme, £119,200 of which has been carried forward into 2018/19.
- The Multi Use Games Area (MUGA) and Play Areas at Picket Twenty are now being treated as one so the two schemes have been amalgamated. The MUGA is completed, all bar the lining for specific sports. The final play area is out to consultation resulting in further slippage of £44,000.
- East Anton Art Project Capital budget has been reduced by £9,000 as this cost is relating to maintenance and should be revenue expenditure. This project has also slipped by a further £30,000 as the adoption of the relevant piece of land was delayed. Planning permission has now been sought for the artwork and this project should complete by Autumn 2018.
- Charlton Lake footpath project has slipped by £2,000 as there is an element of re-seeding and making good adjoining areas which will be done in the next few weeks. A saving of £6,000 has been made on this project.
- Planning permission is being sought for the lighting element of the War Memorial project resulting in slippage of £12,100.
- The work on the War Memorial Park play areas should be completed in the next few weeks but there has been a slight delay due to the wet weather causing slippage of £9,300.
- There is a detailed confidential Leisure Contract capital update report elsewhere on this agenda.
- The project has slipped by £1,156,500 mainly due to delays caused by the safe removal of asbestos during the demolition phase of the contract.
- Fishlake Meadows contract has slipped slightly by £12,400 as weather conditions have not been favourable.

APPENDIX B

3.7 Estates

A small saving was made on the strategic land and building purchase.

The contribution of £150,000 for Romsey Enhancement Works was paid to Hampshire County Council earlier than forecast.

George Yard Toilet Demolition was completed with a saving of £2,900.

3.8 Project Enterprise

Works on the Walworth Business Park Investment are now complete and a contingency figure of £164,700 has been held over to 2018/19 to cover any additional expenditure related to the sale/rental of the property.

Invoices for work done on Walworth Business Park Investment 2 have now been received increasing the expenditure for the current year but not changing the overall budget.

Investment Property 2 is now complete with a small saving of £5,500.

The completion of Investment Property 7 has slipped slightly but will show a small saving of approximately £6,000.

Investment Property 8 is now complete with a saving of £3,600.

Further information relating to the investments made by Project Enterprise is shown in the PE Outturn report elsewhere on this agenda.

3.9 Housing & Environmental Health

The annual budgets for Renovation & Minor Works Grants and Disabled Facilities Grants are a limit on the amount that the Service can commit to individual grants plus any outstanding grant commitments from previous years.

As the Disabled Facilities Grants are a statutory requirement and require a referral from an Occupational Therapist, it is difficult to predict the amount of referrals in one year. For 2017/18 there is a total spend of £682,200 against a budget of £777,100. No Renovation and Minor Works grants have been awarded this year.

3.10 Slippage

Slippage from one year to the next is regularly monitored as part of the Capital Programme update reports.

Annex 2 shows details of the capital projects that have slipped from 2017/18 to 2018/19. The November and February updates identified slippage of £4,410,600. This report identifies a further £1,058,600 making the annual total £5,469,200. This excludes Asset Management items which are reviewed

APPENDIX B

separately elsewhere on this agenda.

Some slippage within a Capital Programme is entirely normal. Expenditure can be delayed for many reasons and is frequently outside the Council's control.

Projects included in the Capital Programme will improve the delivery of services directly to the public or improve the service that the Council provides. Slippage in the Capital Programme delays the implementation of these projects and therefore also delays any benefit seen by the public.

4 Capital Programme Update

- 4.1 A comparison of the latest phasing of the capital programme compared with the budget approved in February is shown in the following table:-

	2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £'000
February Programme	22,699.1	25,324.7	1,971.8	49,995.6
Current Programme	17,475.2	30,654.5	2,193.8	50,323.5
Increase / (Decrease)	(5,223.9)	5,329.8	222.0	327.9

- 4.2 The increase of £327,900 is broken down in the table below.

	February Programme £'000	Current Programme £'000	Increase / (Decrease) £'000
Asset Management Projects	4,528.1	4,344.9	(183.2)
Community & Leisure	22,478.6	22,760.0	281.4
Estates & Economic. Dev.	1,720.9	1,717.0	(3.9)
Project Enterprise	16,863.4	17,333.9	470.5
Housing & Env. Health	1,869.1	1,632.2	(236.9)
Total	47,460.1	47,788.0	327.9

- 4.3 The overall AMP budget requirement has reduced by £183,200 and is discussed in a separate report on this agenda.
- 4.4 The total budget for Community and Leisure has increased by £281,400 as explained below:

An additional project was added to the Community & Leisure programme being Public art at Adanac Park totalling £60,000 (approved by Cabinet on 18 April). This will be funded from the S106 Receipts.

The creation of a Community Asset Fund (CAF) was approved as part of the budget strategy on October 2013. The overall budget for the CAF is £300,000 per annum which is split between revenue and capital contributions. As the capital contributions have increased, additional budget of £100,000 has been

APPENDIX B

added for 2018/19. Additionally, another £157,900 has been added for projects approved to the end of March 2018 meaning that £257,900 is added to the overall budget. The revenue grants will reduce to ensure that the total contributions remain within the £300,000 limit per annum. All CAF contributions are funded by New Homes Bonus.

Cancellation of the Urban Realm project has resulted in a return of accrued expenditure into the programme of £6,500 making a total saving of £21,500. Any spend to date will be transferred into Revenue costs. (£13.5k)

The transfer of capital back to revenue for the East Anton Public art project, has reduced the budget by £9,000.

A saving of £6,000 for Charlton Lakes Footpath has also reduced the budget.

- 4.5 Two new properties have been added to the programme for Project Enterprise. The first was agreed by the Member Panel on the 21 February 2018 and subsequently presented to Council on the 11 April 2018 (minute 306.1 refers). The second was agreed by the Member panel on the 29 March 2018 and will be presented to Council in June.

A further project of the installation of Solar Panels at Ganger Farm Pavilion was approved by Council on the 26 April 2018.

- 4.6 Disabled Facilities grants and Minor Renovation grants have been underspent in this financial year. This is as a result of no grant applications for Renovations or Minor Work Grants received this financial year. The actual spend in relation to DFGs is consistent with previous years. The allocation for 2017/18 was increased as it was anticipated that with the addition of an in house Occupational Therapist more applications would be processed. However, the post was not filled until December 2017 and the benefit is only just being realised.

5 Resource Implications

- 5.1 The level of capital spending is entirely dependent on the resources that are available to finance the programme. The ability to add new schemes to the programme is influenced by forecasts of future resources. However, once a scheme is in the programme it is assumed that it will be completed and financed irrespective of whether or not resource forecasts are entirely accurate.
- 5.2 This means that any shortfalls in resources are either made good initially through use of balances or by taking into account future capital receipts that would otherwise have been used for new capital expenditure. As a result, the financing of the programme will always be equal to the estimated costs.
- 5.3 The level of capital resources per the February programme is compared to those for the current programme in the following table:-

APPENDIX B

	February 2018	Outturn 2017/18
Capital Programme	£'000	£'000
Balance Capital Receipts Reserve (CRR) as at 1 April 2018	18,658.0	18,658.0
Total Capital Expenditure 2017/18 – 2019/20	(49,995.6)	(50,323.5)
Total Capital Financing 2017/18 – 2019/20	26,143.6	26,804.7
Forecast Deficit on CRR at 31 March 2020	(5,194.0)	(4,860.8)
Additional contribution from New Homes Bonus	3,248.4	3,248.4
Additional contribution from Revenue 2018/19 & 2019/20	1,945.6	1,973.2
Capital Receipts Reserve as at 31 March 2020	0.0	360.8

5.4 The deficit in the financing of the capital programme to 2019/20 is £4.9M. This represents a decrease to the forecasted deficit of £5.2M reported in February.

5.5 The main changes within the financing of the programme relate to:

- Preserved Right-to-Buy receipts increased in the year. The budget forecast was £254,000 and £889,000 will be received, an increase of £635,000.
- Funding of £142,000 for Minor Renovation Grants was not needed.
- An additional transfer from Revenue, of £27,600.
- Movement in Capital Receipts of £36,800.
- New projects added of £486,000.

6 Conclusion and reasons for recommendation

6.1 The positive variance between budgeted and actual expenditure was £5.2M in 2017/18. Apart from Asset Management budgets (discussed elsewhere on this agenda) the main variances to existing schemes within the Capital Programme were, slippage of projects as detailed in Annex 2 offset against the increased spend of Community Asset Fund grants and purchase of additional investment properties.

6.2 The ongoing budget requirements for all outstanding projects have been reviewed in the preparation of this report and the updated Capital Programme as shown in Annex 1 is recommended for approval.

APPENDIX B

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	2	File Ref:	N/A
(Portfolio: Finance) Councillor Giddings			
Officer:	Laura Berntsen	Ext:	8204
Report to:	Cabinet	Date:	16 May 2018

CAPITAL PROGRAMME AND FINANCING**Approved Projects**

	February 2018				Outturn			
	2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £'000	2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £'000
CAPITAL EXPENDITURE								
Asset Management Projects	2,177.5	2,350.6	0.0	4,528.1	1,521.9	2,601.0	222.0	4,344.9
Community & Leisure	7,561.0	13,905.8	861.8	22,328.6	6,163.0	15,485.2	861.8	22,510.0
Estates,Economic Development & Transport	940.6	780.3	0.0	1,720.9	1,044.7	672.3	0.0	1,717.0
Project Enterprise	7,893.4	5,970.0	0.0	13,863.4	7,855.9	6,478.0	0.0	14,333.9
Housing & Environmental Health	919.1	950.0	0.0	1,869.1	682.2	950.0	0.0	1,632.2
IT	0.0	108.0	0.0	108.0	0.0	108.0	0.0	108.0
Affordable Housing	207.5	1,110.0	1,110.0	2,427.5	207.5	1,110.0	1,110.0	2,427.5
Total	19,699.1	25,174.7	1,971.8	46,845.6	17,475.2	27,404.5	2,193.8	47,073.5
CAPITAL FINANCING								
Capital Grants	777.1	850.0	0.0	1,627.1	682.2	850.0	0.0	1,532.2
Capital Receipts	375.8	50.0	50.0	475.8	947.6	50.0	50.0	1,047.6
PWLB Loan	0.0	5,900.0	0.0	5,900.0	0.0	5,900.0	0.0	5,900.0
Capital Contributions	11,375.2	10,037.7	1,921.8	23,334.7	8,159.9	12,981.4	2,155.2	23,296.5
Total	12,528.1	16,837.7	1,971.8	31,337.6	9,789.7	19,781.4	2,205.2	31,776.3
Contribution (to) / from balances	7,171.0	8,337.0	0.0	15,508.0	7,685.5	7,623.1	(11.4)	15,297.2
Total Financing	19,699.1	25,174.7	1,971.8	46,845.6	17,475.2	27,404.5	2,193.8	47,073.5

CAPITAL PROGRAMME AND FINANCING**Schemes yet to be identified**

	February 2018				Outturn			
	2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £'000	2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £'000
CAPITAL EXPENDITURE								
Community & Leisure	0.0	150.0	0.0	150.0	0.0	250.0	0.0	250.0
Project Enterprise	3,000.0	0.0	0.0	3,000.0	0.0	3,000.0	0.0	3,000.0
Total	3,000.0	150.0	0.0	3,150.0	0.0	3,250.0	0.0	3,250.0
CAPITAL FINANCING								
Capital Contributions	0.0	0.0	0.0	0.0	0.0	250.0	0.0	250.0
Total	0.0	0.0	0.0	0.0	0.0	250.0	0.0	250.0
Contribution (to) / from balances	3,000.0	150.0	0.0	3,150.0	0.0	3,000.0	0.0	3,000.0
Total Financing	3,000.0	150.0	0.0	3,150.0	0.0	3,250.0	0.0	3,250.0

ASSET MANAGEMENT PROJECTS
CAPITAL PROGRAMME

Ref	Scheme	February 2018				Outturn			
		2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £'000	2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £000
1	Land and Property Projects	1,336.4	1,321.8		2,658.2	889.0	1,396.2	222.0	2,507.2
2	Vehicle and Plant Projects	674.3	985.8		1,660.1	599.8	1,062.3		1,662.1
3	IT Equipment Projects	166.8	43.0		209.8	33.1	142.5		175.6
Total AMP Capital Programme		2,177.5	2,350.6	0.0	4,528.1	1,521.9	2,601.0	222.0	4,344.9

COMMUNITY & LEISURE
CAPITAL PROGRAMME

Ref	Scheme	February 2018				Outturn			
		2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £'000	2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £000
1	Urban Realm (Lights - Bus Station access)		15.0		15.0	(6.5)			(6.5)
2	Valley Park Woodland	12.0			12.0	12.0			12.0
3	Community Asset Fund - New projects 2017/18	150.0			150.0	98.7	168.8		267.5
3a	Community Asset Fund - O/s projects	163.7			163.7	95.8	108.3		204.1
4	MUGA/Play Areas Picket Twenty	114.0	215.0		329.0	70.0	259.0		329.0
6	Ganger Farm - Sports & Recreation		640.0		640.0		640.0		640.0
7	East Anton Public Art	50.0	32.0		82.0	20.0	53.0		73.0
8	Saxon Fields Car Park		63.0		63.0		63.0		63.0
9	Charlton Lakes Footpath	50.0			50.0	42.0	2.0		44.0
10	RSC Skate Park	6.0	174.0		180.0	6.0	174.0		180.0
11	Knightwood Skate Park	6.0	154.0		160.0	6.0	154.0		160.0
12	Andover War Memorial	15.0	10.0		25.0	2.9	22.1		25.0
13	Andover Fitness Trail	45.0			45.0	45.0			45.0
14	Town Mill River Improvements		70.0		70.0		70.0		70.0
15	Upgrade War Memorial Park Play area	60.0			60.0	50.7	9.3		60.0
16	Leisure Contract	6,369.6	12,085.6	742.0	19,197.2	5,213.1	13,242.1	742.0	19,197.2
17	Site for Knightwood Day Nursery	419.7			419.7	419.7			419.7
18	Fitness Equipment - Valley Park		20.0		20.0		20.0		20.0
19	Footpath link - Knightwood Leisure centre		58.2		58.2		58.2		58.2
20	Play Areas - Jubilee Park, Nursling		70.0		70.0		70.0		70.0
21	Fishlake Meadows	100.0	135.0	119.8	354.8	87.6	147.4	119.8	354.8
22	Footpath link - Smannell to Augusta		164.0		164.0		164.0		164.0
23	Public Art - Adanac Park						60.0		60.0
Total Approved Projects		7,561.0	13,905.8	861.8	22,328.6	6,163.0	15,485.2	861.8	22,510.0
Community Asset Fund Projects - yet to be identified			150.0		150.0		250.0		250.0
Total C&L Capital Programme		7,561.0	14,055.8	861.8	22,478.6	6,163.0	15,735.2	861.8	22,760.0

ESTATES, ECONOMIC DEVELOPMENT & TRANSPORT SERVICE
CAPITAL PROGRAMME

Ref	Scheme	February 2018				Outturn			
		2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £000	2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £000
1	Hampshire Community Bank	125.0	250.0		375.0	125.0	250.0		375.0
2	Boom Lift	16.9			16.9	16.9			16.9
3	Chantry Centre Enhancement	143.9			143.9	143.9			143.9
4	Strategic Land and Building purchase	563.0			563.0	562.0			562.0
5	Town Mill Access & Environmental Enhancement	0.8	132.3		133.1	0.8	132.3		133.1
6	Romsey Enhancement Works - Phase 3	2.0	148.0		150.0	150.0			150.0
7	Romsey Flood Alleviation Scheme		250.0		250.0		250.0		250.0
8	Bus Shelter Purchase	30.0			30.0	30.0			30.0
9	George Yard Toilet Scheme	19.0			19.0	16.1			16.1
10	Generator - Business Continuity	40.0			40.0		40.0		40.0
Total Estates Capital Programme		940.6	780.3	0.0	1,720.9	1,044.7	672.3	0.0	1,717.0

PROJECT ENTERPRISE
CAPITAL PROGRAMME

Ref	Scheme	Total Approved Expendit ure to £'000	February 2018				Outturn			
			2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £000	2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £000
1	Walworth Business Park Investment	2858.1	255.8			255.8	91.1	164.7		255.8
2	Walworth Business Park Investment 2		30.0	5,970.0		6,000.0	358.6	5,641.4		6,000.0
3	Development in High St x 2 houses	187	191.9			191.9	186.4			186.4
4	Hambridge Lane, Newbury	1659.8	10.6			10.6	10.6			10.6
5	Solar Panels Portway		50.9			50.9	50.9			50.9
6	Tintagel Close		165.2			165.2	165.2			165.2
7	Spey Court		181.5			181.5	181.5			181.5
8	Andover Trade Park		6,804.0			6,804.0	6,611.7	185.9		6,797.6
9	Tintagel Close		203.5			203.5	199.9			199.9
10	Investment property 9							213.0		213.0
11	Investment property 10							213.0		213.0
12	Solar Panels Ganger Farm Pavilion							60.0		60.0
Total Approved Projects			7,893.4	5,970.0	0.0	13,863.4	7,855.9	6,478.0	0.0	14,333.9
Purchase of Investment properties - yet to be identified			3,000.0			3,000.0		3,000.0		3,000.0
Total Estates Capital Programme			10,893.4	5,970.0	0.0	16,863.4	7,855.9	9,478.0	0.0	17,333.9

HOUSING & ENVIRONMENTAL HEALTH SERVICE
CAPITAL PROGRAMME

Ref	Scheme	February 2018				Outturn			
		2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £000	2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £000
1	Renovations and Minor Works Grants	142.0	100.0		242.0	0.0	100.0		100.0
2	Disabled Facilities Grants/Loans	777.1	850.0		1,627.1	682.2	850.0		1,532.2
Total H & EH Capital Programme		919.1	950.0	0.0	1,869.1	682.2	950.0	0.0	1,632.2

INFORMATION TECHNOLOGY SERVICE
CAPITAL PROGRAMME

Ref	Scheme	February 2018				Outturn			
		2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £000	2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £000
1	Sharepoint Server		12.0		12.0		12.0		12.0
2	CCTV for commercial vehicles		96.0		96.0		96.0		96.0
Total IT Capital Programme		0.0	108.0	0.0	108.0	0.0	108.0	0.0	108.0

**AFFORDABLE HOUSING
CAPITAL PROGRAMME**

Ref	Scheme	February 2018				Outturn			
		2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £000	2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £000
	<u>Testway Covenant</u>								
1	Rosalind Hill House, Stockbridge	140.0			140.0	140.0			140.0
2	Braishfield Road, Braishfield	67.5			67.5	67.5			67.5
3	Nightingale Lodge		810.0	810.0	1,620.0		810.0	810.0	1,620.0
4	Registered providers		300.0	300.0	600.0		300.0	300.0	600.0
	Total Approved Projects	207.5	1,110.0	1,110.0	2,427.5	207.5	1,110.0	1,110.0	2,427.5
	Schemes to be identified				0.0				0.0
	Ringfenced Right-To-Buy Receipts				0.0				0.0
	Total Affordable Housing Capital Programme	207.5	1,110.0	1,110.0	2,427.5	207.5	1,110.0	1,110.0	2,427.5

SUMMARY OF SLIPPAGE IN THE CAPITAL PROGRAMME

CAPITAL PROGRAMME

<u>Service</u>	<u>Project</u>	<u>Amount £'000</u>	<u>Amount £'000</u>
Community & Leisure	Urban Realm (Lights - Bus Station access)	15.0	
	MUGA Picket Twenty	155.0	
	Play Areas Picket Twenty/Urban Park	60.0	
	Ganger Farm - Sports & Recreation	640.0	
	East Anton Public Art	19.0	
	Town Mill River Improvements	70.0	959.0
Estates, Economic Development & Transport	Hampshire Community Bank	250.0	
	Town Mill Access & Environmental Enhancement	113.1	
	Romsey Flood Alleviation Scheme	250.0	613.1
IT	Sharepoint Server	12.0	12.0
Affordable Housing	Nightingale Lodge	810.0	810.0
Slippage identified in November report			2,394.1
Community & Leisure	East Anton Public Art	13.0	
	Saxon Fields Car Park	63.0	
	RSC Skate Park	174.0	
	Knightwood Skate Park	154.0	
	Andover War Memorial	10.0	
	Leisure Contract	1,135.3	1,549.3
Estates, Economic Development & Transport	Town Mill Access & Environmental Enhancement	19.2	
	Romsey Enhancement Works - Phase 3	148.0	167.2
Affordable Housing	Registered Providers	300.0	300.0
Slippage identified in the February report			2,016.5
Community & Leisure	Urban Realm (Lights - Bus Station access)	(15.0)	
	Community Asset Fund	119.2	
	MUGA/Play Areas Picket Twenty	44.0	
	East Anton Public Art	30.0	
	Charlton Lakes Footpath	2.0	
	Andover War Memorial	12.1	
	Upgrade War Memorial Park Play area	9.3	
	Leisure Contract	1,156.5	
	Fishlake Meadows	12.4	1,370.5
Estates, Economic Development & Transport	Romsey Enhancement Works - Phase 3	(148.0)	(148.0)
Project Enterprise	Walworth Business Park Investment	164.7	164.7
	Walworth Business Park Investment 2	(328.6)	(328.6)
Slippage identified in this report			1,058.6
TOTAL SLIPPAGE IDENTIFIED			5,469.2

Report to Cabinet – 16 May 2018

ITEM Proposed amendment to the Council's Constitution

Report of the Corporate Portfolio Holder

Recommended:

1. That the Council's Constitution be amended as set out in this report.
2. That the Head of Legal and Democratic Services be authorised to amend the Constitution accordingly.

Recommendation to Council

SUMMARY:

- To consider an amendment to the Council's Constitution enabling a vote to be taken on suspending Council Procedure Rules relating to the duration of Committee and Sub-Committee meetings. This would enable meetings to be extended where appropriate to conclude all listed items of business.

1 Introduction

- 1.1 Under the Council Procedure Rules it is not possible to extend the duration of a Committee or Sub-Committee meeting to cater for items unfinished by the deadline currently imposed by the Rules. This means that unfinished business must be carried over either to the next ordinary meeting of the Committee or Sub-Committee or a specially convened meeting.

2 Background

- 2.1 The Council's Rules of Procedure are set out in the Constitution. The Rules apply to all meetings of the Council, its Committees and Sub-Committees (save for some exceptions which do not apply to the provisions with which we concern ourselves for these purposes).

- 2.2 Paragraph 9 of the Council Procedure Rules deals with the duration of meetings. That paragraph reads:

9. DURATION OF MEETINGS

9.1 Interruption of the meeting

- (a) If the business of the meeting has not been concluded within four hours or by 10.00pm, whichever is the sooner, the Chairman must interrupt the meeting and if he/she is satisfied that the matter under discussion has been*

APPENDIX C

	<p><i>sufficiently debated call for the vote immediately, otherwise Rule 9.2(b) will apply.</i></p>
(b)	<p><i>Any remaining business shall stand referred to the next ordinary meeting or until a special meeting on a date to be fixed.</i></p>
9.2	<p>Motions and recommendations not dealt with</p>
(a)	<p><i>Prior to 10.00pm or the expiration of four hours, whichever occurs the sooner, a majority of members present may vote for the meeting to continue by one half-hour.</i></p>
(b)	<p><i>Debate on a motion that has been proposed and seconded before the time limit as defined in 9.1 (a) or 9.2 (b) shall continue beyond the time limit until a vote on that motion is taken unless the meeting is adjourned.</i></p>
(c)	<p><i>Any remaining business shall stand referred to the next ordinary meeting or until a special meeting on a date to be fixed.</i></p>
9.3	<p>Recorded vote (*see Rule 24)</p> <p><i>If a recorded vote is called for during this process, it will be taken immediately.</i></p>
9.4	<p>Motions which may be moved</p> <p><i>During the process set out in Rules 9.1-9.3 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated, deferred or referred to an appropriate body or individual for decision or report.</i></p>

- 2.3 Rule 23 allows for suspension or amendment of the Council Procedure Rules. However, the Rules specifically provide that Committees and Sub-Committees shall not be empowered to suspend Rule 9 relating to the duration of a meeting. Rule 23.1 reads:

23.1	<p><i>All of these Council Procedure Rules except Rule 17.6 and 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council/Committee are present and shall not be carried unless supported by two thirds of the Members present at the meeting. Suspension can only be for the duration of the meeting.</i></p> <p><i>A Committee or Sub-Committee shall not be empowered to suspend Rule 9 – Duration of Meeting.</i></p>
------	--

- 2.4 In order to give Members of Committees and Sub-Committees the ability to move and vote on a motion to suspend Council Procedure Rules to enable a meeting to proceed past the current ‘cut off’ time it is proposed that the Council Procedure Rules are amended as follows:-
- 2.5 That the words “A Committee or Sub-Committee shall not be empowered to suspend Rule 9 – Duration of Meeting” are removed from Rule 23.1

APPENDIX C

2.6 Options:

- (i) To recommend amendment of the Council Procedure Rules to Council.
- (ii) Not to recommend the proposed amendment.

3 Option Appraisal.

If the Council Procedure Rules remain unchanged then there will be no scope to suspend Council Procedure Rules for Committee and Sub-committee meetings and therefore unfinished items on an Agenda will need to be deferred to a further meeting.

4 Resource Implications

None

5 Legal Implications.

A resolution of Full Council is required to amend the Council Procedure Rules.

6. Conclusion and reasons for recommendation

Facilitating the suspension of Council Procedure Rules in order to extend meetings will enable business to be concluded in one sitting, maximising efficiency in decision-making and minimising disruption to the public, Members and officers in having to attend reconvened meetings.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	0	File Ref:	N/A
(Portfolio: Corporate) Councillor Flood			
Officer:	Karen Dunn	Ext:	8401
Report to:	Cabinet	Date:	16 May 2018

ITEM 11 Amendments to the Scheme of Delegations to the Head of Housing & Environmental Health

Report of the Head of Housing & Environmental Health (Portfolio: Corporate)

Recommended:

- 1. That the Scheme of Delegations to the Head of Housing & Environmental Health, contained within Part 3 of the Council’s Constitution, be amended in accordance with proposed changes set out in Annex 1 to this report.**
- 2. That the Head of Legal & Democratic Services be authorised to amend the Constitution accordingly.**

SUMMARY: This report seeks to amend the scheme of delegation of powers to the Head of Housing & Environmental Health. Specifically, it seeks to:

- Extend the powers of food inspectors to sign and serve notices so as to be able to respond promptly to urgent food safety law contraventions during inspections.
- Extend the powers of the Service’s three Principal Environmental Health Officers and the Housing Development Manager to allow them to sign and serve notices in respect of statutory provisions relevant to the work of each team.
- Extend the powers of some additional officers to sign and serve notices in respect of statutory provisions that may be appropriate in respect of urgent action taken outside of office hours as part of the Environmental Health out-of-hours service.
- Formally appoint officers to exercise certain dog control functions in respect of seizing stray dogs and the enforcement of dog microchipping requirements.
- Make other minor updates, additions and alterations to the scheme.

1 Introduction

1.1 Changes are sought to Part 3 of the Council’s Constitution (Delegations to Officers) in respect of some Housing & Environmental Health staff. The recommendations of this report relate to the following proposals:

- A. Food inspectors who satisfy requisite competency standards should be delegated the authority to exercise all powers under relevant food safety statutory provisions, including the service of notices such as hygiene improvement notices and hygiene emergency prohibition notices. The reasons for this change are that urgent action is sometimes required and also notices for technical food safety matters would in any case ideally be signed by the food inspector who would be best placed to justify such action, in accordance with the Food Law code of practice.

- B. Extend the powers of the three Principal Environmental Health Officers and the Housing Development Manager to sign and serve notices. The reason for this change is to improve accountability and minimise delays with regard to the service of urgent notices if and when the Environmental Health Manager and Head of Housing & Environmental Health are both unavailable.
- C. Extend the powers of officers who may participate in the Environmental Health Out-of-Hours Service to enable them to sign and serve notices in respect of a restricted list of statutory provisions that foreseeably could well be required to be taken urgently outside of office hours.
- D. Formally appoint officers for the purposes of Section 149(1) of the Environmental Protection Act 1990, in respect of discharging the functions under section 149 of the Environmental Protection Act 1990 for purposes of dealing with stray dogs, and also authorise nominated officers for purposes of the Microchipping of Dogs (England) Regulations 2015.
- E. Make other minor updates and amendments to the scheme, as shown in the changes in the Annex to this report including the correction of some job titles, the addition of statutory provisions to the existing list for some officers in order to ensure that officers are properly authorised to exercise their existing functions and the removal of non-relevant ones.

2 Background

- 2.1 Under paragraph 21 of the Scheme of Delegations to the Head of Housing and Environmental Health, the signing of most types of notices under Environmental Health legislation is delegated solely to the Environmental Health Manager, with other Environmental Health staff only authorised to report contraventions. In practice, this means that all formal notices prepared by other officers must be signed by either the Environmental Health Manager or the Head of Housing & Environmental Health.
- 2.2 Under Environmental Health law, there is a very wide range of legal provisions where notices may be required, for example:
 - Notices requiring corrective action to be taken following the identification of a contravention of law – for example food hygiene improvement notices, food hygiene emergency prohibition notices, or notices relating to the detention / seizure of unfit food.
 - Notices requiring action where there has not been a contravention of the law but for the purposes of correcting an unsatisfactory situation that exists – for example noise abatement notices, notices requiring remedial action to put right an unsatisfactory private water supply, or steps to be taken to address a pest infestation.
 - Notices requiring certain information to be provided.

- 2.3 Whilst in most circumstances the existing scheme will work well, ensuring that notices are only served if approved by the Environmental Health Manager or Head of Housing & Environmental Health, there are some circumstances where this scheme could prove problematic and/or restrictive in practice.
- 2.4 The first recommended change relates to the signing of notices under food safety law. The change is recommended because notices sometimes have to be served immediately by the food inspector present to remedy an urgent health risk. It may not always be possible for the Environmental Health Manager or the Head of Housing & Environmental Health to visit the premises and counter-sign the notice, and it is possible that existing arrangements could inhibit urgent corrective action being taken. Additionally, notices relating to food safety matters would in any case best be signed by the food inspector who would be best placed to justify such action. This would bring the scheme of delegation for food inspectors broadly in line with that which already exists for appointed health and safety inspectors. In practice, the service of notices will be monitored by, and subject to any limitations imposed by, the Environmental Health Manager and/or Lead Officer for Food.
- 2.5 The second recommended change relates to the role of the Housing Development Manager and also the three Principal Environmental Health Officers. These officers are technical specialists and also manage teams of professional staff. It is considered that these officers are well placed to check and sign notices and so ought to be delegated the authority to sign / serve notices also. Authorising these officers to sign notices would minimise delays when taking urgent action and reduce the chances of no officer within the Housing & Environmental Health Service being available to sign them.
- 2.6 The third change relates to the signing of notices that may be required to be served urgently as part of the Environmental Health out-of-hours service, when the Environmental Health Manager may not be readily available. Whilst it is not necessarily desirable to allow every post-holder to sign any type of notice, the statutory provisions that are most likely to be required in respect of urgent action outside of office hours have been identified and it is in this context that additional delegated powers are sought.
- 2.7 The fourth change relates to the appointment and authorisation of officers to carry out certain dog control functions. Under Section 149(1) of the Environmental Protection Act 1990, every local authority must nominate one or more appointed officers for the purposes of dealing with stray dogs. This includes seizure of stray dogs and, where there are indications of ownership of the dog, serve a notice upon that person giving notice that if not claimed the dog will be disposed of by the Council after seven days. It is necessary to nominate the relevant post-holders to fulfil these functions and it is appropriate for this to be specified in the delegations scheme. Additionally, local authorities may authorise in writing any person to enforce the Microchipping of Dogs (England) Regulations 2015, which now require dogs to be microchipped. It is considered appropriate to include these regulations within the delegations scheme.

The final change is to make some minor amendments, including amendments to some job titles, updates to reflect revised legislation and additions to the list of statutory provisions available to some post-holders, in order for a greater number of officers to be able to exercise relevant powers, thereby enabling officers to work more flexibly. This reflects the expanding technical skills of some officers to step in to new areas of work as pressures demand, for example the Animal Welfare Officer to be able to enforce the Breeding and Sale of Dogs (Welfare) Act 1999, the Scientific Officer to apply the intruder alarm provisions of the Clean Neighbourhoods and Environment Act 2005 and the Environmental Protection Officer to undertake inspections for purposes of the Environmental Permitting (England and Wales) Regulations 2016.

- 2.8 All of the proposed changes are provided in Annex 1 to this report, shown in red as ‘tracked changes’.

3 Corporate Objectives and Priorities

- 3.1 Implementation of the recommended changes would improve the Council’s ability to take regulatory action in appropriate circumstances, consistent with the Council’s objectives.
- 3.2 The recommendations fit with the Corporate Plan Priorities of “Live” by ensuring that standards are being met in the rented housing sector, “Work and do Business” by ensuring appropriate standards are being met in all commercial food premises, and with the “Enjoy the Natural and Built Environment” priority by improving our ability to respond to statutory nuisance issues quickly.

4 Consultations/Communications

- 4.1 The Housing & Environmental Health Service management team have engaged operational staff delivering the affected elements of the services to help shape the approach that is being proposed. The Head of Legal & Democratic Services has also been consulted.
- 4.2 This is an internal recommendation associated with the Council Scheme of Delegations and it is not considered necessary to seek views from any external stakeholders. The recommendations are not associated with matters of policy and are made in the interests of reflecting enforcement activity that can be administered effectively and efficiently, and in keeping with relevant national guidance.

5 Options

- 5.1 The recommendations in this report are to update and modernise the relevant aspects to the Scheme of Delegation so that the Housing & Environmental Health Service is able to operate its enforcement functions efficiently and effectively. The following options have been identified and should be understood in this context:

- 5.2 Option 1: Do Nothing – This option is not recommended because it would inhibit the Council’s ability to undertake certain types of enforcement work and/or respond promptly to urgent situations where regulatory action is considered necessary.
- 5.3 Option 2: Delegate all relevant legal powers to all Environmental Health post-holders – This is not recommended and is not necessary for operational reasons. It may not be desirable due to the increased risks of action being taken by an individual officer without appropriate checks and balances in place to support their judgement.
- 5.4 Option 3: Implement the proposed amendments set out in Annex 1 - This offers a compromise approach between the other two options, taking account of regulatory and practical considerations and offers the Council an appropriate set of amendments that will bring the existing Scheme of Delegations up to date with regard to these specific enforcement functions. The new delegations will be overseen and monitored by the Housing & Environmental Health Management Team.

6 Option Appraisal

- 6.1 For the reasons set out above, the recommended option is to approve the proposals set out in Annex 1.

7 Resource Implications

- 7.1 There are no resource implications associated with the recommendations contained within this report. It is expected that the adoption of Option 3 above would improve the response time of regulatory action, thereby improving efficiency and effectiveness.

8 Legal Implications

- 8.1 No adverse legal implications have been identified. A resolution of Council is required to amend the scheme of delegations.

9 Equality Issues

- 9.1 There are no equality issues that are relevant to the recommendation.

10 Other Issues

- 10.1 There are no Community Safety issues that are relevant to the recommendation.
- 10.2 There are no further Environmental Health issues that are relevant to the recommendation.
- 10.3 There are no relevant issues in respect of Sustainability and Addressing Changing Climate
- 10.4 There are no Property Issues that are relevant to the recommendation.

10.5 The changes would concern action throughout the borough and so no specific Wards/Communities issues are expected.

11 Conclusion

11.1 Implementation of the recommendations would help ensure that the correct level of delegated authority is provided in respect of Environmental Health regulatory work.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	1	File Ref:	N/A
(Portfolio: Corporate) Councillor Flood			
Officer:	Mark Lee	Ext:	8035
Report to:	Council	Date:	27 June 2018

Delegation to Head of Housing and Environmental Health Services

- (1) In cases of emergency, the Head of Housing and Environmental Health Services be authorised to carry out the Council's function under Section 33 of the Local Government (Miscellaneous Provisions) Act 1976.
- (2) Discretionary decisions concerning the nomination of special cases from the Housing Register be delegated to the Head of Housing and Environmental Health Services, subject to informing the Housing and Environmental Health Portfolio Holder prior to notifying the applicant.
- (3) To sign notices to quit in respect of temporary accommodation occupied by the homeless.
- (4) To review homeless decisions under Section 202 of the Housing Act 1996 (as amended), and in view of likely media interest, to inform the Housing and Environmental Health Portfolio Holder of the decisions that have been taken.
- (5) To determine homeless applications under Part VII of the Housing Act 1996 (as amended).
- (6) To conduct, jointly or severally with the Housing Manager, reviews of adverse decisions relating to registration on the Housing Register.
- (7) To determine any matter relating to:
 - (a) transfer of accommodation;
 - (b) nominations to Registered Providers of Social Housing;
 - (c) allocation of temporary accommodation for homeless applicants;
 - (d) payment of removal expenses in appropriate cases; or
 - (e) emergency arrangements.
- (8) To deal with applications under the Rent (Agriculture) Act 1976.
- (9) To enter into leases of individual properties with private owners in order to secure temporary accommodation for homeless households.
- (10) To consult with tenants under the Housing Act 1985.
- (11) To agree transfers of tenants on management grounds as proposed by Registered Providers of Social Housing.
- (12) To approve home loss payments, removal and relocation allowances in accordance with any scheme approved by the Council.
- (13) To investigate allegations of harassment and threats by any illegal evictions.
- (14) To review and determine appeals lodged by Housing Register applicants under

Section 164 of the Housing Act 1996.

- (15) In consultation with the Head of Legal and Democratic Services, to enter into short term leases as they consider appropriate on terms to be agreed by them and to administer the short term letting scheme to accommodate homeless persons.
- (16) To transfer funding between schemes and programmes within the approved Housing Investment Programme, subject to reporting such changes to the next appropriate meeting of the Cabinet.
- (17) That the Environmental Health Manager (post holder 50360920) be authorised to issue authorisations pursuant to the Regulation of Investigatory Powers Act 2000.
- (18) That the Housing Manager (post holder 50360864) be authorised to conduct homelessness reviews under Section 202 of the Housing Act 1996 (as amended).
- (19) That the Housing Development Manager (post holder 50360894) be authorised to agree the payment of additional grants above the £15,000.00 maximum for Discretionary Renovation Grants (DRGs) in appropriate circumstances, in consultation with the Housing and Environmental Health Portfolio Holder.
- (20) To approve grant funding in accordance with the Affordable Housing Grants Policy.
- (21) That the Environmental Health Manager (post holder 50360920) shall be authorised to advise upon compliance with the legislation set out in (k) below, and [regulations and other](#) subordinate legislation made there-under and any amendments thereto, to formally notify contraventions of the legislation etc. as necessary, and to [exercise all powers provided under such legislation, including issuing and serving](#) ~~serve~~ Notices relating to contraventions of the legislation etc. or Notices seeking information relating to such contraventions and to carry out the activities in (a) to (k) below.
 - (a) To make charges, agree contracts, make expenditure, authorise work in default, and allocate grant aid as permitted within approved budgets and environmental health legislation.
 - (b) To respond to consultations relating to technical and legal matters which are delegated.
 - (c) To promote and publicise compliance with legislation, good health and good environmental practice.
 - (d) To provide services relating to Environmental Health matters, as permitted under the relevant legislation set out in (k) below.
 - (e) To grant, with or without conditions, or to refuse applications for and to revoke street trading licences or consents. To make charges for such grants up to the limit stipulated in the Council's budget.
 - (f) To carry out investigations and to obtain, issue, give or publish notices or orders for the control of infectious disease as permitted under the relevant legislation.

ANNEX

- (g) To make, refuse, or vary such registrations as are applied for, or requested, under the legislation set out in (k) below and to maintain appropriate registers.
- (h) To grant, refuse, or vary [permits](#) ~~authorisations~~ and licences as are applied for under the legislation set out in (k) below.
- (i) In consultation with the Housing and Environmental Health Portfolio Holder, to agree the payment of additional grant above the £15,000.00 maximum for Discretionary Renovation Grants (DRGs) in appropriate circumstances.
- (j) To prepare reports for legal proceedings in the event of contravention of legislation set out in (k) below and in the event of contraventions of the Health & Safety at Work etc. Act 1974, subordinate legislation made thereunder or any amendments thereto, to issue instructions to the Council's Solicitors to take legal proceedings.
- (k) That the holders of the posts below be authorised to enter land or premises, [to exercise all available powers of investigation and inspection](#), to carry out any act included in, to advise upon compliance with, and to formally notify contraventions of the legislation and subordinate legislation made there under and any amendments thereto, as set out below.

50360919 Principal Environmental Health Officer (Health Protection)

50360918 Principal Environmental Health Officer (Environmental Protection)

50360922 (Senior) Environmental Health Officer (Environmental Protection)

50360923 (Senior) Environmental Health Officer (Environmental Protection)

50360927 Environmental Health Officer (Health Protection)

50360930 (Senior) Environmental Health Officer (Health Protection)

50360931 (Senior) Environmental Health Officer (Health Protection)

Animal Boarding Establishments Act 1963

Animal By-Products (Enforcement) (England) Regulations [2013](#)~~2014~~

Animal Health Act 1981

Animal Welfare Act 2006

Anti-Social Behaviour Act 2003 Part 6 as amended by the Clean Neighbourhoods and Environment Act 2005

Anti-Social Behaviour, Crime and Policing Act 2014

Asbestos at Work Regulations 1994

Asbestos Regulations 1983

Breeding and Sale of Dogs (Welfare) Act 1999

Breeding of Dogs Act 1973 and 1991

Building Act 1984

Caravan Sites and Control of Development Act 1960

Clean Air Act 1993

Clean Neighbourhoods and Environment Act 2005

Contaminants in Food (England) Regulations [2013](#)~~2007~~

[Control of Asbestos Regulations 2012](#)

Control of Pollution Act 1974
Crime and Disorder Act 1998
Criminal Justice and Public Order Act 1994
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1976
Environment Act 1995
Environmental Protection Act 1990
[Environmental Permitting \(England and Wales\) Regulations 2016 \(as amended\)](#)
European Communities Act 1972
Factories Act 1961
Food and Environmental Protection Act 1988
[Food Information Regulations 2014](#)
~~Regulation (EC) 852/2004, 853/2004, 854/2004 178/2002 – Food Hygiene (England) Regulations 2006~~
Food Safety Act 1990 [\(as amended\) and any Orders or Regulations or other statutory instruments made thereunder, or relating thereto, or having effect by virtue of the European Communities Act 1972 and relating to food safety, and any modification or re-enactment of such provisions, including: Regulation \(EC\) 852/2004, 853/2004, 854/2004, 882/2004 and 178/2002](#)
Food Safety and Hygiene (England) Regulations 2013
General Food Regulations [2004](#) ~~2005~~
Hampshire Act 1983
Health Act 2006 Part 1 Chapter 1
Health and Safety ~~Enforcement~~ [\(Enforcing Authority\) Regulations 1998](#)
[Health Protection \(Local Authority Powers\) Regulations 2010](#)
[Health Protection \(Part 2A Orders\) Regulations 2010](#)
Home Energy Conservation Act 1995
Housing Acts 1957 to 2004
Housing Grants, Construction and Regeneration Act 1996 as amended by the Local Democracy, Economic Development and Construction Act 2009
Imported Food Regulations 1997
Licensing Act 2003
Litter Act 1993
Local Government and Housing Act 1989
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Meat (Enhanced Enforcement Powers) (England) Regulations 2000
National Assistance Act 1948
Natural Mineral Water, Spring Water & Bottled Drinking Water Regulations [2007 \(as amended\)](#) ~~1999~~
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Offices, Shops and Railway Premises Act 1963
~~Official Feed and Food Controls (England) Regulations 2007 (as amended)~~
[Official Controls \(Animal, Feed and Food\) \(England\) Regulations 2006](#)
Official Feed and Food Controls (England) Regulations 2009
Open Spaces Act 1906
Pet Animals Act 1951

Police and Criminal Evidence Act 1984
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
[Private Water Supplies \(England\) Regulations 2016 \(as amended\)](#)
Public Health Acts 1875, 1936 to 1961
Public Health (Control of Disease) Act 1984
Quick Frozen Foodstuffs Regulations 1990
Redress Schemes for Letting Agency Work and Property Management work
(Requirements to Belong to a Scheme etc.) (England) Order 2014
Refuse Disposal (Amenity) Act 1978
Regulation of Investigatory Powers Act 2000
Riding Establishments Act 1964 and 1970
Shops Act 1950
Smoke and Carbon Monoxide Alarm (England) Regulations 2015
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Trade in Animals and Related Products Regulations 2011
Transmissible Spongiform Encephalopathies (England) Regulations [2010](#)
~~2002~~
Water Industry Act 1991
Zoo Licensing Act 1981

[50360894 Housing Development Manager](#)

50360868 Principal Environmental Health Officer (Housing)

~~Animal Boarding Establishments Act 1963~~

~~Animal Health Act 1981~~

~~Animal Welfare Act 2006~~

Anti-social Behaviour Act 2003 Part 6 as amended by the Clean
Neighbourhoods and Environment Act 2005

~~Asbestos at Work Regulations 1994~~

~~Asbestos Regulations 1983~~

~~Breeding and Sale of Dogs (Welfare) Act 1999~~

~~Breeding of Dogs Act 1973 and 1991~~

Building Act 1984

Caravan Sites and Control of Development Act 1960

Clean Air Act 1993

Clean Neighbourhoods and Environment Act 2005

Control of Pollution Act 1974

Crime and Disorder Act 1998

Criminal Justice and Public Order Act 1994

~~Dangerous Dogs Act 1991~~

~~Dangerous Wild Animals Act 1976~~

[Energy Efficiency \(Private Rented Sector\) \(England and Wales\) Regulations
2015 \(as amended\)](#)

Environment Act 1995

Environmental Protection Act 1990

European Communities Act 1972

Hampshire Act 1983
Health Act 2006 Part 1 Chapter 1
~~Health and Safety (Enforcing Authority) Regulations 1998~~
Home Energy Conservation Act 1995
Housing Acts 1957 to 2004
[Housing and Planning Act 2016](#)
Housing Grants, Construction and Regeneration Act 1996
~~Licensing Act 2003~~
Litter Act 1993
Local Government and Housing Act 1989
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
[Mobile Homes Act 2013](#)
National Assistance Act 1948
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Open Spaces Act 1906
~~Pet Animals Act 1951~~
Police and Criminal Evidence Act 1984
~~Pollution Prevention and Control Act 1999~~
Prevention of Damage by Pests Act 1949
[Protection from Eviction Act 1977](#)
Public Health Acts 1875, 1936 to 1961
Public Health (Control of Disease) Act 1984
Redress Schemes for Letting Agency Work and Property Management work
(Requirements to Belong to a Scheme etc.) (England) Order 2014
Refuse Disposal (Amenity) Act 1978
Regulation of Investigatory Powers Act 2000
~~Riding Establishments Act 1964-1970~~
~~Shops Act 1950~~
Smoke and Carbon Monoxide Alarm (England) Regulations 2015
~~Sunday Trading Act 1994~~
Water Industry Act 1991

~~50360918 — Principal Environmental Health Officer (Environmental Protection)~~

~~Animal Boarding and Establishment Act 1963~~
~~Animal Health Act 1981~~
~~Animal Welfare Act 2006~~
~~Anti-social Behaviour Act 2003 Part 6 as amended by the Clean Neighbourhoods and Environment Act 2005~~
~~Anti-Social Behaviour, Crime and Policing Act 2014~~
~~Asbestos at Work Regulations 1994~~
~~Asbestos Regulations 1983~~
~~Breeding and Sale of Dogs (Welfare) Act 1999~~
~~Breeding of Dogs Act 1973 and 1991~~
~~Building Act 1984~~
~~Caravan Sites and Control of Development Act 1960~~
~~Clean Air Act 1993~~

~~Clean Neighbourhoods and Environment Act 2005~~
~~Control of Pollution Act 1974~~
~~Crime and Disorder Act 1998~~
~~Criminal Justice and Public Order Act 1994~~
~~Dangerous Dogs Act 1991~~
~~Dangerous Wild Animals Act 1976~~
~~Environment Act 1995~~
~~Environmental Protection Act 1990~~
~~European Communities Act 1972~~
~~Hampshire Act 1983~~
~~Health Act 2006 Part 1 Chapter 1~~
~~Health and Safety (Enforcing Authority) Regulations 1998~~
~~Home Energy Conservation Act 1995~~
~~Housing Acts 1957 to 2004~~
~~Housing Grants, Construction and Regeneration Act 1996~~
~~Licensing Act 2003~~
~~Litter Act 1993~~
~~Local Government and Housing Act 1989~~
~~Local Government (Miscellaneous Provisions) Acts 1976 and 1982~~
~~National Assistance Act 1948~~
~~Natural Mineral Water, Spring Water & Bottled Drinking Water Regulations 1999~~
~~Noise Act 1996~~
~~Noise and Statutory Nuisance Act 1993~~
~~Open Spaces Act 1906~~
~~Pet Animals Act 1951~~
~~Police and Criminal Evidence Act 1984~~
~~Pollution Prevention and Control Act 1999~~
~~Prevention of Damage by Pests Act 1949~~
~~Public Health Acts 1875, 1936 to 1961~~
~~Public Health (Control of Disease) Act 1984~~
~~Redress Schemes for Letting Agency Work and Property Management work (Requirements to Belong to a Scheme etc.) (England) Order 2014~~
~~Refuse Disposal (Amenity) Act 1978~~
~~Regulation of Investigatory Powers Act 2000~~
~~Riding Establishments Act 1964 1970~~
~~Shops Act 1950~~
~~Smoke and Carbon Monoxide Alarm (England) Regulations 2015~~
~~Sunday Trading Act 1994~~
~~Water Industry Act 1991~~
~~Zoo Licensing Act 1981~~

50360928 (Senior) Health Protection Officer

Animal Boarding Establishments Act 1963
Animal By-Products (Enforcement) (England) Regulations [2013](#) ~~2011~~
Animal Health Act 1981
Animal Welfare Act 2006

Asbestos at Work Regulations 1994
Asbestos Regulations 1983
[Breeding and Sale of Dogs \(Welfare\) Act 1999](#)
Breeding of Dogs Act 1973 and 1991
Clean Neighbourhoods and Environment Act 2005
Contaminants in Food (England) Regulations [2013](#) ~~2007~~
[Control of Asbestos Regulations 2012](#)
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1975
Environmental Protection Act 1990
European Communities Act 1972
Factories Act 1961
Food and Environmental Protection Act 1988
~~Regulation (EC) 852/2004, 853/2004, 854/2004 178/2002 – Food Hygiene (England) Regulations 2006~~
Food Safety Act 1990 [and any Orders or Regulations or other statutory instruments made thereunder, or relating thereto, or having effect by virtue of the European Communities Act 1972 and relating to food safety, and any modification or re-enactment of such provisions, including: Regulation \(EC\) 852/2004, 853/2004, 854/2004, 882/2004 and 178/2002](#)
Food Safety and Hygiene (England) Regulations 2013
General Food Regulations [2004](#) ~~2005~~
Hampshire Act 1983
Health Act 2006 Part 1 Chapter 1
Health and Safety (Enforcing Authority) Regulations 1998
Licensing Act 2003
Local Government (Misc. Provisions) Acts 1976 and 1982
[Meat \(Enhanced Enforcement Powers\)\(England\) Regulations 2000](#)
[Microchipping of Dogs \(England\) Regulations 2015](#)
Natural Mineral ~~W~~water, Spring Water & Bottled Drinking Water Regulations [2007 \(as amended\)](#) ~~1999~~
Noise and Statutory Nuisance Act 1993
Offices, Shops and Railway Premises Act 1963
[Official Controls \(Animals, Feed and Food\)\(England\) Regulations 2006](#)
Official Feed and Food Control (England) Regulations 2009
Pet Animals Act 1951
Prevention of Damage by Pests Act 1949
Public Health (Control of Disease) Act 1984
Quick Frozen Foodstuffs Regulations 1990
Riding Establishments Act 1964 and 1970
Shops Act 1950
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Trade in Animals and Related Products Regulations 2011
[Transmissible Spongiform Encephalopathies \(England\) Regulations 2010](#)
Water Industry Act 1991
Zoo Licensing Act 1981

50360869 Senior Private Sector Housing Officer

50360870 Senior Private Sector Housing Officer

50360871 Senior Private Sector Housing Officer

Building Act 1984

Caravan Sites and Control of Development Act 1960

Clean Neighbourhoods and Environment Act 2005

[Energy Efficiency \(Private Rented Sector\) \(England and Wales\) Regulations 2015 \(as amended\)](#)

Environmental Protection Act 1990 - all powers under Section 79 (1) a and h
Housing Acts 1957 to 2004

[Housing and Planning Act 2016](#)

Housing Grants, Construction and Regeneration Act 1996

Licensing Act 2003

Local Government and Housing Act 1989

Local Government (Miscellaneous Provisions) Acts 1976 and 1982

[Mobile Homes Act 2013](#)

[Protection from Eviction Act 1977](#)

Redress Schemes for Letting Agency Work and Property Management work
(Requirements to Belong to a Scheme etc.) (England) Order 2014

RIDDOR 2000

Smoke and Carbon Monoxide Alarm (England) Regulations 2015

50360925 Environmental Protection Officer

Anti-social Behaviour Act 2003 Part 6 as amended by the Clean
Neighbourhoods and Environment Act 2005

Anti-Social Behaviour, Crime and Policing Act 2014

Building Act 1984

Clean Air Act 1993

Clean Neighbourhoods and Environment Act 2005

Control of Pollution Act 1974

Crime and Disorder Act 1998

Environment Act 1995

Environmental Protection Act 1990

[Environmental Permitting \(England and Wales\) Regulations 2016 \(as amended\)](#)

Health Act 2006 Part 1 Chapter 1

Licensing Act 2003

Local Government (Misc. provisions) Acts 1976-1982

National Assistance Act 1943

Noise Act 1996

Noise and Statutory Nuisance Act 1993

Pollution Prevention and Control Act 1999

Prevention of Damage by Pests Act 1949

[Private Water Supplies \(England\) Regulations 2016 \(as amended\)](#)

Public Health Acts 1875, 1936 to 1961

Water Industry Act 1991

50360924 Scientific Officer

Building Act 1984
Clean Air Act 1993
[Clean Neighbourhoods and Environment Act 2005](#)
Control of Pollution Act 1974
Environment Act 1995
[Environmental Permitting \(England and Wales\) Regulations 2016 \(as amended\)](#)
Environmental Protection Act 1990
Licensing Act 2003
Local Government (Misc. provisions) Acts 1976 and 1982
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Prevention of Damage by Pests Act 1949
[Private Water Supplies \(England\) Regulations 2016 \(as amended\)](#)
Public Health Acts 1875, 1936 to 1961
Water Industry Act 1991

50360921 Animal Welfare Officer

Animal Boarding ~~and~~ Establishments Act 1963
Animal Health Act 1981
Animal Welfare Act 2006
Anti-Social Behaviour, Crime and Policing Act 2014
[Breeding and Sale of Dogs \(Welfare\) Act 1999](#)
Breeding of Dogs Act 1973 and 1991
Clean Neighbourhoods and Environment Act 2005
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1976
Environmental Protection Act 1990
Local Government (Misc. Provisions) Acts 1976 and 1982
[Microchipping of Dogs \(England\) Regulations 2015](#)
Noise and Statutory Nuisance Act 1993
Pet Animals Act 1951
Riding Establishments Act 1964 and 1970
Zoo Licensing Act 1981

- (l) That the holders of the posts below be authorised to enter land or premises and to carry out any act included in the Prevention of Damage by Pests Act 1949:

50360854 Area Pest Control Officer
50360855 Area Pest Control Officer

- (m) That the holders of the posts below may issue and serve Notices in respect of the legislation set out below.

50360919 Principal Environmental Health Officer (Health Protection)

50360918 Principal Environmental Health Officer (Environmental Protection)

[Animal Boarding Establishments Act 1963](#)
[Animal By-Products \(Enforcement\) \(England\) Regulations 2013](#)

[Animal Health Act 1981](#)
[Animal Welfare Act 2006](#)
[Anti-Social Behaviour Act 2003 Part 6 as amended by the Clean Neighbourhoods and Environment Act 2005](#)
[Anti-Social Behaviour, Crime and Policing Act 2014](#)
[Asbestos at Work Regulations 1994](#)
[Asbestos Regulations 1983](#)
[Breeding and Sale of Dogs \(Welfare\) Act 1999](#)
[Breeding of Dogs Act 1973 and 1991](#)
[Building Act 1984](#)
[Caravan Sites and Control of Development Act 1960](#)
[Clean Air Act 1993](#)
[Clean Neighbourhoods and Environment Act 2005](#)
[Contaminants in Food \(England\) Regulations 2013](#)
[Control of Asbestos Regulations 2012](#)
[Control of Pollution Act 1974](#)
[Crime and Disorder Act 1998](#)
[Criminal Justice and Public Order Act 1994](#)
[Dangerous Dogs Act 1991](#)
[Dangerous Wild Animals Act 1976](#)
[Environment Act 1995](#)
[Environmental Protection Act 1990](#)
[Environmental Permitting \(England and Wales\) Regulations 2016 \(as amended\)](#)
[European Communities Act 1972](#)
[Factories Act 1961](#)
[Food and Environmental Protection Act 1988](#)
[Food Information Regulations 2014](#)
[Regulation \(EC\) 852/2004, 853/2004, 854/2004 178/2002 – Food Hygiene \(England\) Regulations 2006](#)
[Food Safety Act 1990 \(as amended\) and any Orders or Regulations or other statutory instruments made thereunder, or relating thereto, or having effect by virtue of the European Communities Act 1972 and relating to food safety, and any modification or re-enactment of such provisions, including: Regulation \(EC\) 852/2004, 853/2004, 854/2004, 882/2004 and 178/2002](#)
[Food Safety and Hygiene \(England\) Regulations 2013](#)
[General Food Regulations 2004](#)
[Hampshire Act 1983](#)
[Health Act 2006 Part 1 Chapter 1](#)
[Health and Safety Enforcement \(Enforcing Authority\) Regulations 1998](#)
[Health Protection \(Local Authority Powers\) Regulations 2010](#)
[Health Protection \(Part 2A Orders\) Regulations 2010](#)
[Home Energy Conservation Act 1995](#)
[Housing Acts 1957 to 2004](#)
[Housing Grants, Construction and Regeneration Act 1996 as amended by the Local Democracy, Economic Development and Construction Act 2009](#)
[Imported Food Regulations 1997](#)
[Licensing Act 2003](#)

[Litter Act 1993](#)
[Local Government and Housing Act 1989](#)
[Local Government \(Miscellaneous Provisions\) Acts 1976 and 1982](#)
[Meat \(Enhanced Enforcement Powers\) \(England\) Regulations 2000](#)
[National Assistance Act 1948](#)
[Natural Mineral Water, Spring Water & Bottled Drinking Water Regulations 2007 \(as amended\)](#)
[Noise Act 1996](#)
[Noise and Statutory Nuisance Act 1993](#)
[Offices, Shops and Railway Premises Act 1963](#)
[Official Feed and Food Controls \(England\) Regulations 2007 \(as amended\)](#)
[Official Controls \(Animal, Feed and Food\) \(England\) Regulations 2006](#)
[Official Feed and Food Controls \(England\) Regulations 2009](#)
[Open Spaces Act 1906](#)
[Pet Animals Act 1951](#)
[Police and Criminal Evidence Act 1984](#)
[Pollution Prevention and Control Act 1999](#)
[Prevention of Damage by Pests Act 1949](#)
[Private Water Supplies \(England\) Regulations 2016 \(as amended\)](#)
[Public Health Acts 1875, 1936 to 1961](#)
[Public Health \(Control of Disease\) Act 1984](#)
[Quick Frozen Foodstuffs Regulations 1990](#)
[Redress Schemes for Letting Agency Work and Property Management work \(Requirements to Belong to a Scheme etc.\) \(England\) Order 2014](#)
[Refuse Disposal \(Amenity\) Act 1978](#)
[Regulation of Investigatory Powers Act 2000](#)
[Riding Establishments Act 1964 and 1970](#)
[Shops Act 1950](#)
[Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#)
[Sunbeds \(Regulation\) Act 2010](#)
[Sunday Trading Act 1994](#)
[Trade in Animals and Related Products Regulations 2011](#)
[Transmissible Spongiform Encephalopathies \(England\) Regulations 2010](#)
[Water Industry Act 1991](#)
[Zoo Licensing Act 1981](#)

[50360894 Housing Development Manager](#)
[50360868 Principal Environmental Health Officer \(Housing\)](#)
[Anti-social Behaviour Act 2003 Part 6 as amended by the Clean Neighbourhoods and Environment Act 2005](#)
[Building Act 1984](#)
[Caravan Sites and Control of Development Act 1960](#)
[Clean Air Act 1993](#)
[Clean Neighbourhoods and Environment Act 2005](#)
[Control of Pollution Act 1974](#)
[Crime and Disorder Act 1998](#)
[Criminal Justice and Public Order Act 1994](#)

[Energy Efficiency \(Private Rented Sector\) \(England and Wales\) Regulations 2015 \(as amended\)](#)
[Environment Act 1995](#)
[Environmental Protection Act 1990](#)
[European Communities Act 1972](#)
[Hampshire Act 1983](#)
[Health Act 2006 Part 1 Chapter 1](#)
[Home Energy Conservation Act 1995](#)
[Housing Acts 1957 to 2004](#)
[Housing and Planning Act 2016](#)
[Housing Grants, Construction and Regeneration Act 1996](#)
[Litter Act 1993](#)
[Local Government and Housing Act 1989](#)
[Local Government \(Miscellaneous Provisions\) Acts 1976 and 1982](#)
[Mobile Homes Act 2013](#)
[National Assistance Act 1948](#)
[Noise Act 1996](#)
[Noise and Statutory Nuisance Act 1993](#)
[Open Spaces Act 1906](#)
[Police and Criminal Evidence Act 1984](#)
[Prevention of Damage by Pests Act 1949](#)
[Protection from Eviction Act 1977](#)
[Public Health Acts 1875, 1936 to 1961](#)
[Public Health \(Control of Disease\) Act 1984](#)
[Redress Schemes for Letting Agency Work and Property Management work \(Requirements to Belong to a Scheme etc.\) \(England\) Order 2014](#)
[Refuse Disposal \(Amenity\) Act 1978](#)
[Regulation of Investigatory Powers Act 2000](#)
[Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#)
[Water Industry Act 1991](#)

[**50360922 \(Senior\) Environmental Health Officer \(Environmental Protection\)**](#)
[**50360923 \(Senior\) Environmental Health Officer \(Environmental Protection\)**](#)
[**50360927 Environmental Health Officer \(Health Protection\)**](#)
[**50360930 \(Senior\) Environmental Health Officer \(Health Protection\)**](#)
[**50360931 \(Senior\) Environmental Health Officer \(Health Protection\)**](#)
[**50360928 Senior Health Protection Officer**](#)

[Animal By-Products \(Enforcement\)\(England\) Regulations 2013](#)
[Contaminants in Food \(England\) Regulations 2013](#)
[Food Safety Act 1990 \(as amended\) and any Orders or Regulations or other statutory instruments made thereunder, or relating thereto, or having effect by virtue of the European Communities Act 1972 and relating to food safety, and any modification or re-enactment of such provisions, including: Regulation \(EC\) 852/2004, 853/2004, 854/2004, 882/2004 and 178/2002](#)
[Food Information Regulations 2014](#)

[Food Safety and Hygiene \(England\) Regulations 2013](#)
[General Food Regulations 2004](#)
[Meat \(Enhanced Enforcement Powers\) \(England\) Regulations 2000](#)
[Natural Mineral Water, Spring Water & Bottled Drinking Water Regulations 2007 \(as amended\)](#)
[Official Controls \(Animals, Feed and Food\)\(England\) Regulations 2006](#)
[Official Feed and Food Controls \(England\) Regulations 2009](#)
[Quick-frozen Foodstuffs Regulations 1990](#)
[Trade in Animals and Related Products Regulations 2011](#)
[Transmissible Spongiform Encephalopathies \(England\) Regulations 2010](#)

[50360922 \(Senior\) Environmental Health Officer \(Environmental Protection\)](#)

[50360923 \(Senior\) Environmental Health Officer \(Environmental Protection\)](#)

[50360927 Environmental Health Officer \(Health Protection\)](#)

[50360930 \(Senior\) Environmental Health Officer \(Health Protection\)](#)

[50360931 \(Senior\) Environmental Health Officer \(Health Protection\)](#)

[50360925 Environmental Protection Officer](#)

[50360924 Scientific Officer](#)

[Control of Pollution Act 1974 - Section 60 only](#)

[Environmental Protection Act 1990 – Part 3 only](#)

[Clean Neighbourhoods and Environment Act 2005 – Sections 77- 79 only](#)

[Public Health Act 1936 - Section 50 only](#)

- (22) That the following post holders, who are qualified in accordance with the legislation, be appointed as Health and Safety Inspectors under Section 19 of the Health and Safety at Work etc Act 1974 and any other relevant statutory provisions.

50360920 Environmental Health Manager

~~50360868 Principal Environmental Health Officer (Housing)~~

50360918 Principal Environmental Health Officer (Environmental Protection)

50360919 Principal Environmental Health Officer (Health Protection)

50360927 ~~(Senior)~~ Environmental Health Officer [\(Health Protection\)](#)

50360930 (Senior) Environmental Health Officer (Health Protection)

50360931 (Senior) Environmental Health Officer (Health Protection)

50360922 (Senior) Environmental Health Officer (Environmental Protection)

50360923 (Senior) Environmental Health Officer (Environmental Protection)

50360928 (Senior) Health Protection Officer (Health Protection)

And that they be authorised to advise upon compliance with the legislation set out in the Health and Safety at Work etc. Act 1974 and subordinate legislation made there under and any amendments thereto, to formally notify contraventions of the legislation etc. as necessary, and to [issue and](#) serve Notices relating to contraventions of the legislation etc. or Notices seeking information relating to such contraventions, to bring proceedings [or lay information] in accordance with Section 38 of the Health and Safety at Work etc. Act 1974 and [to exercise all available powers, including those listed](#) ~~any other relevant statutory provisions and to carry out the activities~~ in (a) to (e) below.

ANNEX

- (a) To carry out inspections, investigations and interviews as permitted under the relevant legislation.
 - (b) To exercise the rights of entry permitted under the relevant legislation.
 - (c) To undertake sampling, detection and seizure of goods and materials as permitted under the relevant legislation.
 - (d) To inspect and obtain records as appropriate under the relevant legislation.
 - (e) To make such records, sketches, and to take such photographs as are permitted under the legislation.
- (23) That the holders of the following posts who are qualified in accordance with the legislation be appointed as inspectors under the Animal Welfare Act 2006 and any other relevant statutory provisions.
- 50360920 Environmental Health Manager
 - 50360918 Principal Environmental Health Officer (Environmental Protection)
 - 50360919 Principal Environmental Health Officer (Health Protection)
 - ~~50360868 Principal Environmental Health Officer (Housing)~~
 - 50360921 Animal Welfare Officer
 - 50360922 (Senior) Environmental Health Officer (Environmental Protection)
 - 50360923 (Senior) Environmental Health Officer (Environmental Protection)
 - 50360927 Environmental Health Officer (Health Protection)
 - 50360928 (Senior) Health Protection Officer
 - 50360930 (Senior) Environmental Health Officer (Health Protection)
 - 50360931 (Senior) Environmental Health Officer (Health Protection)
- (24) That the Environmental Health Manager (post holder 50360920) be authorised to request reviews of licences and certificates and to make representations to review hearings, pursuant to the Licensing Act 2003 and any subordinate legislation made thereunder and any amendments thereto.
- (25) That the Principal Environmental Health Officer ([Health Protection](#)) (~~Commercial~~) (post holder 50360919) be appointed as lead officer under and in accordance with the ~~revised~~ Food Law Code of Practice (England) [2017 2015 and any amendment thereto](#).
- (26) To grant and vary licences under the Caravan Sites and Control of Development Act 1960 including appropriate licence conditions, and to authorise the necessary enforcement action under the Mobile Homes Act 2013.
- [\(27\) That the holders of the following posts be nominated as appointed officers in respect of the statutory provisions set out below.](#)
- [50360920 Environmental Health Manager](#)
 - [50360918 Principal Environmental Health Officer \(Environmental Protection\)](#)
 - [50360921 Animal Welfare Officer](#)
 - [50360928 Senior Health Protection Officer](#)

[Section 149\(1\) of the Environmental Protection Act 1990](#)

[Regulation 11\(2\) of the Microchipping of Dogs \(England\) Regulations 2015.](#)

ITEM 12 Property Purchase under Head of Estates Delegation

Report of the Finance Portfolio Holder

Recommended:

- 1. That the decision to pursue the purchase of the properties identified in the Confidential Annexes to the report be noted.**
- 2. That, following completion of the purchases, the budget for property investments be re-established in the Council's Capital Programme at £3M, with the additional sum to be financed from the Capital Receipts Reserve.**

SUMMARY:

- In November 2015, Council approved a delegated authority to the Head of Estates, in consultation with a Member Panel, to purchase property investments where the timing of the normal Council approval process would reduce the Council's ability to complete the purchase.
- The Head of Estates, after consulting the Panel, has recently exercised his authority to progress the purchase of three properties in Andover.
- In accordance with the original approval, this report is presented to update Council on the details of the purchases.

1 Introduction

1.1 The Council's Medium Term Financial Strategy (MTFS) sets the aim of working to a position where the Council is not dependent on the government's revenue support grant by 2020/21.

1.2 The workstream known as Project Enterprise has been established to progress this element of the MTFS.

2 Background

2.1 In recognition of the fast pace of the local property market, Council has approved a delegated authority to the Head of Estates, in consultation with a cross-party Member panel, to purchase property investments from a pre-approved capital budget. A sum of £3M was approved for this purpose.

2.2 The panel consists of Cllrs North, Giddings, Hurst, Stallard and Ward.

- 2.3 The panel was established as a means of enabling approval of property investments where the timing of the traditional Council approval process would reduce the Council's ability to complete the purchase. The reason for the use of the Panel is set out in section 6 of Confidential Annexes 1, 2 and 3.
- 2.4 A requirement of setting up the panel was that the details of any property approvals would be reported to the next Council meeting. The panel has recently confirmed its support for reports recommending the purchase of three houses in Andover.
- 2.5 The purpose of this report is to update Council on those decisions.

3 Corporate Objectives and Priorities

- 3.1 Project Enterprise has been established to support the objectives of the MTFs, by increasing the Council's income in order to reduce its reliance on government support. The income generated from the investment approved by the Member Panel will work towards achieving this objective.
- 3.2 The properties considered by this report will also help to deliver the Corporate Plan objective of, Live where the supply of homes reflects local needs.

4 The Properties

- 4.1 Each of the three properties was the subject of a separate report to the Member panel. A copy of the reports and the marketing details for the properties are attached as Confidential Annexes.
- 4.2 Should any of the purchases be completed, it is expected that the Council will lease the houses to Valley Housing Ltd (the Council's 100%-owned property management company) for future management and letting.
- 4.3 All three houses are three-bedroom former Council-owned properties located in Andover.

Property 1

- 4.4 Further to the consultation with the Member panel, a purchase price has been agreed with the vendor within the recommended budget limit.
- 4.5 The building survey was carried out on 18 April 2018 and has confirmed that the property is in good condition. Minor works required to ensure the property is of a lettable standard can be contained within the approved budget.
- 4.6 Contracts were exchanged on 8 June and, at the time of writing the report, completion of the purchase was scheduled for 15 June.
- 4.7 The report to the Member panel and marketing details of this property are shown in Confidential Annex 1.

Property 2

- 4.8 The report to the Member panel indicated an expected cost for the purchase of the house and also set a maximum amount that would be offered in case further negotiation was required.
- 4.9 The purchase price has since been agreed at the expected cost shown in section 4 of Confidential Annex 2.
- 4.10 The building survey was carried out on 18 May 2018 and has confirmed that the necessary works to bring the property to a lettable standard can be contained within the approved budget.
- 4.11 The conveyancing work for this purchase is ongoing with no problems foreseen at this time.

Property 3

- 4.12 A price for the purchase of the property has been agreed with the vendor at the purchase price proposed in the Member Panel report.
- 4.13 The building survey was carried out on 7 June 2018 and has confirmed that the necessary works to bring the property to a lettable standard can be contained within the approved budget.
- 4.14 The conveyancing work for this purchase is ongoing with no problems foreseen at this time.
- 4.15 The report to the Member panel and marketing details of this property are shown in Confidential Annex 3.

5 Risk Management

- 5.1 An evaluation of the risks associated with the matters in this report indicates that further risk assessment is not needed because the issues covered do not represent significant risks.
- 5.2 The risks associated with the purchases are explained in section 8 of Confidential Annexes 1-3.

6 Resource Implications

- 6.1 The business case for each of the purchases is shown in more detail in section 4 of Confidential Annexes 1-3.
- 6.2 The total amount approved to complete the three purchases is £634,000 and will be financed from a pre-approved budget of £3M in the Council's Capital Programme.
- 6.3 If all three properties are completed in line with the approved budget, this would leave a balance of £2.366M in the Capital Programme for property acquisitions.

6.4 It is recommended that this budget be re-established at £3M after the completion of the purchase, with the additional amount to be financed from the Capital Receipts Reserve.

7 Legal Implications

7.1 The legal work required to complete the property purchase will be carried out by the Council's Legal & Democratic Services team.

7.2 Delegated authority is already in place for an onward lease from the Council to VHL for future management of the properties.

8 Conclusion and reasons for recommendation

8.1 The Head of Estates has exercised his delegated authority to progress the purchase of three houses after consultation with the cross-party Member panel established for that purpose.

8.2 This report provides Council with the details of that decision and the progress made since the decision was taken.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
<u>Report</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
<u>Annexes</u>			
It is considered that the annexes contain exempt information within the meaning of paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended. It is further considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because the information relates to the financial or business affairs of both the Council and third parties.			
No of Annexes:	3	File Ref:	N/A
(Portfolio: Finance) Councillor Giddings			
Officer:	Carl Whatley	Ext:	8540
Report to:	Council	Date:	27 June 2018

ITEM 13 Overview and Scrutiny Annual Report 2017/18

This Annual Report for OSCOM has been drafted by Councillor Chris Lynn, after his sixth year as Chairman. I should start by thanking Chris for his good work over these six years, and wish him well in whatever project he turns his hand to in the future.

Scrutiny through OSCOM is an essential part of ensuring that governance of Test Valley remains effective and accountable with the aim of improving the quality of public services. During the term with Councillor Lynn as Chairman, OSCOM has developed to be more focussed and therefore more effective.

This year, we have concentrated on fact finding through a variety of methods including briefing notes, round table discussions, and panels, plus the usual full items brought to the committee.

Away Day

We held our annual Away Day on Saturday 22 July 2017 in the Andover Guildhall. The day started off with training by Dave Burn, the then Interim Democratic Services Manager, on 'Choosing the right subject to focus on and why'. Group workshops were held with the aim to compile a list of topics/areas which Members considered they would like to add to the Work Programme around the four Corporate priorities of 'Live', 'Work', 'Enjoy' and 'Contribute'. Feedback was taken from the group lists and a short list of subjects agreed on.

20 topics and 9 operational matters were identified. These topics were either added to the work programme, informally discussed with the relevant officers or scheduled as round table discussions.

Discussions

Informal discussions were held between officers and members on a number of topics raised at the Away Day and the outcomes of those meetings were circulated to OSCOM members as briefing notes.

- Flytipping
- Elections
- Review of Car Park Strategy
- Hampshire Home Choice
- Landlord Rental Schemes
- Housing Development/Affordability

A discussion had also been held at OSCOM which had led to a special meeting with Test Valley Partners on accessibility within the Borough and challenges facing people with disabilities.

Round table discussions

7 round table discussions have been held during the last year including

- Web Strategy
- Annual Review of the Corporate Action Plan
- Waste and Recycling in Test Valley
- Romsey Future
- Development of the Corporate Plan 2019/2023
- Future Plans for the Andover Magistrates Court
- Ward and Multi Ward grants
- Community Engagement

Items and Meetings

The new form for bringing items to committee for discussions is working well. We now agree in advance what outcomes are required and how this will impact on both OSCOM and Cabinet.

There have been 11 meetings held since the last Chairman's Annual report and 19 items of business discussed. A number of these items have been considered by OSCOM on their way to Cabinet and Council.

Members and Officers have been working well together which has in my view, helped in a number of recommendations from OSCOM being agreed at Cabinet.

In particular our more outward-focussed approach has led to some very successful panel reviews this year.

Panels

Communications and Procurement Panel – This Panel was led by Councillor John Cockaday. The Panel's work focussed on what lessons could be learnt about the way the Council communicated about procurement exercises and large projects. The Panel's recommendations were based on its findings in respect of both internal and external communications. The Panel reported back to OSCOM on 25 October 2017 and made 6 recommendations. 2 of those recommendations were amended by OSCOM and then went on to Cabinet on 18 November 2017 where all 6 were agreed.

Call In – This panel was led by Councillor Celia Dowden. The Panel was set up following the Away Day and was referred to in last year's Annual Report. At that time 4 Recommendations had been reported to OSCOM on 22 March 2017. These were then referred to Cabinet and then back to OSCOM and finally referred to Cabinet on 21 June 2017. They were then reported to Council on 6 September 2017 where they were agreed.

Public Involvement Panel – The Panel was led by Councillor Dorothy Baverstock, and was set up to look at public participation at OSCOM, the Borough Council more widely

and its service delivery. The key areas of focus were to evaluate the current position, methods and level of participation, attitudes to public participation and how to make it more attractive and consider the potential for improving the effectiveness of what we do. OSCOM on 22 March agreed that the findings of the Panel be referred to the Member and Community Development working group to develop the proposals further and to report back to OSCOM with proposed actions for onward submission to Cabinet.

Planning Panel – This Panel was led by Councillor Ian Hibberd. Its role was to review the role and operation of the Planning Control Committee and the two area Planning Committees and to gain a better understanding of how the Planning Committees operated, producing recommendations for their future role, structure and composition.

Council Tax Support Scheme Panel – This Panel was led by Councillor Dorothy Baverstock. It was set up to review the Council Tax Support Scheme 2019/20 and beyond in light of the Government's programme to introduce Universal Credit and financial effect for Council and residents. The Panel recommended a range of options to OSCOM on 21 March 2018 and OSCOM agreed the options put forward, which went to Cabinet on 25 April 2018.

Budget and Audit Panels were held under the leadership of Councillor Ian Jeffrey, and discussed the External Audit Planning Report, Certification of Claims and Returns Annual Report 2016-17, Internal Audit Plan for 2018/19 and Internal Audit Progress Report to 28 February 2018, Draft Annual Governance Statement 2017/18, External Audit Fee Letter, Internal Audit Report 2016/17 and Progress Report 2017/18, Annual Governance Statement, Annual Audit Results Report, Internal Audit Progress Report to 31 August 2017, Update on Appointment of New External Auditor, Annual Audit Letter, Internal Audit Progress Report 2017-18 to 17 November 2017, Review of Revenue Outturn 2016/17, Summary of 2018/19 Budget Position, Draft Corporate Challenge Options 2018/19, Proposed Fees and Charges 2018/19 as well as the management and forward planning of their work programmes.

Briefing Notes

16 briefing notes have been circulated to OSCOM Members in the last year on a wide range of issues across the Borough with input from officers in a number of services. These have been well received by Members and have been very informative. Officers seem to be very happy to provide these.

I hope all members of the committee will agree we have moved on and we are now getting far better results by looking at items in a more focussed and defined way. I am glad the Cabinet, under the leadership of Cllr North, has recognised our worth and are now bringing items to us at a much earlier date so we can have an input, especially the Budget, the Corporate Plan and of course the Andover Vision and Romsey Future. I hope the input from a further 15 people helps Cabinet make better and more informed decisions.

Finally, Chris takes the opportunity to thank all members who have been on OSCOM during his time as Chairman, and wishes OSCOM continued success in the future.

3.4 Delegations to Head of Planning Policy (*Page 71 of the Constitution*)

- 3.4.1 The job titles of three members of the Planning Policy team have been amended, as shown in the Annex to the report, following a minor team restructure.

4 Corporate Objectives and Priorities

- 4.1 Maintaining and improving the Constitution to reflect current legislation and the broader agenda of local government is essential in order to deliver effective and lawful decisions in the day to day implementation of the Corporate Plan.

5 Consultations/Communications

- 5.1 In accordance with Article 14.3 (c) (ii), the amendments were made in consultation with the Corporate Portfolio Holder where required..

6 Option Appraisal

- 6.1 Failure to update the Constitution to reflect current legislation or to ensure clarity in the authority and execution of decision-making could mean that the Council may be subject to legal challenge..

7 Risk Management

- 7.1 A risk assessment has been completed in accordance with the Council's Risk management process and the existing risk controls in place mean that no significant risks (Red or Amber) have been identified, save for the potential for legal challenge.

8 Resource Implications

- 8.1 None save the time of officers in undertaking the necessary changes to the Constitution.

9 Legal Implications

- 9.1 Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution under review.
- 9.2 The amended Scheme of Delegations will ensure that the powers delegated to Officers are clearly and accurately stated. Such clarity and accuracy will ensure that delegated powers are always operated lawfully.

10 Equality Issues

- 10.1 An Equality Impact Assessment of the matters in this report is not required as no potential for unlawful discrimination and/or low level or minor negative impact have been identified.

11 Other Issues

- 11.1 Community Safety - None
- 11.2 Environmental Health Issues - None
- 11.3 Sustainability and Addressing a Changing Climate - None
- 11.4 Property Issues - None
- 11.5 Wards/Communities Affected – None specifically

12 Conclusion and reasons for recommendation

- 12.1 This report details amendments made to the Council’s Constitution in accordance with Article 14.3.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	1	File Ref:	N/A
(Portfolio: Corporate) Councillor Flood			
Officer:	Karen Dunn	Ext:	8401
Report to:	Council	Date:	27 June 2018

Delegations to the Head of Housing and Environmental Health

- (21) That the Environmental Health Manager (post holder 50360920) shall be authorised to advise upon compliance with the legislation set out in (k) below, and subordinate legislation made there under and any amendments thereto, to formally notify contraventions of the legislation etc. as necessary, and to serve Notices relating to contraventions of the legislation etc. or Notices seeking information relating to such contraventions and to carry out the activities in (a) to (k) below.
- (a) To make charges, agree contracts, make expenditure, authorise work in default, and allocate grant aid as permitted within approved budgets and environmental health legislation.
 - (b) To respond to consultations relating to technical and legal matters which are delegated.
 - (c) To promote and publicise compliance with legislation, good health and good environmental practice.
 - (d) To provide services relating to Environmental Health matters, as permitted under the relevant legislation set out in (k) below.
 - (e) To grant, with or without conditions, or to refuse applications for and to revoke street trading licences or consents. To make charges for such grants up to the limit stipulated in the Council's budget.
 - (f) To carry out investigations and to obtain, issue, give or publish notices or orders for the control of infectious disease as permitted under the relevant legislation.
 - (g) To make, refuse, or vary such registrations as are applied for, or requested, under the legislation set out in (k) below and to maintain appropriate registers.
 - (h) To grant, refuse, or vary authorisations and licences as are applied for under the legislation set out in (k) below.
 - (i) In consultation with the Housing and Environmental Health Portfolio Holder, to agree the payment of additional grant above the £15,000.00 maximum for Discretionary Renovation Grants (DRGs) in appropriate circumstances.
 - (j) To prepare reports for legal proceedings in the event of contravention of legislation set out in (k) below and in the event of contraventions of the Health & Safety at Work etc. Act 1974, subordinate legislation made thereunder or any amendments thereto, to issue instructions to the Council's Solicitors to take legal proceedings.
 - (k) That the holders of the posts below be authorised to enter land or premises, to carry out any act included in, to advise upon compliance with, and to formally notify contraventions of the legislation and subordinate legislation made there under and any amendments thereto, as set out below.

- 50360919 **Principal Environmental Health Officer**
(Commercial)Health Protection)
- 50360922 **(Senior) Environmental Health Officer**
(Environmental Protection)
- 50360923 **(Senior) Environmental Health Officer**
(Environmental Protection)
- 50360927 **Environmental Health Officer (Health Protection)**
- 50360930 **(Senior) Environmental Health Officer (Health**
Protection)
- 50360931 **(Senior) Environmental Health Officer (Health**
Protection)

Animal Boarding ~~and~~ Establishments Act 1963
 Animal By-Products (Enforcement) (England) Regulations 2011
 Animal Health Act 1981
 Animal Welfare Act 2006
 Anti-Social Behaviour Act 2003 Part 6 as amended by the Clean
 Neighbourhoods and Environment Act 2005
 Anti-Social Behaviour, Crime and Policing Act 2014
 Asbestos at Work Regulations 1994
 Asbestos Regulations 1983
 Breeding and Sale of Dogs (Welfare) Act 1999
 Breeding of Dogs Act 1973 and 1991
 Building Act 1984
 Caravan Sites and Control of Development Act 1960
 Clean Air Act 1993
 Clean Neighbourhoods and Environment Act 2005
 Contaminants in Food (England) Regulations 2007
 Control of Pollution Act 1974
 Crime and Disorder Act 1998
 Criminal Justice and Public Order Act 1994
 Dangerous Dogs Act 1991
 Dangerous Wild Animals Act 1976
 Environment Act 1995
 Environmental Protection Act 1990
 European Communities Act 1972
 Factories Act 1961
 Food and Environmental Protection Act 1988
 Regulation (EC) 852/2004, 853/2004, 854/2004 178/2002 – Food
 Hygiene (England) Regulations 2006
 Food Safety Act 1990
 Food Safety and Hygiene (England) Regulations 2013
 General Food Regulations 2005
 Hampshire Act 1983
 Health Act 2006 Part 1 Chapter 1
 Health and Safety (Enforcing Authority)~~ement~~ Regulations 1998
 Home Energy Conservation Act 1995
 Housing Acts 1957 to 2004
 Housing Grants, Construction and Regeneration Act 1996 as
 amended by the Local Democracy, Economic Development and
 Construction Act 2009

Imported Food Regulations 1997
Licensing Act 2003
Litter Act 1993
Local Government and Housing Act 1989
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Meat (Enhanced Enforcement Powers) (England) Regulations
2000
National Assistance Act 1948
Natural Mineral ~~w~~Water, Spring Water & Bottled Drinking Water
Regulations 1999
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Offices, Shops and Railway Premises Act 1963
Official Feed and Food Controls (England) Regulations 2007 (as
amended)
Official Feed and Food Controls (England) Regulations 2009
Open Spaces Act 1906
Pet Animals Act 1951
Police and Criminal Evidence Act 1984
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Public Health Acts 1875, 1936 to 1961
Public Health (Control of Disease) Act 1984
Quick Frozen Foodstuffs Regulations 1990
Redress Schemes for Letting Agency Work and Property
Management work (Requirements to Belong to a Scheme etc.)
(England) Order 2014
Refuse Disposal (Amenity) Act 1978
Regulation of Investigatory Powers Act 2000
Riding Establishments Act 1964 and 1970
~~Scrap Metal Dealers Act 2013~~
Shops Act 1950
Smoke and Carbon Monoxide Alarm (England) Regulations 2015
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Trade in Animals and Related Products Regulations 2011
Transmissible Spongiform Encephalopathyies (England)
Regulations 2002
Water Industry Act 1991
Zoo Licensing Act 1981

50360868 Principal Environmental Health Officer (Housing)

Animal Boarding ~~and~~ Establishmentss Act 1963
Animal Health Act 1981
Animal Welfare Act 2006
Anti-social Behaviour Act 2003 Part 6 as amended by the Clean
Neighbourhoods and Environment Act 2005
Asbestos at Work Regulations 1994
Asbestos Regulations 1983

Breeding and Sale of Dogs (Welfare) Act 1999
Breeding of Dogs Act 1973 and 1991
Building Act 1984
Caravan Sites and Control of Development Act 1960
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
~~Contaminants in Food (England) Regulations 2007~~
Control of Pollution Act 1974
Crime and Disorder Act 1998
Criminal Justice and Public Order Act 1994
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1976
Environment Act 1995
Environmental Protection Act 1990
European Communities Act 1972
~~Factories Act 1961~~
~~Food and Environmental Protection Act 1988~~
~~Regulation (EC) 852/2004, 853/2004, 854/2004 178/2002 – Food Hygiene (England) Regulations 2006~~
~~Food Safety Act 1990~~
~~General Food Regulations 2005~~
Hampshire Act 1983
Health Act 2006 Part 1 Chapter 1
Health and Safety Enforcement Regulations 1998
Home Energy Conservation Act 1995
Housing Acts 1957 to 2004
Housing Grants, Construction and Regeneration Act 1996
~~Imported Food Regulations 1997~~
Licensing Act 2003
Litter Act 1993
Local Government and Housing Act 1989
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
~~Meat (Enhanced Enforcement Powers) (England) Regulations 2000~~
National Assistance Act 1948
~~Natural Mineral water, Spring Water & Bottled Drinking Water Regulations 1999~~
Noise Act 1996
Noise and Statutory Nuisance Act 1993
~~Offices, Shops and Railway Premises Act 1963~~
~~Official Feed and Food Controls (England) Regulations 2007 (as amended)~~
Open Spaces Act 1906
Pet Animals Act 1951
Police and Criminal Evidence Act 1984
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Public Health Acts 1875, 1936 to 1961
Public Health (Control of Disease) Act 1984
~~Quick Frozen Foodstuffs Regulations 1990~~

Redress Schemes for Letting Agency Work and Property Management work (Requirements to Belong to a Scheme etc.) (England) Order 2014
Refuse Disposal (Amenity) Act 1978
Regulation of Investigatory Powers Act 2000
Riding Establishments Act 1964 1970
~~Scrap Metal Dealers Act 2013~~
Shops Act 1950
Smoke and Carbon Monoxide Alarm (England) Regulations 2015
Sunday Trading Act 1994
~~Transmissible Spongiform Encephalopathy (England) Regulations 2002~~
Water Industry Act 1991
~~Zoo Licensing Act 1981~~

**50360918 Principal Environmental Health Officer
(~~Pollution~~Environmental Protection)**

Animal Boarding ~~and~~ Establishments Act 1963
Animal Health Act 1981
Animal Welfare Act 2006
Anti-social Behaviour Act 2003 Part 6 as amended by the Clean Neighbourhoods and Environment Act 2005
Anti-Social Behaviour, Crime and Policing Act 2014
Asbestos at Work Regulations 1994
Asbestos Regulations 1983
Breeding and Sale of Dogs (Welfare) Act 1999
Breeding of Dogs Act 1973 and 1991
Building Act 1984
Caravan Sites and Control of Development Act 1960
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
~~Contaminants in Food (England) Regulations 2007~~
Control of Pollution Act 1974
Crime and Disorder Act 1998
Criminal Justice and Public Order Act 1994
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1976
Environment Act 1995
Environmental Protection Act 1990
European Communities Act 1972
~~Regulation (EC) 852/2004, 853/2004, 854/2004 178/2002 – Food Hygiene (England) Regulations 2006~~
~~Factories Act 1961~~
~~Food and Environmental Protection Act 1988~~
~~Food Safety Act 1990~~
~~General Food Regulations 2005~~
Hampshire Act 1983
Health Act 2006 Part 1 Chapter 1
Health and Safety (~~Enforcing Authority~~)~~ement~~ Regulations 1998
Home Energy Conservation Act 1995

Housing Acts 1957 to 2004
Housing Grants, Construction and Regeneration Act 1996
~~Imported Food Regulations 1997~~
Licensing Act 2003
Litter Act 1993
Local Government and Housing Act 1989
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
~~Meat (Enhanced Enforcement Powers) (England) Regulations 2000~~
National Assistance Act 1948
Natural Mineral ~~W~~ater, Spring Water & Bottled Drinking Water Regulations 1999
Noise Act 1996
Noise and Statutory Nuisance Act 1993
~~Offices, Shops and Railway Premises Act 1963~~
~~Official Feed and Food Controls (England) Regulations 2007 (as amended)~~
Open Spaces Act 1906
Pet Animals Act 1951
Police and Criminal Evidence Act 1984
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Public Health Acts 1875, 1936 to 1961
Public Health (Control of Disease) Act 1984
~~Quick Frozen Foodstuffs Regulations 1990~~
Redress Schemes for Letting Agency Work and Property Management work (Requirements to Belong to a Scheme etc.) (England) Order 2014
Refuse Disposal (Amenity) Act 1978
Regulation of Investigatory Powers Act 2000
Riding Establishments Act 1964 1970
~~Scrap Metal Dealers Act 2013~~
Shops Act 1950
Smoke and Carbon Monoxide Alarm (England) Regulations 2015
Sunday Trading Act 1994
~~Transmissible Spongiform Encephalopathy (England) Regulations 2002~~
Water Industry Act 1991
Zoo Licensing Act 1981

~~**50360932 — Senior Health Protection Officer**~~
~~Asbestos at Work Regulations 1994~~
~~Asbestos Regulations 1983~~
~~Food and Environmental Protection Act 1988~~
~~Food Safety Act 1990~~
~~Hampshire Act 1983~~
~~Health Act 2006 Part 1 Chapter 1~~
~~Health and Safety Enforcement Regulations 1998~~
~~Licensing Act 2003~~
~~Local Government (Misc. Provisions) Acts 1976 and 1982~~

~~Offices, Shops and Railway Premises Act 1963~~
~~Prevention of Damage by Pests Act 1949~~
~~Public Health (Control of Disease) Act 1984~~
~~Riding Establishments Act 1964~~~~Sunday Trading Act 1994~~
~~Sunbeds (Regulation) Act 2010~~

50360928 (Senior) Health Protection Officer

Animal Boarding ~~and~~ Establishments Act 1963
Animal By-Products (Enforcement) (England) Regulations 2011
Animal Health Act 1981
Animal Welfare Act 2006
Asbestos at Work Regulations 1994
Asbestos Regulations 1983
Breeding of Dogs Act 1973 and 1991
Clean Neighbourhoods and Environment Act 2005
Contaminants in Food (England) Regulations 2007
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1975
Environmental Protection Act 1990
European Communities Act 1972
Factories Act 1961
Food and Environmental Protection Act 1988
Regulation (EC) 852/2004, 853/2004, 854/2004 178/2002 – Food
Hygiene (England) Regulations 2006
Food Safety Act 1990
Food Safety and Hygiene (England) Regulations 2013
General Food Regulations 2005
Hampshire Act 1983
Health Act 2006 Part 1 Chapter 1
Health and Safety (~~Enforcing Authority~~)~~ement~~ Regulations 1998
Licensing Act 2003
Local Government (Misc. Provisions) Acts 1976 and 1982
Natural Mineral water, Spring Water & Bottled Drinking Water
Regulations 1999
Noise and Statutory Nuisance Act 1993
Offices, Shops and Railway Premises Act 1963
Official Feed and Food Control (England) Regulations 2009
Pet Animals Act 1951
Prevention of Damage by Pests Act 1949
Public Health (Control of Disease) Act 1984
Quick Frozen Foodstuffs Regulations 1990
Riding Establishments Act 1964 and 1970
Shops Act 1950
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Trade in Animals and Related Products Regulations 2011
Water Industry Act 1991
Zoo Licensing Act 1981

50360869 Senior Private Sector Housing Officer

50360870 Senior Private Sector Housing Officer

50360871 Senior Private Sector Housing Officer

Building Act 1984

Caravan Sites and Control of Development Act 1960

Clean Neighbourhoods and Environment Act 2005

Environmental Protection Act 1990 - all powers under Section 79

(1) a and h Housing Acts 1957 to 2004

Housing Grants, Construction and Regeneration Act 1996

Licensing Act 2003

Local Government and Housing Act 1989

Local Government (Miscellaneous Provisions) Acts 1976 and 1982

Redress Schemes for Letting Agency Work and Property

Management work (Requirements to Belong to a Scheme etc.)

(England) Order 2014

RIDDOR 2000

Smoke and Carbon Monoxide Alarm (England) Regulations 2015

50360925 Environmental Protection Officer

Anti-social Behaviour Act 2003 Part 6 as amended by the Clean

Neighbourhoods and Environment Act 2005

Anti-Social Behaviour, Crime and Policing Act 2014

Building Act 1984

Clean Air Act 1993

Clean Neighbourhoods and Environment Act 2005

Control of Pollution Act 1974

Crime and Disorder Act 1998

Environment Act 1995

Environmental Protection Act 1990

Health Act 2006 Part 1 Chapter 1

Licensing Act 2003

Local Government (Misc. provisions) Acts 1976-1982

National Assistance Act 1943

Noise Act 1996

Noise and Statutory Nuisance Act 1993

Pollution Prevention and Control Act 1999

Prevention of Damage by Pests Act 1949

Public Health Acts 1875, 1936 to 1961

~~Scrap Metal Dealers Act 2013~~

Water Industry Act 1991

50360924 Scientific Officer

Building Act 1984

Clean Air Act 1993

Control of Pollution Act 1974

Environment Act 1995

Environmental Protection Act 1990

Licensing Act 2003

Local Government (Misc. provisions) Acts 1976 and 1982

Noise Act 1996

Noise and Statutory Nuisance Act 1993
Prevention of Damage by Pests Act 1949
Public Health Acts 1875, 1936 to 1961
~~Scrap Metal Dealers Act 2013~~
Water Industry Act 1991

50360921 Animal Welfare Officer

Animal Boarding and Establishment Act 1963
Animal Health Act 1981
Animal Welfare Act 2006
Anti-Social Behaviour, Crime and Policing Act 2014
Breeding of Dogs Act 1973 and 1991
Clean Neighbourhoods and Environment Act 2005
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1976
Environmental Protection Act 1990
Local Government (Misc. Provisions) Acts 1976 and 1982
Noise and Statutory Nuisance Act 1993
Pet Animals Act 1951
Riding Establishments Act 1964 and 1970
Zoo Licensing Act 1981

- (l) That the holders of the posts below be authorised to enter land or premises and to carry out any act included in the Prevention of Damage by Pests Act 1949:
- 50360854 Area Pest Control Officer
50360855 Area Pest Control Officer

- (22) That the following post holders, who are qualified in accordance with the legislation, be appointed as Health and Safety Inspectors under Section 19 of the Health and Safety at Work etc Act 1974 and any other relevant statutory provisions.

50360920 Environmental Health Manager
50360868 Principal Environmental Health Officer (Housing)
50360918 Principal Environmental Health Officer (~~Pollution~~Environmental Protection)
50360919 Principal Environmental Health Officer (~~Commercial~~Health Protection)
50360927 Environmental Health Officer
50360930 (~~Senior~~) Environmental Health Officer (Health Protection)
50360931 (~~Senior~~) Environmental Health Officer (Health Protection)
50360922 (~~Senior~~) Environmental Health Officer (Environmental Protection)
50360923 (~~Senior~~) Environmental Health Officer (Environmental Protection)
50360928 (~~Senior~~) Health Protection Officer
~~50360932 Senior Health Protection Officer~~

And that they be authorised to advise upon compliance with the legislation set out in the Health and Safety at Work etc. Act 1974 and subordinate legislation made there under and any amendments thereto, to formally notify contraventions of the legislation etc. as necessary, and to serve Notices relating to contraventions of the legislation etc. or Notices seeking information relating to such contraventions, to bring proceedings [or lay information] in accordance with Section 38 of the Health and Safety at Work etc. Act 1974 and any other relevant statutory provisions and to carry out the activities in (a) to (e) below.

- (a) To carry out inspections, investigations and interviews as permitted under the relevant legislation.
 - (b) To exercise the rights of entry permitted under the relevant legislation.
 - (c) To undertake sampling, detection and seizure of goods and materials as permitted under the relevant legislation.
 - (d) To inspect and obtain records as appropriate under the relevant legislation.
 - (e) To make such records, sketches, and to take such photographs as are permitted under the legislation.
- (23) That the holders of the following posts who are qualified in accordance with the legislation be appointed as inspectors under the Animal Welfare Act 2006 and any other relevant statutory provisions.
- 50360920 Environmental Health Manager
 - 50360919 Principal Environmental Health Officer (~~Commercial~~Health Protection)
 - 50360868 Principal Environmental Health Officer (Housing)
 - 50360918 Principal Environmental Health Officer (~~Pollution~~Environmental Protection)
 - 50360927 Environmental Health Officer (Health Protection)
 - 50360930 (Senior) Environmental Health Officer (Health Protection)
 - 50360931 (Senior) Environmental Health Officer (Health Protection)
 - 50360922 (Senior) Environmental Health Officer (Environmental Protection)
 - 50360923 (Senior) Environmental Health Officer (Environmental Protection)
 - 50360928 (Senior) Health Protection Officer
 - 50360921 Animal Welfare Officer
- (24) That the Environmental Health Manager (post holder 50360920) be authorised to request reviews of licences and certificates and to make representations to review hearings, pursuant to the Licensing Act 2003 and any subordinate legislation made thereunder and any amendments thereto.
- (25) That the Principal Environmental Health Officer (~~Commercial~~Health Protection) (post holder 50360919) be appointed as lead officer under and in accordance with the revised Food Law Code of Practice (England) 2015.

Delegations to the Head of Planning Policy

- (1) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Chief Executive from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto, as set out in the:

Planning (Listed Building and Conservation Areas) Act 1990
Town and Country Planning Act 1990

50361050	Head of Planning Policy
50361059	Senior Principal Planning Officer (Strategy)
50361056	Senior Principal Planning Officer (Implementation Delivery)
50361062	Senior Planning Officer
50361061	Planning Officer
50361055	Transport Planner

ITEM 15

Exclusion of the Public

Recommended:

That, pursuant Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following report on the grounds that it involves the likely disclosure of exempt information as defined in the following Paragraphs of Part 1 of Schedule 12A of the Act, as amended, indicated below. The public interest in maintaining the exemption outweighs the Public interest in disclosing the information for the reason given below:

To receive and, where necessary, adopt the following reports of Committees – Confidential Appendix **Paragraph 3**

Property Purchase under Head of Estates Delegation – Confidential Annexes **Paragraph 3**

It is considered that the annexes to these reports contain exempt information within the meaning of paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended. It is further considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because the information relates to the financial or business affairs of the Council and third parties who are necessarily identified, which information is commercially sensitive and which by its disclosure would have an adverse effect upon the interests of those third parties and the Council as they seek to settle agreed terms of business.

Strategic Land Purchase **Paragraph 3**

It is considered that the report contains exempt information within the meaning of paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended. It is further considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because the information relates to the financial or business affairs of the Council and third parties who are necessarily identified, which information is commercially sensitive and which by its disclosure would have an adverse effect upon the interests of those third parties and the Council as they seek to settle agreed terms of business.