

Notice of Meeting

Annual Meeting of the Council

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

Date: Monday 13 May 2019

Time: 11.00 am

Venue: Main Hall, Crosfield Hall, Broadwater Road, Romsey, Hampshire,
SO51 8GL

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

ehorbury@testvalley.gov.uk

Legal and Democratic Service

Test Valley Borough Council,
Beech Hurst, Weyhill Road,
Andover, Hampshire,
SP10 3AJ

www.testvalley.gov.uk

Council

Monday 13 May 2019

AGENDA

1 Prayers

2 Apologies

3 Election of a Mayor for the ensuing year

4

On appointment the Mayor will make in statutory form the declaration of acceptance of office. The Mayor will leave the Chamber for robing and will return to receive his/her insignia of Office. The Mayor will then announce the appointment of the Mayor's Chaplains and will return thanks for his/her election to Office.

Note: A description of the role of the Mayor's Chaplains is set out on page 4 of the agenda.

4 Vote of thanks to the retiring Mayor and Mayoress

5 Election of a Deputy Mayor for the ensuing year

On appointment the Deputy Mayor will make in statutory form the declaration of acceptance of office. The Deputy Mayor will be invested with his/her Insignia of Office and will then return thanks for his/her election to office.

6 Appointment of Leader

7 Local Government and Housing Act 1989 Committees - Voting Rights and Political Balance

5 - 7

To allocate seats to a political group that wishes to be treated as a political group for the purposes of the Local Government and Housing Act 1989.

8 Appointments to Committees and Outside Bodies and dates and times of meetings of the Council

8 - 10

To appoint the membership of the Committees of the Council, representatives to Outside Bodies and to approve the dates and times of ordinary meetings of the Council for the Civic Year 2019/20.

9 **Appointment of Chairman to Overview and Scrutiny Committee** **11**

To appoint the Chairman of the Overview and Scrutiny Committee.

10 **Scheme of Delegations** **12 - 56**

To approve the Council's Scheme of Delegations as amended and to incorporate it into the Council's Constitution.

ITEM 3

THE ROLE OF THE MAYOR'S CHAPLAINS

The Mayor's Chaplain is chosen by the Mayor and announced at the Council's Annual meeting in May of each year. More than one chaplain may be appointed at any one time – usually from the north and the south of the Borough. This is often the vicar, priest or minister of the Mayor's local church but to preserve continuity the Mayor could opt to retain one or more of the Chaplains from the previous mayoral year.

The post of Mayor's Chaplain has no legal status, is an honorary one, and as such is unpaid.

The traditional role of the Chaplain is to offer spiritual, pastoral and moral support/guidance to the Mayor in confidence.

Over and above being available to provide support should the Mayor so require, the Chaplains will also meet informally with the Mayor at their discretion. The Mayor's Assistant will email the Mayor's weekly diary of appointments to the Chaplains to afford them an opportunity to include the Mayor in their thoughts and prayers.

The Chaplain is responsible for prayers before Council meetings. It serves as an opportunity to remind Members of their role as representatives of the larger community which they represent and the impact of their deliberations and decisions on their community as a whole.

The Chaplain also plays an important role in assisting with the format of the annual Civic Service and other services. He or she attends civic functions, for example Remembrance Day or any other occasions by invitation of the Mayor and is responsible for Grace at Civic Dinners where requested.

At Christmas time the Chaplain may accompany the Mayor on visits to local hospitals and homes and can also be relied on to support citizens and the community in a time of local crisis or disaster.

ITEM 7 Local Government and Housing Act 1989 Committees – Voting Rights and Political Balance

Report of the Head of Legal and Democratic Services (Portfolio: Corporate)

Recommended:

That for the purposes of Part 1 of the Local Government and Housing Act, 1989 the allocation of seats on the Standing Committees of the Council be as follows:

<u>COMMITTEE</u>	<u>Group</u>
General Purposes	
Licensing	
Overview and Scrutiny Committee	
Northern Area Planning Committee	
Southern Area Planning Committee	

SUMMARY:

- The purpose of the report is to allocate seats to a political group that wishes to be treated as a political group for the purposes of the Local Government and Housing Act 1989.

1 Introduction

- 1.1 The Local Government and Housing Act 1989 (“the Act”) introduced the requirement that where members of an authority are formally divided into political groups, appointments to bodies to which the Act applies i.e. Committees and Sub-Committees, must be made on the basis of political proportionality.
- 1.2 The Council is treated as being divided into political groups when one group notifies its intention to be a political group.
- 1.3 It will be reported at the meeting if any groups have notified the Council of its intention to be a political group.

2 Political Balance on Committees

- 2.1 Where the membership of a district council is divided into formal political groups there is a duty on the Council to review the representation of the different political groups on committees. Committees in turn have a similar duty in respect of sub-committees appointed by them. The Council, or committee, has to determine the allocation of seats to the different political groups. That decision has to be made in accordance with the following principles.

- (a) Not all seats on a committee are to be allocated to the same political group.
- (b) That the majority of seats on a committee are allocated to the majority political group.
- (c) That subject to (a) and (b) above, the number of seats on the ordinary committees of the Council allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the Authority.
- (d) That, subject to (a) – (c) above, the number of seats on the Committee allocated to each political group bears the same proportion to the number of all seats on that Committee as is borne by the number of members of that group to the membership of the Authority.

In other words, the intention is that as far as is practicable committees and sub-committees share the same political balance as the Council but within the foregoing rules.

- 2.2 Political groups need not necessarily be groups of members of the same political persuasion. They can be groupings on any basis and are to be defined further by the Regulations. In essence, political groups will be constituted by two or more members signing and delivering to the Proper Officer a request in writing to be treated as a political group. The request will state the description by which the group is to be known and must name one member as its leader.
- 2.3 Political groups within the definition will be entitled, within the rules, to allocate the seats available to their group to nominated group members of their choice.
- 2.4 The Council may decide unanimously (i.e. with no member voting against) that they wish to adopt some arrangement other than that which would be required by the Act. Such arrangements can take any form that is otherwise lawful. Formal notice of such proposals would need to accompany the summons for the relevant meeting of the Council Committee. Accordingly, the Planning Area Committees may retain their existing composition provided no member votes against the arrangement. If they do the proportionality rules must be applied.
- 2.5 It is also open for any of the political groups on a local authority to agree amongst themselves to arrangements that are different from those that the statutory provisions otherwise require.
- 2.6 Where more than one group reach agreement to use their nomination rights to give effect to the arrangements which they have reached, as regard their share of the seats, then those arrangements would apply, leaving the other groups on the Council to their statutory rights as to allocation of seats.

3 Review of Allocation of Seats

- 3.1 Notice must be given in a particular form, to the Proper Officer of any changes to political groups. If this is received more than one month after the last review, the Council and Committees must as soon as reasonably practicable review proportionality on committees and sub-committees respectively.

<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)			
Officer:	Karen Dunn	Ext:	8401
Report to:	Annual Council	Date:	13 May 2019

**ITEM 8 Appointments to Committees & Outside Bodies and
Dates & Times of Meetings of the Council**

Report of the Head of Legal and Democratic Services (Portfolio: Corporate)

Recommended:

That appointments be made to the following positions:

1 Committees

a) Overview and Scrutiny Committee (18)

18 members

b) Northern Area Planning Committee (13)

Councillor(Chairman), Councillor(Vice Chairman) and 11 others.

c) Southern Area Planning Committee (13)

Councillor(Chairman), Councillor(Vice Chairman) and 11 others.

d) General Purposes Committee (11)

Councillor(Chairman), Deputy Leaderor relevant Portfolio Holder (Vice Chairman) and 7 others.

e) Licensing Committee (15)

Councillor (Chairman), Councillor(Vice Chairman) and 13 others.

2 To select representatives to sit on various Committees and Outside Bodies for a further period of one year or for the period specified:-

(a) Local Organisations and Charities

Andover Charities Trustees
Andover Crisis and Support Centre
Andover Cruse Bereavement Care
Andover Town Football Club Board
Crimestoppers Hampshire
Enham Trust
Friends of King John's Garden
Friends of Romsey Abbey
Hampshire Playing Fields Association
Improvement and Efficiency South East (IESE) Ltd
John Hanson School Awards Foundation
King John's House and Tudor Cottage Trust Ltd
Michelmersham Silver Band
Miss Gale's Educational Foundation
North Wessex Downs AONB Management Committee
Romsey Agricultural and Horse Show
Sambourne Foundation Trustee
Test Valley Arts Foundation
Test Valley Brass Band
Test Valley Citizens Advice Bureau Management Committee
Tourism South East
Unity

(b) Local Authority Co-operation

Central Hampshire Road Safety Council
Hampshire & Isle of Wight Local Government Association
Hampshire Police and Crime Panel
Local Democracy and Accountability Network
Local Government Association General Assembly
New Forest Consultative Panel
New Forest National Park Authority
Project Integra Management Board

PUSH (Partnership for Urban South Hampshire) Joint Overview and Scrutiny Committee

Southampton International Airport Consultative Committee

South East Employers

Liaison Panels

Yokesford Liaison Panel (Ampfield & Braishfield Ward)

Roke Manor Liaison Panel (Blackwater Ward)

Lee Lane Liaison Panel (Chilworth Nursling & Rownhams Ward)

A303 Facility at Longparish Liaison Panel

3 Dates and Times of Meetings of the Council

<u>Venue</u>	<u>Date</u>	<u>Time</u>
Andover	26 June 2019	5:30 pm
Romsey	4 September 2019	5:30 pm
Andover	20 November 2019	5:30 pm
Romsey	29 January 2020	5:30 pm
Andover	26 February 2020	5:30 pm
Romsey	8 April 2020	5:30 pm
Andover	6 May 2020	11.00 am

<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)			
Officer:	Karen Dunn	Ext:	8401
Report to:	Annual Council	Date:	13 May 2019

ITEM 9 Appointment of Chairman to Overview and Scrutiny Committee

Report of the Head of Legal and Democratic Services (Portfolio: Corporate)

Recommended:

That Council appoint the Chairman of the Overview and Scrutiny Committee.

SUMMARY:

- Following a review of the Constitution by the Overview and Scrutiny Committee, it was agreed that the appointment of the Chairman of the Committee should stand as a separate item at Annual Council.

1 Background

- 1.1 At its meeting on 14 April 2016 Council agreed that Vice-Chairman of the Overview and Scrutiny should be appointed from within the Committee's own membership at its first meeting following Annual Council.
- 1.2 Appointment from within the membership of the Committee offers a greater degree of autonomy and so underpins the sense of oversight of the Executive.

Background Papers (Local Government Act 1972 Section 100D)

None

Confidentiality

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)			
Officer:	Karen Dunn	Ext:	8401
Report to:	Annual Council	Date:	13 May 2019

ITEM 10

Scheme of Delegations

Report of the Head of Legal and Democratic Services (Portfolio: Corporate)

Recommended:

1. That the Scheme of Delegations as set out in the Annex to the report in so far as it applies to Council be approved.
2. That the Scheme set out in the Annex to the report be incorporated into the Constitution.

SUMMARY:

- The purpose of the report is to approve the Council's Scheme of Delegations as amended and to incorporate it into the Council's Constitution.

1 Background

- 1.1 The Scheme of Delegations is approved each year in accordance with the Constitution by Annual Council.

2 Resource Implications

- 2.1 None

3 Issues

- 3.1 During the course of the year since the last Annual Council changes have occurred to the Scheme of Delegations and new delegations have been made as the need has arisen over time. These changes have been incorporated into the Scheme in the Annex to this report.

Background Papers (Local Government Act 1972 Section 100D)

None

Confidentiality

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)

Officer:

Karen Dunn

Ext:

8401

Report to:

Annual Council

Date:

13 May 2019

Delegations to Officers

Delegations to Chief Executive, Corporate Directors and Heads of Services

- (1) To deal with matters relating to recruitment, selection and termination of employment, pay, employment benefits, training and development and other provisions relating to employees of the Council contained from time to time in the Council's Staffing Policies and Procedures documentation.
- (2) To enter into and sign contracts with public utilities, authorities or other bodies where such contracts are regarded as routine commercial matters authenticated by the signature of an officer of the utility, authority or body provided that the contract is within the sum allowed in the Council's estimates and/or Financial Regulations.
- (3) To authorise staff to attend meetings, seminars and conferences, including those arranged by the relevant professional associations.
- (4) To authorise officers to appear in the Courts.
- (5) To terminate employment in case of ill health/capability, in consultation with the Human Resources Manager.
- (6) To dismiss staff in accordance with the Council's disciplinary procedure.
- (7) In the absence of the Chief Executive, Mrs C Moore, Corporate Director, and in the absence of both the Chief Executive and Mrs C Moore, Mr A Ferrier, Corporate Director, be authorised to exercise the powers and duties of the Chief Executive.
- (8) That the appropriate Heads of Service be delegated the authority to amend charges to reflect changes in VAT rates.
- (9) That the appropriate Head of Service be delegated authority to agree the introduction of a charge for a new Council activity, in consultation with the Head of Finance.
- (10) That in the absence of any Head of Service, those matters delegated to that Head of Service be delegated to the Chief Executive or either of the Corporate Directors.
- (11) That Heads of Service may make arrangements for any functions delegated to them to be carried out by other officers in their name.

- (12) That the Chief Executive, Directors and Heads of Service be authorised, in consultation with the Head of Finance, the Monitoring Officer and the Leader, to settle complaints against the Council up to the amount of £1000 per complaint.
- (13) In consultation with the Human Resources Manager and the Head of Finance, to make minor changes to the establishment within the approved budget. In the event that either the Human Resources Manager or the Head of Finance is proposing the changes within his/her Service, consultation shall be with the Chief Executive and the Human Resources Manager or the Head of Finance, whichever is not proposing the change.
- (14) That the holders of the following posts be authorised to act as the nominated consultee and to give consent on behalf of the Council to the Police under Part 3 and Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014:
- | | |
|----------|--|
| 50359085 | Chief Executive |
| 50360579 | Corporate Director |
| 50360580 | Corporate Director |
| 50360846 | Head of Housing and Environmental Health |
- (15) To respond to routine operational consultations.
- (16) In consultation with the relevant Portfolio Holder, to respond to Government consultations.
- (17) To respond to partner consultations where service provision within the Borough may be affected.

Delegation to Authorised Signatories, Contracting Officers and Contract Managers

- (1) Where it is a part of the duties of an officer to exercise the function of an Authorised Signatory, a Contracting Officer or a Contract Manager then that officer be authorised to sign contracts.

Such signatures shall be countersigned by the Head of Service or an officer to whom the functions of a Head of Service are delegated under delegation (11) of Delegations to Chief Executive, Corporate Directors, and Heads of Services; and

The names of such officers authorised under the provisions of this delegation shall be notified by the Head of Service to the Head of Finance, acting as the Council's Chief Financial Officer, together with details of the maximum value up to which individual officers are authorised to sign and a description of the type of contracts so authorised.

Delegation to Monitoring Officer

- (1) To make amendments and consequential amendments to the Council's Constitution to give effect to any Council resolution and or any statutory requirement.
- (2) To make amendments to the Constitution in accordance with the provisions of Article 14.
- (3) In the absence of the Monitoring Officer, the Legal Services Manager (Corporate) or the Legal Services Manager (Planning) be authorised to exercise the powers and duties of the Monitoring Officer as Deputy Monitoring Officer.

Delegations to Chief Executive

- (1) To inform the Council's Bank of the identity of the Council's S151 Local Government Act 1972 Proper Officer.
- (2) To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to, the discharge of the Council's functions subject to:
 - (i) the matter being regarded as an emergency or urgent situation; and
 - (ii) a report back to the Council, Cabinet or Committee concerned.
- (3) In the event of a major incident, being an event or situation with a range of serious consequences which requires special arrangements to be implemented, to take such action as he considers appropriate to deal with the incident. In the event that the Chief Executive cannot be contacted, Mrs C Moore, Corporate Director, be authorised to take such action as she considers appropriate to deal with the incident. In the event that Mrs C Moore cannot be contacted, Mr A Ferrier be authorised to take such action as he considers appropriate to deal with the incident. In the event that Mr A Ferrier cannot be contacted, any Head of Service be authorised to take such action as he/she considers appropriate to deal with the incident.

Delegation to S151 Local Government Act 1972 Proper Officer

- (1) To issue instructions as to who may withdraw or deal with any of the Council's property or securities.
- (2) To issue instructions and sign any agreement with regard to the purchase or sale of foreign exchange and/or securities.
- (3) To sign the mandate to the Council's Bank for the signing of cheques by authorised facsimile signatories.
- (4) To sign the mandate to the Council's Bank for the use of codes by authorised officers in providing instructions to the Bank.
- (5) To make arrangements for the carrying out in his/her name of all or any of his/her powers referred to herein by such person or persons as he/she considers appropriate.
- (6) In the absence of the S151 Proper Officer, the Acting Head of Revenues (Local Taxation) be authorised to exercise the powers and duties of the S151 Proper Officer.

Delegation to Head of Community and Leisure Services

- (1) Day-to-day control and management of Council leisure facilities and associated activities and events provided by the Council.
- (2) In consultation with the Community and Leisure Portfolio Holder, to allow the free use of the Council's outdoor leisure facilities for charitable and community use in accordance with the Council's policy.
- (3) In consultation with the Community and Leisure Portfolio Holder, to allow concessionary use of the Council's leisure facilities in accordance with the Council's policy for support to elite athletes.
- (4) To appoint consultants to undertake professional services on schemes included in approved capital or revenue estimates.
- (5) To select contractors for invitation or tender on approved schemes.
- (6) To permit or organise special events on Council land in accordance with the Council's policy.
- (7) To set fees and charges for hiring the showground and sports fields at sports grounds in the ownership or control of the Council.
- (8) To enter into and approve terms of partnership statements in connection with community grants.

- (9) To take all necessary steps to implement projects approved by the Cabinet or Council.
- (10) In consultation with the Community and Leisure Portfolio Holder, to allow fees and charges for events and commercial bookings to be agreed and/or waived (as the market will bear), including Artisan markets, and community events in the High Street and Council venues.
- (11) To make arrangements for the funeral of the deceased under Section 46 of the Public Health (Control of Disease) Act 1984.
- (12) As Registrar of Burials for the Andover, Charlton, Romsey and Woodley Cemeteries, to grant applications for exhumations subject to the payment of the appropriate fee and the applicant obtaining approval from the Secretary of State for Justice or their successor.
- (13) As Registrar of Burials for the Andover, Charlton, Romsey and Woodley Cemeteries, to grant applications for the Exclusive Right of Burial to grave spaces, subject to compliance with the Council's regulations.
- (14) Day to day control and management of the cemeteries at Andover, Charlton, Romsey and Woodley in accordance with the Council's Regulations.
- (15) 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 Head of Community and Leisure Services 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 set out in the:

Environmental Protection Act 1990

Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters, pertaining to litter and dog fouling)

50361554	Head of Community and Leisure Services
50361012	Parks and Countryside Manager
50361015	Senior Countryside Officer
50361016	Countryside Officer
50361014	Green Space Officer
50360954	Sports Recreation Officer

- (16) That the Community Manager (post holder 50462608) be authorised to issue authorisations pursuant to the Regulation of Investigatory Powers Act 2000.

- (17) 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 Head of Community and Leisure Services 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 set out in the:
- Environmental Protection Act 1990
Refuse Disposal (Amenity) Act 1978 (Sections 2, 2B, 2C, 21A)
Anti-Social Behaviour Act 2003 (Section 43)
Clean Neighbourhoods and Environmental Act 2005 (insofar as they relate to fixed penalty notices and associated matters, pertaining to litter, dog fouling, fly posting and graffiti, and abandoned vehicles)
Anti-Social Behaviour, Crime and Policing Act 2014
- | | |
|----------|---|
| 50360905 | Community Engagement Manager |
| 50360906 | Community Engagement Officer (Community Safety) |
| 50360907 | Community Engagement Officer (Community Safety) |
| 50360910 | Community Engagement Officer (Community Safety) |
- (18) In consultation with the Community and Leisure Portfolio Holder, to give the Council's consent to the Police to enable them to make a Dispersal Order or a Closure Order under the Anti-Social Behaviour, Crime and Policing Act 2014.
- (19) To determine all community grant applications in accordance with the approved criteria.
- (20) In consultation with the Community and Leisure Portfolio Holder, to evaluate and approve grant applications from the Community Asset Fund, in accordance with the approved criteria.
- (21) To request reviews of licences and to make representations to review hearings, pursuant to the Gambling Act 2005 and any subordinate legislation made thereunder and any amendments hereto.

Delegation to Head of Environmental Services

- (1) To tender for individual contracts with other public bodies (being a body within the Local Government (Goods and Services) Act 1970) as follows:
- Up to £50,000 in consultation with the Head of Finance;
 - Between £50,000 and £250,000 in consultation with the Chairman and Vice-Chairman of the Cabinet and the Head of Finance; or
 - Above £250,000 and up to the maximum of £650,000 to be approved by the Cabinet.

Subject in each case to reporting back to Cabinet on successful tenders.

No contract shall have a term exceeding 5 years.

- (2) To serve notices in relation to contraventions of the legislation set out below and any regulations made thereunder and any amendments thereto:
- Anti-Social Behaviour Act 2003 Part 6 as amended by Clean Neighbourhoods and Environment Act 2005
 - Anti-Social Behaviour, Crime and Policing Act 2014
 - Clean Neighbourhoods and Environment Act 2005
 - Control of Pollution Act 1974 and Control of Pollution (Amendment) Act 1989
 - Environment Act 1995
 - Parts II, III & IV and related schedules Environmental Protection Act 1990
 - Environmental Protection Act 1990
 - Licensing Act 2003
 - Refuse Disposal (Amenity) Act 1978
 - Regulation of Investigatory Powers Act 2000
 - RIDDOR 2000
 - Waste (England and Wales) Regulations 2011
- (3) To prepare reports for legal proceedings in the event of contravention of the legislation and any regulations made thereunder and any amendments thereto set out in (2) above and to issue instructions to the Council's Head of Legal and Democratic Services to take legal proceedings.
- (4) 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 Head of Environmental Services 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.

50360628

Street Scene Manager

50360599

Waste and Recycling Manager

Limited powers Anti-Social Behaviour Act 2003 Part 6
Anti-Social Behaviour, Crime and Policing Act 2014
Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters pertaining to graffiti, fly posting, litter, dog fouling and fly tipping)
Control of Pollution Act 1974 and Control of Pollution (Amendment) Act 1989
Environment Act 1995
Environmental Protection Act 1990 - All powers in relation to Part II, powers relating to Statutory Nuisance in Part III, and all powers in relation Part IV
Licensing Act 2003
All powers under the Refuse Disposal (Amenity) Act 1978

Regulation of Investigatory Powers Act 2000
RIDDOR 2000
Waste (England and Wales) Regulations 2011

50360708 Senior Environmental Services Officer

Limited powers Anti-Social Behaviour Act 2003 Part 6
Anti-Social Behaviour, Crime and Policing Act 2014
Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters pertaining to graffiti, fly posting, litter, dog fouling and fly tipping)
Limited powers Control of Pollution (Amendment) Act 1989
Environment Act 1995
Environmental Protection Act 1990 - All powers in relation to Part II, powers relating to Statutory Nuisance in Part III, and all powers in relation Part IV
Licensing Act 2003
All powers under the Refuse Disposal (Amenity) Act 1978
Regulation of Investigatory Powers Act 2000
Waste (England and Wales) Regulations 2011

50360629 Recycling Development Officer

Limited powers Anti-Social Behaviour Act 2003 Part 6
Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters pertaining to graffiti, fly posting, litter, dog fouling and fly tipping)
Limited powers Control of Pollution (Amendment) Act 1989
Environment Act 1995
Environmental Protection Act 1990 - All powers in relation to Part II, powers relating to Statutory Nuisance in Part III, and all powers in relation Part IV
All powers relating to abandoned vehicles under the Refuse Disposal (Amenity) Act 1978

50360630 Waste and Recycling Officer

Limited powers Anti-Social Behaviour Act 2003 Part 6
Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters pertaining to graffiti, fly posting, litter, dog fouling and fly tipping)
Environment Act 1995
Environmental Protection Act 1990 - All powers in relation to Part II, powers relating to Statutory Nuisance in Part III, and all powers in relation Part IV
All powers relating to abandoned vehicles under the Refuse Disposal (Amenity) Act 1978

50360718 Environmental Services Officer

50360719 Environmental Services Officer

Limited powers Anti-Social Behaviour Act 2003 Part 6
Anti-Social Behaviour, Crime and Policing Act 2014

Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters pertaining to graffiti, fly posting, litter, dog fouling and fly tipping)

Limited powers Control of Pollution (Amendment) Act 1989

Environment Act 1995

Environmental Protection Act 1990 - All powers in relation to Part II, powers relating to Statutory Nuisance in Part III, and all powers in relation Part IV

All powers under the Refuse Disposal (Amenity) Act 1978

Regulation of Investigatory Powers Act 2000

Waste (England and Wales) Regulations 2011

- (5) To issue filled sand bags free of charge to households and commercial properties if in the Council's view they are at significant risk of flooding.

Delegation to Head of Estates and Economic Development

- (1) To enter into licences for the assignment of leases and for sub-letting or under letting.*
- (2) To grant consent for the change of use of Council premises where such consent is necessary under the provisions of the lease and appropriate.*
- (3) In consultation with the Head of Finance, to authorise the lettings of Council property where the rent does not exceed £150,000 per annum.*
- (4) To authorise rent reviews and renewals of leases.
- (5) To be responsible for all aspects of overall Estate Management in relation to Council-owned properties, including the authorisation of proceedings against Council tenants for rent arrears or any other breach of lease covenants including forfeiture.
- (6) To be responsible for conducting negotiations on the Council's behalf in relation to the sale or acquisition of any property.
- (7) To select tenants for the Walworth Enterprise Centre and to grant them licences to occupy and to terminate their occupations if they do not prove suitable and to manage the Centre including contract cleaning, repairs/maintenance/alteration up to a value laid down by the Council from time to time, and the collection of rent/rate and gas/electricity bills.
- (8) To grant consent for alterations and additions to premises to tenants of Council sites and buildings.*

- (9) To authorise variations to the terms of leases, licences, easements, wayleaves, covenants, acceptance of surrenders and any other legal arrangement where the consideration for the variation does not exceed £50,000.00 per annum or a premium payment of £150,000.00 and where the Council's economic or financial interest is not harmed or disadvantaged.*
- (10) To give approval to applications from firms on the industrial estates to sublet, for periods of 21 years or less, small parts of their sites to electricity suppliers for substation sites to serve the firm's premises.
- (11) To agree the siting of electricity substations and gas governors with the appropriate authorities subject to the usual rent terms and, if necessary, contributions payable either in respect of screening and/or fencing, and to grant the relevant leases.
- (12) To sell sites to electricity suppliers for use as electricity substation sites.
- (13) To grant wayleaves to statutory undertakers and other third parties over and under land owned by the Council.*
- (14) To invite and accept tenders and negotiate suitable terms for the temporary use of any suitable area of land for hay crops and arable land and grant suitable short term licences and Farm Business Tenancies.
- (15) To review mowing, grazing licences, agricultural tenancies and farm business tenancies for further temporary periods.
- (16) To grant easements in, over or through Council land on terms to be agreed by the officers subject to consultation with other departments where appropriate.*
- (17) To let market pitches (save those administered by the Head of Community and Leisure) in accordance with the Council's policy, and the administration of markets, including the application process, setting of fees and granting of concessions, and the termination and determination of the conditions to be attached to lettings.
- (18) To serve Notice to Quit on market stallholders if they are not conforming with the terms of their Agreement.
- (19) To be the Authorised Market Officer for the purposes of the Food and Environment Act 1985 and any statutory enactment and to be responsible for all aspects of administering markets in Andover.
- (20) In consultation with the Finance Portfolio Holder and the Head of Finance, to dispose of land where the consideration is £75,000.00 or less.*

- (21) In consultation with Economic Development and Tourism Portfolio Holder and the Head of Finance, to have authority to issue Business Incentive Grants of £500 each to qualifying persons.
- (22) In consultation with the Finance Portfolio Holder and the Head of Finance, to authorise the acquisition or taking the letting of land and/or premises subject to the purchase price or annual rent per annum not exceeding £75,000.00.
- (23) To grant licences for temporary/short-term works on Council-owned land.*

* In the case of delegations (1), (2), (3), (8), (9), (13), (16), (20), and (23) above, any transaction involving the possible installation of one or more telecommunications masts and/or associated ancillary equipment on Council-owned land or buildings shall be referred to the Council's Cabinet for consideration and approval.

- (24) In consultation with the Head of Finance, to approve appropriations between relevant function areas and statutory holding powers, except where public notice of the proposed appropriation is required and objections are received.
- (25) To exercise the powers and duties of the Council under the Landlord and Tenant (Covenants) Act 1995.
- (26) In consultation with the Head of Legal and Democratic Services, to approve occupation of Council-owned premises by a third party in the absence of completed formal documentation in cases of emergency.
- (27) Subject to the Council's Financial Regulations and Contract Standing Orders, to be responsible for the appointment of external consultants to advise and/or act for the Council in negotiations and/or transactions relating to any of the above matters.
- (28) In consultation with the Head of Planning and Building Services, to give consent to advertise on Council-owned property on such terms as he/she considers appropriate provided there is no cost to the Council and that the Head of Planning and Building Services be consulted before any advertisement is displayed by the Council.
- (29) In consultation with the Head of Community and Leisure Services, to issue licences for temporary buildings.
- (30) To permit the display of banners on Council buildings.
- (31) To let the Crosfield Hall, Romsey; Rendezvous, Andover; Upper Guildhall, Andover; and meeting rooms at Beech Hurst, Andover in accordance with the Council's booking policy.

- (32) In conjunction with the Human Resources Manager, to employ Premises Management staff on appropriate contracts up to a maximum of 2600 hours per annum in the north and 3000 hours per annum in the south.
- (33) To approve monuments and statues on highway land, after appropriate consultations and subject to the approval of the Highway Authority.
- (34) Day-to-day control and management of Council tourism facilities and associated activities and events provided by the Council.
- (35) To buy electric, gas and water from the most competitive provider for the sites we own and operate.
- (36) In consultation with the Economic Development and Tourism Portfolio Holder, to award grants from the £500,000 Section 106 contribution obtained from the developer of Andover Business Park.
- (37) In consultation with a panel of Members (appointed by Council, consisting of 5 Members, with a quorum of 3 Members for each decision), to consider property investments and authorise expenditure from a pre-approved capital budget allocation.
- (38) 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 Head of Estates and Economic Development 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
50361073 Engineering and Transport Manager
50361127 Senior Transport Engineer
50361129 Transport Engineer
50361130 Transport Engineer
- (39) To implement transport capital programmes.
- (40) General day-to-day operation of the Transport Services.
- (41) To install refuse or storage bins in streets under Section 185 of the Highways Act 1980.
- (42) To appoint consultants to undertake professional services on schemes included in approved capital or revenue estimates.
- (43) To select contractors for invitation to tender for approved schemes including those for principal authorities for which the Council acts as an agent in accordance with the Council's or the principal authority's procedures or Standing Orders as appropriate.

- (44) In consultation with the Head of Legal and Democratic Services, to enter into Agreements under Section 278 of the Highways Act 1980 with the Highway Authority to allow Test Valley Borough Council Capital Programme schemes on the Highway to be constructed.
- (45) To operate the Hampshire County Council/Test Valley Borough Council Agency Agreement for the enforcement of parking control.
- (46) To permit the use of car parks during charging hours for events of a charitable or non-profit making nature subject to consultation with the Finance and Planning Portfolio Holders.
- (47) To permit the use of the car parks outside the charging hours for events of a charitable or non-profit making nature.
- (48) To allow space within a car park to be used for the convenience of the public at large on such terms and conditions as he/she considers appropriate including the making of an appropriate charge and requiring suitable indemnity.
- (49) To negotiate agreements for advertising on car park tickets, ticket machine shelters and bus shelters on terms and conditions as he/she considers appropriate.
- (50) In consultation with the Head of Community and Leisure Services, to set an appropriate maximum duration of stay for non-permit holders using Leisure Centre Car Parks.
- (51) To authorise persons to act as Civil Enforcement Officers (Parking Attendants) under the Traffic Management Act 2004 and Section 63A of the Road Traffic Regulation Act 1984 and to undertake the functions of a Civil Enforcement Officer (Parking Attendant) under the provisions of those Acts together with the Road Traffic Act 1991 and any other enactment and any subordinate legislation made thereunder and amendments thereto.
- (52) To request information as to the identity of a driver of a vehicle where there is an alleged offence committed in relation to an Off Street Parking Places Order or Traffic Regulation Order pursuant to Section 112 of the Road Traffic Regulation Act 1984.
- (54) To instruct enforcement agents in connection with the recovery of unpaid parking debts.
- (55) To make changes to the Parking Enforcement Policy and Guidance in response to changes in legislation or operational procedures.
- (56) To determine Penalty Charge Notice appeals including appeal decisions, resetting of 14 day discount rates and/or removal of surcharges.
- (57) To determine if a penalty charge or parking permit debt is uncollectible and to write off such debts.

- (58) To discharge the functions given under the Traffic Management, Development Management and Capital Schemes Agency Agreement including the making and confirmation as appropriate of temporary and permanent Traffic Regulation Orders.
- (59) In consultation with the Planning Portfolio Holder, to make amendments to Off Street Parking Places orders by the making of a new order or the suspension of an old order in response to changes in legislation, guidance or operational reason other than changes to parking tariffs and maximum stay limits.
- (60) In consultation with the Planning Portfolio Holder, to consider objections to Traffic Regulation Orders and to decide whether the Order, as advertised or with amendments, be made/confirmed.
- (61) In consultation with the Head of Finance, to set the levels of charges for Traffic Regulation Orders with the objective of recovering the costs of making the Order.
- (62) To consider and implement the renumbering of houses and the naming and renaming of streets in accordance with the Council's policy.

Delegation to Head of Finance

- (1) To determine the use of capital receipts in the future on the basis that the maximum amount of receipts allowed would be used for capital expenditure and no voluntary set aside would be made.
- (2) To certify Housing Association schemes to the Housing Corporation on behalf of the Council.
- (3) To determine changes to the rate of interest on mortgage loans etc under Section 438 and Schedule 16 of the Housing Act 1985 and in accordance with those provisions.
- (4) To countersign payments and sign instructions to the Council's Bank.
- (5) To agree and sign any contract agreement or other document with the Council's Bank for the provision of banking services involving the giving of instructions by the Council to the Bank by electronic or similar means (whether any such instruction and/or information relate to the making or authorisation of any payment or other order).
- (6) To exercise borrowing powers contained in the Local Government Finance Act 2003 (as amended) in accordance with the prudential framework for local authority capital investment.

- (7) To enter into leasing arrangements on behalf of the Council for items approved.
- (8) That the Accountancy Manager (post holder 50360822) be authorised to countersign payments and sign instructions to the Council's Bank.
- (9) To take all actions he/she considers appropriate for recovery of Council debts.
- (10) To take all necessary administrative action involving the Council on pension matters.
- (11) To make all payments within the Council's Financial Regulations and/or legally payable.
- (12) To implement decisions regarding pay for staff.
- (13) To grant loans for car purchase to persons coming within the Council's approved schemes.
- (14) To vary the Council's Contract Car Hire Scheme in line with variations to the National Joint Council Scheme.
- (15) To incur expenditure outside the provision of estimates in accordance with Financial Regulations.
- (16) To arrange all insurance policies (including maintaining a self-insurance reserve) and make payments in the settlement of any claim against the Council.
- (17) To update the Use of IT and Social Media Policy as and when required.
- (18) That the Principal Auditor (post holder 50360824) be authorised to give notice inviting agreement to pay a penalty as an alternative to prosecution pursuant to Sections 115A and 115B of the Social Security Administration Act 1992.

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 thereunder 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 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 permits 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

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
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 (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 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

50360928 (Senior) Health Protection Officer

Animal Boarding Establishments Act 1963
Animal By-Products (Enforcement) (England) Regulations 2013
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
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
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
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 Water, Spring Water & Bottled Drinking Water Regulations 2007 (as amended)
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 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
50360918 Principal Environmental Health Officer (Environmental Protection)
50360919 Principal Environmental Health Officer (Health 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 (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 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
 - 50360918 Principal Environmental Health Officer (Environmental Protection)
 - 50360919 Principal Environmental Health Officer (Health Protection)
 - 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) (post holder 50360919) be appointed as lead officer under and in accordance with the Food Law Code of Practice (England) 2017 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.

- (28) That the Head of Housing and Environmental Health (where required, in consultation with the Portfolio Holder for Housing and Environmental Health) be authorised to approve requests for Designated Protection Area waivers in the circumstances set out in the table below:

Delegation Framework for formal support for DPA Waiver			
Type of Scheme	Decision	Reason	Delegated to
HARAH and Rural Exception Sites	Refuse	COM8 seeks affordable homes in perpetuity.	Head of Housing and Environmental Health
COM 9 sites (Community Led Development)	Refuse save in exceptional circumstances where it can be agreed SUBJECT TO inclusion of rural buy back clause upon stair-casing to 100% to the Council or its nominated provider.	COM9 seeks affordable homes in perpetuity but consideration to be given to availability of mortgage funding and viability of scheme	Head of Housing and Environmental Health in consultation with Portfolio Holder and Parish Council
MDA sites and Planned Urban Extension (e.g. Picket Twenty, Smannell) [previously designated as rural and included in DPA but now classed as urban where these restrictions would not apply]	Agreed	Planned urban extension – proposed development indicates shared ownership could be re-provided.	Head of Housing and Environmental Health
Permitted development sites in Rural Villages	Review on a site by site basis	COM7 – no requirement for perpetuity but consideration to be given to availability of further affordable homes, availability of mortgage funding and viability of scheme.	Head of Housing and Environmental Health in consultation with Portfolio Holder and Parish Council
Resale of existing restricted shared ownership home	Review on case by case basis	Ability of shared owners to sell the property at the restricted percentage and availability of mortgage funding	Head of Housing and Environmental Health in consultation with the Portfolio Holder and Parish Council
Any other requests for exemptions other than above	Review on a site by site basis	Consideration to be given for the reason for the request, availability of future affordable homes, mortgage funding and viability of scheme	Head of Housing and Environmental Health in consultation with Portfolio Holder and Parish Council

Delegation to Head of Legal and Democratic Services

Legal and Other Proceedings

- (1) The institution, prosecution, amendment or termination of any proceedings, which the Council is empowered to undertake, in or before any court, tribunal or inquiry.
- (2) The defence or settlement of any proceedings brought against the Council.
- (3) The taking of any action incidental or conducive to or which would facilitate any action under (1) or (2) above.
- (4) The obtaining of Counsel's opinion on any matter.

Notices

- (1) The issue of Notices on behalf of the Council under Section 112 of the Road Traffic Regulation Act 1984, requiring information to be given as to the identity of a driver alleged to be guilty of an offence.
- (2) The issue of Notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 330 of the Town and Country Planning Act 1990 where he/she deems it necessary to secure information about land to enable the Council to exercise its functions.

Miscellaneous

- (1) In all cases where a mortgagor is three months in arrears with payments under the mortgage, to obtain possession of the property and arrange for its sale and the recovery of all monies owed to the Council.
- (2) To give approval to the carrying out of all works to properties which are the subject of small dwellings mortgages or housing act advances provided the security of the Council is not thereby adversely affected.
- (3) To sign releases of mortgages granted by the Council provided such repayment has been made.
- (4) To make applications under Section 47 of the National Assistance Act 1948 and Section 1 of the National Assistance (Amendment) Act 1951 upon receiving representations from the Proper Officer.
- (5) To recover the cost of works in default under Section 193 and Schedule 10 of the Housing Act 1985 relating to repairs to privately rented dwellings.

- (6) To sign a waiver relating to House Renovation Grants limiting repayment to the nominal sum of 5p in the event of the lender having to exercise its power of sale subject to the payment to the Council of any proceeds of sale held by the lender after full repayment of outstanding mortgage debt and proper costs to a maximum of the grant repayment.
- (7) To transfer open space, landscaping and recreational facilities on private residential developments by way of adoption subject to the developer paying a capital sum for maintenance calculated by the Head of Community and Leisure Services and to the landscaping, open space or recreational facilities being completed to the satisfaction of the Head of Community and Leisure Services.
- (8) To enter into agreements in respect of applications to retain and maintain trees, shrubs, plants or grass in part of a highway verge.
- (9) To sign notices, orders or other documents made or issued by the Council.
- (10) To close streets for public processions, rejoicings or illuminations under Section 21 of the Town Police Clauses Act 1847.
- (11) After consultation with the Chairman of the appropriate Development Control Committee, to lodge an objection or representation as to the imposition of conditions on an application for an Operator's Licence in those cases where the operating centre would be unsuitable for use as such on environmental grounds in accordance with the provisions of the Goods Vehicles (Licensing of Operators) Act 1995.
- (12) To authorise the postponement of the Council's discount charge relating to former Council houses.
- (13) To complete legal agreements or legal charges pursuant to the Private Sector Housing Renewal Policy and to register such documents as appropriate at HM Land Registry.
- (14) To authorise the postponement of a legal charge created pursuant to the Private Sector Housing Renewal Policy.
- (15) To amend the listings of the Council's Publication Scheme produced in accordance with the Freedom of Information Act 2000, within the existing Information Classes.
- (16) To update the Data Protection Policy (DPP) as and when required.

- (17) To make minor amendments to the Corporate Surveillance Policy where they relate to changes in the legislation, directions or recommendations from an inspector appointed by the Office of the Surveillance Commissioner, or guidance from the Home Office.
- (18) To authorise Authorising Officers pursuant to the Corporate Surveillance Policy.
- (19) To establish an Independent Review Panel for a period of four years to review Members' Allowances and to pay consultancy fees to the Chairman of the Panel.
- (20) To authorise reimbursement of the cost of accommodation booked directly by Members in excess of the approved allowance in exceptional circumstances pursuant to the Members' Allowance Scheme.
- (21) To approve payments to co-opted Members pursuant to the Members' Allowance Scheme.
- (22) In consultation with the Chairman of General Purposes Committee, to grant dispensations to Members of Test Valley Borough Council in respect of Personal Interests in accordance with General Purposes Committee 6 January 2014 Minute 221 and to report such dispensations to the next meeting of the General Purposes Committee.
- (23) The holders of the following posts be authorised to grant dispensations to Members of Test Valley Borough Council pursuant to section 33(2)(a), (b) and (d) of the Localism Act 2011.

50361323	Head of Legal and Democratic Services
50361465	Legal Services Manager (Corporate)
50361468	Legal Services Manager (Planning)
50361467	Principal Solicitor
- (24) To convene meetings of working parties, panels and other meetings in which members are involved.
- (25) Following consultation with the Leader, to approve the attendance of Members at conferences and meetings including the payment of travelling and subsistence allowances.
- (26) In consultation with the Corporate Portfolio Holder, to appoint individuals to parish, town and community councils should circumstances mean that they are no longer quorate.
- (27) To amend the Licensing Committee and Sub-Committee Procedure Rules to give effect to legislative changes.

- (28) To determine all applications and decide all other matters in relation to the licensing functions set out in the Licensing Act 2003 and any amending legislation, save for those applications and matters expressly excluded from delegation to officers by that legislation.
- (29) To determine applications made pursuant to the Licensing Act 2003 and any amending legislation where the holding of a hearing has been dispensed with in accordance with Regulations made thereunder.
- (30) To reject representations under the Licensing Act 2003 or Gambling Act 2005 which he/she considers to be vexatious, frivolous or repetitious.
- (31) To make recommendations under the Licensing Act 2003 as to the restriction of admission of children to non-classified films, or a particular classified film, save always to his/her discretion to refer a film to a Licensing Sub-Committee for determination of the appropriate recommendation.
- (32) To serve Closure Notices under Section 19 of the Criminal Justice and Police Act 2001 in respect of premises used for the unlicensed sale of alcohol and to take action for the enforcement, cancellation and termination of such notices pursuant to Sections 19-28 of that Act.
- (33) To determine all applications and decide all other matters in relation to the licensing functions set out in the Gambling Act 2005 and any amending legislation, save for those applications and matters expressly excluded from delegation to officers by that legislation.
- (34) To determine applications made pursuant to the Gambling Act 2005 and any amending legislation where the holding of a hearing has been dispensed with in accordance with Regulations made thereunder.
- (35) To determine applications for Licensed Premises Gaming Machine Permits; Club Gaming Permits, Club Machine Permits, Prize Gaming Permits, and Small Lottery Registrations.
- (36) To cancel or vary Licensed Premises Gaming Machine Permits.
- (37) To revoke a Small Lottery Registration.
- (38) To remove automatic entitlement to gaming and/or to two gaming machines on alcohol licensed premises.
- (39) To administer the Hypnotism Act 1952 including the institution of proceedings for breaches of the Act and Section 12 of the Local Government (Miscellaneous Provisions) Act 1982.

- (40) To issue licences under Section 2 of the House-to-House Collections Act 1939, as amended after suitable attempts at liaison and after making such enquiries as may be necessary.
- (41) To allocate street collections.
- (42) To determine applications for sex establishment licences save for where objections to the grant, transfer or renewal of a licence have been received.
- (43) To grant, with or without conditions, or refuse applications for a licence to place tables and chairs on the highway in accordance with the Highways Act 1980, including the suspension of such licences.
- (44) To amend the scheme for the Licensing of Tables and Chairs on the highway, save for any significant amendments which shall be referred to the Cabinet.
- (45) In consultation with the Corporate Portfolio Holder, to approve increases in Hackney Carriage fares.
- (46) To issue, suspend, revoke or refuse hackney carriage and private hire licences under the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and to issue notices exempting private hire vehicles from displaying the private hire vehicle plate under the provision of Section 75(3) of the Act.
- (47) To depart from Standard Private Hire Vehicle Licence Conditions regarding vehicle signage upon grant or renewal of a licence in any individual case where he/she considers it appropriate to do so.
- (48) To determine all applications and decide all other matters in relation to the licensing functions set out in the Scrap Metal Dealers Act 2013 and any amending legislation, save for the hearing of representations in cases involving the refusal, revocation or variation of a licence.
- (49) That the holders of the following posts 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 set out in the:
 - Gambling Act 2005
 - Health Act 2006 Part 1 Chapter 1 (insofar as they relate to fixed penalty notices and associated matters pertaining to the smoke free requirements)
 - House to House Collections Act 1939
 - Hypnotism Act 1952
 - Licensing Act 2003
 - Local Government (Miscellaneous Provisions) Acts 1976 and 1982

Police, Factories Etc. (Miscellaneous Provisions) Act 1916
Public Health Acts 1875 and 1936
Scrap Metal Dealers Act 2013
Town Police Clauses Acts 1847 and 1889

50361447 Licensing Manager
50361451 Senior Licensing and Local Land Charges Officer
50361449 Licensing and Local Land Charges Assistant

Delegation to Head of Planning and Building Services

- (1) To make decisions on all applications, notifications, consultations, negotiations, serving of notices, and other activities carried out under Town and Country Planning legislation, which are delegated to Head of Planning and Building Services, except as follows:-
 - (a) Applications which are contrary to the provisions of an approved or draft development plan or other statement of approved planning policy where adverse representations have been received and which is recommended for approval.
 - (b) Applications (excluding notifications) where a Member requests in writing, with reasons and within the stipulated time span, that they be submitted to Committee. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
 - (c) Applications submitted by or on behalf of the Council, or any company in which the Council holds an interest, for its own developments except for the approval of minor developments.
- (2) To determine applications (excluding applications for advertisement consent, listed building consent, and applications resulting from the withdrawal by condition of domestic permitted development rights; Schedule 2, Part 1, Classes B, C, D, E, F, G, and H of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended) on which a material planning objection(s) has been received in the stipulated time span and which cannot be resolved by negotiation or through the imposition of conditions and where the officer's recommendation is for approval, following consultation with the Ward Members, the latter having the right to request that the application be reported to Committee for decision.

- (3) To allocate and release Section 106 developer contributions for external projects up to a maximum of £25,000.00 per project, following consultation with the relevant Ward Members, Portfolio Holder and Head of Finance.
- (4) 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 Head of Planning and Building 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:

Anti-Social Behaviour Act 2003, Part 8

Environment Act 1995

Forestry Act 1967

Planning (Hazardous Substances) Act 1990

Planning (Listed Building and Conservation Areas) Act 1990

Town and Country Planning Act 1990

50361136 Head of Planning and Building Services

50361139 Development Manager

50361140 Development Manager

50361200 Principal Planning Officer

50361216 Principal Planning Officer

50361212 Senior Planning Officer

50361213 Senior Planning Officer

50361217 Senior Planning Officer

50361218 Senior Planning Officer

50649303 Senior Planning Officer

50649304 Senior Planning Officer

50361330 Senior Planning Officer

50361204 Planning Officer

50361219 Planning Officer

50361220 Planning Officer

50360949 Planning Officer

50361201 Planning Assistant

50361202 Planning Assistant

50361203 Planning Assistant

50361222 Planning Assistant

50361226 Planning Assistant

50361246 Planning Enforcement Manager

50381163 Enforcement Officer

50361248 Enforcement Officer

50361249 Enforcement Officer

50361250 Enforcement Officer

50361063 Team Leader (Trees)

50361064 Arboricultural Officer

50361065 Arboricultural Officer

50361020 Team Leader (Design and Conservation)

50361022 Conservation Officer

50361066 Senior Landscape Architect

50361067 Landscape Officer

- (5) To issue notices pursuant to Sections 171C (Planning Contravention Notices) and 330 (Power to require information as to interests in land) of the Town and Country Planning Act 1990 (as amended).
- (6) That the following post holders, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Planning and Building from time to time, be authorised to issue authorisations pursuant to the Regulation of Investigatory Powers Act 2000.

50361139 Development Manager

50361140 Development Manager

- (7) To discharge any of the Council's functions pursuant to the Anti-Social Behaviour Act 2003 Part 6 as amended by the Clean Neighbourhoods and Environment Act 2005 insofar as it relates to graffiti and fly posting.
- (8) To discharge any of the Council's functions pursuant to the Clean Neighbourhoods and Environment Act 2005 Part 2 insofar as it relates to nuisance parking and Part 4 insofar as it relates to graffiti, fly posting and advertisements.
- (9) 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 Head of Planning and Building from time to time, be authorised:
 - (a) To give fixed penalty notices pursuant to the legislation set out below and any subordinate legislation made thereunder and any amendments thereto.
 - (b) To enter land or premises and to carry out any act included in the legislation set out below and any subordinate legislation made thereunto and any amendments thereto.

Anti-social Behaviour Act 2003 Part 6 (insofar as it relates to graffiti and fly posting)

Clean Neighbourhoods and Environment Act 2005 Part 2 (insofar as it relates to nuisance parking) and Part 4 (insofar as it relates to graffiti and fly posting and advertisements).

50361246 Planning Enforcement Manager

50381163 Enforcement Officer

50361248 Enforcement Officer

50361249 Enforcement Officer

50361250 Enforcement Officer

- (10) To approve with or without conditions, or to reject, plans under Building Regulations.
- (11) To serve notices in respect of demolitions and dangerous structures.
- (12) To determine applications for relaxation of Building Regulations and, subject to being satisfied, to issue approval and report thereon to the next meeting of the relevant Development Control Committee.
- (13) To serve notices under Section 25 of the Land Drainage Act 1991.
- (14) To authorise proceedings under Sections 35 and 35A of the Building Act 1984.
- (15) To serve notices in connection with building works requiring either removal or alteration in accordance with Section 36 of the Building Act 1984.
- (16) To appoint consultants to undertake professional services on schemes included in approved capital or revenue estimates.
- (17) To be designated the "Appointing Officer" in accordance with Section 30 of the Party Wall etc. Act 1996.
- (18) In consultation with the Head of Finance, to set the levels of charges for building regulation applications.
- (19) 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 Head of Planning and Building from time to time, who are qualified in accordance with the legislation are authorised to enter land or premises and to carry out any act included in the Building Act 1984 and the Land Drainage Act 1991 and subordinate legislation made thereunder and any amendments thereto:

50361232	Building Control Manager
50361234	Area Building Control Surveyor
50361235	Area Building Control Surveyor
50361236	Area Building Control Surveyor
50361233	Area Building Control Surveyor
50361237	Area Building Control Surveyor

50361238	Technical Assistant
----------	---------------------

- (20) 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 Head of Planning and Building 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:

Fire Safety and Safety of Places of Sport Act 1987
Hypnotism Act 1952

Licensing Act 2003
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Town Police Clauses Acts 1847 and 1889

Public Health Acts 1875 and 1936

50361232 Building Control Manager
50361233 Area Building Control Surveyor
50361234 Area Building Control Surveyor
50361235 Area Building Control Surveyor
50361236 Area Building Control Surveyor
50361237 Area Building Control Surveyor
50361238 Technical Assistant

- (21) To adjust and change charges for pre-application advice should the need arise including taking account of any changes in fee regulations or other legislation and the need for charging not to exceed the cost of service provision.
- (22) To issue updates of the Local Information Requirements Descriptions document as and when appropriate.
- (23) To make decisions on:
- (a) The making of provisional tree preservation orders; and to vary, modify or revoke such orders.
 - (b) The confirmation (with or without modifications) of tree preservation orders where no objections have been received or all objections which may have been received have been withdrawn.
 - (c) Decisions on action to be taken following service of notice on the Council under Section 211 of the Town and Country Planning Act 1990.
 - (d) All related applications, notices and matters under the Town and Country Planning Act 1990 as amended and regulations made thereunder.
 - (e) Matters and activities under relevant sections of the Environment Act 1995 and the Forestry Act 1967 and regulations made thereunder.
 - (f) All notifications, consultations, negotiations, serving of Notices, and other activities under the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations made thereunder.
- (24) To determine what action should be taken, if any, in relation to notices received pursuant to Section 23 Local Government (Miscellaneous Provisions) Act 1976 (power of local authorities to deal with dangerous trees) and to instruct the Head of Legal and Democratic Services to take such steps as he/she (Head of Planning and Building Services) considers appropriate in cases where, in the opinion of the Head of Planning and Building Services, significant public benefit furthering the Council's corporate objectives and priorities would result from such steps.

- (25) 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 Head of Planning and Building 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:

Local Government (Miscellaneous Provisions) Act 1976

50361063	Team Leader (Trees)
50361064	Arboricultural Officer
50361065	Arboricultural Officer

- (26) To deal with and determine all complaints and issue any notices in relation to high hedges pursuant to Part 8 of the Anti-Social Behaviour Act 2003.

Delegation to 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	Principal Planning Officer (Strategy)
50361056	Principal Planning Officer (Delivery)
50361062	Senior Planning Officer
50361061	Planning Officer
50813751	Planning Officer (Delivery and Neighbourhood Planning)
50895958	Planning Officer (Delivery)

- (2) In consultation with the Economic Development and Tourism Portfolio Holder and Planning Portfolio Holder, to apply for other Community Transport Schemes to be encompassed within the Concessionary Travel Scheme including Dial-a-Ride Service.
- (3) In respect of Neighbourhood Plans (including proposals for such plans):-
- (i) To determine all matters relevant to the publication, designation and amendment of the Neighbourhood Area pursuant to Part 2 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”);

- (ii) In consultation with the Planning Portfolio Holder, to submit the Local Planning Authority's pre-submission consultation response;
 - (iii) Upon receipt of the draft Neighbourhood Plan, to check the submitted Plan meets the legislative requirements, secure the publication of the Neighbourhood Plan proposal;
 - (iv) In consultation with the Planning Portfolio Holder, to submit the Local Planning Authority's submission consultation response ;
 - (v) Appoint a person to carry out an examination of the Neighbourhood Plan and submit the Plan for examination pursuant to the Regulations;
 - (vi) In consultation with the Planning Portfolio Holder, to determine what action to take following receipt of the Examiners Report (including what modifications, if any, are to be made to the Plan and whether to allow the Plan to proceed to a referendum in accordance with the Regulations);
 - (vii) To publish the Examiner's report and the Council's decision statement in accordance with the Regulations;
 - (viii) Where appropriate, to arrange a referendum to consider the Neighbourhood Plan;
 - (ix) If approved by the referendum, to make the Neighbourhood Plan , Issue the decision statement and publicise the Neighbourhood Plan in accordance with the Regulations.
- (4) To monitor and review the Council's commitments under the Climate Local Scheme.

Delegation to Head of Revenues

- (1) To deal with all matters connected with the administration of Council Tax, Business Rates, Housing and Council Tax Benefits, and Council Tax Support excepting such matters as are expressly reserved by legislation for the Council to determine.
- (2) In consultation with the Finance Portfolio Holder, to approve Discretionary Rate Relief.
- (3) To require a Valuation Officer to apportion the value of partly occupied non-domestic hereditaments under Section 44A, Local Government Finance Act 1988.
- (4) To take all actions he/she considers appropriate for recovery of Council debts.
- (5) To impose a civil penalty.
- (6) To reject an individual's appeal against liability and to pass the appeal to the Valuation Tribunal.

- (7) To recover an overpayment of Housing or Council Tax Benefit.
- (8) To back date an application for Housing Benefit or Council Tax Support.
- (9) To grant discretionary housing payments to customers in receipt of Housing Benefit or Universal Credit.
- (10) To grant hardship relief.
- (11) To authorise an Administrative Penalty in cases of an apparent fraudulent claim for Housing and/or Council Tax Benefit.
- (12) To insert advertising materials with Council Tax demands at his/her discretion.
- (13) To grant rate relief in accordance with the policy with a right of appeal to the Cabinet.
- (14) In consultation with the Head of Finance, to set the Council Tax Base for the Test Valley area.
- (15) That the following post holders be authorised to issue authorisations pursuant to the Regulation of Investigatory Powers Act 2000.

50361324 Acting Head of Revenues (Benefits, CSU)
50681547 Acting Head of Revenues (Local Taxation and Project Enterprise)
- (16) That the following officers be authorised under Section 223 Local Government Act 1972 to appear on behalf of the Authority before a Magistrates Court in connection with Rating and Council Tax matters:

50361531 Local Taxation Manager
50361536 Assistant Local Taxation Manager
50361539 Assistant Local Taxation Manager
- (17) In consultation with the Head of Finance and the Finance Portfolio Holder, to approve the annual National Non Domestic Rates returns to Central Government.
- (18) In consultation with the Head of Finance and the Finance Portfolio Holder, to make routine amendments to the Local Council Tax Support Scheme where necessary in light of legislative change to Council Tax Support, welfare benefits and other related legislation.