General Scheme of Delegation

Havant BOROUGH COUNCIL

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1.0 INTRODUCTION TO LOCAL SCHEME OF OFFICER DELEGATION

The Officer Scheme of Delegation contained in Section G of Part 2 to the Constitution sets out the ways in which officers of the Council can make decisions and which decisions they have the power to make. The Council operates a “cascade” principle of delegation to ensure that decisions are taken at the most appropriate level closest to those who will be affected. The cascade principle means that any officer given powers under the Officer Scheme of Delegation can further delegate those powers to other officers. The Constitution provides that these further delegations shall be set out in a **Local Scheme of Officer Delegation.**

Subject to the general principles relating to officer delegation, and the limitations applying thereto, contained in the Constitution, this Local Scheme sets out the standing delegations given to specific officers in defined areas of the Council’s service areas.

1.1 Designated Officers

The Scheme’s Designated Officers are:

- Head of Paid Service
- Monitoring Officer
- Chief Finance Officer

- Director for Regeneration & Place

2.0 (A) Corporate Services Directorate

2.1 To delegate to the S151 Officer and Director of Regeneration & Place in liaison with the Portfolio Holder for Regeneration and Finance the prioritisation of sites across the Borough to apply the use of natural defences to land holdings which have been identified as environmentally sensitive. For the costs associated with developing these defences be considered during the annual budget setting process for the next financial year. A sum of £20,000 to be reallocated from the property services budget for 2020/21 to support in year works.

3.0 Head of Organisational Development

3.1 Areas of responsibility:

3.2 The Head of Organisational Development is delegated the power to discharge all of the Council's functions relating to the provision of the full range of services appropriate and necessary to enable the proper and efficient operations of HBC to include:

- The provision of HR services including recruitment and resourcing, pay, pensions and other terms and conditions of employment, employee relations, conduct and dismissal of staff (and any other matter that is subject to local agreement under the Council's collective agreements with the recognised trade union), internal communications/employee engagement, training and development, change/reorganisation, organisational development (including performance appraisal and performance contracts), health and safety (in relation to Council staff and activities), health and absence management, dignity at work/equality and equal pay.
- To make all decisions relating to the Council's duties to inform and consult trade unions and workers under any statute or Council policy or procedure.
- To act as the Council's principal advisor on all human resources and employment issues. Develop, implement, monitor and continuously review HR policies and practices which reflect corporate strategy, HR practise, changing requirements and promote a consistent approach.

3.3 Civil Emergencies, Emergency Planning and Corporate Health & Safety

- The preparation of Civil Emergency Plans for the Council, in consultation with Hampshire County Council and all necessary outside bodies and organisations.

- The management of the Business Continuity Plans for the Council and the Corporate Health and Safety support to the organisation to enable them to operate a safe system of work.

3.4 Communications and Marketing

The Head of Organisational Development is delegated the power to discharge all of the Council's functions relating to the provision of the full range of services appropriate and necessary to enable the proper and efficient operations of HBC to include:

- liaison with the media;
- external promotion of Council activities;
- co-ordination of internal communications;
- production of publications;
- design services to produce leaflets, documents, newsletters and reports, also exhibition and visual aids work; and
- enhance democracy and community development in the area.
- authority to instigate agreements with external market research agencies to undertake necessary work relating to the requirements of the Council.

4.0 Client Relationship Director

4.1 The Client Relationship Director shall have the powers and authority delegated to him/her by the Joint Committee (6 Councils) to take steps on behalf of all parties as set out in the Inter Authority Agreement.

4.2 The Client Relationship Director may appoint one or more Deputies. The Deputies may be employees of one or more of the Parties or an appointment of an external consultant. If the Client Relationship Director proposes the appointment of an external consultant, the terms of the appointment shall be agreed by the Representatives. The salaries of the Client Relationship Director and any Deputies and the fees of the external consultants shall be agreed and met jointly by the parties.

4.3 The Client Relationship Director shall ensure discharge of Revenues and Benefits Client responsibilities for the Authority, and for any partner requiring this. This to include discharge of the statutory responsibility for checking Housing Benefits Claims.

4.4 The Client Relationship Director is working jointly for the Parties to the agreement (6 Councils) in accordance with section 113 of the Local Government Act 1972.

5.0 Head of Commercial Development

Areas of responsibility

5.1 The Head of Commercial Development is delegated the powers to discharge all of the functions relating to the provision of the full range of services appropriate and necessary to enable the proper and efficient operations of HBC to include:

- The provisions of commercial advice and support to all areas and services of the council. Including the development of business skills and commercial acumen, entrepreneurial and commercial practices, policies, and procedures, commercial governance, pricing strategies, marketing, contract management and support for the development and delivery of business cases for alternative models of delivery.

5.2 Specific responsibilities

5.3 The Head of Commercial Development shall have the powers and authority delegated to them as a company director under the Articles of Association or relevant constitution for nominated council trading entities or alternative models of delivery. This shall include the management of strategies, business plans, income and expenditure, operations, growth, performance, communications, organisational development, human resources, health and safety, and risk management.

6.0 Head of Legal Services

6.1 Democratic Services

a) The provision of a Secretariat to meet the statutory requirements for meetings and proceedings of the Council, Cabinet, and its Committees. The provision of secretarial, administrative and office support and training and development services generally to meet the needs of Councillors in performing their roles.

b) To approve Councillors' attendance at conferences, seminars and training events, subject to the event being relevant to a training and development need or the Councillor's role on the Council.

c) In respect of the establishment of Licensing Sub-Committees, that the selection of membership for the Sub-Committees be delegated to the Democratic Services Team Leader, in consultation with the Chairman of the Licensing Committee.

d) In respect of the establishment of Audit and Finance Committee, Standards Committee or Overview & Scrutiny Committee, that the selection of membership for any Sub-Committees be delegated to the Democratic Services Team Leader, in consultation with the Chairman of the Overview & Scrutiny Committee .

e) To administer and manage the Council's deputation schemes including delegated powers to refuse an application when the application is received after the period within which an application should be received.

f) To administer and manage requests to ask questions at Council meetings in accordance with the Council's Questions Scheme (Section E, Standing Order 23 of this Constitution) including the authority to refuse requests, which are defamatory, frivolous, or offensive.

g) To register Councillors as data controllers under the data protection legislation.

h) For the avoidance of doubt, all the items in these paragraphs a) to h) are delegated to and/or may be exercised by the Democratic Team Leader or Deputy Monitoring Officer.

7.0 Head of Programmes Redesign and Quality

Areas of responsibility

The Head of Programmes Redesign and Quality is delegated the power to discharge all the Council's functions relating to the provision of the full range of services including procurement as appropriate and necessary to enable the proper and efficient operations of HBC to include:

7.1 Senior Information Risk Owner (SIRO)

- Act as the Council's Senior Information Risk Owner, taking ownership of the Council's information risk policy, acting as an advocate for information risk to the Council's Executive Board and providing written advice on the content of the Council's annual governance statement regarding information risk.

7.2 Performance Management

- The provision of such management services as are necessary to enable the proper and efficient operations and administration of Havant Borough Council, including:

- Performance management reporting and advice.

7.3 Corporate Governance

- The provision of such corporate governance development services as are necessary to enable the proper and efficient operations and administration of Havant Borough Council, including:

- Co-ordination of Information Communications/ Digital strategy, and of all matters related to administration of the Council's arrangements for the provision of Information and Communications Technology Services and associated policies and frameworks within the Council; but excluding final agreement of all Council Policies, Strategies and Plans developed by the service and contracts relating to ICT of a threshold over £50k.

7.4 Policy Management

- The provision and management of the Council's policy development in accordance with relevant requirements (including appropriate decisions of the Council) and including policy research and advice and provision of the annual governance statement.

7.5 Freedom of Information and Data Protection

- Responsible for all Freedom of Information (FOI), Environmental Information Regulations (EIR) and Data Protection (DP) Requests. To ensure requests are dealt with under the relevant legislation, the correct exemptions and exceptions are applied, and all are dealt with within the statutory timeframes.

- Responsible for all aspects of the General Data Protection Regulation (GDPR) including reporting to the ICO (Information Commissioner's Office) where necessary.

7.6 Programmes and Design

- Responsible for the availability and coordination of corporate project, programme and business analyst resources in line with the Council's corporate strategy aims and objectives.

- The provision of digital design services across the Council to enable the ongoing improvement and transformation of service delivery.

7.7 Effective Working

The Effective Working Manager is delegated the power to discharge all of the Councils functions relating to the provision of the full range of property services appropriate and necessary to enable the proper and efficient operations of HBC to include:

a) Facilities Management - In undertaking the management of the Councils facilities to provide all necessary items required to ensure the buildings are fit for purpose provided such procurement is within budget and accords with the Council's Financial and Procurement Regulations.

b) Management of the overall use of the Councils accommodation including partner presence ensuring optimum workspace design and effective use of Council assets.

c) Lost and Uncollected Property - To take all necessary action in accordance with Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 relating to lost and uncollected property.

8.0 Head of Customer Services

Areas of responsibility:

The Head of Customer Services is delegated power to discharge all of the Council's functions relating to the administration in regard to all matters concerning Customer Services, Corporate Support, Electoral Services, Address Management, Local Land Charges, Research and Insight and reliefs, rebates, refunds and enforcement related to Council Tax, Non-Domestic Rating, Housing Benefit, Council Tax Benefit/Support and other debts such powers to include:

8.1 Revenues and Benefits

a) To increase the levels of summons and liability order costs relating to the recovery of sums due from charge payers or taxpayers, in line with increased costs, from time to time;

b) To determine entitlement to Council Tax discount in respect of disregarded people and to determine exemption from empty property Council Tax charges in accordance with the regulations and Council Policy;

c) To represent and appear on behalf of the Council at any legal proceedings in relation to the administration and recovery of, non-domestic rates and Council tax (including Valuation Tribunals), and such authority will be deemed to include any officer of the Revenues and Benefits Service Team appointed for that purpose under section 223 of the Local Government Act 1972;

d) To write off debts to a maximum of £5,000 per debt without recourse to the Cabinet and/or Council;

e) To grant hardship relief from non-domestic rates in accordance with the agreed guidelines. Where considered appropriate due to special circumstances, scale of potential job losses or significant budget implications, consult with the Chief Finance Officer and the relevant portfolio holder;

f) Administer applications for discretionary rate relief, top-up rate relief and rural rate relief in accordance with the Councils agreed guidelines;

g) To authorise the despatch of Completion Notices relating to new and altered property for the purposes of non-domestic rates and Council tax administration;

h) To agree discretionary granting of void relief for non-domestic rates on partly occupied property under the provisions of the Local Government

Finance Act 1988.

i) To agree to remit or reduce Council tax or non-domestic rates for sole traders in appropriate cases under the provisions of the Council's Extreme Hardship Scheme;

j) To appoint contract Enforcement Agents to act for the Council in the collection of non-domestic rates and Council tax where a liability order has been granted by the Magistrates;

k) To determine claims under the Housing Benefit Scheme and Council Tax Benefit Scheme (including backdated claims) in accordance with the provisions of the Social Security Administration Act 1992 and the Social Security Contributions and Benefits Act 1992; and pay benefit to eligible claimants;

l) The compilation and maintenance of the Council Tax Register;

m) The levying, billing, collection and recovery of Council tax and non-domestic rates and connected administrative functions;

n) To investigate benefit/reduction claims where fraud or abuse is suspected.

o) To determine the recoverability of Housing Benefit/Council Tax Benefit/Council Tax Reduction overpayments in accordance with the Housing Benefit and Council Tax Benefit Regulations and the Council's agreed Council Tax Support schemes and make decisions on whether to seek recovery of overpayments;

p) To decide claims and make payments under the Discretionary Housing Payments scheme in accordance with the Discretionary Financial Assistance Regulations 2001 and agreed Council guidelines and procedures;

q) Initiate a prosecution in respect of any breach of benefit/reduction legislation in consultation with the Monitoring Officer; and

r) To decide claims for Council Tax Reductions in accordance with Section 13A of the Local Government Finance Act 1992 and the Councils' agreed Council Tax Support schemes, and award reductions to eligible claimants.

8.2 Corporate Support

- The sorting and distribution of post and internal mail, including delivery to external offices;
- Distribution - Franking and dispatch of all Council mail, also specialised mailings to handle bulk items, urgent deliveries, enveloping and

labelling requirements;

- Provision of a print room service to undertake all internal printing requirements

- The provision of administrative support to all services of the Council.

8.3 Electoral Services

- The day to day running of the team.

8.4 Customer Services

- The co-ordination of customer care initiatives and provision of customer service centre arrangements, including:

- Customer services function for the Council/District and relevant partners, including switchboard and reception functions and Information Offices; and

- Complaints management.

8.5 Address Management

- The making of changes to the Local Land and Property Gazetteer and to the Local Street Gazetteer;

- Naming and numbering of new and existing streets and properties in consultation with other relevant authorities

- Amendments to names of existing streets within the District; and

- Setting fees and charges for application to change numbers of properties of streets in the District.

8.6 Local Land Charges

- Maintenance of the Local Land Charges Register; and

- Issuing Local Land Charge Search Certificates. In accordance with all statutory and other relevant requirements (including appropriate decisions of the Council)

8.7 Research and Insight

- Strategic research and insight on internal and external markets to support the management of the council's cervices, policies, and transformation programmes

- Authority to instigate agreements with external market research agencies to undertake necessary work relating to the requirements of the Council

9.0 Head of Environmental Services

Areas of Responsibility

The Head of Environmental Services is delegated the power to discharge all of the functions in relation to the management of all environmental services in order to enable HBC to properly and efficiently discharge its operations and responsibilities under the Supplemental Service Agreement in 2019 with Norse SE that includes the delegated functions from EHDC.

9.1 Specific Responsibilities:

a) The operation of the agency agreement with Hampshire County Council for verge maintenance.

b) Collection of refuse and recycling from domestic and commercial premises.

c) Recycling of all household and commercial waste.

d) Street Cleansing, litter bins, grass cutting including all Council owned land.

e) Cleansing of Public Conveniences within the district.

f) The provision of recycling banks in locations in order to promote waste reduction.

g) Agreement of the arrangements for the provision of a customer service centre to handle service requests and complaints.

1.0 (B) - Regeneration & Place

2.0 Head of Regeneration, Economy & Assets (Property)

Areas of responsibility: The Head of Regeneration, Economy & Assets is delegated the power to discharge all of the Council's functions relating to the provision of the full range of services appropriate and necessary to enable the proper and efficient operations of HBC to include:

2.1 Regeneration & Economy

To drive forward the regeneration and economic growth of the borough in accordance with the agreed strategies.

2.2 Property

The Head of Property is responsible for the strategic management of all Council owned land and property, in accordance with Section G, 9.3-9.4 of the constitution.

The Head of Property has full delegation to manage and deal with all transactions at market rent or market value, including, but not limited to, new lettings and licences, lease renewals, lease extensions, variations, surrenders, terminations, rent reviews, re-gearings, extinguishment or modification of covenants, claims for compensation, dilapidations (or claims). To include responsibility for the demand and collection of rents, service charges and licence fees.

Where appropriate to include the making of applications for deemed planning permission and listed building consent in relation to Council-owned or other land, including:

- For permission for development under regulations 3 and 4 of the Town and Country Planning General Regulations 1992 in respect of land owned by the Council; and

- For permission for development or listed building consent in respect of land not owned by the Council in consultation with the relevant portfolio holder and local ward councillor.

The appointment and management of internal and external consultants and contractors for the purpose of undertaking any of the functions and responsibilities of the Property Services Team.

2.3 Management of land owned by the Council

Responsibility for the proper and general day to day management and maintenance of the councils' land and buildings. Including where required:

- Provision of asset valuations in accordance with the International Financial Reporting Standards.

- Provision of valuations for any purpose in connection with the Council's estate.

- The assessment and valuation of land for which the Council pays national non-domestic rates, the appeal against rating assessments and the negotiation and agreement of revised rating assessments for any such land.

- The provision of valuation services and other property advice to the Council, Cabinet, committees of the Council and officers of the Council, including:

    - General property and valuation advice; and
    - Representation of the Council in relation to matters affecting land in courts, tribunals, arbitrations, public inquiries and at quasi-judicial proceedings.
    - The maintenance of the Council's records in relation to land ownership and lettings and in connection with the use and disposition of the Council's property assets.
    - The removal or regularisation of encroachments or the unauthorised occupation or use of Council-owned or leased land.
    - The authorisation of the temporary use of Council-owned land by third parties or organisations, subject to the standard safeguards protecting the Council's interests and prior consultation with the Monitoring Officer.

2.4 Management of land not owned by the Council

For land leased or licensed to the Council - To provide on behalf of other council services property management, valuation, and negotiation services in connection with land leased or licensed to the Council, and to negotiate, agree and (where appropriate) instruct solicitors to complete any of the following transactions including:

- All transactions relating to the day-to-day management of the land, including, but not limited to, new leases, licences, extensions, variations, surrenders, rent reviews, claims for compensation, dilapidations (or claims) provided that this falls within approved budget provision; and

- Where no budget exists, or a budget is insufficient for the purpose of the transaction, all transactions relating to the day-to-day management of

land in consultation with the relevant portfolio holder.

2.5 Acquisitions of Land and Buildings

Authority to acquire and dispose of land:

- Approval exists for acquisitions up to a value of £250,000 where there is existing budgetary provision.
- In addition to the above the following approvals are given:

- The acquisition of land included within any approved acquisition programme or the principle of the acquisition has been approved by Cabinet and funding within existing budgets is available (no financial limit).

2.6 Compulsory Purchase

In the event the council wishes to exercise its compulsory purchase powers cabinet approval would be required regardless of council limit.

The determination of the level of statutory compensation payable and authorisation of the payment or acceptance of compensation in connection with compulsory purchase removal and disturbance and planning blight, including:

- Statutory compensation payable by the Council for the loss of land or disturbance payments, including removal expenses fees and costs and home loss payments arising from the Council's exercise or proposed exercise of powers of compulsory purchase or from the service on the Council of a purchase or blight notice; and

- Statutory compensation payable to the Council for the loss of its land, or disturbance payments, including removal expenses fees and costs arising from cases where other bodies possessing compulsory purchase powers have exercised or have resolved to exercise those powers, or in cases arising out of the service by the Council of a purchase or blight notice.

All above points to be completed in consultation with the S151 and monitoring officer. The Investment portfolio at East Hampshire District council will require additional consultation of the Regeneration and Property Investment Board.

2.7 Disposal of land

- The disposal for best consideration of land where the land is either declared by Cabinet to be surplus to requirements or is included in a planned disposal programme approved by Cabinet.
- Disposals include the grant of easements, wayleaves, and rights of way.

2.8 Planning Applications

The making of applications for deemed planning permission and listed building consent in relation to Council-owned or other land, including:

- For permission for development under regulations 3 and 4 of the Town and Country Planning General Regulations 1992 in respect of land owned by the Council.
- For permission for development or listed building consent in respect of land not owned by the Council in consultation with the relevant portfolio holder and local ward councillor.

3.0 Head of Housing and Community

Areas of Responsibility:

The Head of Housing and Community is delegated the power to discharge all of the Council's functions relating to the provision of the full range of services appropriate and necessary to enable the proper and efficient operations of HBC to include:

2.9 Housing Services

The provision of a full range of housing advice services in accordance with statutory requirements and appropriate decisions of the Council including:

a) The authority to determine applications from households who may be homeless or threatened with homelessness;

b) The authority to make arrangements with private landlords, housing associations and other suitable agencies to provide accommodation to homeless households in connection with the Council's statutory duties.

c) The authority to make nominations to Registered Social Landlords in accordance with Council policies.

d) The removal and storage of property.

e) The disposal of uncollected property; and

f) Other activities relating to housing need.

g) To undertake periodical reviews of the housing needs of the District.

h) The enabling of development of affordable housing to meet the borough's housing needs.

2.10 Housing and Community Regeneration

a) Development of a Homelessness Strategy (statutory requirement and Housing Strategy.

b) Promotion of a balanced housing market.

c) Strategic partnership with housing providers.

d) Development of policies, programmes and partnership working to combat poverty and social exclusion.

e) Strategic policy and programme liaison with lead organisations and partnership bodies involved in community development, education, health and social welfare.

2.11 Community Services

To provide financial, technical and professional advice to local and regional community groups.

2.12 Community Centres

The provision and management of Community Centres in accordance with all relevant requirements (including appropriate decisions of the Council) and including:

- Ensure the provision and management of the Council's Community Centres.

- The authority to instigate partnership agreements with the relevant bodies in relation to the Council's Community Centres and their effective provision of services in the Community.

2.13 Health, Wellbeing and Community Development Work

The provision and management of Health, Wellbeing and Community Development work in accordance with all statutory and other relevant requirements (including appropriate decisions of the Council) and including:

- The Council's adviser to relevant Partnerships including the authority to determine agreements for the provision of appropriate services in the District.

2.14 Council Grants

The provision and management of Council Grants in accordance with relevant Council policies and requirements and where appropriate, in consultation with the Chief Finance Officer, (including appropriate decisions of the Council) and including:

a) The payment of annual grants.

b) The authority to instigate partnership agreements with the relevant bodies in relation to the payment of annual grants.

c) The authority to terminate partnership agreements with the relevant bodies in consultation with the relevant Cabinet lead.

d) To sign service level agreements and other agreements with voluntary sector organisations and other statutory agencies on behalf of the

Council, as appropriate.

e) Strategic policy and programme liaison with lead organisations and partnership bodies involved in community development, education, health and social welfare.

f) To suspend payment of grant awards to partnership funding organisations in appropriate circumstances prior to a monitoring report being presented to the Cabinet Liaison Panel EHDC/Cabinet HBC.

2.15 Community Engagement

Act as the Council's primary point of contact for Town & Parish Councils and Ward Councillors and Communities.

2.16 Assets of Community Value

The power to determine nominations to list land a assets of community value.

2.17 Safeguarding

a) Act as the Council's Corporate Lead in terms of safeguarding, ensuring the council completes the S11 Audit and that an appropriate training programme is in place for all staff and Councillors.

b) Attend any Domestic Homicide reviews or Safeguarding as required.

c) Development of a Safeguarding Policy which is regularly reviewed and updated

2.18 Council's Community Lottery

To be the gambling licence holder for the Lottery ensuring any concerns are reported to the Gambling Commission.

4.0 Head of Neighbourhood Support

Areas of responsibility

The Head of Neighbourhood Support is delegated the power to discharge all of the functions relating to the provision of parking & traffic management, community safety & neighbourhood quality, environmental enforcement, environmental health, pest control and planning enforcement appropriate and necessary to enable the proper and efficient operations of HBC to include:

- Design and implementation of environmental enhancement schemes.

- Provision of environmental enhancement advice.
- Powers under the Proceeds of Crime Act 2002.
- Clean Neighbourhoods and Environment Act 2005.
- To authorise officers to act under the provisions of the Clean Neighbourhoods and Environment Act 2005;
- To issue Litter Abatement Notices, Litter Clearing Notices, and Street Litter Control Notices;
- To issue the following fixed penalty notices for Nuisance Parking, Litter, Street Litter Control, Litter clearing, Failure to produce waste transfer note, Failure to produce waste carriers licence, Offences under Dog Control Orders, Failure to nominate Key holder or to notify Local Authority in writing of nominated Key holders details; and
- Management of abandoned and unwanted end of life vehicles.
- Refuse Disposal (Amenity) Act 1978
- To issue fixed penalty notices for, and the management and disposal of, abandoned vehicles. Offences in relation to abandoned vehicles.

4.1 Parking and Highways

- Respond on behalf of the District to all Traffic Regulation Order Consultations from Hampshire County Council and the Department of Transport, after consultation with the local Councillor.
- The operation of civil parking enforcement pursuant to agency arrangements, including the issue of Penalty Charge Notices, under the Traffic Management Act 2004.

4.2 Management of Car Parks

- The operation and management of off-street parking places in the ownership or under the control of the Council except for the setting of charges.
- To be authorised to waive Penalty Charge Notices in appropriate cases.

4.3 Community Safety

a) The provision and management of Community Safety functions in accordance with all statutory and other relevant requirements (including

appropriate decisions of the Council) including:

- After consultation with the relevant bodies under the Crime and Disorder Act 1998 and in consultation with the Monitoring Officer, to authorise applications, in accordance with the agreed protocol, for anti-social behaviour orders to the Magistrates' Court under the Act.

b) The provision of an annual Strategic Assessment leading to the development of an annually reviewed Community Safety Plan for the District.

c) Authority as the Council's adviser to ensure appropriate provision and management of the Community Safety Partnership for the District.

d) The authority to ensure the effective provision and management of CCTV operations in the District.

e) Authorised to act under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 in so far as it relates to the protection of buildings.

4.4 Trees and High Hedges

The Head of Neighbourhood Support may exercise all powers relating to tees and high hedges under the terms of the Town and Country Planning Acts or Part 8 of the Anti-Social Behaviour Act 2003 including:

a) To make a Tree Preservation Order;

b) Confirmation of unopposed or opposed Tree Preservation Orders;

c) Amendment to a Tree Preservation Order to deal with valid objections;

d) Varying a Tree Preservation Order;

e) Issuing a decision not to confirm a Tree Preservation Order;
f) Revoking a Tree Preservation Order; or

g) Serving Urgent Works Notices under the Planning (Listed Buildings and Conservation Areas) Act 1990 where budgetary provision has already been made.

h) To determine applications to fell or carry out works to trees that are the subject of a Tree Preservation Order;

i) To determine Notices of Intent to carry out works to tree within a conservation area;

j) To authorise the issuing and serving of Tree Replacement Notices;

k) Exercise the functions set out in the Environment Act 1995 and The Hedgerows Regulations 1997 as they relate to hedgerow protection;

l) Exercise all the functions of the Council in respect of high hedges under Part 8 of the Anti-Social Behaviour Act 2003 to include:

- Deciding whether to proceed with a complaint relating to high hedges;
- Determining a complaint on high hedges; or
- Authorising the serving of a remedial notice in respect of any remedial works that in their opinion are required to be carried out to high hedges.

4.5 Environmental Health

General Scope of Responsibilities

To exercise all powers for the discharge of the Council functions relating to Environmental Health legislation, as amended from time to time except so far as these matters are reserved for Council, Cabinet or Committees and in particular relating to:

- Statutory nuisances.
- Air quality, water quality (recreational and drinking) and pollution control.
- Noise control.
- Contaminated land.
- The health safety and welfare of animals.
- Stray dogs, dangerous dogs and dog fouling.
- Microchipping of dogs.
- The control of vermin and other pests.
- Prevention and control of notifiable infectious diseases.
- The importation, distribution, production and sale of safe food.
- Health, safety and welfare of people affected by work activities.
- Controls on smoking in public places.
- Addressing hazards in housing.
- Provision of grants and loans for the adaptation, repair and improvement of houses
- Houses in multiple occupation.
- Empty homes.
- Mobile homes caravan and camping sites.
- Licensing functions in respect of the supply of alcohol, regulated entertainment and supply of late night refreshment.
- Licensing of Hackney Carriages and Private Hire vehicles, drivers and private hire vehicle operators.

- Licensing of Sex Shops and Cinemas
- Sexual Entertainment Venues.
- Street Collections.
- House to House Collections.
- Licensing functions in respect of gambling.
- Licensing in respect of animals.
- Anti-social behaviour – Anti Social Behaviour, Crime and Policing Act 2014.
- Welfare burials and exhumations;
- Cemeteries and administration of burials;
- Sanitary conveniences at places of entertainment etc;
- Sunday Trading;
- Health Education and development;
- Road Closures;
- Cinemas;
- Licensing of a facility (tables & chairs) on the highway;
- The Control of Horses Act 2015;
- Disposal of Waste and fly-tipping; and
- Environmental Act 1995.

4.6 Appointments

a) To make internal arrangements as appropriate under which other persons will be authorised to carry out the functions delegated. Such arrangements may be made formally in writing but shall be equally valid if during an emergency it is made orally and informally and is formalised in writing following the emergency.

b) To appoint and authorise any person to exercise the powers and duties (including prescribed powers of entry), under any legislation appropriate to the service;

c) To engage the services of authorised veterinary practitioners to provide advice and other assistance in respect of the Council's statutory functions relating to animals;

d) To appoint, a Proper Officer for provisions relating to the control of infectious diseases for the purposes of Section 35 of the Public Health (Control of Disease) Act 1984; and

e) To appoint a public analyst.

4.7 Licensing Functions

To administer the processes under the Licensing Act 2003;

To determine the following matters under the Licensing Act 2003 including the imposition of appropriate conditions on Licences:

a) Applications for Personal Licences – if no objection made;
b) Applications for Premises Licences/Club Premises Certificates – if no relevant representation made;
c) Applications for Provisional Statements – if no relevant representation made;
d) Applications to vary Premises Licences/Club Premises Certificates – if no relevant representation made;
e) Applications to vary Designated Premises Supervisor – all cases unless there is a Police objection;
f) Request to be removed as Designated Premises Supervisor – all cases;
g) Applications for transfer of Premises Licences – all cases unless there is a Police objection;
h) Applications for interim authorities – all cases unless there is a Police objection;
i) Decision on whether a representation is irrelevant, frivolous or vexatious – all cases;
j) Applications to grant gaming machine permits for no more than two gaming machines – all cases;
k) Decision on whether to consult other responsible authorities on minor variation applications – all cases;
l) Determination of minor variation applications – all cases;
m) Application by holder of a community premises licence to disapply the requirement for a designated premises supervisor; and
n) In circumstances where the Magistrates' Court has determined the licence on appeal.
o) To make representations in defending all appeals to the Magistrates Court against the decisions of the Licensing Sub Committees but he or his representative in consultation with the Monitoring Officer, and if practicable the Chairman or another Member of the relevant Sub-Committee, may mediate Sub-Committee hearing determinations where proposed changes are wholly of a minor or legally technical nature;
p) To make representations as the Environmental Health and Licensing responsible authority.
q) Hackney Carriage and Private Hire Vehicle, Driver and Private Hire Vehicle Operator Licences
r) Determine applications for licences including the imposition of appropriate conditions, renewals, variations and transfers and the power to suspend and revoke licences and to take any other action delegated by the Licensing Committee;
s) Decisions as to the appointment and revocation of hackney carriage stands and the number of vehicles thereon (Monitoring Officer).

4.8 Gambling Act 2005

To administer the processes under the Gambling Act 2005 including:

a) To determine the following matters under the Gambling Act 2005 including the imposition of appropriate conditions on Licences:

b) Application for Premises Licence – Where no representations received/ representations have been withdrawn.

c) Application for a variation to a Licence – Where no representations received/ representations have been withdrawn.

d) Application for a transfer of a Licence – Where no representations received/ representations have been withdrawn.

e) Application for Provisional Statement – Where no representations received/ representations have been withdrawn.

f) Application for Club Gaming/Club Machine Permits – Where no objections made/objections have been withdrawn.

4.9 Applications for other Permits;

a) Cancellation of licensed premises Gaming Machine Permits.

b) Consideration of Temporary Event Notices.

c) Animal Licences (Zoos, and establishments for horse riding, animal boarding, dog breeding, dangerous wild animals, and pet shops)

d) To determine applications for licences including the imposition of appropriate conditions, renewal, transfer, alteration and variation of licenses;

e) Sex establishments.

f) To determine applications for grant and renewal of a licence including the imposition of appropriate conditions – where no objections are received.

g) To determine applications to transfer a licence – where no objections are received.

4.10 Street Collections and house to house collections

- To determine applications to grant or refuse in line with Council's Street and House to House regulations.

4.11 Caravan and Camping Sites

- To determine applications including the imposition of appropriate conditions for site licences;

4.12 Houses in Multiple Occupation

- To determine applications including the imposition of appropriate conditions for licences;

4.13 Other Applications

To make decisions on applications for, and renewal, variation or transfer of, registrations, permits, authorisations, orders, approvals, certificates or designation orders and housing grants or loans. In particular to include:

a) Premises for sale, storage, preparation or manufacture of food;
b) Food export certificates and deferred port health inspection of imported foods;
c) Skin piercing activities;
d) Chimney heights and furnaces;
e) Processes prescribed for pollution control;
f) Loudspeakers in the street;
g) Prior consent for noise control on construction sites; and
h) Diversions of traffic to prevent obstructions.

4.14 Enforcement Actions

The Head of Neighbourhood Support may:

Notices

To serve notices (including fixed penalty notices), orders and to take any other action, including, the exercise of default powers and use of emergency powers in pursuance of any Environmental Health statutory provisions. This includes action relating to:

a) The maintenance, repair and/or cleansing of defective, stopped up, leaking or overflowing drainage systems, water closets or soil pipes;

b) Filthy or verminous premises, articles or persons;

c) Nuisances, drainage of premises and water supplies;

d) Control of noise, contaminated land, air pollution, water quality (drinking or recreational) and other forms of pollution;

e) Works relating to unoccupied buildings under Sections 29-32 of the Local Government (Miscellaneous Provisions) Act 1982;

f) Section 76 of the Building Act 1984 (defective premises);

g) Pest Control;

h) Dog Control;

i) Protection of animal welfare;

j) Food safety and food hygiene;

k) The control of infectious diseases;

l) Unsafe housing conditions;

m) Houses in multiple occupation;

n) Control of smoking in public places;

o) Empty Dwelling Management Orders – Section 133 or 136 Housing Act 2004; and

p) Anti-Social Behaviour Act in response to noise nuisance cases. Local Government (Misc. Prov) Act 1976 S20 & 21.

q) Actions, duties and powers relating to relevant functions under the Health and Safety at Work etc. Act 1974 and regulations made thereunder.

Miscellaneous

a) Agree transfers of enforcement responsibilities under the Health and Safety (Enforcing Authority) Regulations 1989, as amended from time to time;

b) Recover costs incurred in exercising work in default powers as a civil debt or by putting a legal charge on the premises in consultation with Legal Services;

c) Consultation with the Monitoring Officer, to authorise the institution of legal proceedings (whether civil or criminal) in respect of any matter relating to the service;

d) Waive (or refund) any fees or charges in appropriate circumstances, except the repayment of grants upon a breach of grant conditions;

e) Enter into contracts with third parties to deliver pest control and associated services;

f) Make designation of Dog Control Orders; and

g) Exercise powers for the re-homing or destruction of seized dogs.

4.15 Planning Enforcement

The Head of Neighbourhood Support may:

a) Serve notices for information such as Planning Contravention Notice or a Notice under Section 330 of the Town and County Planning Act 1990 (as amended) or a Section 171 Notice under the Town and Country Planning Act 1990 (as amended), and Requisitions for Information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;

b) Decide to take no further action in respect of any breach of planning control except where the development in question is materially contrary to the policies of an approved development plan or adopted planning policy approved by the Council, or where a local/ Ward Councillor has requested the breach of planning control be referred to a Committee for decision;

Authorise the Head of Finance to:

a) Prepare and serve any statutory notice (and withdraw any such notice before it has taken effect) under the Town and Country Planning Acts including breach of condition notices, enforcement notices, special enforcement notices, stop notices, temporary stop notices, listed building enforcement notices, conservation area enforcement notices, section 215 notices and notices under Section 330 of the Town and Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 in exercise of the Council's functions as Local Planning Authority.

b) Prepare and serve a notice under section 23 Local Government (Miscellaneous Provisions) Act 1976 in relation to any dangerous tree.

c) Take legal proceedings under the Planning (Listed Buildings and Conservation Areas) Act 1990.

d) Take injunctive proceedings under Section 187B of the Town and Country Planning Act 1990, Section 222 of the Local Government Act 1972, Sections 9 and 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 214A of the Town and Country Planning Act 1990 in exercise of the Council's functions.

e) Prepare and serve Notices under Section 215 and Completion Notices under Section 94 of the Town and Country Planning Act 1990.

f) Pursue legal proceedings in connection with non-compliance with any statutory notice, breach of planning control, or offence committed under the planning acts and to exercise any other available remedies in connection with the same.

g) To implement powers for the discontinuance, removal and related enforcement of advertisement displays under the Town and Country Planning Act 1990 and any associated Regulations.

h) In consultation with the Head of Finance, make any decision regarding the conduct of ongoing actions or cases relating to any breach of planning control in a court of law.

5.0 Head of Planning

5.1 Planning Applications

The Head of Planning is delegated full authority to exercise and discharge all planning functions in accordance with all statutory and other requirements of a Local Planning Authority concerning the control of development and regulation and use of land under the provisions of the Town and Country Planning Acts (including the Town and Country Planning Act 1990, Town and Country Planning (Control of Advertisements) Regulations 1992 and the Planning (Listed Building and Conservation Areas) Act,1990 and any associated amendments, or related Acts, legislation, regulations and provisions) including the power to:

- Accept, administer, process (including requiring the submission of more information), publicise, decline to determine (where the regulations allow), and to determine all applications and consultations submitted to the Council on any planning matter **except** an application:

a) Which is contrary to the provisions of an approved development plan or adopted planning policy approved by the Council, and which is recommended for approval.

b) Submitted by or on behalf of a Councillor (or his/her spouse or partner) or by any member of the Council's staff (or his/her spouse or partner) where any objection has been received. Where no objection received, delegation to be agreed in consultation with Chairman of Planning Committee and Planning Portfolio Holder.

c) Which the Head of Planning considers should be presented to Committee for decision including for example, those development that in his opinion are particularly controversial, likely to be of significant public interest, or which may have a significant impact on the environment.

d) Where, within four weeks of its receipt by the Council, or within seven days of being notified that it is intended to grant permission for an application:

- Where, within the application consultation period, a local Ward Councillor (or in the absence of a local Ward Councillor the Chairman or Vice Chairman of the Development Management Committee) requests in writing to the Head of Planning, giving good material planning reasons, that the application be determined by the Planning Committee.

a) Administer and determine applications for hazardous substances consent under the Planning (Hazardous Substances) Act 1990, and related powers.

b) Agree minor amendments to approved schemes where in the opinion of the Head of Planning a fresh application is not justified.

c) Determine all matters submitted pursuant to conditions imposed on planning and other permissions, Section 106 Planning Obligations, and Unilateral Undertakings.

d) Determine in consultation with the Monitoring Officer, applications for Lawful Development Certificates[1] under Section 191 of the Town and Country Planning Act 1990.

e) Grant any approval and to respond to any consultation sought under the Town and Country Planning General Permitted Development Order 1995 to include the determination of all applications for prior notification or approval.

f) In consultation with the Monitoring Officer issue certificates of alternative development under the Land Compensation Act 1961.

g) Determine the Council's case to be presented at appeals including the decision whether to appoint consultants to act upon the Council's behalf or to submit claims for costs against an appellant.

h) To respond to consultations from Hampshire County Council and adjoining Local Planning Authorities.

i) To give informal advice as to whether consent is required under the Town and Country Planning Acts including making decisions as the whether a breach of planning control has occurred.

j) To exercise all the Council's functions with respect to 'screening' and 'scoping' opinions under the Town and Country Planning Acts and any relevant regulations made thereunder.

k) Authorise the carrying out of any consultation where consultation is required in connection with any planning matter.

l) Undertake Habitats Regulations Assessments in line with Regulations 63, 75 and 77 of the Conservation of Habitats and Species Regulations 2017 (and any relevant replacement or temporary regulations)

[1] means the period allowed for public consultation applicable to the application under consideration

5.2 Section 106 Agreements

The Head of Planning may:

- Instruct the Monitoring Officer with respect to:

  a) Any matter (including revocation or modification) related to Section 106 Planning Obligations under the Town and Country Planning Act 1990 including any matter necessary to protect the Council's or public interest in the granting of permission pursuant to either a decision of a Committee or under delegated powers.

  b) Revocation, in consultation with the local District Councillor, of any Legal Agreement under Section 52 of the Town and Country Planning Act 1971.

- For the avoidance of doubt, the Monitoring Officer may action any instruction received from the Head of Planning.

- Determine any planning application which has been previously considered by the Planning Committee and where the Committee has decided to grant permission subject to a satisfactory legal agreement being concluded, subject to such legal agreement having been completed.

5.3 Planning Policy and Urban Design

The Head of Planning is delegated the power to discharge all of the Council's functions relating to planning policy and urban design to include the provision of planning policy and urban design services including:

a) Preparation and implementation of statuary development plans and a Community Infrastructure Charging Schedule.

b) Representing the Council in relevant examinations of those statutory development plans.

c) The preparation and publication of evidence base studies and strategies as part of the process of preparing a Local Plan.

d) Provision of planning policy information and guidance.

e) Instruct professional advisors and (in consultation with the Monitoring Officer) Counsel to assist the Council, where it is considered expedient to do so but excluding:

  - The final agreement of statutory development plans developed by the service.

- The Head of Planning is authorised to prepare and adopt Statements of Common Ground (as required by the National Planning Policy Framework (NNPF) as part of the process of preparing a Local Plan in consultation with the Portfolio Holder.

- The Head of Planning is authorised to undertake all procedural steps required of the local planning authority under The Neighbourhood Planning (General) Regulations 2012 and the Neighbourhood Planning (Referendums) Regulations 2012 (and any relevant replacement or temporary regulations) other than the making of the neighbourhood plan

- The preparation of Sustainability Appraisal and Strategic Environmental Assessment in line with the Planning and Compulsory Purchase Act 2004 Environmental Assessment of Plans and Programmes Regulations 2004 2012 (and any relevant replacement or temporary legislation or regulations)

- The Head of Planning is authorised to approve the Chichester Harbour Area of Outstanding Natural Beauty Management Plan

- The Head of Planning, in consultation with the relevant Cabinet Lead, is authorised to carry out consultation where it is required in connection with any planning matter, other than those where the constitution specifically requires the authorisation of the Planning Policy Committee.

- The Head of Planning is authorised to adopt design codes for use in local plans or development management decisions

5.4 Other matters

The Head of Planning may:

a) Respond to Goods Vehicle Operator Licence applications (including presenting evidence at any subsequent Inquiry);

b) Issue article four directions restricting the exercise of permitted development;

c) Respond to consultations from Government departments, Crown Agencies, statutory undertakers, Hampshire County Council and adjoining local planning authorities;

d) Authorise officers to enter land or premises, to inspect, investigate and to exercise any other related powers in accordance with the Council's functions as local planning authority or under the Building Regulations;

e) Take any urgent action after consultation with the local District Councillor, or the Chairman or Vice Chairman of the Committee, or the relevant Portfolio Holder; and

f) Instruct the Monitoring Officer to respond to applications to the High Court under Sections 287 and 288 of the Town and Country Planning Act 1990, and in consultation with the Monitoring Officer and the Chairman of the Planning Committee (or the relevant Portfolio Holder), make applications to the High Court under the same sections in respect of decisions by the Secretary of State.

g) Issue a community Infrastructure Stop Notice under Section 218 of the Planning Act 2008 and The Community Infrastructure Levy Regulations 2010.

5.5 Building Control

The Head Planning is authorised to carry out all the Council's functions in respect of the necessary statutory provisions in relation to all matters related to applications for and enforcement action under the building regulations and issues relating to the building acts and any other associated legislation, regulations and provisions, including provisions on dangerous buildings and structures and means of escape in case of fire including the power to:

a) Determine plans under the Building Regulations and applications for relaxation of the Building Regulation requirements concerning means of escape and requests for dispensations.

b) To instruct the Monitoring Officer prepare and serve notices in relation to ruinous and dilapidated property and the proposed demolition of buildings and any other notice under Building Acts and any relevant regulations.

c) Carry out the functions of the Council in relation to any matters under the Building Acts and any relevant regulations.

d) Exercise the powers of the Council in relation to accesses and egresses to public and other buildings and means of escape in case of fire.

e) Discharge the functions of the Council in relation to safety certificates for sports grounds.

f) Serve Notices relating to lapse in time for the deposit plans, requirements for works to be carried out in accordance with approved plans, chimneys, dangerous structures, and dilapidated buildings.

g) Serve Notice to open up works.

h) Authorise action to deal with dangerous excavations.

i) Appointment of Authorised Officers to exercise the powers of entry for the purposes of the Building Acts.

j) To instruct the Monitoring Officer to pursue legal proceedings in connection with non-compliance with any statutory notice, or offence

committed under the building acts and or any relevant regulation and to exercise any other available remedies in connection with the same.

k) But excluding the setting of Building Regulation Charge.

6.0 Head of Coastal Partnership

The Head of Coastal Partnership is delegated the power to discharge all of Havant Borough Council's functions relating to coastal defence to include:

- The management and maintenance of coastal defences within and affecting the Borough of Havant.

- The appointment and management consultants and contractors for the purpose of undertaking any of the functions and responsibilities of the Havant BC element of the Coastal Defence Partnership Team.

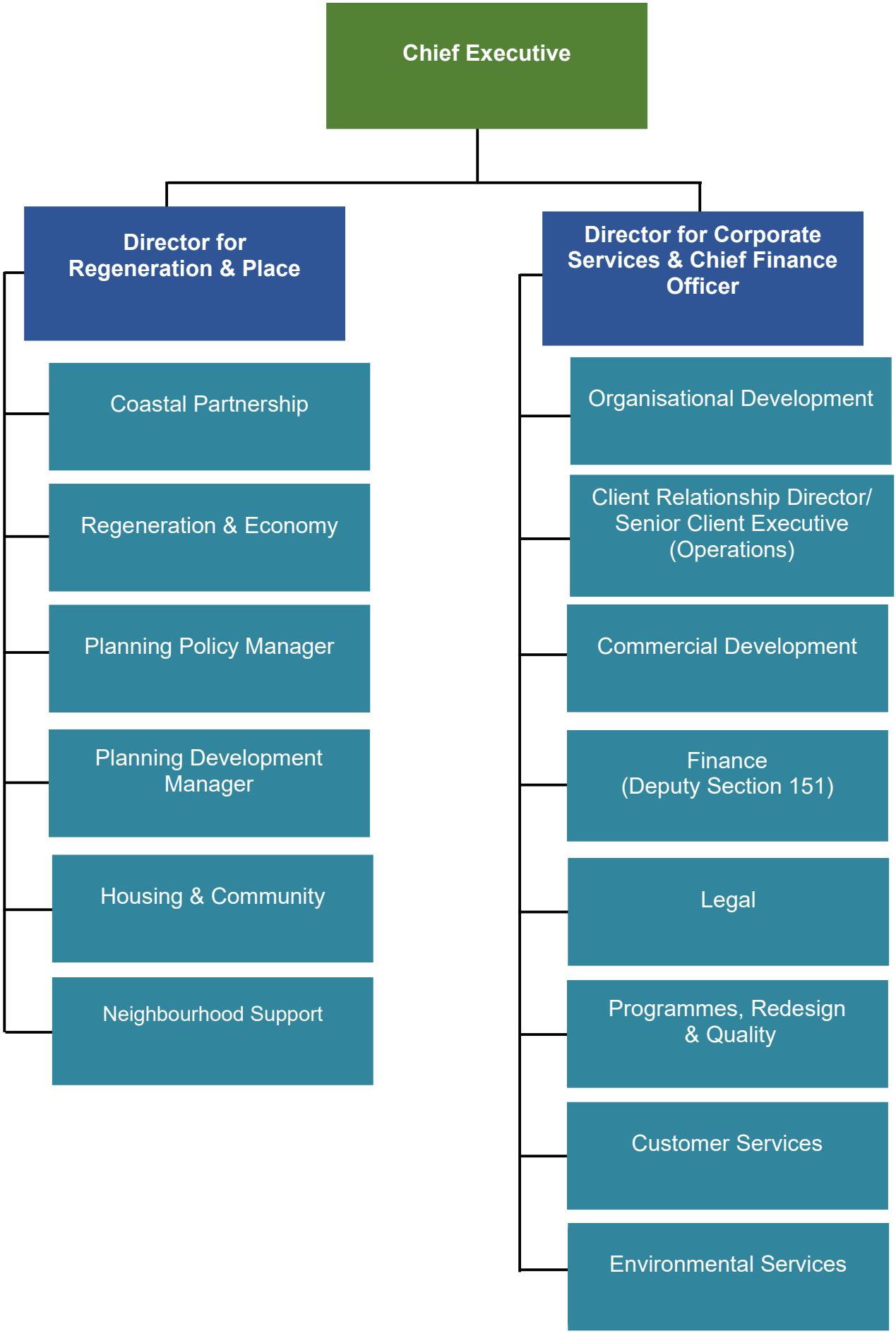
- The making of applications for deemed planning permission in relation to Havant Borough Council owned or other land.

6.1 Land Drainage

The Head of Coastal Partnership is delegated the power to discharge all of the Council's functions relating to land drainage to include:

- The management of all land drainage functions, including the Council's functions under Section 262 of the Public Health Act 1936 Including authorising the Monitoring Officer in relation to:

  a) Service of notices and making of requirements under section 112(1) - (4) of The Water Industry Act 1991.

  b) Service of notice under Section 16(1)(a) of the Land Drainage Act 1991.

7.0 Structure Chart