

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.