

## Notice of Meeting

# Northern Area Planning Committee

**Date:** Thursday 29 June 2023

**Time:** 5.30 pm

**Venue:** Conference Room 1, Beech Hurst, Weyhill Road, Andover,  
Hampshire, SP10 3AJ

**For further information or enquiries please contact:**

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**Legal and Democratic Service**

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

[www.testvalley.gov.uk](http://www.testvalley.gov.uk)

The recommendations contained in the Agenda are made by the Officer and these recommendations may or may not be accepted by the Committee.

**PUBLIC PARTICIPATION SCHEME**

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

### **Membership of Northern Area Planning Committee**

<b>MEMBER</b>	<b>WARD</b>
Councillor J Budzynski (Chairman)	Andover St Mary's
Councillor Z Brooks (Vice-Chairman)	Andover Millway
Councillor I Andersen	Andover St Mary's
Councillor C Borg-Neal	Andover Harroway
Councillor C Donnelly	Andover Downlands
Councillor A Gillies	Andover Winton
Councillor L Gregori	Andover Harroway
Councillor L Lashbrook	Charlton & the Pentons
Councillor P Lashbrook	Bellinger
Councillor N Lodge	Andover Downlands
Councillor J Neal	Andover Millway
Councillor K North	Andover Romans
Councillor J Sangster	Andover Romans

## **Northern Area Planning Committee**

Thursday 29 June 2023

### **AGENDA**

**The order of these items may change as a result of members  
of the public wishing to speak**

- 1 Apologies**
  - 2 Public Participation**
  - 3 Declarations of Interest**
  - 4 Urgent Items**
  - 5 Minutes of the meeting held on 20 April 2023**
  - 6 Information Notes 4 - 9**
  - 7 21/02343/FULLN - 26.08.2021 10 - 21**
- (OFFICER RECOMMENDATION: PERMISSION)**  
SITE: Cricklade Lodge, Foundry Road, Anna Valley, SP11  
7LX, **UPPER CLATFORD**  
CASE OFFICER: Katie Nethersole
- 8 Scheme of Delegations to Officers 22 - 64**

## ITEM 6

# TEST VALLEY BOROUGH COUNCIL NORTHERN AREA PLANNING COMMITTEE INFORMATION NOTES

### **Availability of Background Papers**

Background papers may be inspected up to five working days before the date of the Committee meeting and for four years thereafter. Requests to inspect the background papers, most of which will be on the application file, should be made to the case officer named in the report or to the Development Manager. Although there is no legal provision for inspection of the application file before the report is placed on the agenda for the meeting, an earlier inspection may be agreed on application to the Head of Planning and Building.

### **Reasons for Committee Consideration**

The majority of applications are determined by the Head of Planning and Building in accordance with the Council's Scheme of Delegation which is set out in the Council's Constitution. However, some applications are determined at the Area Planning Committees and this will happen if any of the following reasons apply:

- (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 Application Publicity Expiry Date, 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.
- (d) Applications where the Head of Planning and Building Services recommends refusal of an application solely on the basis of failure to achieve nutrient neutrality where a Ward Member requests in writing, with reasons, within 72 hours of notification of the recommendation for refusal that they be submitted to Committee for determination. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
- (e) To determine applications (excluding applications for advertisement consent, certificates of lawfulness, 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 within the Application Publicity Expiry Date 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.

### **Public Speaking at the Meeting**

The Council has a public participation scheme, which invites members of the public, Parish Council representatives and applicants to address the Committee on applications. Full details of the scheme are available from Planning and Building Services or from Democratic Services at the Council Offices, Beech Hurst, Weyhill Road, Andover. Copies are usually sent to all those who have made representations. Anyone wishing to speak must book with the Democratic Services within the stipulated time period otherwise they will not be allowed to address the Committee.

Speakers are limited to a total of three minutes per item for Councillors on the Area Committee who have personal interests or where a Member has pre-determined his/her position on the relevant application, three minutes for the Parish Council, three minutes for all objectors, three minutes for all supporters and three minutes for the applicant/agent and relevant Ward Members who are not Committee Members will have a maximum of five minutes. Where there are multiple supporters or multiple objectors wishing to speak the Chairman may limit individual speakers to less than three minutes with a view to accommodating multiple speakers within the three minute time limit. Speakers may be asked questions by the Members of the Committee, but are not permitted to ask questions of others or to join in the debate. Speakers are not permitted to circulate or display plans, photographs, illustrations or textual material during the Committee meeting as any such material should be sent to the Members *and* officers in advance of the meeting to allow them time to consider the content.

### **Content of Officer's Report**

It should be noted that the Officer's report will endeavour to include a summary of the relevant site characteristics, site history, policy issues, consultations carried out with both internal and external consultees and the public and then seek to make a professional judgement as to whether permission should be granted. However, the officer's report will usually summarise many of the issues, particularly consultations received from consultees and the public, and anyone wishing to see the full response must ask to consult the application file.

## **Status of Officer's Recommendations and Committee's Decisions**

The recommendations contained in this report are made by the officers at the time the report was prepared. A different recommendation may be made at the meeting should circumstances change and the officer's recommendations may not be accepted by the Committee.

In order to facilitate debate in relation to an application, the Chairman will move the officer's recommendations in the report, which will be seconded by the Vice Chairman. Motions are debated by the Committee in accordance with the Council's Rules of Procedure. A binding decision is made only when the Committee has formally considered and voted in favour of a motion in relation to the application and, pursuant to that resolution, the decision notice has subsequently been issued by the Council.

## **Conditions and Reasons for Refusal**

Suggested reasons for refusal and any conditions are set out in full in the officer's recommendation.

Officers or the Committee may add further reasons for refusal or conditions during the Committee meeting and Members may choose to refuse an application recommended for permission by the Officers or to permit an application recommended for refusal. In all cases, clear reasons will be given, by whoever is promoting the new condition or reason for refusal, to explain why the change is being made.

## **Decisions subject to Completion of a Planning Obligation**

For some applications, a resolution is passed to grant planning permission subject to the completion of an appropriate planning obligation (often referred to as a Section 106 agreement). The obligation can restrict development or the use of the land, require operations or activities to be carried out, require the land to be used in a specified way or require payments to be made to the authority.

New developments will usually be required to contribute towards the infrastructure required to serve a site and to cater for additional demand created by any new development and its future occupants. Typically, such requirements include contributions to community facilities, village halls, parks and play areas, playing fields and improvements to roads, footpaths, cycleways and public transport.

Upon completion of the obligation, the Head of Planning and Building is delegated to grant permission subject to the listed conditions. However, it should be noted that the obligation usually has to be completed sufficiently in advance of the planning application determination date to allow the application to be issued. If this does not happen, the application may be refused for not resolving the issues required within the timescale set to deal with the application.

## **Deferred Applications**

Applications may not be decided at the meeting for a number of reasons as follows:

- \* The applicant may choose to withdraw the application. No further action would be taken on that proposal and the file is closed.
- \* Officers may recommend deferral because the information requested or amended plans have not been approved or there is insufficient time for consultation on amendments.
- \* The Committee may resolve to seek additional information or amendments.
- \* The Committee may resolve to visit the site to assess the effect of the proposal on matters that are not clear from the plans or from the report. These site visits are not public meetings.

## **Visual Display of Plans and Photographs**

Plans are included in the officers' reports in order to identify the site and its surroundings. The location plan will normally be the most up-to-date available from Ordnance Survey and to scale. The other plans are not a complete copy of the application plans and may not be to scale, particularly when they have been reduced from large size paper plans. If further information is needed or these plans are unclear please refer to the submitted application on the Council's website. Plans displayed at the meeting to assist the Members may include material additional to the written reports.

Photographs are used to illustrate particular points on most of the items and the officers usually take these. Photographs submitted in advance by applicants or objectors may be used at the discretion of the officers.

## **Human Rights**

The European Convention on Human Rights" ("ECHR") was brought into English Law, via the Human Rights Act 1998 ("HRA"), as from October 2000.

The HRA introduces an obligation on the Council to act consistently with the ECHR.

There are 2 Convention Rights likely to be most relevant to Planning Decisions:

- \* Article 1 of the 1st Protocol - The Right to the Enjoyment of Property.
- \* Article 8 - Right for Respect for Home, Privacy and Family Life.

It is important to note that these types of right are not unlimited - although in accordance with the EU concept of "proportionality", any interference with these rights must be sanctioned by Law (e.g. by the Town & Country Planning Acts) and must go no further than necessary.

Essentially, private interests must be weighed against the wider public interest and against competing private interests. Such a balancing exercise is already implicit in the decision making processes of the Committee. However, Members must specifically bear Human Rights issues in mind when reaching decisions on all planning applications and enforcement action.

### **The Natural Environment and Rural Communities (NERC) Act 2006 and Environment Act 2021**

The Council has a duty under the Environment Act 2021, from the 1<sup>st</sup> January 2023, to ensure consideration is given to what can be done to conserve and enhance biodiversity through the exercise of its functions, agree policies and specific objectives based on those considerations and to act to deliver these policies and achieve objectives.

Previously the Council had a duty under the Natural Environment and Rural Communities Act 2006 as follows: "*every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*".

It is considered that this duty has been properly addressed within the process leading up to the formulation of the policies in the Revised Local Plan. Further regard is had in relation to specific planning applications through completion of the biodiversity checklists for validation, scoping and/or submission of Environmental Statements and any statutory consultations with relevant conservation bodies on biodiversity aspects of the proposals. Provided any recommendations arising from these processes are secured either by condition or, where appropriate, legal Obligation as part of any grant of planning permission (or included in reasons for refusal of any planning application) then the duty to ensure that biodiversity interest has been conserved and enhanced, as far as practically possible, will be considered to have been met.

### **Other Legislation**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of applications be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the Borough comprises the Test Valley Borough Revised Local Plan (2016), and 'made' Neighbourhood Plans. Material considerations are defined by Case Law and includes, amongst other things, draft Development Plan Documents (DPD), Supplementary Planning Documents (SPD) and other relevant guidance including Development Briefs, Government advice, amenity considerations, crime and community safety, traffic generation and safety.

In July 2021 the Government published a revised National Planning Policy Framework (NPPF). The revised NPPF replaced and superseded the previous NPPF published in 2018. The revised NPPF is a material consideration in planning decisions.



So that sustainable development is pursued in a positive way, at the heart of the revised NPPF is a presumption in favour of sustainable development. Decisions should apply a presumption in favour of sustainable development. This does not change the statutory status of the development plan as a starting point for decision making. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Where a planning application conflicts with an up to date development plan, permission should not usually be granted. Local planning authorities may take decisions which depart from an up to date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

For decision-taking, applying the presumption in favour of sustainable development means:

- Approving development proposals that accord with an up to date development plan without delay; or
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
  - The application of policies in the revised NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the revised NPPF when taken as a whole.

Existing Local Plan policies should not be considered out of date because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF (the closer the policies in the Local Plan to the policies in the revised NPPF, the greater the weight that may be given).

## ITEM 7

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<b>APPLICATION NO.</b>	21/02343/FULLN
<b>APPLICATION TYPE</b>	FULL APPLICATION - NORTH
<b>REGISTERED</b>	26.08.2021
<b>APPLICANT</b>	Mr R George
<b>SITE</b>	Cricklade Lodge, Foundry Road, Anna Valley, SP11 7LX, <b>UPPER CLATFORD</b>
<b>PROPOSAL</b>	Change of use from domestic garage to coffee shop (use class E(b)) (AMENDED DESCRIPTION)
<b>AMENDMENTS</b>	
<b>CASE OFFICER</b>	Katie Nethersole

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

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### 1.0 INTRODUCTION

- 1.1 This application has been called to NAPC at the request of a member as it raises issues of more than local interest.

### 2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application sites consists of a two storey detached dwelling located on the northern side of Foundry Lane within the settlement boundary of Anna Valley. The dwelling is set back from the road behind hedging and there is an existing detached garage located adjacent to the site frontage. To the east and south of the site is existing residential development and to the west are fields and watercress beds, with a farm shop.

### 3.0 PROPOSAL

- 3.1 This application seeks approval for a change of use of the existing garage to the front of the dwelling to a coffee shop.
- 3.2 The coffee shop would be open between the hours of 10 am and 4pm Mondays to Fridays and would serve hot and cold drinks, as well as food such as sandwiches, cakes and jacket potatoes. There would be six tables and chairs within the coffee shop with a small kitchen and a W.C. Outside to the rear of the building would be a small patio area with space for two tables and chairs.
- 3.3 Parking would be provided to the frontage of the dwelling with 3 spaces for the occupiers of the dwelling and 8 spaces for users of the coffee shop. One of the spaces would accommodate disabled users. To the rear of the coffee shop would be 4 cycle racks.
- 3.4 Bin storage would be located to the western boundary of the coffee shop which would be separate from the bin storage associated with the dwelling and would be collected fortnightly.

#### 4.0 **HISTORY**

- 4.1 16/01948/FULLN Demolish dwelling and erect replacement new two storey dwelling with double garage and summerhouse with alterations to access. Permission subject to conditions and notes 07.10.2016

#### 5.0 **CONSULTATIONS**

- 5.1 **Highways – No objection** subject to conditions

In regard to this proposal, and the proposed change of use from a domestic garage to coffee shop (use class A3), subsequent to the initial HCC Highways consultation response dated 20 October 2021, the additional information requested in the response has been received from the applicant.

This information was in regard to demonstration that suitable visibility splays would be achievable at both the site access and for pedestrians crossing from the southern footway into site; as well as additional vehicles tracking drawings demonstrating that two-way vehicle movements in and out of the site at the same time were achievable.

Having reviewed the additional information, it can be confirmed that additional information provided has demonstrated that these elements are achievable, and as such there is no objection to the proposals from a highway perspective subject to sufficient parking spaces and a condition requiring the visibility splays to be provided.

- 5.2 **Environmental Protection – No objection**

The proposed acoustic fencing would mitigate any noise impact from the proposal on neighbouring properties and is considered acceptable.

- 5.3 **Ecology – No objection**

While the application site is adjacent to a designated SINC habitat, there appears to be no external building or landscaping works to facilitate the proposed development. No alterations to the drainage appear to be proposed, and it is understood that the proposed car park is an existing area of hard standing. I would therefore raise no concern over the proposed development.

Due to the presence of roosting bats on site, I would advise that lighting will need to conform to the specifications outlined within the best practice guidelines outlined by the Bat Conservation Trust and the Institute of Lighting Professionals (Guidance note 08/18 Bats and artificial lighting in the UK).

- 6.0 **REPRESENTATIONS** Expired 23.12.2021

- 6.1 8 letters of objection have been received from the occupants of Sunnyclyff Highbury Road, Troodos Foundry Road, Pillbrook View Foundry Road, Lyndale Highbury Road, Conifers Foundry Road, Watercress Cottage Foundry Road, Homeleigh Highbury Road, and one unknown address for the following reasons:
- Concern about access and visibility on what is a busy road through the village
  - Concern about limited parking
  - Proposal would be out of character with residential area
  - Impact on residential amenity and noise impact

- Would result in an increase in traffic
- Concern that parking area would be lit and would create light pollution
- Could have an adverse impact on local shop

## 6.2 Upper Clatford Parish Council – Objection

The scheme would introduce a new business opportunity within the settlement boundary but also within the Local Gap, in close proximity to neighbours and a Site of Importance for Nature Conservation (SINC), accessed from a busy stretch of Foundry Road. The RLP and Upper Clatford NDP both support development proposals for the creation of new businesses which in turn offers local employment opportunities and extra facilities for local residents. Policy UC4 of the NDP states that 'development proposals to enable the creation or expansion of small-scale business enterprises will be supported provided they are of a type and use appropriate to their location and that the impacts on residential amenity and highway safety and capacity are or can be made acceptable. The Parish Council are concerned about the following:

- Hardstanding for a car park has a detrimental impact on the appearance of the immediate area and landscape
- Development in the local gap
- No ecological survey or CEMP has been submitted to assess impact on SINC
- No biodiversity net gain
- No assessment of foul waste or nitrate neutrality implications
- Removes parking provision for Cricklade Lodge
- It lacks details regarding commercial waste collections
- No details on staff parking
- It would lead to increase in on-street parking
- It is known to be a busy stretch of Foundry Road and increase in traffic could create issues
- Restricted turning circle for cars within car park
- Residents of Cricklade Lodge will have to walk through a car manoeuvring area
- No provision for the privacy of neighbouring properties
- Could impact on the viability of neighbouring farm shop

## 7.0 POLICY

### 7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

### 7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

COM2: Settlement Hierarchy

E1: High Quality Development in the Borough

E2: Protect, Conserve and Enhance the Landscape Character of the Borough

E5: Biodiversity

E8: Pollution

LHW4: Amenity

T1: Managing Movement

T2: Parking Standards

### 7.3 Neighbourhood Plan

Upper Clatford Neighbourhood Plan 2020

UC6: Design

UC9: Landscape Character

UC11: Andover – Anna Valley/Upper Clatford Local Gap

UC13: Sites of Importance for Nature Conservation

## 8.0 **PLANNING CONSIDERATIONS**

### 8.1 The main planning considerations are:

- Principle of Development
- Impact on the Character and Appearance of the Area
- Biodiversity
- Impact on Residential Amenity
- Highways and Parking
- Other Matters

### 8.2 **Principle of Development**

The application site is within the settlement boundary of Upper Clatford and therefore having regard to policy COM2 development and redevelopment will be permitted provided that it is appropriate to the other policies of the Revised Local Plan.

### 8.3 **Impact on the Character and Appearance of the Area**

Policy E1 of the RLP and UC6 of the UCDNP support development that is of high quality and respects the character and appearance of the area. The proposed coffee shop would be within the existing garage building to the frontage of the property. As such there are no major external changes proposed to the building aside from the removal of the garage door for a window and access door. The garage has been constructed in accordance with the previous approval (ref 16/01948/FULLN) and has been designed to be sympathetic to the character and appearance of the area as well as the existing dwelling. It is therefore considered that the proposal accords with policy E1 and UC6.

### 8.4 The existing boundary hedge to the roadside has partially been removed since the application was submitted, and the applicant has explained that this is partly due to ensuring that the required visibility splays can be achieved and partly due to its health. It is proposed to plant a new hedge on the roadside boundary which would in the future provide screening to the site. Whilst it is acknowledged that the new planting would take time to mature, it would in the long term provide an improved screen to the development. It is noted that the Parish Council have raised concerns about the parking to the frontage and how this would be detrimental to the landscape character of the area, however this area was shown as a parking area in the original permission (ref. 16/01947/FULLN) and there is no change to this arrangement apart from the setting out of parking spaces for the dwelling and the coffee shop. Whilst it is appreciated that the proposal would generate more activity in the parking area than the current situation this would be screened from the road and would not harm the overall character and appearance of the area. It is therefore considered that the proposal would accord with policy E2 of the RLP and UC9 of the UCDNP.

- 8.5 It is acknowledged that the Parish Council have raised concerns about the impact of the proposal on the local gap. Policy E3 of the RLP and UC11 of the UCNP seek to ensure that local gaps are protected and development does not result in the diminishing of the physical separation and/or visual separation or compromise the local gap. It is considered that the proposal to change the use of an existing building in this location would not undermine the qualities of the local gap as it would not introduce any additional built form over and above that which exists on the site that would harm the physical and visual separation of this designation. It is therefore considered that the proposal would accord with policy E3 of the RLP and UC11 of the UCNP.
- 8.6 **Biodiversity**  
Policy E5 seeks to ensure that development protects, conserves and where possible enhances biodiversity. The Parish Council have made reference to the application not being supported by any ecological survey work and the potential impact on the SINC. However as the proposal is for the change of use of a modern building there is no requirement for such surveys to be carried out and the proposal is not considered to impact any protected species or sites. The Parish Council have also raised concerns about there being no Biodiversity Net Gain (BNG) as part of the proposal, however this is not yet a Planning requirement. The designated SINC is adjacent to the application site and it is considered that the proposal would not have any adverse impact on this designation, in accordance with policy E5 of the RLP and UC13 of the UCNP.
- 8.7 **Impact on Residential Amenity**  
Policy E8 of the RLP seeks to ensure that development does not result in pollution that would cause risk to human health or general amenity. Policy LHW4 seeks to ensure that the privacy and amenity of the occupants and those that neighbour the site is protected.
- 8.8 The proposed use as a coffee shop has the potential to result in a noise impact to neighbouring properties. This would include the comings and goings of customers, movement of vehicles and customers sitting out on the patio to the rear of the building. The applicant has proposed an acoustic fence along the boundary with the adjacent neighbour to the east. It would be 2 metres high and would extend the length of the boundary but set back from the road to ensure it does not conflict with visibility at the entrance. The Environmental Protection Officer has reviewed the details and has advised that the proposed acoustic fence would be appropriate mitigation for any noise disturbance. A condition to control the hours of use has been recommended which would help limit the activity on the site to an acceptable extent. This condition along with the acoustic fence would help to mitigate any noise disturbance to the neighbouring property and would protect the privacy and amenity of both the occupier and the neighbour in accordance with policies E8 and LHW4.

## 8.9 Highways and Parking

Policy T1 of the RLP seeks to ensure that development can be accessed safely and efficiently and does not result in an adverse impact on the safety and function of the highway network. The existing access would be utilised through the proposals and widened to 4.8 metres to allow for two vehicles to pass each other. Visibility splays of 2.4 metres by 43 metres can be achieved from this access. The Highways Officer has reviewed the details and the submitted tracking plans and have confirmed that as long as these visibility splays are provided, the proposal would not result in any adverse impact on highway safety in accordance with policy T1. A condition has been recommended to ensure that the required visibility splays are provided and retained for the lifetime of the development.

8.10 Policy T2 of the RLP seeks to ensure that adequate parking is provided and the minimum parking standards are set out in Annex G. For a coffee shop use the minimum requirement is for 1 space per 5sqm of dining area. The total amount of dining space proposed is 38 square metres and therefore a total of 8 spaces would be required to be made available for the coffee shop use. The existing dwelling requires 3 spaces and so the 11 spaces proposed would cater for both the existing dwelling and the proposed coffee shop. There is also a cycle requirement for 1 cycle space in association with the coffee shop and 2 for the dwelling. A total of 4 cycle spaces are proposed and this would exceed the requirement. It is therefore considered that the proposal would be served by sufficient parking to ensure that it would not result in any extra demand for on-street parking in accordance with policy T2.

8.11 In terms of parking provision, there is concern that no staff car parking has been provided. This is not required by the parking standards as set out in Annex G so does not need to be factored in to any calculation of parking spaces. Comments have also been made concerning the proposal increasing the demand for on-street parking, however the proposals include sufficient parking on site and in accordance with the standards as set out in the RLP. The Highways Officer has also reviewed the drawings and proposal and has raised no objection in terms of highway safety and manoeuvrability within the site.

## 8.12 Other Matters

It is noted that concern has been raised about the potential impact of the coffee shop on existing businesses, including the nearby farm shop. However, as the proposal would only be selling items such as drinks and cold foods to be consumed at the premises and not selling any other goods it is considered that it would not adversely impact on the existing businesses in the locality. Added this concern has been raised about deliveries to the site, however the applicant has confirmed that as this is a small scale operation all food would be purchased by them outside of the opening hours so additional deliveries would be made to the site. Collection of waste would be fortnightly via a standard 1100 litre covered bin.

8.13 It is noted that the Parish Council have raised concerns about there being no assessment of the impact on nitrate neutrality. As the proposal does not include any additional overnight accommodation then it is not necessary to make any assessment on the impact on nitrates. They have also raised concerns about the removal of foul waste. The applicant has confirmed that the proposed W.C would be connected to the mains sewer.

8.14 Third party correspondence has been received concerned about external lighting. Due to the proposed opening hours it is not considered that any external lighting would be required.

## 9.0 CONCLUSION

9.1 In conclusion it is considered that the proposal is in accordance with the relevant policies of the RLP and the Upper Clatford NDP and is therefore recommended for approval subject to conditions.

## 10.0 RECOMMENDATION

### **PERMISSION subject to:**

1. **The development hereby permitted shall be begun within three years from the date of this permission.  
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers P21-037-02-03-001 L, P21-037-02-03-004, NJC-006.  
Reason: For the avoidance of doubt and in the interests of proper planning.**
3. **The approved visibility splays of 2.4 metres by 43.0 metres shall be maintained and retained for the lifetime of the permission as shown on drawing no. P21-037-02-03-004. Nothing over 0.6 metres in height above the level of the carriageway shall be placed or permitted to remain within the visibility splay.  
Reason: In the interests of highway safety and in accordance with policy T1 of the Test Valley Borough Revised Local Plan 2016.**
4. **The approved coffee shop shall only operate between the hours of 1000 and 1600 hours Monday to Friday.  
Reason: To protect the amenities of neighbouring properties and in accordance with policy LHW4 and E8 of the Test Valley Borough Revised Local Plan 2016.**
5. **The proposed acoustic fencing to the eastern boundary shall be installed as per the details on drawing no. P21-037-02-03-001 L prior to the coffee shop being brought into use and shall be retained for so long as the approved development remains in operation.  
Reason: In the interests of residential amenity and in accordance with policy LHW4 and E8 of the Test Valley Borough Revised Local Plan 2016.**



- 6. Prior to the coffee shop being brought into use, details of the proposed replacement hedgerow as shown on drawing no. P21-037-02-03-001L shall be submitted and approved in writing by the Local Planning Authority. Planting shall be carried out in accordance with the approved details.**  
**Reason: To accord with policies E1 and E2 of the Test Valley Borough Revised Local Plan.**
- 7. The coffee shop shall not be brought into use until a schedule of landscape management and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be carried out in accordance with the implementation programme.**  
**Reason: To ensure the provision of amenity afforded by proper maintenance of existing and new landscape features as an improvement of the appearance of the site and to enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.**
- 8. The parking spaces as shown on approved drawing P21-037-02-03-001L shall be laid out in accordance with the approved details before the use commences and retained for the lifetime of the permission.**  
**Reason: To ensure sufficient parking and in accordance with Policy T1 of the Test Valley Borough Revised Local Plan 2016.**
- 9. The approved coffee shop shall only be used for Class E (b) as defined in the Town and Country Planning (Use Classes) Amendment (England) Regulations 2020 and for no other use within Class E and only for the named applicant, Mr Ron George.**  
**Reason: To exercise control over the use and to protect amenity of neighbouring properties in accordance with policy LHW4 and E8 of the Test Valley Borough Revised Local Plan 2016.**

**Note to applicant:**

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
-

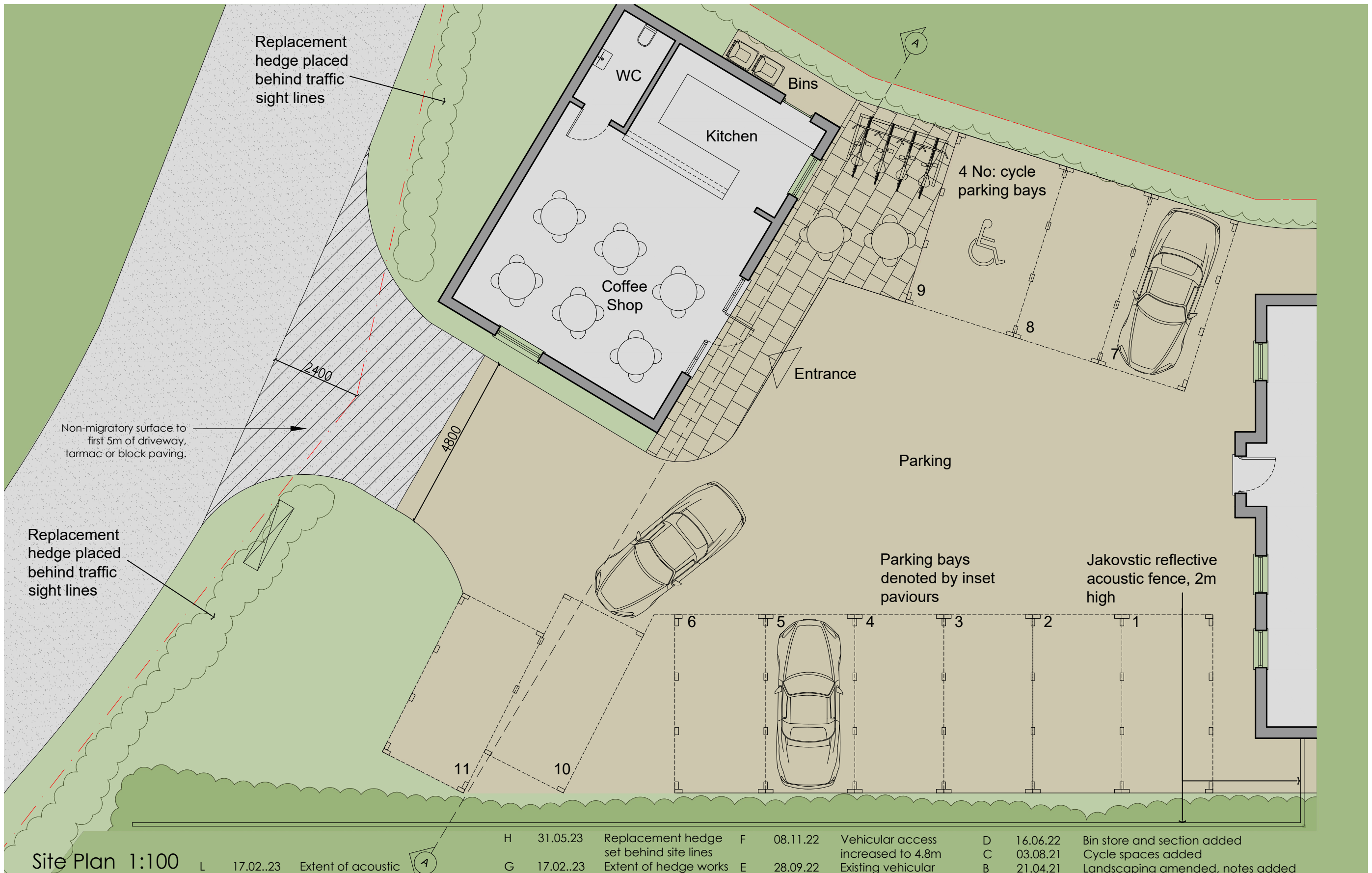


Siteplan



REPRODUCED FROM ORDNANCE SURVEY MAPPING WITH THE PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICER © CROWN COPYRIGHT. UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS.

21/02343/FULLN



Site Plan 1:100

L 17.02..23

Extent of acoustic fence illustrated

H 31.05.23  
G 17.02..23

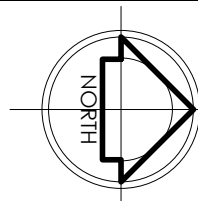
Replacement hedge set behind site lines annotated  
Extent of hedge works annotated

F 08.11.22  
E 28.09.22

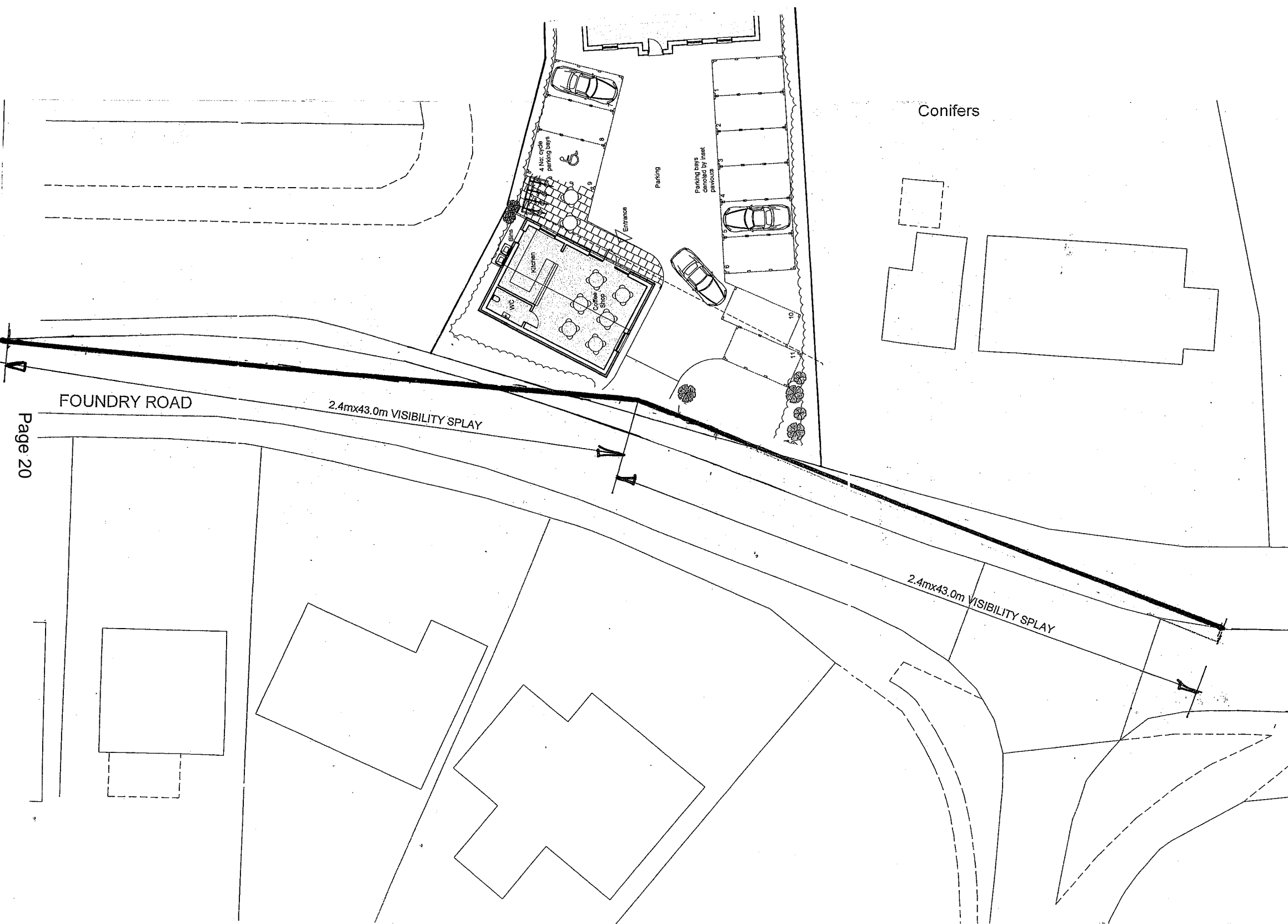
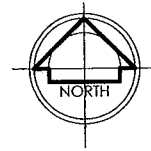
Vehicular access increased to 4.8m  
Existing vehicular access to site retained

D 16.06.22  
C 03.08.21  
B 21.04.21  
A 19.04.21

Bin store and section added  
Cycle spaces added  
Landscaping amended, notes added  
Landscaping added

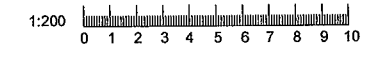


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Page 20

Test Valley Borough Council - Northern Area Planning Committee - 29 June 2023

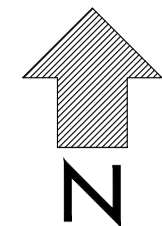


REVISIONS:		DRAWING No.	
PROJECT:	Proposed Alterations At: Cricklade Lodge	P21-037 02-03-004	
DRAWING TITLE:	Traffic Site Lines		
CLIENT:	Mr Ron George	SCALE:	1:200@A2
		DATE:	May 2023
		DRAWN BY:	PA
		CHECKED BY:	PA

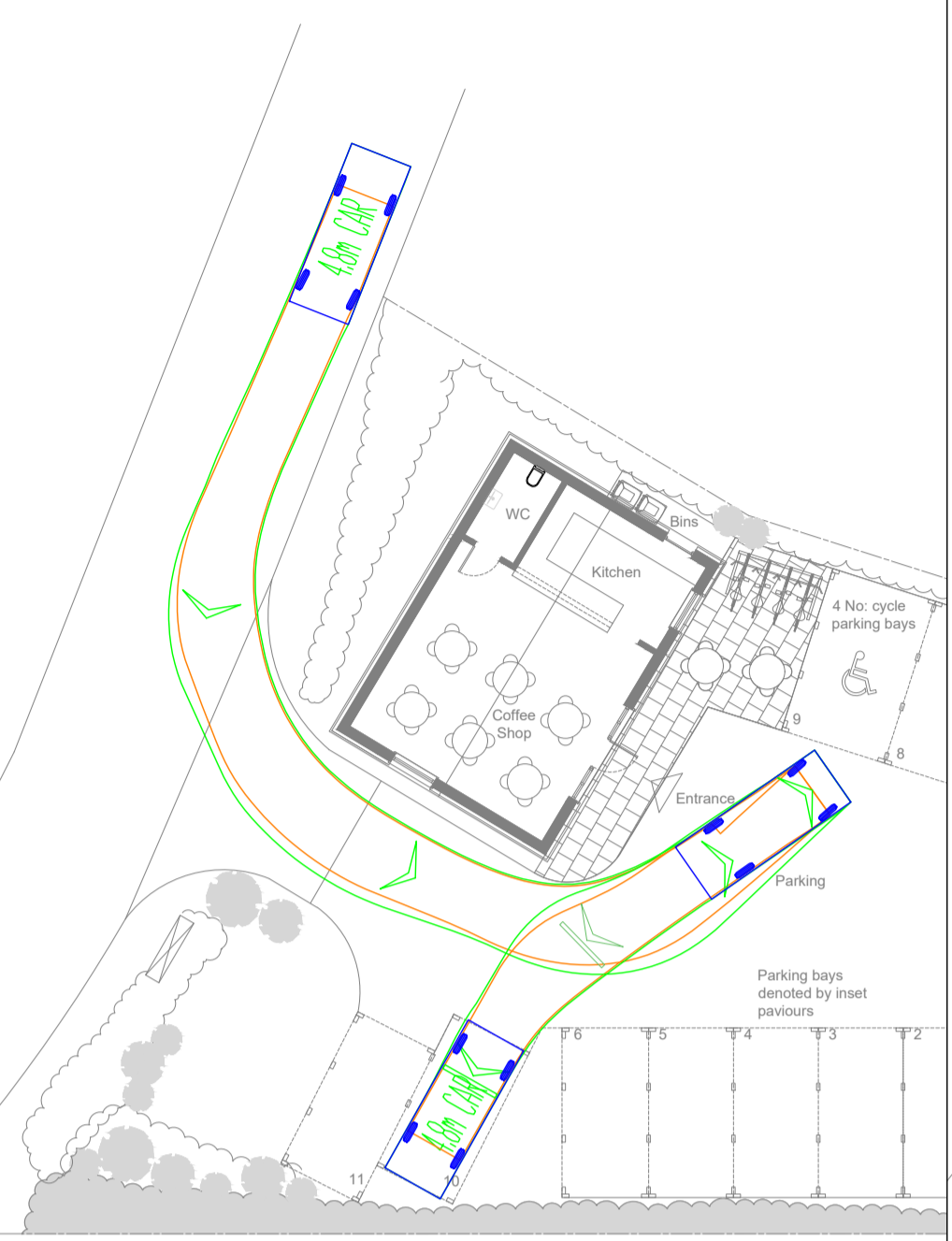
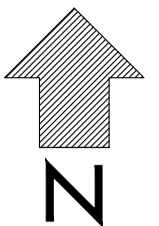
**barclay+phillips**  
architects

o: The Studio, 5 Oakridge Office Park,  
Southampton Road, Whaddon, Salisbury, SP5 3HT  
e: enquiries@barclay-phillips.co.uk  
t: +44 (0) 1722 711177 [www.barclay-phillips.co.uk](http://www.barclay-phillips.co.uk)

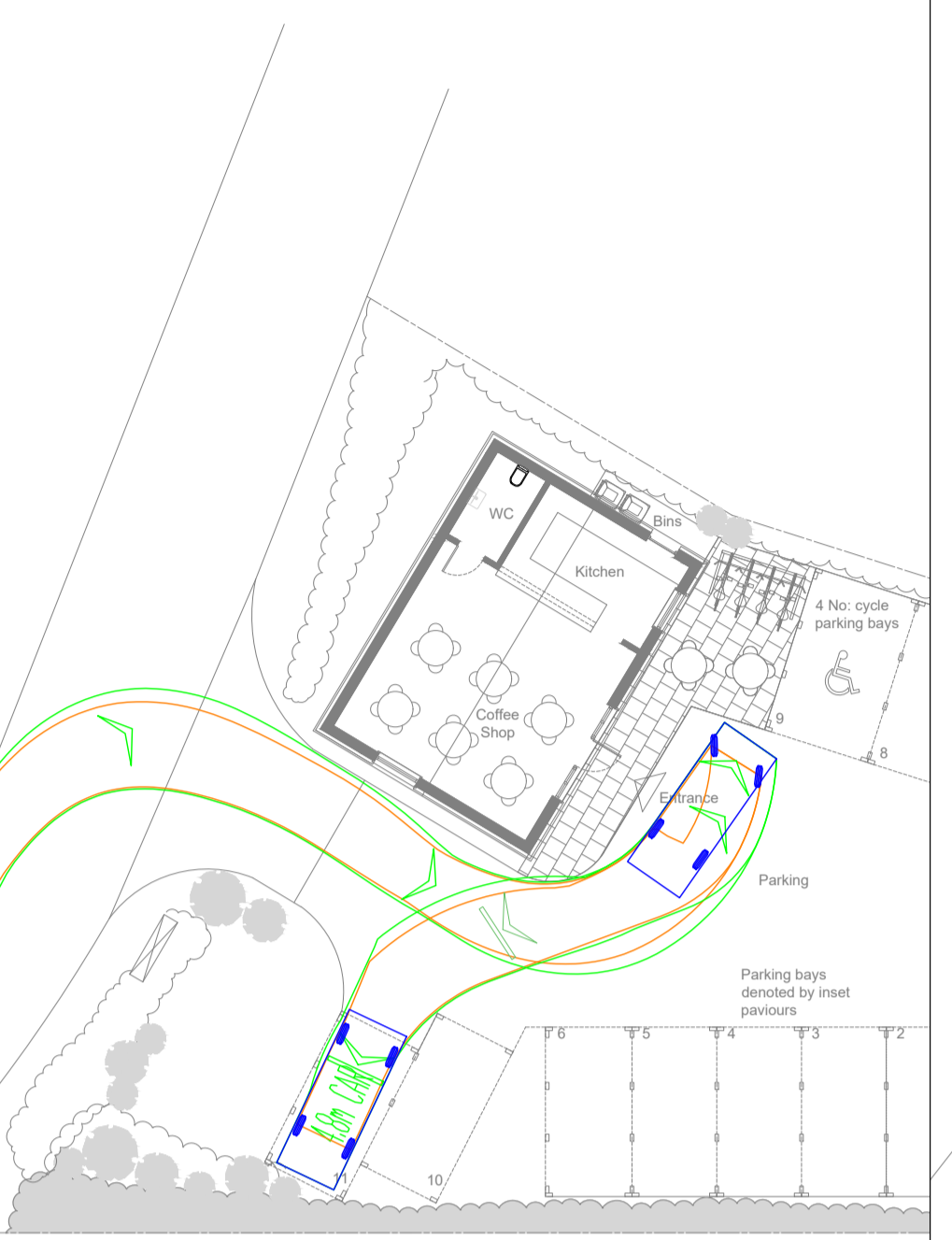
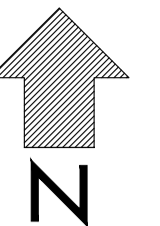




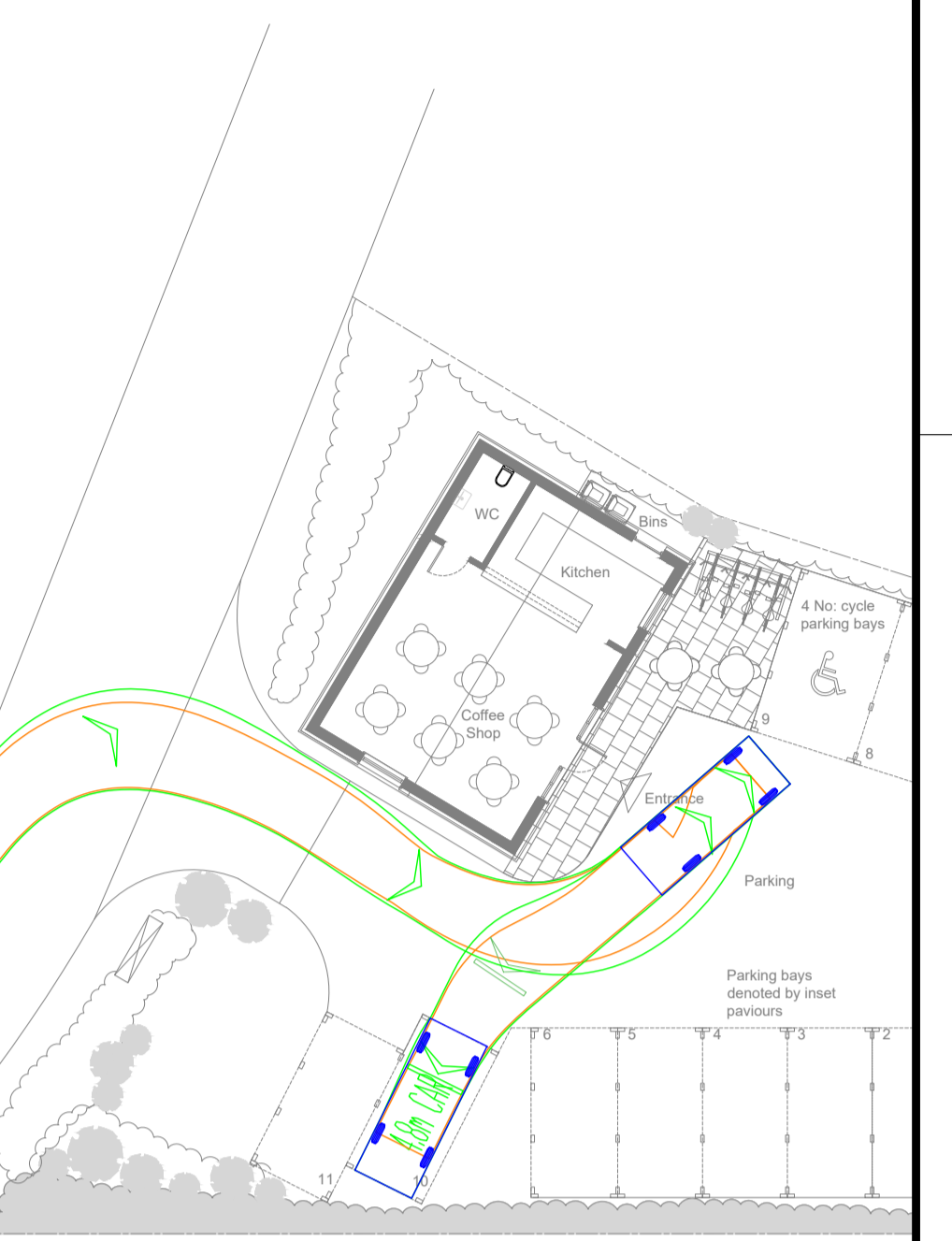
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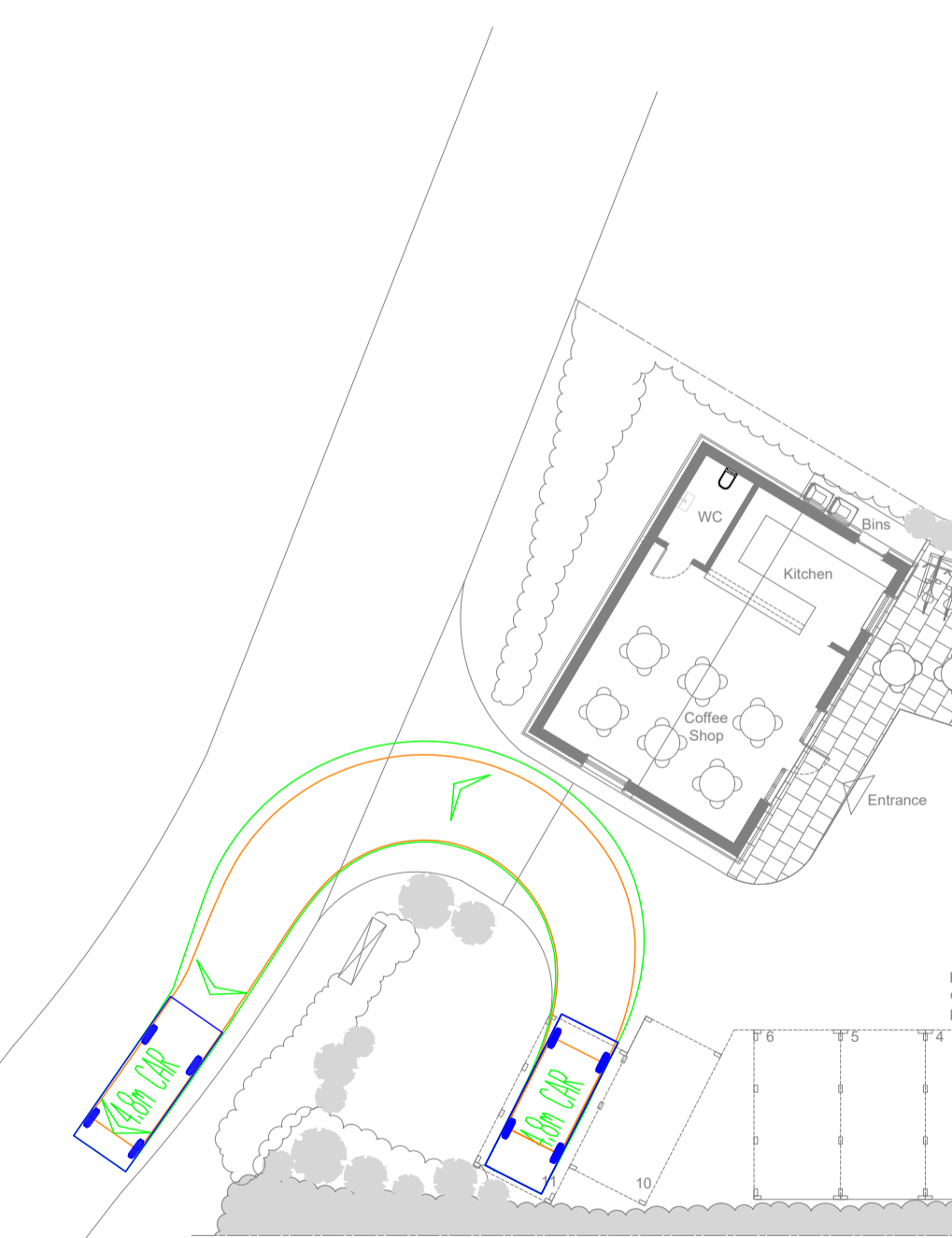
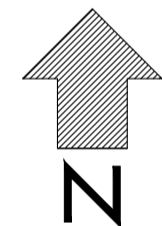
INGRESS-10-NORTH



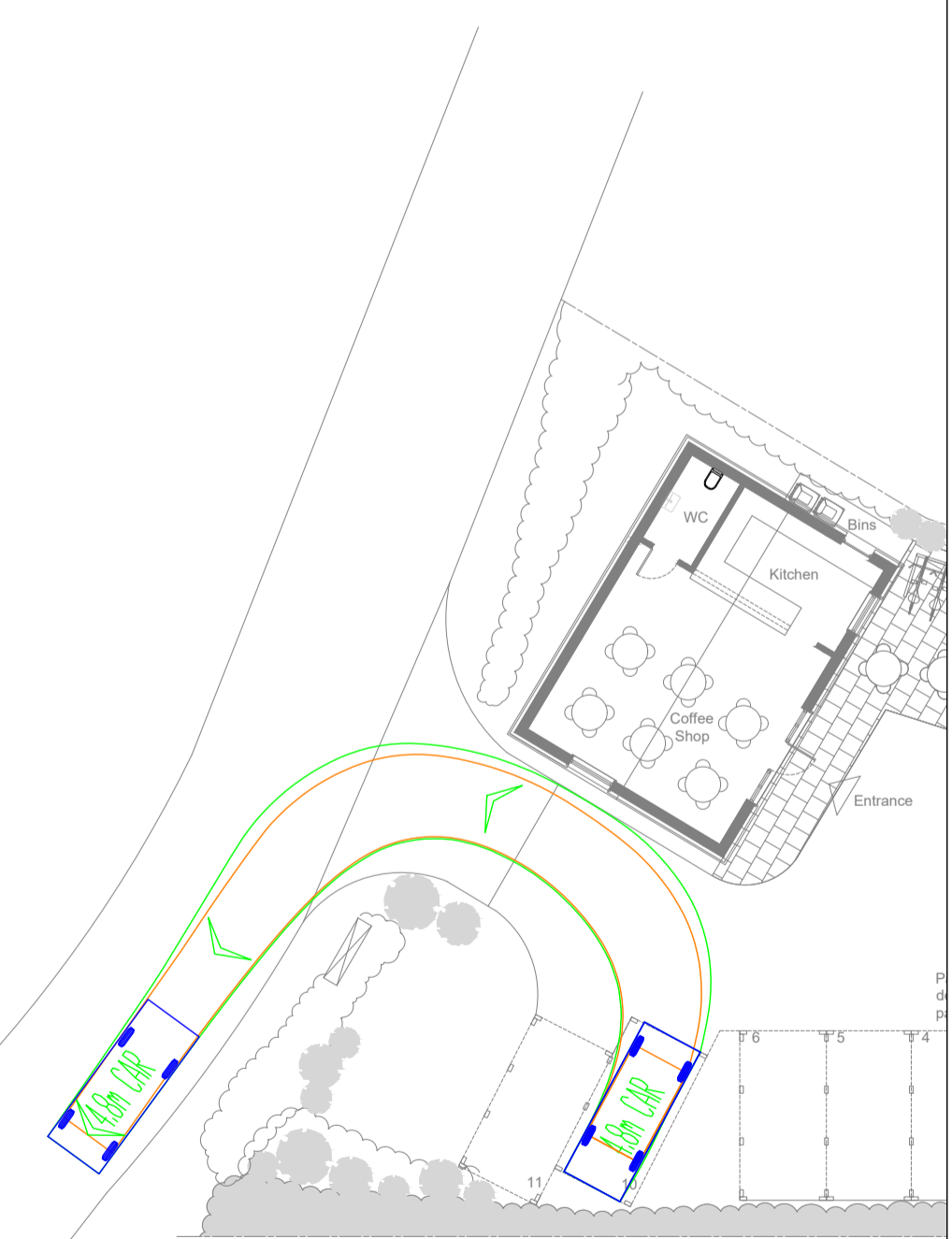
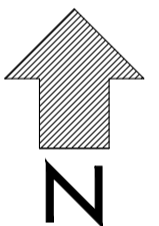
INGRESS-11-SOUTH



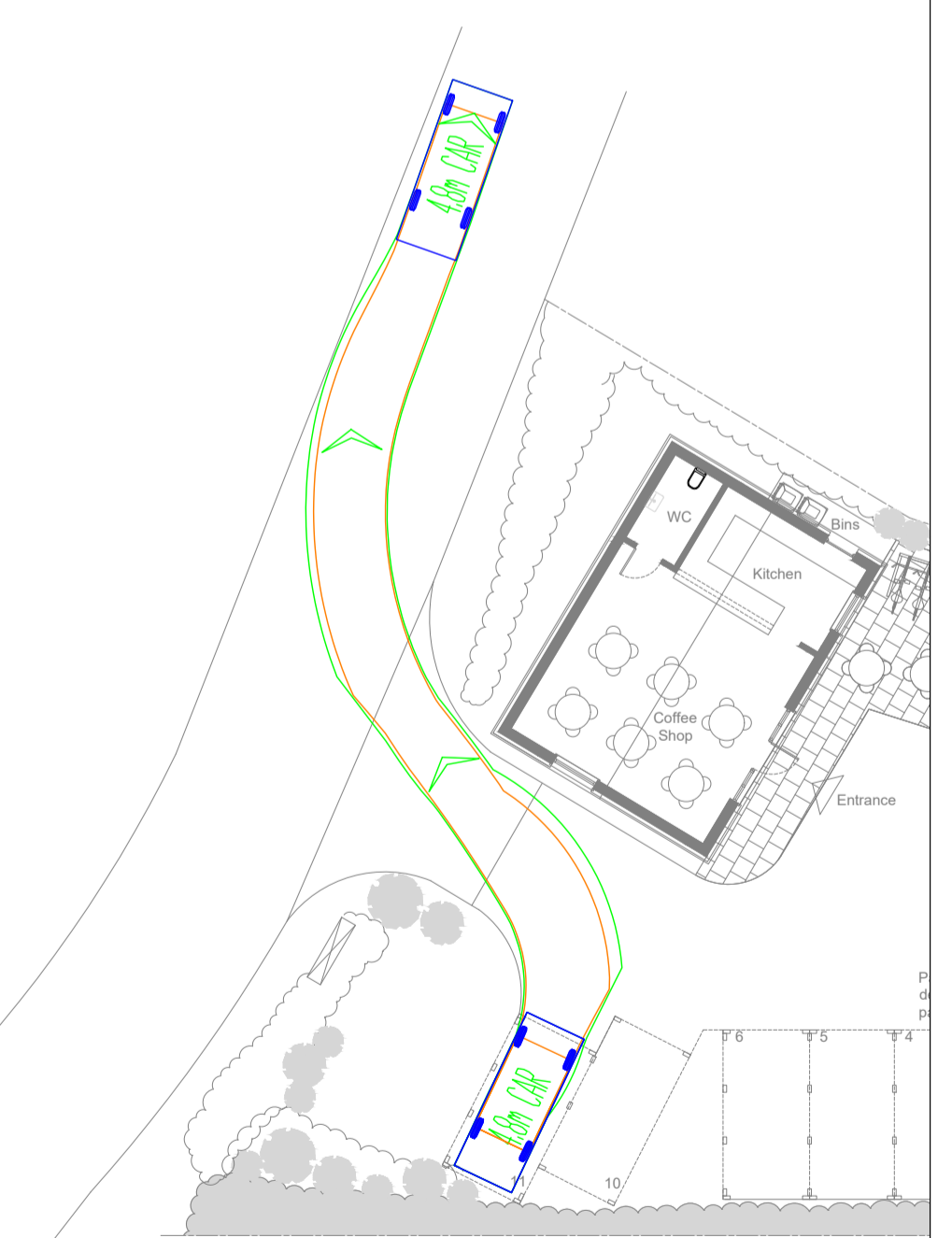
INGRESS-10-SOUTH



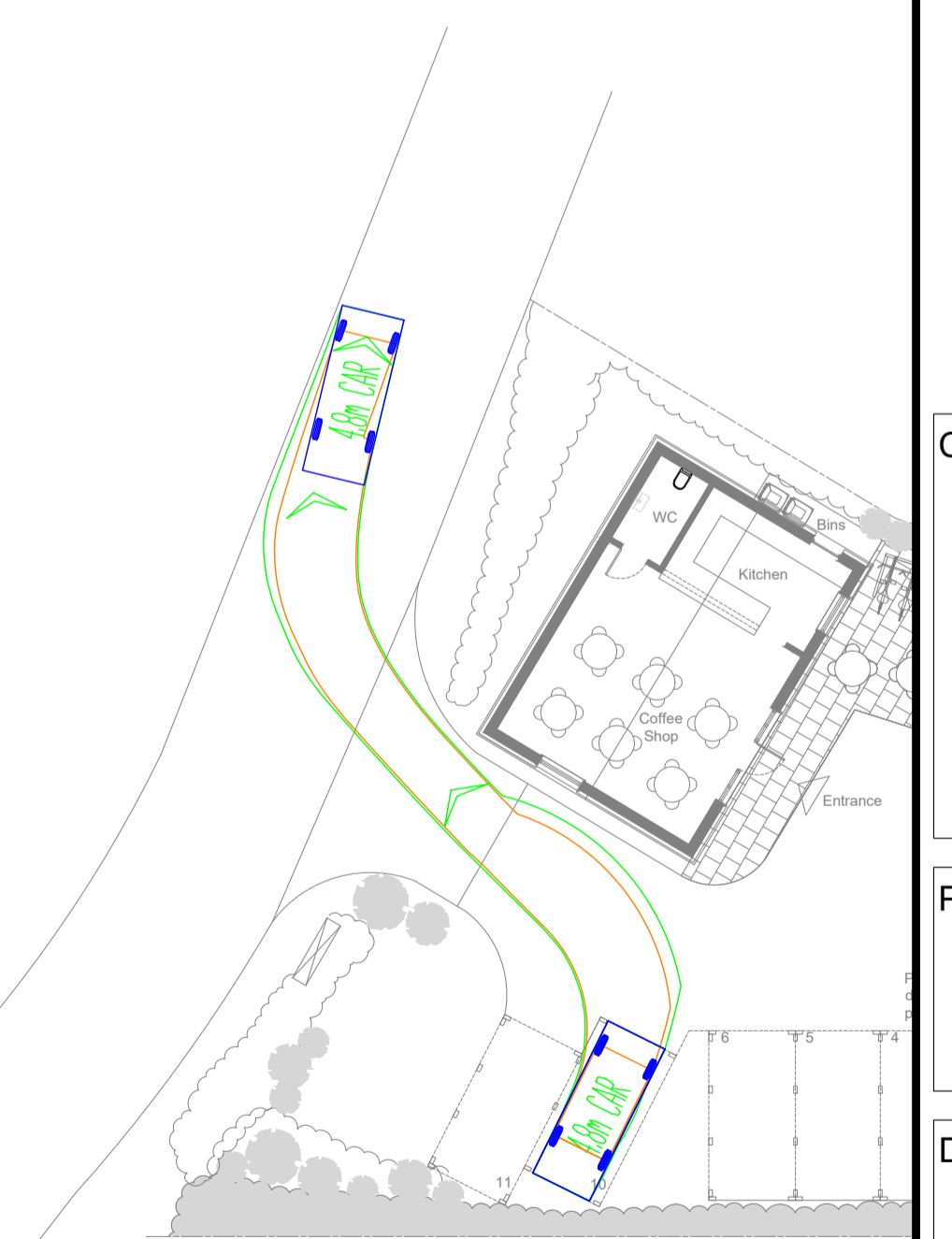
EGRESS-11-SOUTH



EGRESS-10-SOUTH



EGRESS-11-NORTH



EGRESS-10-NORTH

**VEHICLE DETAILS:**

Green line shows body  
Orange line shows axle/wheels

4.8m CAR  
Overall Length 4800mm  
Overall Width 1793mm  
Overall Body Height 1502mm  
Min Body Ground Clearance 287mm  
Track Width 1700mm  
Lock-to-lock time 4.00s  
Curb to Curb Turning Radius 6200mm

Design speed 5kph for all Forward movements  
Design speed 2.5kph for all Reverse movements

Client

**Nick Culhane**  
Highway Consultant

Project

CRICKLADE LODGE ANNA VALLEY

Drawing Title

SWEPT PATH TRACKING

Drawing Status

FOR INFORMATION

Date	Scale	Size
SEP 2022	1:150	A1
Drawing No.	Rev	
NJC-006	-	

## ITEM 8 **Scheme of Delegations to Officers**

Report of the Head of Legal and Democratic Services

### **Recommended:**

**That the Scheme of Officer Delegations, as set out in the Annex to this report, in so far as it applies to the powers and duties of Northern Area Planning Committee, be approved.**

#### **SUMMARY:**

The purpose of the report is to seek approval of the Council's Scheme of Officer Delegations in so far as it relates to Northern Area Planning Committee functions.

### **1 Background**

- 1.1 The Scheme of Delegations is approved each year in accordance with the Constitution by Annual Council. Regular updated approval of the Scheme of Delegations ensures the Council's decision-making is as robust as possible and operates as effectively as possible in accordance with legal requirements. Council Procedure Rules require that the annual meeting will approve the Scheme of Officer delegations at Part 3 of the Constitution.

### **2 Corporate Objectives and Priorities**

- 2.1 As set out in Article 14 of the Constitution the Monitoring Officer has a duty to monitor and review the operation of the Constitution and ensure that the aims and principles of the Constitution are effective.
- 2.2 Maintaining and updating the Constitution to reflect current legislation and practice is essential in order to deliver effective and lawful decisions in the day-to-day operation of the Council and implementation of the Corporate Plan.

### **3 Resource Implications**

- 3.1 No resource implications arise as a result of this report.

### **4 Issues**

- 4.1 During the course of the year since Annual Council 2022 changes have been made to the Scheme of Officer Delegations as the need arose over time. These changes have all been approved by Full Council. There were no further amendments to present to Annual Council 2023 for consideration.

### **5 Risk Management**

- 5.1 A Risk Management questionnaire has been completed and indicates this report does not require a risk assessment because the changes/issues covered by this report are not significant in terms of risk or have previously been considered.

## 6 Resource Implications

6.1 No resource implications arise as a result of this report.

## 7 Legal Implications

7.1 Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution under review. The Constitution at paragraph 1.1(h) of Part 4 requires that the Scheme of Officer Delegations is approved by Council at its Annual Meeting.

## 8 Equality Issues

8.1 No equality issues arise as a result of this report. Equality issues are considered and reported as appropriate when changes to the Scheme of Delegation are proposed to Council for consideration.

## 9 Other Issues

9.1 Community Safety - none

9.2 Environmental Health Issues - none

9.3 Sustainability and Addressing a Changing Climate - none

9.4 Property Issues - none

9.5 Wards/Communities Affected - none

## 10 Conclusion and reasons for recommendation

10.1 In order to ensure the Council's Scheme of Officer Delegations reflects current legislation and practice and remains up to date it is recommended that Scheme of Delegations as set out in the Annex to the report be approved.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	1	File Ref:	N/A
(Portfolio: Democracy and Governance) Councillor N Lodge			
Officer:	Karen Dunn	Ext:	8401
Report to:	Northern Area Planning Committee	Date:	29 June 2023

## **Delegations to Officers:**

### **Delegations to Chief Executive, Deputy Chief Executive 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, The Deputy Chief Executive, 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 and Revenues.
- (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 Deputy Chief Executive.
- (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, Deputy Chief Executive and Heads of Service be authorised, in consultation with the Head of Finance and Revenues, 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 and Revenues, 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 and Revenues 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 and Revenues, 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:

<b>50359085</b>	<b>Chief Executive</b>
<b>50360579</b>	<b>Deputy Chief Executive</b>
<b>50360846</b>	<b>Head of Housing and Environmental Health</b>

- (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.
- (18) To take decisions and determine requests for review pursuant to nominations in respect of Assets of Community Value under the Localism Act 2011.

## **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, Deputy Chief Executive, 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 and Revenues, 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.

## **Delegations 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, the Deputy Chief Executive, be authorised to take such action as they consider appropriate to deal with the incident. In the event that the Deputy Chief Executive cannot be contacted, any Head of Service be authorised to take such action as he/she considers appropriate to deal with the incident.
- (4) To implement decisions regarding pay for staff.

## **Delegations 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.

## **Delegations 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, Leisure and Tourism 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, Leisure and Tourism 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 sports fields and public open space 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, Leisure and Tourism 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 all cemeteries in control of Council 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)

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

- (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

<b>50360905</b>	<b>Community Engagement Manager</b>
<b>50360906</b>	<b>Community Engagement Officer (Community Safety)</b>
<b>50360907</b>	<b>Community Engagement Officer (Community Safety)</b>
<b>50360910</b>	<b>Community Engagement Officer (Community Safety)</b>

- (18) In consultation with the Community, Leisure and Tourism Portfolio Holder, to give the Council's representations 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, Leisure and Tourism 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.

## **Delegations 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 and Revenues;
  - Between £50,000 and £250,000 in consultation with the Chairman and Vice-Chairman of the Cabinet and the Head of Finance and Revenues;  
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.

**50360721                    Environmental Services Manager – Operations - North**  
**50360756                    Environmental Services Manager – Operations - South**  
**50360627                    Environmental Services Manager - Technical**

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 Finance and Revenues**

- (1) 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.
- (2) To countersign payments and sign instructions to the Council's Bank.
- (3) To agree and sign any contract agreement or other document with the (1)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).
- (4) That the Accountancy Manager (post holder 50360822) be authorised to countersign payments and sign instructions to the Council's Bank.

- (5) 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.
- (6) To enter into leasing arrangements on behalf of the Council for items with an approved budget.
- (7) To take all actions he/she considers appropriate for recovery of Council debts.
- (8) To take all necessary administrative action involving the Council on pension matters.
- (9) To make all payments within the Council's Financial Regulations and/or legally payable.
- (10) To grant loans for all salary-sacrifice schemes to persons coming within the Council's approved schemes.
- (11) To vary the Council's employee lease scheme to ensure compliance with HMRC rules.
- (12) To incur expenditure outside the provision of estimates in accordance with Financial Regulations.
- (13) To arrange all insurance policies (including maintaining a self-insurance reserve) and make payments in the settlement of any claim against the Council.
- (14) 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.
- (15) In consultation with the Finance and Resources Portfolio Holder, to approve Discretionary Rate Relief.
- (16) To take all actions he/she considers appropriate for recovery of Council debts, Business Rates, BID and Housing Benefit Overpayment.
- (17) To impose a civil penalty.
- (18) To reject an individual's appeal against liability and to pass the appeal to the Valuation Tribunal.
- (19) To back date an application for Housing Benefit or Council Tax Support.
- (20) To grant discretionary housing payments to customers in receipt of Housing Benefit or Universal Credit.
- (21) To grant hardship relief.



- (22) To authorise an Administrative Penalty in cases of an apparent fraudulent claim for Housing and/or Council Tax Benefit.
- (23) To insert advertising materials with Council Tax demands at his/her discretion.
- (24) To set the Council Tax Base for the Test Valley area.
- (25) That the Head of Finance and Revenues be authorised to issue authorisations pursuant to the Regulation of Investigatory Powers Act 2000.
- (26) 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:

<b>50361481</b>	<b>Revenues &amp; Welfare Manager</b>
<b>50361484</b>	<b>Revenues &amp; Welfare Compliance Officer</b>
<b>50361485</b>	<b>Revenues &amp; Welfare Compliance Officer</b>
<b>50361550</b>	<b>Revenues &amp; Welfare Compliance Officer</b>
<b>50361536</b>	<b>Revenues &amp; Welfare Team Leader</b>
<b>50361482</b>	<b>Revenues &amp; Welfare Team Leader</b>
<b>50361268</b>	<b>Senior Revenues &amp; Welfare Officer (Business Rates)</b>

- (27) In consultation with the Finance and Resources Portfolio Holder, to approve the annual National Non Domestic Rates returns to Central Government.
- (28) In consultation with the Finance and Resources 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.
- (29) In consultation with the Finance and Resources Portfolio Holder, to add new discretionary Rate Reliefs into the Discretionary Rate Relief Policy where (a) such new relief is fully funded by government (including any cost of implementation) and (b) there is clear guidance as to which businesses are eligible for the relief.

## **Delegations 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 (including Diversity and Inclusion) Portfolio Holder prior to notifying the applicant.
- (3) To grant Street Trading Consents in respect of street trading activities where those activities are taking place on land under their management.

- (4) To sign notices to quit in respect of temporary accommodation occupied by the homeless.
- (5) 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 (including Diversity and Inclusion) Portfolio Holder of the decisions that have been taken.
- (6) To determine homeless applications under Part VII of the Housing Act 1996 (as amended).
- (7) To conduct, jointly or severally with the Housing Manager, reviews of adverse decisions relating to registration on the Housing Register.
- (8) 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.
- (9) To deal with applications under the Rent (Agriculture) Act 1976.
- (10) To enter into leases of individual properties with private owners in order to secure temporary accommodation for homeless households.
- (11) To consult with tenants under the Housing Act 1985.
- (12) To agree transfers of tenants on management grounds as proposed by Registered Providers of Social Housing.
- (13) To approve home loss payments, removal and relocation allowances in accordance with any scheme approved by the Council.
- (14) To investigate allegations of harassment and threats by any illegal evictions.
- (15) To review and determine appeals lodged by Housing Register applicants under Section 164 of the Housing Act 1996.
- (16) 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.
- (17) 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.

- (18) That the Environmental Health Manager (post holder 50360920) be authorised to issue authorisations pursuant to the Regulation of Investigatory Powers Act 2000.
- (19) That the Housing Manager (post holder 50360864) be authorised to conduct homelessness reviews under Section 202 of the Housing Act 1996 (as amended).
- (20) That the Housing Development and Standards Manager (post holder 50360894) be authorised to agree the payment of discretionary grants and loans above the limits set out in the Private Sector Housing Renewal Policy in appropriate circumstances, in consultation with the Housing and Environmental Health (including Diversity and Inclusion) Portfolio Holder.
- (21) To approve grant funding in accordance with the Affordable Housing Grants Policy.
- (22) 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 (including Diversity and Inclusion) Portfolio Holder, to agree the payment of discretionary grants and loans above the limits set out in the Private Sector Housing Renewal Policy 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.

<b>50360919</b>	<b>Principal Environmental Health Officer (Health Protection)</b>
<b>50360918</b>	<b>Principal Environmental Health Officer (Environmental Protection)</b>
<b>50360922</b>	<b>(Senior) Environmental Health Officer (Environmental Protection)</b>
<b>50360923</b>	<b>(Senior) Environmental Health Officer or (Senior) Environmental Protection Officer</b>
<b>50360927</b>	<b>(Senior) Environmental Health Officer (Health Protection)</b>
<b>50360930</b>	<b>(Senior) Environmental Health Officer (Health Protection)</b>
<b>50360931</b>	<b>(Senior) Environmental Health Officer (Health Protection)</b>
<b>50360928</b>	<b>(Senior) Environmental Health Officer or (Senior) Health Protection Officer</b>

Animal Boarding Establishments Act 1963  
 Animal By-Products (Enforcement) (England) Regulations 2013  
 Animal Health Act 1981  
 Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018  
 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  
 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 Union (Withdrawal) Act 2018 (as amended by The European Union (Withdrawal Agreement) Act 2020) Factories Act 1961  
Food and Environment Protection Act 1985  
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 Union (Withdrawal) Act 2018 (as amended by The European Union (Withdrawal Agreement) Act 2020) and relating to food safety, and any modification or re-enactment of such provisions, including:  
Regulation (EC) 852/2004, 853/2004, 1169/2011 and 178/2002  
Food Safety and Hygiene (England) Regulations 2013 (as amended).  
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 Feed and Food Controls (England) Regulations 2009 (as amended).  
Open Spaces Act 1906  
Pet Animals Act 1951

Police and Criminal Evidence Act 1984  
 Pollution Prevention and Control Act 1999  
 Prevention of Damage by Pests Act 1949  
 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 (England) Regulations 2007 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  
 2018  
 Water Industry Act 1991  
 Zoo Licensing Act 1981

**50360894     Housing Development and Standards Manager**  
**50360868     Principal Environmental Health Officer (Housing)**  
**50360932     (Senior) 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 Union (Withdrawal) Act 2018 (as amended by The European  
 Union (Withdrawal Agreement) Act 2020) 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

**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**  
**50360924 Scientific 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

**50360921     Animal Welfare Officer**

Animal Boarding Establishments Act 1963  
Animal Health Act 1981  
Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018  
Animal Welfare Act 2006  
Anti-Social Behaviour, Crime and Policing Act 2014  
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  
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 Union (Withdrawal) Act 2018 (as amended by The European  
Union (Withdrawal Agreement) Act 2020) Factories Act 1961  
Food and Environment Protection Act 1985  
Food Information Regulations 2014  
Regulation (EC) 852/2004, 853/2004, 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 Union (Withdrawal) Act 2018  
(as amended by The European Union (Withdrawal Agreement) Act  
2020) and relating to food safety, and any modification or re-enactment  
of such provisions, including:  
Regulation (EC) 852/2004, 853/2004, 1169/2011 and 178/2002  
Food Safety and Hygiene (England) Regulations 2013 (as amended).  
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 (Part2A 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 2009 (as  
amended).  
Open Spaces Act 1906  
Pet Animals Act 1951  
Police and Criminal Evidence Act 1984  
Pollution Prevention and Control Act 1999  
Prevention of Damage by Pests Act 1949  
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 (England) Regulations 2007 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  
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  
2018  
Water Industry Act 1991  
Zoo Licensing Act 1981

**50360894 Housing Development and Standards 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

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 or (Senior)  
 Environmental Protection Officer**  
**50360927 (Senior) Environmental Health Officer (Health  
 Protection)**  
**50360930 (Senior) Environmental Health Officer (Health  
 Protection)**  
**50360931 (Senior) Environmental Health Officer (Health  
 Protection)**  
**50360928 (Senior) Environmental Health Officer or (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 Union (Withdrawal) Act 2018  
 (as amended by The European Union (Withdrawal Agreement) Act  
 2020) and relating to food safety, and any modification or re-enactment  
 of such provisions, including:  
 Regulation (EC) 852/2004, 853/2004, 1169/2011 and 178/2002  
 Food Information Regulations 2014  
 Food Safety and Hygiene (England) Regulations 2013 (as amended).

General Food Regulations 2004  
 Meat (Enhanced Enforcement Powers) (England) Regulations 2000  
 Natural Mineral Water, Spring Water & Bottled Drinking Water  
 Regulations 2007 (as amended)  
 Official Feed and Food Controls (England) Regulations 2009  
 Quick-frozen Foodstuffs (England) Regulations 2007 Trade in Animals  
 and Related Products Regulations 2011  
 Transmissible Spongiform Encephalopathies (England) Regulations  
 2018

**50360922 (Senior) Environmental Health Officer  
 (Environmental Protection)**  
**50360923 (Senior) Environmental Health Officer or (Senior)  
 Environmental Protection Officer**  
**50360927 (Senior) 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**  
**50360932 (Senior) Environmental Health Officer (Housing)**  
**50360928 (Senior) Environmental Health Officer or (Senior)  
 Health Protection 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

- (23) 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 (Senior) Environmental Health Officer (Health  
 Protection)**  
**50360930 (Senior) Environmental Health Officer (Health  
 Protection)**  
**50360931 (Senior) Environmental Health Officer (Health  
 Protection)**  
**50360922 (Senior) Environmental Health Officer (Environmental  
 Protection)**

<b>50360923</b>	<b>(Senior) Environmental Health Officer or (Senior) Environmental Protection Officer</b>
<b>50360928</b>	<b>(Senior) Environmental Health Officer or (Senior) Health Protection Officer (Health Protection)</b>

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.
  - (f) To issue certificates of registration under provisions of Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 for acupuncture, tattooing, ear-piercing and electrolysis, and certificates of registration for hairdressers and barbers under provisions of Section 4 of the Hampshire Act 1983.
- (24) 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.

<b>50360920</b>	<b>Environmental Health Manager</b>
<b>50360918</b>	<b>Principal Environmental Health Officer (Environmental Protection)</b>
<b>50360919</b>	<b>Principal Environmental Health Officer (Health Protection)</b>
<b>50360921</b>	<b>Animal Welfare Officer</b>
<b>50360922</b>	<b>(Senior) Environmental Health Officer (Environmental protection)</b>
<b>50360923</b>	<b>(Senior) Environmental Health Officer or (Senior) Environmental Protection Officer</b>
<b>50360927</b>	<b>(Senior) Environmental Health Officer (Health Protection)</b>

- 50360928 (Senior) Environmental Health Officer or (Senior) Health Protection Officer**
- 50360930 (Senior) Environmental Health Officer (Health Protection)**
- 50360931 (Senior) Environmental Health Officer (Health Protection)**

- (25) 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.
- (26) 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) 2021 and any amendment thereto.
- (27) That the Housing Development and Standards Manager (post holder 50360894), the Environmental Health Manager (post holder 50360920) and the Principal Environmental Health Officer (Housing), post holder 50360868, be authorised to grant, vary, refuse and revoke licences under the Caravan Sites and Control of Development Act 1960 and the Housing Act 2004, including appropriate licence conditions, and to authorise the necessary enforcement action under the Mobile Homes Act 2013.
- (28) 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) Environmental Health Officer or (Senior) Health Protection Officer**

Section 149(1) of the Environmental Protection Act 1990

Regulation 11(2) of the Microchipping of Dogs (England) Regulations 2015.

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

<b>Delegation Framework for formal support for DPA Waiver</b>			
<b>Type of Scheme</b>	<b>Decision</b>	<b>Reason</b>	<b>Delegated to</b>
HARAH and Rural Exception Sites	Refuse	COM8 seeks affordable homes in perpetuity.	Head of Housing and Environmental Health

**ANNEX**

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 the 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 the Portfolio Holder and Parish Council

- (30) That the Principal Environmental Health Officer (Housing), post holder 50360868, the Housing Development and Standards Manager (post holder 50360894) and the Environmental Health Manager (post holder 50360920) be authorised to grant, vary, refuse and revoke licences in respect of Houses in Multiple Occupation under the Housing Act 2004 and also grant, vary and transfer licences in respect of the Caravan Sites and Control of Development Act 1960.
- (31) That the Head of Housing & Environmental Health, in consultation with the Portfolio Holder for Housing & Environmental Health and the Head of Finance & Revenues, be given delegated authority to draw from ear-marked grant reserves for homelessness to support the delivery of effective TVBC housing services.

- (32) That the Head of Housing & Environmental Health, in consultation with the Portfolio Holder for Housing & Environmental Health, the Portfolio Holder for Finance & Resources, and the Head of Finance & Revenues, be given delegated authority to draw monies received from central government that are ring fenced for homelessness that may, from time to time, be provided to meet identifiable homelessness pressures, for purposes that meet the terms of those grants.

## **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) To make alterations to the calendar of meetings in consultation with the Democratic and Governance Portfolio Holder to ensure the efficient process for the democratic process.
- (26) Following consultation with the Leader, to approve the attendance of Members at conferences and meetings including the payment of travelling and subsistence allowances.
- (27) In consultation with the Democracy and Governance Portfolio Holder, to appoint individuals to parish, town and community councils should circumstances mean that they are no longer quorate.
- (28) In consultation with the Portfolio Holder for Democracy and Governance, to take all necessary steps to amend polling places where there are no suitable premises available in the designated polling place to serve as a polling station.
- (29) To amend the Licensing Committee and Sub-Committee Procedure Rules to give effect to legislative changes.

- (30) 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.
- (31) 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.
- (32) To reject representations under the Licensing Act 2003 or Gambling Act 2005 which he/she considers to be vexatious, frivolous or repetitious.
- (33) 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.
- (34) 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.
- (35) 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.
- (36) 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.
- (37) To determine applications for Licensed Premises Gaming Machine Permits; Club Gaming Permits, Club Machine Permits, Prize Gaming Permits, and Small Lottery Registrations.
- (38) To cancel or vary Licensed Premises Gaming Machine Permits.
- (39) To revoke a Small Lottery Registration.
- (40) To remove automatic entitlement to gaming and/or to two gaming machines on alcohol licensed premises.
- (41) 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.
- (42) 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.
- (43) To allocate street collections.

- (44) To determine applications for sex establishment licences save for where objections to the grant, transfer or renewal of a licence have been received.
- (45) 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.
- (46) 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.
- (47) In consultation with the Democracy and Governance Portfolio Holder, to approve increases in Hackney Carriage fares.
- (48) 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.
- (49) 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.
- (50) 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.
- (51) 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**

**50361452      Licensing and Local Land Charges Assistant**

**50876924      Licensing and Local Land Charges Assistant**

- (52) To update the use of IT and Social Media Policy as and when required.

## **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 and applications under s191 and s192, Town and Country Planning Act 1990) where a Member requests in writing, with reasons and within the Application Publicity Expiry Date, 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.
  - (d) Applications where the Head of Planning and Building Services recommends refusal of an application solely on the basis of failure to achieve nutrient neutrality where a Ward Member requests in writing, with reasons, within 72 hours of notification of the recommendation for refusal that they be submitted to Committee for determination. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
- (2) To determine applications (excluding applications for advertisement consent, certificates of lawfulness, 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 within the Application Publicity Expiry Date 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 and Revenues.

- (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

<b>50361136</b>	<b>Head of Planning and Building Services</b>
<b>50361139</b>	<b>Development Manager</b>
<b>50361140</b>	<b>Development Manager</b>
<b>50361200</b>	<b>Principal Planning Officer</b>
<b>50361216</b>	<b>Principal Planning Officer</b>
<b>50361212</b>	<b>Senior Planning Officer</b>
<b>50361213</b>	<b>Senior Planning Officer</b>
<b>50361217</b>	<b>Senior Planning Officer</b>
<b>50361218</b>	<b>Senior Planning Officer</b>
<b>50649303</b>	<b>Senior Planning Officer</b>
<b>50649304</b>	<b>Senior Planning Officer</b>
<b>50361330</b>	<b>Senior Planning Officer</b>
<b>50361204</b>	<b>Planning Officer</b>
<b>50361219</b>	<b>Planning Officer</b>
<b>50361220</b>	<b>Planning Officer</b>
<b>50360949</b>	<b>Planning Officer</b>
<b>50361201</b>	<b>Planning Assistant</b>
<b>50361202</b>	<b>Planning Assistant</b>
<b>50361203</b>	<b>Planning Assistant</b>
<b>50361222</b>	<b>Planning Assistant</b>
<b>50361226</b>	<b>Planning Assistant</b>
<b>50361246</b>	<b>Planning Enforcement Manager</b>
<b>50381163</b>	<b>Enforcement Officer</b>
<b>50361248</b>	<b>Enforcement Officer</b>
<b>50361249</b>	<b>Enforcement Officer</b>
<b>50361250</b>	<b>Enforcement Officer</b>
<b>50361063</b>	<b>Team Leader (Trees)</b>
<b>50361064</b>	<b>Arboricultural Officer</b>
<b>50361065</b>	<b>Arboricultural Officer</b>
<b>50361020</b>	<b>Team Leader (Design and Conservation)</b>
<b>50361022</b>	<b>Conservation Officer</b>
<b>50361066</b>	<b>Senior Landscape Architect</b>
<b>50361067</b>	<b>Landscape Officer</b>

- (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 postholders, 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 and Revenues, 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:

<b>50361232</b>	<b>Building Control Manager</b>
<b>50361234</b>	<b>Area Building Control Surveyor</b>
<b>50361235</b>	<b>Area Building Control Surveyor</b>
<b>50361236</b>	<b>Area Building Control Surveyor</b>
<b>50361233</b>	<b>Area Building Control Surveyor</b>
<b>50361237</b>	<b>Area Building Control Surveyor</b>
<b>50361238</b>	<b>Technical Assistant</b>

- (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

<b>50361232</b>	<b>Building Control Manager</b>
<b>50361233</b>	<b>Area Building Control Surveyor</b>
<b>50361234</b>	<b>Area Building Control Surveyor</b>
<b>50361235</b>	<b>Area Building Control Surveyor</b>
<b>50361236</b>	<b>Area Building Control Surveyor</b>
<b>50361237</b>	<b>Area Building Control Surveyor</b>
<b>50361238</b>	<b>Technical Assistant</b>



- (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
- |                 |                               |
|-----------------|-------------------------------|
| <b>50361063</b> | <b>Team Leader (Trees)</b>    |
| <b>50361064</b> | <b>Arboricultural Officer</b> |
| <b>50361065</b> | <b>Arboricultural Officer</b> |
- (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.
- (27) To conclude agreements under s106 of the Town and Country Planning Act 1990 in relation to mitigation land within its administrative area required by other local planning authorities as listed below.

- (i) Basingstoke and Deane Borough Council;
  - (ii) BCP (Bournemouth Christchurch Poole) Council;
  - (iii) Dorset Council;
  - (iv) East Hampshire District Council;
  - (v) Eastleigh Borough Council;
  - (vi) New Forest District Council;
  - (vii) New Forest National Park Authority;
  - (viii) South Downs National Park Authority;
  - (ix) Southampton City Council;
  - (x) West Berkshire Council;
  - (xi) Wiltshire Council; and
  - (xii) Winchester City Council.
- (28) To conclude agreements under s106 of the Town and Country Planning Act 1990 in relation to nutrient mitigation land required by the Council outside its administrative area and to exercise monitoring and enforcement functions under s106 where such functions have been properly delegated to the Council by the relevant local authority.
- (29) To conclude agreements under s33 Local Government (Miscellaneous Provisions) Act 1982 and in particular to enter into such agreements in relation to nutrient mitigation land required by the Council outside its administrative area and to exercise monitoring and enforcement functions under s33 in relation to such land.

## **Delegations to Head of Planning Policy and Economic Development**

- (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

<b>50361050</b>	<b>Head of Planning Policy and Economic Development</b>
<b>50361059</b>	<b>Principal Planning Officer (Strategy)</b>
<b>50361056</b>	<b>Principal Planning Officer (Delivery)</b>
<b>50361062</b>	<b>Senior Planning Officer</b>
<b>50361061</b>	<b>Planning Officer</b>
<b>50813751</b>	<b>Planning Officer (Delivery and Neighbourhood Planning)</b>
<b>50895958</b>	<b>Planning Officer (Delivery)</b>

- (2) In consultation with the Finance and Resources Portfolio Holder and the Recycling, Environmental Services and Parking 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):-
  - (a) 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”);
  - (b) In consultation with the Planning Portfolio Holder, to submit the Local Planning Authority’s pre-submission consultation response;
  - (c) Upon receipt of the draft Neighbourhood Plan, to check the submitted Plan meets the legislative requirements, secure the publication of the Neighbourhood Plan proposal;
  - (d) In consultation with the Planning Portfolio Holder, to submit the Local Planning Authority’s submission consultation response ;
  - (e) Appoint a person to carry out an examination of the Neighbourhood Plan and submit the Plan for examination pursuant to the Regulations;
  - (f) 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);
  - (g) To publish the Examiner’s report and the Council’s decision statement in accordance with the Regulations;
  - (h) Where appropriate, to arrange a referendum to consider the Neighbourhood Plan;
  - (i) 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.
- (5) In consultation with the Finance and Resources Portfolio Holder and the Head of Finance and Revenues, to have authority to issue Business Incentive Grants of £500 to each qualifying persons.
- (6) Day-to-day control and management of Council tourism facilities and associated activities and events provided by the Council.

- (7) In consultation with the Finance and Resources Portfolio Holder, to award grants from the £500,000 Section 106 contribution obtained from the developer of Andover Business Park.

## **Head of Property and Asset Management Service**

- (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 and Revenues, 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 and Resources Portfolio Holder and the Head of Finance and Revenues, to dispose of land where the consideration is £75,000.00 or less.\*
  - (21) In consultation with the Finance and Resources Portfolio Holder and the Head of Finance and Revenues, 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.
  - (22) To grant licences for temporary/short-term works on Council-owned land.\*
  - (23) In consultation with the Head of Finance and Revenues, 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.
- \* 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) To exercise the powers and duties of the Council under the Landlord and Tenant (Covenants) Act 1995.

- (25) 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.
- (26) 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.
- (27) 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.
- (28) In consultation with the Head of Community and Leisure Services, to issue licences for temporary buildings.
- (29) To permit the display of banners on Council buildings.
- (30) 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.
- (31) 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.
- (32) To approve monuments and statues on highway land, after appropriate consultations and subject to the approval of the Highway Authority.
- (33) To buy electric, gas and water from the most competitive provider for the sites we own and operate.
- (34) 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.
- (35) 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 Property and Asset Management 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, 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**

- (36) To implement transport capital programmes.
- (37) General day-to-day operation of the Transport Services.
- (38) To issue temporary parking permits for a duration of up to 6 months to third parties.
- (39) In consultation with the with the Finance and Resources and the Recycling, Environmental Services, and Car Parks and Strategic Regeneration (South) Portfolio Holders, to issue temporary parking permits for a duration longer than 6 months.
- (40) To install refuse or storage bins in streets under Section 185 of the Highways Act 1980.
- (41) To appoint consultants to undertake professional services on schemes included in approved capital or revenue estimates.
- (42) 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.
- (43) 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.
- (44) To operate the Hampshire County Council/Test Valley Borough Council Agency Agreement for the enforcement of parking control.
- (45) 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 Resources and Recycling, Environmental Services and Parking Portfolio Holders.
- (46) To permit the use of the car parks outside the charging hours for events of a charitable or non-profit making nature.
- (47) 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.
- (48) To negotiate agreements for advertising on car park tickets, ticket machine shelters and bus shelters on terms and conditions as he/she considers appropriate.
- (49) 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.

- (50) 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.
- (51) 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.
- (52) To instruct enforcement agents in connection with the recovery of unpaid parking debts.
- (53) To make changes to the Parking Enforcement Policy and Guidance in response to changes in legislation or operational procedures.
- (54) To determine Penalty Charge Notice appeals including appeal decisions, resetting of 14 day discount rates and/or removal of surcharges.
- (55) To determine if a penalty charge or parking permit debt is uncollectible and to write off such debts.
- (56) 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.
- (57) In consultation with the Recycling, Environmental Services and Parking 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.
- (58) In consultation with the Recycling, Environmental Services and Parking Portfolio Holder, to consider objections to Traffic Regulation Orders and to decide whether the Order, as advertised or with amendments, be made/confirmed.
- (59) In consultation with the Head of Finance and Revenues, to set the levels of charges for Traffic Regulation Orders with the objective of recovering the costs of making the Order.
- (60) To consider and implement the renumbering of houses and the naming and renaming of streets in accordance with the Council's policy.