



Notice is hereby given that a **MEETING** of the **COUNCIL OF THE BOROUGH OF GOSPORT** will be held in the **TOWN HALL, GOSPORT** on **WEDNESDAY** the **SIXTH DAY** of **APRIL 2011** at **6.00PM** AND **ALL MEMBERS OF THE COUNCIL ARE HEREBY SUMMONED TO ATTEND TO CONSIDER AND RESOLVE THE FOLLOWING BUSINESS –**

1. To receive apologies from Members for their inability to attend the Meeting.
2. To confirm the Minutes of the Ordinary and Extraordinary Meetings of the Council held on 2 and 28 February 2011 (copies herewith).
3. To consider any Mayor's Communications.
4. To receive Deputations in accordance with Standing Order No 3.5 and to answer Public Questions pursuant to Standing Order No 3.6, such questions to be answered orally during a time not exceeding 15 minutes.

(NOTE: Standing Order No 3.5 requires that notice of a Deputation should be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON MONDAY, 4 APRIL 2011 and likewise Standing Order No 3.6 requires that notice of a Public Question should be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON MONDAY, 4 APRIL 2011).

5. Questions (if any) pursuant to Standing Order No 3.4.

(NOTE: Members are reminded that Standing Order No 3.4 requires that Notice of Question pursuant to that Standing Order must be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON TUESDAY, 5 APRIL 2011).

6. Consideration of recommendations by the Boards of the Council:-

BOARD	DATE
(i) Community & Environment Board	7 March 2011 (Light Green sheets)

7. To receive the following Part II minutes of the Boards of the Council:

- Community & Environment Board: 7 March 2011
- Housing Board: 14 March 2011

8. Constitution – Responsibility for Functions and Delegations

To consider the report of the Borough Solicitor (copy herewith)

9. Chairman's Draft Annual Report Of the Overview and Scrutiny Committee For the Municipal Year 2010-2011 (copy herewith)

The Overview and Scrutiny Committee at its meeting on 24 March received the above report and requested that it be forwarded to the full Council meeting.

**IAN LYCETT
CHIEF EXECUTIVE**

**TOWN HALL
GOSPORT**

29 March 2011

FIRE PRECAUTIONS

(To be read from the Chair if members of the public are present)

In the event of the fire alarm being activated, please leave the Council Chamber and Public Gallery immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.

MEMBERS ARE REQUESTED TO NOTE THAT:

(1) IF THE COUNCIL WISHES TO CONTINUE ITS BUSINESS BEYOND 9.30PM THEN THE MAYOR MUST MOVE SUCH A PROPOSITION IN ACCORDANCE WITH STANDING ORDER 4.11.18

(2) MOBILE PHONES SHOULD BE SWITCHED OFF FOR THE DURATION OF THE MEETING

AGENDA ITEM NO. 6 (i)

REPORT TO: COUNCIL

DATE OF MEETING: 7 MARCH 2011

REPORT BY: COUNCILLOR BURGESS (CHAIRMAN OF THE COMMUNITY AND ENVIRONMENT BOARD)

At its meeting on 7 March 2011, the Community and Environment Board considered a report on the following item and made the following recommendation to Full Council.

ADOPTION OF THE NATIONAL FOOD HYGIENE RATING SCHEME (APPENDIX CE1)

RECOMMENDATION: That:

a) the Council be recommended to adopt the National Food Hygiene Rating Scheme as the means of publishing food hygiene inspection findings for food premises in the borough; and

b) the existing Safe2Eat scheme be discontinued with the adoption of the national scheme.

APPENDIX CE1

Board/Committee:	Community and Environment
Date of Meeting:	7 th March 2011
Title:	Adoption of the National Food Hygiene Rating Scheme.
Author:	ESM
Status:	FOR RECOMMENDATION TO COUNCIL.

Purpose

To introduce the National Food Hygiene Rating Scheme for food hygiene inspections.

Recommendation

That the Council be recommended to adopt the National Food Hygiene Rating Scheme as the means of publishing food hygiene inspection findings for food premises in the borough.

The existing Safe2Eat scheme be discontinued with the adoption of the national scheme

1.0 Background

- 1.1 Routine inspection of food premises is a function of the Environmental Health Services. Inspections are carried out by officers specifically authorised for this task. Inspections are carried out against a national code of practice developed by the Food Standards Agency (FSA).
- 1.2 Research has shown that publication of the results of such inspections is of benefit to consumers who use the information, typically displayed on the premises or on websites to make an informed choice on where they purchase and or consume food.
- 1.3 Publication of the results of hygiene inspections also has a beneficial effect in ensuring future compliance from premises that do not meet expected standards.

2.0 Report

- 2.1 In June 2007 this Council in conjunction with the majority of local authorities in Hampshire launched the Safe2eat website. The site identified premise following food hygiene inspections under three headings, "Excellent", "Satisfactory" and "Unsatisfactory". These ratings were established using scores obtained under the FSA Code of Practice for food hygiene inspections. Premises were provided with a certificate that identified their rating under the scheme, this was then published on the Safe2eat website.
- 2.2 Safe2eat has introduced the concept of scores on the doors in the borough however it does have some shortcomings. The system is not directly compatible with other similar systems so comparisons

outside of the county are not possible. Although initially described as a “Scores on the Doors” system, no suitable means of displaying information on the premises to the public was provided, (although this was never and still is not a statutory requirement the absence of information at the public interface was a failing).

- 2.3 The provision of only three bands gave little scope for premise to improve their rating. This was an issue that the Safe2eat project team were to have addressed.
- 2.4 The FSA acting in partnership with other organisations including local authorities has moved to introduce a national scheme to replace the myriad of local schemes being operated. The scheme is still based on the findings of routine inspection of food premises however it offers 6 rating bands from 0 (urgent improvement required) to 5 (very good). The scheme is still web based, however the FSA will provide display materials free of charge to premise thus meeting the single biggest failing with our current system.
- 2.5 The FSA has produced an information sheet outlining the scheme and its benefits to local authorities who are migrating to it from an existing scheme, this information is provided as Appendix A.
- 2.6 The scheme is provided free of charge to participating authorities although there is the potential for increased officer cost in terms of time in operating the scheme which has more sophisticated safeguards than the existing Safe2eat scheme.
- 2.7 Safe2eat came at a cost of £1500.00 per annum to each participating authority. The Hampshire authorities who currently operate Safe2eat have agreed to migrate to the national scheme during 2011, not only in view of its enhanced utility but as an obvious cost saving measure. The migration of authorities further undermines Safe2eat as a viable stand alone system.
- 2.8 The cost saving that migration to the national scheme offers has already been incorporated into budgets prepared for 2011 by Environmental Health Services.
- 2.9 In order to maintain a consistent approach to the scheme and to ensure the commitment of participating authorities the scheme involves a contractual agreement between participating authorities and the Food Standards Agency, Appendix B. In making this commitment this authority will be accepting the “Brand Standard” for the national scheme in terms of operating the scheme in accordance with FSA requirements. This will include strict operational procedures in relation to inspection data being submitted and inspections/visits completed to exacting time scales.
- 2.10 Members who wish to view the new site may do so at <http://ratings.food.gov.uk/Welcome.aspx> . The Lord Young report ‘Common Sense, Common Safety’, published on 15 October 2010, gave very strong support for the Agency’s national scheme, the FSA

has written to all local authorities about taking forward his recommendation re adoption of the national scheme.

3 Risk Assessment

- 3.1 This Council is committed to a scores on the doors system for reporting food hygiene inspection findings. The current Safe2eat system will however not be viable after 2011. An alternative scheme is required to continue this initiative.
- 3.2 Failure to meet the brand standard of the scheme may result in the FSA withdrawing this Councils membership of the scheme. This would result in the Environmental Health Services having no viable "Scores on the doors "scheme.

4 Conclusion

- 4.1 Publication of food hygiene inspection findings is a proven tool to improve compliance with food hygiene requirements and provide assurance to the public.
- 4.2 This Councils current scheme, Safe2eat will no longer be available after 2011 due to the existing scheme member migrating to a new national scheme that will provide more information to consumers.
- 4.3 The national scheme will be provided free of charge by the FSA with enhanced materials to promote the scheme.
- 4.5 The national scheme will, due to its increased number of ratings for premises provide greater flexibility and an opportunity for improvements to be recognised.
- 4.6 The national scheme is more complex that the existing scheme and will involve increased resources to administer in terms of officer involvement.

Financial Services comments:	None received
Legal Services comments:	No adverse comments
Service Improvement Plan implications:	People - promoting health and wellbeing. Prosperity - promotion of tourism
Corporate Plan:	Pursuit of Excellence
Risk Assessment:	Included in the report
Background papers:	None
Appendices/Enclosures:	
Appendix A	FSA information to members on the National Food Hygiene Rating Scheme
Appendix B	Formal commitment document to the brand standard for the NFHR scheme.
Report author/ Lead Officer:	T Dagens tom.dagens@gosport.gov.uk Ext 5516

Appendix A

Members information on the National Food Hygiene Rating Scheme

Introducing the national *Food Hygiene Rating Scheme* Gosport Borough Council - Briefing note for Members, portfolio holders and council leaders

What is the purpose of this briefing note?

- Support from elected Members is being sought for Gosport Borough Council to migrate from the Safe2eat scheme to the new national *Food Hygiene Rating Scheme*.
- This note provides information about the national scheme – it explains in brief what the national scheme is, why and how it has been developed and when it will be rolled out, why Gosport Borough Council should migrate to this, what support the Food Standards Agency will provide, what the benefits are for local consumers and for local businesses, and the potential impact on Gosport Borough Council resources.

What is the national *Food Hygiene Rating Scheme*?

- The scheme, which is for England, Wales and Northern Ireland, is a local authority/Food Standards Agency partnership initiative.
- Like Safe2eat it is designed to provide consumers with information about hygiene standards in food premises at the time they are inspected to check compliance with legal requirements – the rating given reflects the inspection findings.
- Again, like Safe2eat, its purpose is to allow consumers to make informed choices about the places where they eat out or shop for food thereby encouraging businesses to improve their hygiene standards.
- Restaurants, takeaways, cafés, sandwich shops, pubs, hotels, supermarkets and other retail food outlets, as well as other business where consumers can eat or buy food, will be given a hygiene rating as part of the scheme.
- There are six different hygiene ratings - the top one represents a very good level of compliance with legal requirements so that all business can achieve this - and ratings for all businesses included in the scheme will be published on a national website, and businesses will be encouraged to display them at their premises.

Why and how is the national scheme being developed and when will it be rolled out?

- Gosport Borough Council has been operating Safe2eat for 3 years – this has been popular and, like similar schemes operating in local authorities across the UK, our experience suggests that it has been successful in encouraging businesses to improve hygiene standards.
- Our 'local' scheme and those of other local authorities vary in a number of key respects so the Food Standards Agency has developed a 'national' model on the basis of advice and guidance from a UK-wide Stakeholder Group which includes local authority (including Local Government Regulation and the Chartered Institute of Environmental Health), consumer and food industry representatives, as well as officials from the Agency, the Better Regulation Executive and the Local Better Regulation Office.

- The framework that will underpin the national scheme has now been agreed – which businesses are included, how the ratings are calculated, the safeguards to ensure businesses are treated fairly (an appeal process, a right to reply opportunity and a mechanism to request a new rating when improvements have been made), and the procedures for ensuring the scheme is operated consistently within and across local authorities.
- Following independent research with consumers about what would make the scheme easy to understand and use, it has been decided that ratings will be shown on a simple numerical scale with associated descriptors and will range from ‘0 – urgent improvement necessary’ at the bottom up to ‘5 – very good’ at the top.
- The national database and public-facing website providing consumers with a single point of access to ratings for all businesses covered by the scheme has been developed, going live in mid-September 2010, this allowed for ‘early adopters’ to start to roll out the scheme in their areas from the autumn of 2010.

Why should Gosport Borough Council migrate to the national scheme?

- Although Safe2eat has been successful, there are additional benefits of operating the national model.
- Having a single scheme operating in England, Wales and Northern Ireland will help to ensure consistency for businesses and clarity for consumers across local authority boundaries.
- The scheme will be supported and promoted nationally by the Food Standards Agency – see below.
- The scheme is provided free of any administrative costs, including free access to the necessary media (certificates, labels etc)

How will the Food Standards Agency support the scheme?

- It is providing detailed guidance on implementation and operation of the scheme.
- It will provide a ‘Communications Toolkit’ that will include guidance on promoting the scheme locally and materials for helping with this.
- It will provide the certificates for businesses to display at their premises, and proposes also to provide the stickers though this is subject to approval given current spending restrictions.
- It is organising and funding consistency training for local authority food safety officers, and providing the associated training materials.
- It is funding the development of the national database and website and the associated IT assistance/training required for local authorities to link to this so there will be no IT set-up or on-going subscription costs for participating authorities.
- The Agency will promote the scheme on a national basis to raise awareness among consumers and businesses once a sufficient number of local authorities have formally adopted and started to operate the scheme – in the interim the Agency will support local authorities in promoting the scheme locally.

What are the benefits to local consumers and businesses?

- For consumers, the national promotional activities will raise awareness and understanding of food hygiene ratings and will help them to use the scheme, and they will be able to easily compare one business with another not just within their own area but also further afield.
- For businesses, they will have reassurance that they are being treated fairly and consistently with their local competitors and with competitors more widely. All businesses, no matter the size or nature of their operation, should be able to achieve the top rating.

What are the resource implications for the Food Safety Team?

- The scheme is based around the planned food hygiene intervention programme in order to minimise any burdens on the Food Safety Team.
- Given the support being provided by the Food Standards Agency – see above - the set-up and on-going costs are minimised.
- The main impact on resources is likely to result from operation of the mechanism that allows businesses to request a new rating when improvements have been made (this safeguard is essential if the scheme is to be legally robust) as these can be outside the planned intervention programme – the mechanism has, however, been designed to minimise any impact and the Agency has given a commitment to keeping it under close review and to revising the procedure as necessary to ensure that it does not compromise public health protection.

Appendix B
Commitment document.



FOOD HYGIENE RATING

[Name of LA Chief Executive/Council or Portfolio Leader]

Gosport Borough Council

[Address of LA]

[Date]

THE AGREEMENT

Dear [Name of LA signatory],

Implementation and operation of the Food Hygiene Rating Scheme

This letter of agreement is to confirm that Gosport Borough Council agrees to implement and operate the Food Hygiene Rating Scheme in accordance with the 'Brand Standard' set out in 'The Food Hygiene Rating Scheme: Guidance for local authorities on implementation and operation – the 'Brand Standard'.

The Agreement comprises this letter and the appended 'Outline of Responsibilities'. Details of the process for terminating the Agreement are also appended.

You are requested to indicate your acceptance of this Agreement by signing both copies of this letter and returning them to the address below as soon as possible.

One copy will be signed on behalf of the Agency and returned to you.

Signed:

(On behalf of the Local Authority)

Name (Print):

Position:

Date:

Signed:

(On behalf of the Food Standards Agency)

Name (Print):

Position:

Date:

Food Hygiene Rating Scheme (FHRS) – Outline of responsibilities

Gosport Borough Council undertakes to:

- Follow in full the Food Standards Agency's (FSA's) guidance on the FHRS - the 'Brand Standard'; and
- Give early warning of any emerging problems to the FSA so that advice and support may be offered to ensure that the credibility and integrity of the FHRS is not compromised.

The Food Standards Agency undertakes to:

- Keep the guidance for local authorities on the implementation and operation of the FHRS under review as the scheme beds in and to revise and update it as and when appropriate to reflect the experience of local authorities, any feedback from food businesses or from consumers, or other developments;
- Work with local authorities to resolve situations where they encounter difficulties in fulfilling their responsibilities to follow in full the FHRS 'Brand Standard' in order to ensure that the credibility and integrity of the scheme is not compromised;
- Provide and maintain the central database and on-line search facility for publishing food hygiene ratings and provide the associated IT support and training;
- Provide other support such as promotion of the FHRS to consumers and to businesses through appropriate channels;
- Monitor and audit the implementation and operation of the FHRS to ensure the consistent interpretation and application of the 'Brand Standard' and to work with local authorities to resolve any issues identified through this; and
- Conduct a formal evaluation of the FHRS after it is rolled out and within an appropriate timeframe.

Intellectual Property Rights

Any intellectual property rights (IPR) created during or resulting from the work to support the FHRS shall remain the property of the party by whom or on whose behalf the particular IPR were created.

Data protection

The parties confirm that they will observe their respective obligations in respect of the Data Protection Act 1998. Any data and information introduced by a party to support the work of the FHRS shall belong to that party.

Information access legislation

Both parties acknowledge that the other party is subject to the requirements of the Freedom of Information Act 2000 and the Environmental Information

Regulations 2004 and each party will assist and cooperate with the other party to enable both parties to comply with such information disclosure obligations and to meet the necessary statutory deadlines.

FHRS - process for termination of Agreement

Note – The aim will be to resolve any problems or issues through informal discussion and that the processes outlined below will be used in exceptional circumstances only.

Prior notice

Where the local authority is considering terminating the agreement, it should give at least 14 days¹ prior notice to the FSA.

Where the FSA is considering terminating the agreement, unless there are immediate risks to public health protection, it similarly will give at least 14 days prior notice to the local authority.

In both sets of circumstances this provides a further opportunity to work together to try to resolve any issues/concerns and, where appropriate, to discuss whether additional support can be provided to allow the local authority to continue operating the FHRS.

Notification

Where the local authority has decided to terminate the agreement, it should notify the relevant FSA Director in writing outlining the reasons for this.

Where the FSA has decided to terminate the agreement, the local authority will be notified in writing of the FSA's decision and the reason for this. The local authority can appeal this decision – see below – but it should be noted that termination of the agreement is not suspended during the period in which such an appeal can be made or pending the outcome of an appeal once lodged.

Actions following termination of Agreement

Irrespective of which party terminates the agreement, the following steps must also be taken to ensure that the credibility and integrity of the FHRS is not compromised and to ensure that the reputations of the FSA, of the local authority concerned, and the businesses in the relevant area are safeguarded.

The FSA will:

- immediately notify stakeholders that the local authority is no longer participating in the FHRS by means of an announcement at

¹ Where references to numbers of 'days' are made these includes weekends and bank holidays.

food.gov.uk/ratings on both the home page and on the local authority's own page;

- immediately suspend the local authority's access to the national database so that no further ratings can be published; and
- within 14 days, remove the local authority's existing ratings from public access;
- notify the local authority when these steps have been taken.

The local authority will:

- If it also publishes ratings on its own website, immediately notify local stakeholders that the authority is no longer operating the FHRS by means of an announcement on an appropriate website page, and within 14 days, remove any published ratings from its site;
- remove any FHRS branding from its website;
- suspend distribution of any marketing and advertising material that incorporates FHRS branding;
- remove stickers/certificates from display in food business establishments as soon as possible and at the next planned intervention of that establishment at the latest;
- advise businesses in the area that the FHRS no longer operates and that the continued use of any branded materials for marketing and advertising purposes may constitute an offence under trading standards legislation; and
- confirm to the FSA that these actions have been taken.

Local authority appeals

If a local authority considers that the FSA decision to terminate the Agreement is unjust it may appeal against this. The process is as follows:

- The local authority can, within 14 days from the date of notification of termination, ask for the matter to be referred to an Advisory Disputes Panel (see box below).
- The Advisory Panel will be convened and will investigate the matter and report its findings and recommendations within six weeks.
- The FSA will review the Panel's report and within 14 days will notify the local authority of its decision as to whether it accepts the Panel's view.
- If the local authority remains dissatisfied its Chief Executive can within 14 days request that the dispute be referred to the FSA's Chief Executive.
- The FSA's Chief Executive will review the case and the Panel's report and issue a final decision that will be notified to the local authority within 14 days.

Advisory Disputes Panel

Membership will comprise representatives from or nominated by Local Government Regulation and the Chartered Institute of Environmental Health as well as consumer and food industry representatives.

The Panel will elect its own chair.

The Secretariat function will be provided by the FSA.

A MEETING OF THE COMMUNITY AND ENVIRONMENT BOARD WAS HELD ON 7 MARCH 2011

The Mayor (Councillor Allen) (ex-officio); Chairman of the Policy and Organisation Board (Councillor Hook) (ex-officio) (P), Councillors Mrs Bailey (P), Burgess (Chairman) (P) Edgar (P), Mrs Forder (P), Henshaw (P), Mrs Hook (P), Kimber (P), Murphy (P), Ronayne (P) and Mrs Searle (P).

PART II

49. GOSPORT PARK PLAY AREA UPGRADE OF EXISTING EQUIPMENT

Consideration was given to a report of the Leisure and Corporate Services Manager seeking Board approval for the use of £38,000 Developer Contributions for the provision of new items of equipment at Gosport Park Play Area.

Members welcomed the improvements and the benefit it would bring to the area.

RESOLVED: That the use of £38,000 in Developers Contributions for the provision of new items of equipment at Gosport Park Play Area be approved.

50. ANY OTHER ITEMS

There were none.

51. EXCLUSION OF THE PUBLIC

RESOLVED: That in relation to the following item the public be excluded from the meeting, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during this item there would be disclosure to them of exempt information within Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons set out in the report.

52. ICE CREAM CONCESSIONS – STOKES BAY AND LEE-ON-THE-SOLENT.

Consideration was given to an exempt report of the Head of Economic Prosperity, Culture and Tourism seeking the Board's approval to enter into an agreement for the Stokes Bay and Lee-on-the-Solent ice cream concessions.

The report was exempt from publication as the public interest in maintaining the exemption outweighed the public interest in disclosing the information by reason that the public interest is better served by not disclosing the financial details contained in the report as release of such details may have a negative impact on future negotiations on the sites described in the report.

RESOLVED: That the Board authorises the Borough Solicitor to enter into such legal documentation as is necessary to effect the decision for ice cream concessions at Stokes Bay and Lee-on-the-Solent for the period 1 April 2011 to 31 March 2015.

The meeting commenced at 6.00 pm and concluded at 6.09 pm.

A MEETING OF THE HOUSING BOARD

WAS HELD ON 14 MARCH 2011

The Mayor (Councillor Allen) (ex-officio), Chairman of the Policy and Organisation Board (Councillor Hook) (P), Councillors CK Carter (P), Mrs Cully (P), Dickson (P), Edwards, Geddes, Forder (P), Hylands (P), Jessop (P), Lane (P) and Philpott (P).

It was reported that, in accordance with Standing Orders, Councillor Hook had been nominated to replace Councillor Edwards for this meeting.

PART II

41. TENANT AND LEASEHOLDER INVOLVEMENT AND LOCAL OFFERS

Consideration was given to a report of the Housing Services Manager which sought approval for the changes on how tenants and leaseholders would be involved in the future.

The Board was advised that Housing Forums had suffered from a decrease in tenant participation, especially amongst younger people. It was hoped the new arrangements would bring wider tenant participation and therefore more transparency.

The Board was also informed that there would be an increase in editions of 'At Your Service' (AYS) newsletter to 4 a year. Councillors asked whether there were any staffing implications. The Housing Services Manager advised the Board that staffing levels were constantly under review, but current levels should suffice as officers' work and the AYS newsletter had become sharper and more focused.

A Councillor asked whether the consultation in December 2010 was to each tenant or household. The Housing Services Manager confirmed that the consultation was sent to each household, with letters being addressed to both tenants in the case of joint tenancies.

Councillors enquired where the Customer Opinion Panel would be held. Officers informed the Board that this would depend on the level of attendance. Notifications of the meetings would be sent to tenants with a reply slip. The venue would be dependent on the number of reply slips received.

Councillors wondered whether lack of participation in forums reflected the good service that was provided by Gosport Borough Council. Officers advised the Board that the Council was in the top quartile for satisfaction ratings in customer surveys.

Councillors noted that estate walkabouts were a good method of customer engagement.

RESOLVED: That:

- a) the proposed tenants and leaseholder involvement framework be approved; and
- b) Approval given to the Local Offers on resident involvement and repairs and maintenance and delegated responsibility for the development of Local Offers to be granted to the Housing Services Manager, in consultation with the Chair of Housing.

42. HOUSING REPAIRS PROGRAMME 2011 – 12 AND ASSET MANAGEMENT STRATEGY

Consideration was given to a report of the Housing Services Manager which sought approval of the proposed 2011 – 12 Housing Repairs Programme and associated Asset Management Strategy.

Councillors enquired whether there was a proposed increase in expenditure on capitalised voids. Officers explained that there had been more void properties than anticipated in 2010-11 and that this increase was expected to be repeated in the next financial year, budgets had been amended to reflect this change.

The Board was informed that replacement bathrooms were dealt with on a worse first basis.

The Board was also informed that (apart from 23 remaining properties requiring thermal insulation due to be completed April to June 2011) the Council had achieved its Decent Homes target.

The Chairman noted that the report clearly highlighted the Council's investment strategy in its Housing stock was effective and thanked Housing Officers continued hard work and expertise.

RESOLVED: That:

- a) the proposed 2011-12 Housing Repairs Programme be approved and the impact on the Asset Management Strategy by noted; and
- b) the Housing Services Manager follow the principles as detailed below:
 - i. the Housing Services Manager be required to seek Board approval to vary the Housing Repairs Programme where work within an identified element of the approved Housing Repairs Programme cannot take place',

- ii. where urgent works are identified (after approval of the Housing Repairs Programme) for which there is no identified provision, the Housing Services Manager in consultation with the Chairman be permitted to vary the programme for works up to £100,000,
- iii. the Housing Services Manager be required to seek Board approval where work within an identified element of the approved Housing Repairs Programme is going to under or over-spend by more than £100,000, and
- iv. Members be informed of significant variations to the Programme as outlined in (i) to (iii) above, which are relevant to their Ward.

43. HOUSING RENEWAL POLICY 2011-2012

Consideration was given to a report of the Environmental Services Manager which sought to formally adopt the Housing Renewal Policy.

The Board was informed that Home Check was still fully funded.

RESOLVED: That:

- a) approval be given to the Housing Renewal Policy for 2011 – 2012; and
- b) authority be delegated to the Environmental Services Manager, subject to the Council's financial regulations, in consultation with the Chairman, to approve variations between capital programme budget headings in order to deal with demand.

44. ANY OTHER ITEMS

Councillor Forder thanked Housing Officers for their hard work over the last year. As a new Housing Board member he had always found Housing Officers to be approachable and willing to explain policies and the implications of decisions.

Councillor Hook thanked the Chairman for his work over the last municipal year.

The meeting ended at 6.45pm.

AGENDA ITEM NO. 8

Board/Committee:	Council
Date of Meeting:	6 April 2011
Title:	Constitution – Responsibility for Functions and Delegations
Author:	Linda Edwards
Status:	FOR DECISION

Purpose

To review the existing delegation of functions and propose new arrangements for the delegation of functions

Recommendation

COUNCIL RESOLVES TO:

1. Approve the Responsibilities for Functions and Delegations of the Boards, Sub-Board and Committees set out in Appendix 1 of this report and with effect from the Annual Council meeting on 18 May 2011 to delegate the functions to each of them as set out in Appendix 1 of this report.
2. Approve the Scheme of Delegation to Officers and Statutory (Proper) Officer Appointments set out in Appendix 2 of this report and with effect from the Annual Council meeting on 18 May 2011 to delegate to Officers those functions set out in Appendix 2 of this report.
3. To amend the definition of Policy Framework as set out in paragraph 2.6 of this report.
4. To delegate all the Council's functions in respect of Building Control matters as set out Appendix 2 of this report to Fareham Borough Council pursuant to Section 101 of the Local Government Act 1972 and all other enabling legislation.
5. To delegate all the Council's functions in respect of Environmental Health and Licensing matters as set out in Appendix 2 of this report to Fareham Borough Council pursuant to Section 101 of the Local Government Act 1972 and all other enabling legislation.
6. To delegate authority to the Borough Solicitor to make changes to the Constitution and any other document and enter into any necessary agreement with Fareham Borough Council to give effect to the Council's resolutions in respect of this report.

1 Background

- 1.1 The Council does not operate executive arrangements under the Local Government Act 2000 and is what is known as a Fourth Option Authority.
- 1.2 This means that the Council must have arrangements for discharging its functions by Members at Board meetings or by officers to whom its functions are delegated. The Council also has to have arrangements for overview and scrutiny of its decisions.
- 1.3 The Council's arrangements must also be ones likely to ensure decisions are taken in an efficient, transparent and accountable way.

2 Report

- 2.1 The Council's current arrangements for decision making at Boards as set out in the Constitution have not been reviewed as a whole since the adoption of the Constitution in May 2002.
- 2.2 The Secretary of State's guidance for Councils' arrangements to discharge their functions for Fourth Option Authorities recommends that decisions are taken by a small number of Boards so that there is the capability for decisions to be made quickly in response to changing circumstances and the developing needs and aspirations of the local communities and therefore be efficient. It is also clear in the guidance that it is important that anyone who has dealings with a local authority can easily determine who is responsible for decisions and they will then also easily be able to determine how best to make representations to the decision makers, and thus in that way the decision making process at the Council will be transparent. The guidance also suggests that the Council's governance arrangements must enable people to find out about decisions that have been taken and include the capability for review and scrutiny of those decisions in order for the decision makers to be accountable. This report does not propose any changes to the current arranges for overview and scrutiny.
- 2.3 At present the Council has a number of Boards and Sub-Boards and it is not always clear for a member of the public as to which Board will deal with the matter. In addition there are some cases where a Sub-Board makes a recommendation to a Board which then has to make a recommendation on to P & O or to Council, such as land transaction and changes to the policy documents of the Council.
- 2.4 With the pressures on the Council's resources it is important to ensure going forward that the arrangements for the delegation of functions and decision making in the Council are as efficient transparent and accountable as they can be.

2.5 Appendix 1 to this report sets out the responsibility for functions for the proposed Boards, Sub-Board and Committees. There are no changes to the workings of Standards and Governance and Overview and Scrutiny, nor to the working of Regulatory Board, Licensing Board and the Licensing Sub-Board. However it is proposed that there are now three Boards and no further Sub-Boards. It is of course open to Council at any time to set up Task and Finishing Working Groups (which could be known as Sub-Boards) to work on specific projects. As and when such Task and Finish Working Groups come forward the Council will be able to decide what functions it wishes to delegate to them.

2.6 The responsibility for each of the Boards, Sub-Board and Committees are set out in Appendix 1 and an opportunity has been taken to remove the requirement for land transactions to be reported on to a number of different Boards and also for each Board to determine its own policy matters with only changes to the policy framework requiring to go to Full Council. Such changes will now go direct to Full Council rather than go to a Service Board, P & O Board and then Full Council. The definition of Policy Framework documents has also been reviewed as the list does not accord with the current statutory requirements and therefore it is proposed that the definition of Policy Framework documents which is set out in Chapter 4 of Part 2 of the Constitution is amended so that it reads as follows:-

“The Policy Framework means the following plans and strategies:-

- Community Strategy ;
- Crime and Disorder Reduction Strategy;
- Plans and Strategies which together comprise the Development Plan;
- Capital Strategy”

2.7 Appendix 2 of this report sets out the Scheme of Delegation of Functions to Officers and the opportunity has been taken to update the delegations to reflect the changes in staff and responsibilities for services. There are some new delegations of functions to Chief Officers which reflect current practise and deal with changes of circumstances particularly in relation to economic development and working in partnership.

2.8 As Members are aware Gosport Borough Council and Fareham Borough have entered into arrangements for the provision of a shared Building Control Service and shared Environmental Health and Licensing Service. As part of these arrangements each Council delegates to the other their functions in these areas and in that way it enables the relevant Manager to provide the service in each Council's area. As the delegation of functions to officers is being amended it is sensible to record the delegations of these functions to Fareham Borough Council in this report and in the Council's

Constitution.

Appendix 3 is the calendar of meetings for the Boards, Sub-Board and Committees for the Civic Year 2011/2012 and once Council has approved this report the calendar will be placed on the Council's website.

3 Risk Assessment

- 3.1 The Council as a matter of law has to adopt a Constitution which sets out its delegation of functions. The changes set out above are intended to ensure that the Council's arrangements are efficient transparent and accountable.

Financial Services comments:	None
Legal Services comments:	See report.
Service Improvement Plan implications:	
Corporate Plan:	
Risk Assessment:	Refer to the relevant paragraph.
Background papers:	New Council Constitutions Guidance, Constitution
Appendices/Enclosures:	
Appendix '1'	Responsibilities and Functions and Delegations
Appendix '2'	Scheme of Delegations to Officers
Appendix '3'	Calendar of meetings 2011/2012
Report author/ Lead Officer:	Linda EDWARDS

APPENDIX 1

RESPONSIBILITY FOR FUNCTIONS AND DELEGATIONS

General Provisions

1. Subject to the limitations contained within this Schedule the powers and duties set out in the third column of the table at **Paragraph 15** of this Schedule shall be executed and performed by, and are hereby delegated to the Boards and Committees of the Council referred to in the first column of that table until such time as this obligation shall be revoked or amended by resolution of the Council.
2. Where any proposal implies, requires or would be expected to result in a variation to a Policy Framework document or of the approved budget in excess of any variation permitted by Financial Regulations the proposal shall be submitted directly to the Council for decision.
3. Any decision inconsistent with or contrary to any policy of the Council as embodied in a formal resolution of the Council or established by long practice shall be referred to the relevant Service Board together with any proposals for amendments to the policy. Where the decision relates to the Policy Framework, then the proposal shall be referred directly to the Council for decision.
4. Where any proposal made by a Committee relates to the functions of a Service Board the matter shall be referred to the appropriate Service Board before, where it is necessary, being considered by Council.
5. Notwithstanding the foregoing, in the event of war or a national defence emergency declared by the Crown or HM Government, all the powers, duties and functions of the Council without reservation are hereby delegated to the Chief Executive in consultation with the Leader of the Council, who shall have authority and power to delegate such powers, duties and functions as he deems appropriate.

6. Boards and Committees may not determine any matter required by statute to be decided by the Council.
7. All appointments to Boards and Committees or outside bodies shall be reserved to the full Council unless included specifically within the Terms of Reference of the Board and/or Committee.
8. Changes in the member representation and organisation or functions of the Council and its Boards and Committees shall be reserved to full Council.
9. All matters relating to the acquisition and disposal of land and buildings shall be referred to the Economic Prosperity Board if the acquisition or disposal of the piece of land is not covered by the terms of reference of a Service Board; or the terms of Delegation to Officers, as contained in the Officer Scheme of Delegation.
10. The adoption of the Local Development Framework and any other strategic planning matters which may have a major impact on the Borough are reserved for decision by the Council.
11. There shall be no scrutinising of the work of the Regulatory Board and the Licensing Board
12. The powers and duties of the Council, Boards and Committees as described in this Part 3 to this Constitution shall be executed and performed by, and are hereby delegated to, the officers identified in **Schedule 10 in Part 3**. Such arrangements shall continue until they are revoked or amended by resolution of the Council.
13. This Scheme of Delegations shall not extend to: -
 - (a) Powers, duties or functions with respect to the levying of the Council Tax excluding those specifically delegated;
 - (b) The levying or issuing of a rate or precept for a rate;
 - (c) The control of the Council's borrowing requirement; or

(d) Those powers, duties or functions for which statute requires the Council to retain responsibility.

(e) To make byelaws

(f) To make orders relating to the Compulsory Purchase of land

(g) To adopt the Local Development Framework under the Town and Country Planning Acts

14 All Boards and Committees have the power to respond to any consultation in respect of any matter falling within their Terms of Reference. [New]

15 The Boards and Committees of the Council:

BOARDS AND COMMITTEES	NUMBER OF MEMBERS	POWERS, DUTIES OR FUNCTIONS DELEGATED
Service Boards appointed by the Council	Policy Board and Economic Prosperity Board shall each comprise of 10 members and Community Board shall comprise of 12 members	All the powers, duties and functions of the Council as contained, mentioned or referred to in the statutory provisions from time to time in force governing the exercise of those powers, duties and functions described specifically and generally in the Terms of Reference for each Board appointed by the Council and as set out in the Annexes to this Schedule.
Overview and Scrutiny Committee	The Committee shall comprise of 12 members	All the powers, duties and functions of the Council as contained, mentioned or

BOARDS AND COMMITTEES	NUMBER OF MEMBERS	POWERS, DUTIES OR FUNCTIONS DELEGATED
		referred to in the statutory provisions from time to time in force governing the exercise of those powers, duties and functions described specifically and generally in the Terms of Reference for the Committee appointed by the Council and as set out in the Annexes to this Schedule.
Standards and Governance Committee	There will be a maximum of eight members of whom at least one quarter shall be independent from the Council; i.e. not being a close friend or relative of a member or officer of the Council, nor being, or having been, a member or officer of the Council in the 5 years prior to appointment.	All the powers, duties and functions of the Council as contained, mentioned or referred to in the statutory provisions from time to time in force governing the exercise of those powers, duties and functions described specifically and generally in the Terms of Reference for each Committee appointed by the Council and as set out in the Annexes to this Schedule.
Regulatory Board	The Board will comprise of 12 members of the Council (For this Board, in addition to nominating members for appointment as full	All the powers, duties and functions of the Council as contained, mentioned or referred to in the statutory provisions from time to time in force governing the exercise of those powers,

BOARDS AND COMMITTEES	NUMBER OF MEMBERS	POWERS, DUTIES OR FUNCTIONS DELEGATED
	members, political groups on the Council shall be entitled to nominate the same number of suitably trained named deputies who may substitute for members who are unable to attend a meeting)	duties and functions described specifically and generally in the Terms of Reference for each Board appointed by the Council and as set out in the Annexes to this Schedule.
Licensing Board	The Board will comprise 12 Members of the Council. (For this Board, in addition to nominating members for appointment as full members, political groups on the Council shall be entitled to nominate the same number of suitably trained named deputies who may substitute for members who are unable to attend a meeting)	All the powers, duties and functions of the Council as contained, mentioned or referred to in the statutory provisions from time to time in force governing the exercise of those powers, duties and functions described specifically and generally in the Terms of Reference for each Board appointed by the Council and as set out in the Annexes to this Schedule.
Licensing Sub-Board	The Board will comprise 3 members who must be members of the Licensing Board	All the powers, duties and functions of the Council as contained, mentioned or referred to in the statutory

BOARDS AND COMMITTEES	NUMBER OF MEMBERS	POWERS, DUTIES OR FUNCTIONS DELEGATED
		provisions from time to time in force governing the exercise of those powers, duties and functions described specifically and generally in the Terms of Reference for each Sub-Board approved by the Council and as set out in the Annexe to this Schedule.
Portchester Crematorium Joint Committee	The Joint Committee comprises two members from Gosport, Fareham and Havant Borough Councils and Portsmouth City Council Each Council is also authorised to appoint a standing deputy to deputise for each appointed member.	The Joint Committee is charged with full responsibility for the management and operation of the Portchester Crematorium in accordance with the terms of an agreement between the Councils.
Project Integra Management Board	The Joint Committee comprises 15 voting members being one appointed by each Partner Authority in Hampshire and one co-opted non-voting Member representing	The Joint Committee has responsibility for the management of Hampshire's waste.

<i>BOARDS AND COMMITTEES</i>	NUMBER OF MEMBERS	POWERS, DUTIES OR FUNCTIONS DELEGATED
	Hampshire Waste Services. Each Authority may appoint a deputy for their named representative.	
Portsmouth and Gosport Joint Board	The Board comprises 12 members with each Authority appointing 6 members whose period of office is 3 years.	To determine applications for licences of Watermen and their vessels within the confines of Portsmouth Harbour and areas adjacent to the isle of Wight.

POLICY AND ORGANISATION BOARD

MEMBERSHIP – 10 COUNCILLORS

Terms of Reference

- 1 The provision of the Policy and administrative framework in which the Council will operate.
- 2 Control of the Council's human and material resources.
- 3 To promote effective relations with other local authorities, agencies, businesses and the public.
- 4 To exercise the functions of the Council in relation to:

A. Policy and Strategy

The formulation , co-ordination and implementation of corporate policies and strategies including the Corporate Plan and making decisions relating to such matters to the extent that they are not reserved to full Council or delegated to other Boards.

B. Finance and Other Resources

(a) Establishing and maintaining the overall framework for the allocation, control and management of the Council's resources including finance, assets, ICT

(b) Formulating annual budget proposals for adoption by the Council; authorising virements under Financial Regulations

(c) Making decisions or granting authorisations on expenditure in accordance with the requirements of and delegations given by Financial Regulations;

(d) Dealing with all financial services, including risk management, treasury management, insurance

(e) Determining grant requests from Voluntary Organisations

C. Human Resources

(a) Establishing the framework for human resources policies and procedures and the discharge of the Council's functions as an employer where this is exercisable by a Board.

(b) To determine the Council's staffing establishment and approve changes

D. General Powers

(a) To exercise all functions of the Council not specifically delegated to another Board or Committee or reserved to full Council under the law, this Scheme of Delegation, Standing Orders or Procedure Rules or regulations;

(b) To exercise the Council's functions in respect of matters referred to it by other Boards or Committees as having corporate budgetary implications

E. Miscellaneous Service Functions

To exercise the Council's functions in relation to the following services:

(a) Electoral

(b) Civic Ceremonial and Commemorative (including Twinning)

(c) Legal and Complaints Services including investigation by the Local Government Ombudsman

(d) Performance Management and Corporate Procurement;

- (e) Revenues and Benefits, including Housing Benefit and Council Tax Benefit, the administration, collection and enforcement of Council Tax, Non-domestic Rates and to authorise write-offs
- (f) Local Land Charges;
- (g) Corporate Communications and Services for Councillors;
- (h) Emergency Planning

COMMUNITY BOARD

MEMBERSHIP – 12 COUNCILLORS

Terms of Reference

1.0 Housing

- 1.1 The management of the Council's housing stock, formulation and implementation of the Housing Strategy, renewal activity and Homelessness Strategy.
- 1.2 Private Sector Housing legislation, including empty dwellings, defective housing, caravans and control of houses in multiple occupation, grants protection of persons from unlawful eviction and harassment.
- 1.3 Fuel poverty and Affordable warmth, home energy conservation measures and policies including the provision of financial assistance.
- 1.4 Policies for the management of the Council's housing stock including fixing of rent and change of landlord provision under the Housing Act 1988 and the terms and conditions for all types of tenancies issued by the Council.
- 1.5 All of the Council's powers in relation to its role as an enabler including formulation of a strategy for the provision of housing, housing renewal, relationships with Registered Social Landlords, provisions of guarantees and mortgages, co-ownership proposals.
- 1.6 The sale of Council houses re-purchases and payment of disturbance and home loss payments in appropriate cases.
- 1.7 Council's policies and procedures in respect of Tenant Participation.
- 1.8 Homelessness - Services and Policies.
- 1.9 The Housing Register and Allocation Policy.

1.10 Agreements, delivery and outcomes relating to Supporting People.

2.0 Environment & Health

2.1 The formulation of policies and initiatives for the maintenance and improvement of the environment and the health of the Community.

2.2 Pollution control.

2.3 Environmental protection including statutory nuisances.

2.4 Food safety legislation.

2.5 Public health functions.

3.0 Community Safety

3.1 The formulation of policies and initiatives in respect of Community Safety.

4.0 Leisure Recreation & Other Amenities

4.1 The formulation of policies and initiatives for the provision of recreational; cultural; sports; heritage facilities and allotments and cemeteries and crematoria.

4.2 The operation and management of recreational; cultural; sporting and leisure facilities; cemeteries and crematoriums; parks; play areas and open spaces, allotments, car parking, boat moorings and sea defences.

4.3 Council's powers in relation to highways, streets and road safety.

4.4 Provision and maintenance of amenity street lighting.

4.5 Policy on street naming and numbering.

4.6 All operational land drainage functions exercisable by the Council.

5.0 General

- 5.1 To promote effective relations with other local authorities, agencies, businesses and the public.
- 5.2. Management of services relating to the collection of refuse, street cleansing, public conveniences, grounds maintenance, housing repairs and other housing management services.
- 5.3 To exercise the functions of the Council under the Acts and any Statutory Orders or Regulations made thereunder as set out in the Scheme of Delegations to Officers Part 3 – Schedule 10 in relation to any of the matters falling within the Terms of Reference of the Community Board.
- 5.4 To set the amount of Fixed Penalty to be paid to the Council for offences under Environmental legislation including arrangements to accept a lesser sum as discharging the Fixed Penalty.
- 5.5 To approve entering into arrangements with persons to exercise the Council's functions of giving Fixed Penalty Notices under Environmental legislation.

ECONOMIC PROSPERITY BOARD

MEMBERSHIP – 10 COUNCILLORS

Terms of Reference

1. To develop and implement the strategy and policy of the Council for economic prosperity within the Borough.
2. To develop the strategy and policy of the Council comprising the Local Development Framework of Development Plan Documents; and approve and review the Gosport Local Development Scheme.
3. To develop the Council's strategies and policies for Tourism and Culture.
4. To promote effective relations with other local authorities, agencies, businesses and the public.
5. To develop and implement the strategy and policy of the Council on:
 - (a) development and implementation of growth within the Borough.
 - (b) regeneration, development and sustainable infrastructure.
 - (c) community cohesion, community development and health inequalities
 - (d) all matters in relation to proposals for local development plan documents under the Local Development Framework and associated matters such as design and development briefs.
 - (e) all matters relating to Economic Development including regional or sub regional partners..
 - (f) all matters in relation to sustainable development including Climate Change.
 - (g) all matters in relation to transport, utility provision and open space.
 - (h) all matters in relation to tourism and culture.
6. To consider and respond to proposals and consultations in relation to:

- (a) National planning guidance and policy initiatives.
 - (b) Regional and Sub Regional Strategies.
 - (c) Proposals for minerals and waste.
- 7. To develop the Council's policy and overview arrangements in relation to neighbourhood development.
- 8. Property Management
 - (a) to manage land held for the purposes of the functions of the Board, corporately held property and land declared surplus to the requirements of a Service Board or the service area in accordance with the principles of good estate management.
 - (b) to authorise the acquisition or disposal of any land held by the Council.
- 9. The Council's powers under the Local Authorities (Land) Act 1963, Part III of the Local Government and Housing Act 1989 (or any similar discretionary spending power) and under any other appropriate powers legislation in relation to loans or other financial assistance to businesses and other appropriate organisations of any kind situated in or moving into the Borough or for persons or bodies of any kind providing facilities which are aimed at creating jobs and or economic regeneration.

REGULATORY BOARD TERMS OF REFERENCE

Membership – 12 Councillors

Terms of Reference

1. To carry out such planning functions of the Council as are not delegated to the Economic Prosperity Board.
2. To carry out the regulatory functions of the Council as a Building Control Authority.

3. Planning Powers

- 3.1 Discharge of the Council's functions under the Town and Country Planning Act 1990, the Planning (Listed Building and Conservation Areas) Act 1990 and any regulations made thereunder (other than those matters delegated to the Economic Prosperity Board) including:-
 - (i) the control of development;
 - (ii) enforcement measures
 - (iii) the conservation and enhancement of buildings and areas of historic/architectural interest.
 - (iv) tree preservation orders
- 3.2 Discharge of the Council's functions in relation to allied legislation including that relating to Building Control, Ancient Monuments, Countryside, Parks, Nature Reserves, Archaeological Areas and Derelict Land.
- 3.3 Consideration of proposals, issues and formal consultation in relation to planning matters in adjoining Planning Authority Areas;

- 3.4 Consideration of all proposals that involve departures from approved local plans.
- 3.5 Consideration of planning consultations received from the County Council in relation to development within the Borough and formulating and deciding the Council's response to such consultations.
- 3.6 Acting as consultee and commenting on strategic planning issues and development proposals by Government Departments, Hampshire County Council and adjoining Local Planning Authorities.
- 3.7 The powers and duties of the Council under the Building Act 1984 which relates to the Building Regulations and allied legislation.
- 3.8 To consider and determine applications for a contribution towards the cost of repairs to buildings on the Buildings at Risk Register provided the contribution does not exceed 15% of the total costs and is within the Board's budget provision.
- 3.9 Discharge of the Council's functions and powers in relation to High Hedges under Part 8 of the Anti-Social Behaviour Act 2003.

LICENSING BOARD

Membership – 12 Councillors

Terms of Reference

1. To carry out all of the licensing and registration functions (including enforcement thereof) of the Council where these are not specifically delegated to any other Board.
2. Except insofar as power is delegated to the Licensing Sub-Board or officers, the grant, renewal, refusal, revocation and imposition of conditions in respect of any licences or registration included in the functions of the Council and in particular in respect of the following:

Licensing Powers

1. The licensing of money lenders, pawnbrokers, scrap metal dealers, sex establishments and premises for ear-piercing, acupuncture, tattooing and electrolysis;
2. Administration of any dog licensing or registration schemes and all other matters relating to the general control of dogs and other animals;
3. The function of licensing and prosecuting authority under the Caravan Sites and Control of Development Act 1960;
4. The control of street and house-to-house collections;
5. Hackney Carriages, Taxis and Private Hire Vehicles;
6. Street Trading;
7. Any other licences, permits or consents for which the Council has a general or specific responsibility under any general or local Act;

8. Administration of the registration scheme under the Vehicles (Crime) Act 2001;
9. Licensing Act 2003.
10. Gambling Act 2005.

LICENSING SUB-BOARD

Membership – Any 3 Members of the Licensing Board

Delegated Powers

1. The determination of applications under the Licensing Act 2003 where representations or a police objection is received or where the applicant for a personal licence has unspent convictions.
2. The determination of applications to renew a premises licence or a club premises certificate.
3. The determination of a police objection to a temporary event notice.
4. Where the Council is a consultee to decide whether or not to object to an application made to another Licensing Authority under the Licensing Act 2003.

STANDARDS AND GOVERNANCE COMMITTEE

Membership, 2 Independent Members, 6 Councillors

Terms of Reference

1. To promote and maintain high standards of conduct within the Council, both for Councillors, Co-opted Members and officers through advice, guidance, training and monitoring of the Local Code of Conduct.
2. To promote transparency and probity throughout all functions of the Council ensuring that Councillors and officers strive to publicly, as well as privately, demonstrate the highest standards of conduct.
3. To monitor the effectiveness and development of the Local Code of Conduct and to make recommendations on the adoption and review of the Local Code of Conduct as necessary to Council.
4. To arrange training for Councillors, Co-opted Members and officers on matters relating to the Local Code of Conduct and governance including standards, ethics and probity.
5. To have an oversight of the Council's method for establishing and recording Members' Personal or Prejudicial interests and to determine applications for dispensation as set out in the Code of Conduct.
6. To receive reports from the Monitoring Officer on the operation of the system of declarations, as necessary.
7. To support the Monitoring Officer in his/her statutory role and the issuing of guidance on his/her role from time to time.

8. To have an oversight of the Constitution, the operation of and amendments to the Constitution particularly in relation to codes of conduct.
9. To adopt or amend any protocols on conduct made pursuant to the Constitution.
10. In accordance with the Council's Constitution to appoint sub-committees to determine complaints of breach of the Code of Conduct or local protocols by a Member referred to the Monitoring Officer (by the Standards Board for England, an Ethical Standards Officer or otherwise) and to determine reports on such complaints from Ethical Standards Officers.
11. To support the Chief Financial Officer in his/her statutory role in connection with the financial probity and the issuing of guidance on his/her role from time to time.
12. To consider the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
13. To consider the external auditor's annual letter, relevant reports, and the reports to those charged with governance.
14. To consider specific reports as agreed with the external auditor.
15. To liaise with the Audit Commission over the appointment of the Council's external audit.
16. To monitor the effective development and operation of risk management and corporate governance in the Council.
17. To review any issue referred to it by Council or the Chief Executive.

18. To review complaints under the Council's Complaints procedure and those investigated by the Ombudsman.
19. To have an oversight of the Council's "Whistle-blowing" policy, Anti-fraud and Anti-corruption policies.
20. To oversee the production of the Council's Statement of Internal Control and to recommend to Council its adoption.
21. To consider in relation to Internal Audit:
 - Summary of specific Internal Audit reports (as requested)
 - Reports dealing with the management and performance of the Internal Audit service.
22. To comment on the scope and depth of external audit work and to ensure it gives value for money.

OVERVIEW AND SCRUTINY COMMITTEE

Membership – 12 Councillors

Terms of Reference

- 1 To assist the Council in the development of its Budget, Policy Framework and other policies by in-depth analysis of policy issues including:-
 - conducting research of community and other consultation in the analysis of policy issues and possible options
 - consideration and implementation of mechanisms to encourage and enhance the community participation in the development of policy options
 - consideration of matters affecting the area or inhabitantsand to report and make recommendations on such matters as appropriate to Council, Service Boards and as the Committee thinks fit.
2. To carry out the scrutiny function with regard to the matters listed in 1 above and the discharge by the Council of any of its functions including:-
 - decisions made or actions taken by the Service Boards and officers of the Council
 - the performance of the Council
3. To monitor and scrutinise the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. To report any findings and make any recommendations to the Council for alteration of the Constitution.
4. To monitor and scrutinise the workings of the Overview and Scrutiny Committee and the relationship between the Overview and Scrutiny Committee and the Service Boards. To make any necessary

recommendations on such matters to the relevant Service Board or Council, where appropriate.

5. Liaise with external organisations operating in the area, whether national, regional, or local, to ensure that the interests of the people are enhanced by collaborative working.
6. Review and scrutinise the performance of other public bodies in the area and invite reports by them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance.
7. Question Members of Boards, Sub-Boards and Officers of the Council about their views on the issues and proposals affecting the area.
8. Question and gather evidence (from any person or organisation).

APPENDIX 2

SCHEME OF DELEGATION TO OFFICERS AND STATUTORY (PROPER) OFFICER APPOINTMENTS

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- 3.0 Delegations to Chief Officers
- 4.0 Delegations to the Borough Solicitor
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- 7.0 Delegations to the Head of Development Control
- 8.0 Delegations to the Building Control Manager
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- 11.0 Delegations to the Environmental Services Manager
- 12.0 Delegations to the Leisure and Corporate Services
Manager
- Statutory Officer Appointments
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GOSPORT BOROUGH COUNCIL

SCHEME OF DELEGATION TO OFFICERS

1.0 General

- 1.1 Chief Officers in this Scheme of Delegations means Chief Executive, Borough Treasurer, Section 151 Officer, Borough Solicitor and Service Unit Managers.
- 1.2 Delegated powers shall at all times be exercised fully in accordance with any statutory requirements for the time being in force; any policy or decision of the Council or appropriate Board; and in accordance with the Constitution; Financial Regulations for the time being of the Council; and Contract Procedure rules; and within any approved budgetary limits and also have regard to the Council's equalities duties and duty under Section 17 of the Crime and Disorder Act 1998.
- 1.3 Any Officer having delegated powers may, before making any decisions under those powers, consult with such other Officers or Members as he considers appropriate and may, if he considers it necessary, refer the matter to the relevant Board for determination.
- 1.4 Any Officer having delegated powers under this Scheme may authorise any other suitably qualified Officer to exercise their delegated powers except where prohibited by statute or law and powers relating to any statutory officer appointment. Such authorisation must be made in writing. The officer

authorised by the other shall act in the name of the original officer who received the original delegation.

- 1.5 Any powers delegated by this Scheme to any Officer shall include a delegation to any other officer to whom the function in respect of which those powers may be exercised has passed either by re-designation, reorganisation or otherwise.
- 1.6 Any powers delegated by this Scheme in respect of any statutory provision shall include a delegation in respect of any other statutory provision, which re-enacts or remakes the same whether or not with or without amendments.
- 1.7 In any case, where particular powers have been delegated by this Scheme to an Officer, if at any time that post is not currently filled the delegation will automatically be to the line manager of that Officer; unless, for some reason the line manager is not qualified (e.g. through professional qualification) to carry out a particular function, in which case the duty will temporarily be delegated to the next most senior officer who is so suitably qualified.
- 1.8 Any powers delegated to an officer under this scheme shall also include the delegation of that function to that officer's line manager and Chief Officers providing the line manager and/or Chief Officer holds any statutory qualification necessary for undertaking that function.
- 1.9 The powers delegated to Chief Officers include the powers to manage their staff and services including the appointment, promotion and dismissal of staff

within any other specific provision approved by Council and the power to purchase necessary equipment and other items provided budget provision has been made for the purpose.

- 1.10 Chief Officers will undertake all and any functions and tasks necessary in support of or related to supporting approved partnerships and joint working. For the avoidance of doubt, this should include joint working with other public bodies and agencies, including NHS Trusts and associated bodies, other local authorities and other appropriate bodies, including those with representatives of the private sector. This would include Partnership for Urban South Hampshire (PUSH) Transport for South Hampshire (TfSH), and Solent LEP.

2.0 Delegations to the Chief Executive

- 2.1 Authority to require that any Officer having delegated powers under this Scheme shall not exercise those powers either generally or in such circumstances as the Chief Executive may specify.
- 2.2 Authority to require that any decision which may be taken under delegated powers shall be submitted to the relevant Board or Committee for determination.
- 2.3 Authority to make any decision which may be made under delegated powers in substitution for the Officer to whom the relevant power has been delegated except where that decision relates to a statutory officer appointment or can only be taken by an Officer having any necessary qualifications or statutory authority.

- 2.4 Authority in the event of the illness incapacity or absence of any Officer having delegated powers under this Scheme to appoint another Officer or Officers for the purposes of the exercise of any or all of those powers.
- 2.5 Authority to attest the Council's seal and to sign documents in accordance with the provisions of Appendix I.
- 2.6 Authority, in consultation with the Leader of the Council and Ward Councillors, to give consent to Dispersal Order applications under Part 4 of the Anti Social Behaviour Act 2003 in line with the protocol approved by full Council on 14 July 2008.
- 2.7 Authority to take any action on urgent matters which would otherwise require reference to or consultation with the Council, a Board or Committee if there is no such time for such reference or consultation to be made provided the Section 151 Officer and Monitoring Officer agree to the proposed course of action before it is decided. All such decisions shall be reported to the next meeting of the Council, Board or Committee.
- 2.8 To respond to any consultation or request for information from the Government; local authority; or other body following consultation with the Chairman of the relevant Board or Committee.
- 2.9 To edit and publish the Council's external communications including Coastline in accordance with the Council's Editorial Policy.

- 2.10 To make any decisions about the sale of advertising or sponsorship in Council (or Council related) publications or on Council property subject to legal, and other constraints and Council policy.
- 2.11 To appoint external agents or consultants to provide specialist services in respect of the Council's major development schemes, subject to compliance with Financial Regulations and Contract Procedure Rules.
- 2.12 To liaise with economic partnerships and other economic bodies to represent the Council's interests on economic issues.
- 2.13 To lead on and contribute to the PUSH Business Plan and oversee the implementation following consultation with the Chairman of the Economic Prosperity Board
- 2.14 To take any decisions or actions necessary in relation to economic development and regeneration including, but not limited to, the submission of funding bids, approving projects to meet agreed targets in the Corporate Plan and any projects relating to poverty, deprivation, employability, worklessness, tourism, international and European relations and economic development.
- 2.15 To undertake negotiations on behalf of the Council in respect of proposed special events in the Borough.
- 2.16 To sign on behalf of the Council, Members' Declaration of Interest forms and to arrange for the maintenance of any statutory or voluntary registers of Members' interests.

- 2.17 To undertake all functions and responsibilities associated with Emergency planning
- 2.18 To undertake the discharge of any of the Council's functions relating to the welfare of civilians under the Civil Defence Acts 1937 – 1948, under Section 138 of the Local Government Act 1972 as amended by the Civil Contingency Act 2004.
- 2.19 Authority to establish and maintain civil and military emergency plans in accordance with legal or government requirements and to maintain liaison with the relevant civil and military bodies.

3.0 Delegations to Chief Officers

3.1 Management Powers

3.1.1 Authority to carry out the day to day administration of any Service Unit, Section, staff or other matter under the control of the Chief Officer or within their Terms of Reference.

Staff

3.1.2 Authority to pay loans or advances to staff within the terms of any Council scheme for the time being in force.

3.1.2 Authority within the law to recruit and terminate the employment of staff, within their Units.

NOTE: For the avoidance of doubt, the appointment of a Chief Officer shall be the responsibility of Members of the Council.

3.1.4 Authority, in respect of staff employed within the Service Unit or Section of the Chief Officer concerned, to take all relevant action under the Council's Disciplinary and Grievance Codes of Practice save that the power to issue a final written warning (including the conduct of any associated interview) or the suspension or dismissal of any member of staff shall be exercised in accordance with the Council's Disciplinary procedures and in addition the provisions of Paragraph 1.3 of this Scheme shall not apply.

3.1.5 Authority to arrange and approve the training of staff including attendance at meetings, conferences day release courses and the like.

3.1.6 Authority to grant special leave, paid or unpaid.

3.1.7 Authority to approve the payment of overtime within the limits of any approved national or local scheme.

3.1.8 Authority, subject to approval by the Chief Executive, the Borough Treasurer to award merit increments and honoraria to staff for exceptional performance.

Assets

3.1.9 Authority to dispose of obsolete or worn out plant and equipment by sale or otherwise in the Council's best financial interests and so that value for money is received.

3.1.10 Authority within the individual scope of each Officer's Terms of Reference to carry out the day-to-day management, maintenance and repair of any land and premises for the time being under their control.

3.1.11 Authority in consultation with the Borough Treasurer and the Borough Solicitor to grant and renew trading concessions for terms not exceeding one year on or in any land or property under the day-to-day control of the Manager concerned.

Payments

3.1.12 Authority with the approval of the Borough Treasurer to write off debts to the Council deemed to be irrecoverable within any limits for the time being imposed by the Council's Financial Regulations.

3.1.13 Authority where this is in the best interests of the Council and in order to settle or resolve any claim or dispute and with the approval of the Borough Treasurer and Borough Solicitor to make ex gratia payments not exceeding £1,000.

General

3.1.14 Authority to take all necessary action to implement Council, Board, Committee, Strategies; Policies; and decisions including actions that commit resources, within an agreed budget in the case of financial resources, as necessary and appropriate.

3.1.15 To seek planning permission, conservation area consent and listed building consent in accordance with the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990, subject to:

i the Head of Development Control being given 14 days to comment on the proposal prior to the submission of the formal application, and

ii the Head of Development Control agreeing that the proposal is not in conflict with any planning policy of the Council

3.1.16 Subject to the approval of the Borough Solicitor and Section 151 Officer to enter into any lawful contract for the provision of services, goods or materials for another body where to do so is considered beneficial to the Council.

3.1.17 To take any consequential action necessary or expedient in respect of a bid or tender involving funding or assistance from central government,

the European Commission or from any other source.

3.1.18 To determine the procurement route for any procurement governed by the EU procurement regime or any other legislation and make all subsequent decisions in relation to such procurement whether governed by the EU Public Procurement Regime or not.

3.2 Statutory and Enforcement Powers

3.2.1 Authority within the individual scope of each Chief Officer's Terms of Reference but subject to limitations imposed by law, any decision of the Council or its Boards or by this Scheme to take any and all action necessary to carry out the functions of the Council including the issue of any necessary licence or consent required under any statutory provision or local Byelaw or Order.

3.2.2 Authority within the individual scope of each Chief Officer's Terms of Reference and within the scope of any statutory authority for the time being in force to do any or all of the following:-

- (a) To serve notices and to rescind any notice served and to determine the existence of any relevant state of affairs necessary for the service or rescission of any notice;

- (b) To obtain information by requisition or any other means;
- (c) To enter premises and, where necessary, to apply for Warrants of entry to premises;
- (d) To require the execution of works to premises or on or under land including the power to require the removal of any substance or deposit from premises or land;
- (e) To require the cessation of a particular use of premises or to impose conditions for the continuation of that use including the imposition of any limit on or other requirement relating to the numbers of occupants;
- (f) Where necessary, to carry out works in default;
- (g) To recover costs by any and all relevant legal means;
- (h) To investigate offences;
- (i) To consult with any other individual or body or organisation;
- (j) To authorise and appoint any member of his staff, provided that member of staff is in possession of any necessary

qualifications, to act as an Inspector or otherwise for any of the above purposes and for the purposes of enforcing the provisions of any enactment which it is the power or duty of the Council to enforce.

3.2.3 Authority within the individual scope of each Chief Officer's Terms of Reference, and in consultation with the Borough Solicitor, to take any and all action necessary to satisfy any duty or requirement imposed on the Council by any new or amending legislative provision or case law in respect of which power has not been delegated by this Scheme.

3.2.4 Authority to give a formal caution as an alternative to the taking of criminal proceedings in those cases where the Borough Solicitor has so authorised.

3.2.5 To authorise appropriate officers to administer formal cautions in respect of any criminal offence.

3.2.6 To grant authorisations under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.

3.3 Powers With Regard to Land (except Council housing)

Note: Any action taken under the following delegated powers shall except in the case of a temporary lease or licence under 3.3.3, or in the case of a lease or

licence to a sporting club, voluntary group or similar organisation granted under Board authority at a nominal or concessionary rental be at a price which, in the opinion of the Council's valuer, represents the best price which can reasonably be obtained and upon such other terms and conditions as he has recommended.

3.3.1 Authority in consultation with the Borough Treasurer, to agree any rent increase which may be due under the terms of any lease or licence

3.3.2 Authority, in consultation with the Borough Solicitor and with the Borough Treasurer, to authorise on terms recommended by the Council's Valuer:-

- (i) the renewal of or variation of leases and licences;
- (ii) the grant of a licence to enter upon and carry out works on under or over land owned by the Council.

3.3.3 Authority, in respect of any Council-owned land or property which is currently vacant and unused and is not currently required for Council purposes and after consultation with the relevant Board Chairman and the Borough Solicitor and in the interests of good management to authorise the grant and renewal of leases and licences subject to the following conditions:-

- (a) The lease or licence shall not exceed three years in duration;

- (b) There are no plans for the use of the land or property for any Council purpose within that period.
- (c) The terms of the proposed lease/licence have been approved by the Borough Solicitor in consultation with the Council's valuer.
- (d) The arrangement is intended to be a temporary arrangement and the Borough Solicitor is reasonably satisfied that the Council will be able to recover possession of the land at the end of the agreed term or if it is required for redevelopment.

3.3.4 Authority to authorise the disposal of small areas of Council-owned land within the day-to-day control of the relevant Chief Officer subject to the following conditions:-

- (a) The value of the land shall not exceed £20,000 and the land shall not form part of a larger area having a value in excess of £20,000;
- (b) The land has no current use and is, in the opinion of the Manager, surplus to the Council's requirements;
- (c) The Head of Property Services has consulted all relevant Service Unit Managers, the Head of Planning Policy ,

the Head of Development Control and other relevant Officers and none has objected to the disposal;

- (d) The Head of Property Services has consulted the Ward Members within whose Ward the land is situated and none has objected to the disposal;

Note: In a case where an Officer has objected under (c), or a Ward Member under (d) and it has not been possible to resolve that objection, the matter shall be considered by the relevant Board;

4.0 Delegations to Borough Solicitor

4.1 General

- 4.1.1 Authority to act as the Council's Solicitor in all legal matters and to accept service on behalf of the Council of any legal document or process.
- 4.1.2 Authority (where this has not been delegated to any other Officer or is not within the Terms of Reference of any other Officer for the purposes of clause 3.2.2) to sign issue and serve all statutory notices in consultation with the relevant Chief Officer.
- 4.1.3 Authority to arrange for the sealing and/or signing of documents in accordance with the provisions of Appendix I.

- 4.1.4 Authority to seal mortgage discharges and other miscellaneous documents including all deeds and documents necessary to give effect to any decision of the Council or one of its Boards or Committee or an Officer exercising delegated powers under this scheme.
- 4.1.5 Authority to consent to the assignment, surrender, or novation of any Lease, Licence, Contract or other similar obligation where she is satisfied that such action is in the Council's best interests and, in the case of any assignment or novation, that this is on terms no less favourable to the Council than those contained in the original agreement.
- 4.1.6 Authority to dispose of the reversionary interest in any leasehold land and property in respect of which the original term was not less than 99 years and the rent payable is a Ground Rent and any other leasehold land and property where the sale is in pursuance of any lessees' rights of enfranchisement under the Leasehold Reform Acts.
- 4.1.7 Authority, after consultation with the relevant Chief Officer, to grant or refuse any application for consent under the terms of any lease or licence.

Note: An application for consent for a change of the permitted use of any land or property shall not be exercised until the Ward Members within whose Ward the land is situated have been consulted in writing by

the Borough Solicitor and none has, within a period of seven days from the date of the written consultation, objected. If any Ward Member does so object the matter shall be considered by the relevant Board.

4.1.8 Authority, after consultation with any other relevant Chief Officer, to consent to the grant, renewal or variation of any easement covenant or wayleave upon such terms as have been recommended by the Council's valuer.

4.1.9 Authority to approve the use of the Borough Crest.

4.1.10 Authority to take all necessary legal proceedings in respect of the collection of money due to the Council.

4.1.11 Authority to take all necessary legal proceedings for the possession of properties mortgaged to the Council and Council housing accommodation in those cases where mortgage instalments or rent arrears have accrued or where the conditions of tenancy have been infringed.

4.1.12 Authority to commence, defend any criminal proceedings and to respond to any appeals or other challenges to action taken by the Council provided the relevant Chief Officer has recommended such action.

4.1.13 In respect of any criminal offence and without prejudice to the powers contained in paragraph

3.2.4 above and after consultation with the relevant Chief Officer, to determine whether or not a formal caution should be given as an alternative to prosecution and to authorise the Chief Officer to give the caution.

4.1.14 Authority in consultation with the relevant Chief Officer to take all steps including legal action to secure the removal of any trespasser or unauthorised occupier on or in Council-owned land or property.

4.1.15 To provide or arrange for the provision of legal advice to the Council, including obtaining Counsel's opinion and instructing external solicitors as appropriate either on a case by case, or in any other appropriate manner or form as determined by the Borough Solicitor.

4.1.16 To take all necessary action as the Council's data protection officer , pursuant to the Data Protection Act 1998, in relation to the Council's functions and duties under the Freedom of Information Act 2000 and all relevant secondary legislation and guidance (including European Directives).

4.1.17 To determine all matters arising from the Commission for Local Administration in England (the Local Government Ombudsman) in whatever manner is appropriate, including the making of local settlements in consultation with the relevant Chief Officer and the Borough Treasurer in respect of financial settlements.

4.1.18 To settle any claim whether proceedings have been initiated or not where this is in the best interests of the Council following consultation with the Chief Executive, Section 151 Officer and relevant Chief Officer.

4.1.19 To appear and to authorise officers including those not within the managerial control of the Borough Solicitor to appear on behalf of the Council in proceedings in the County Court, pursuant to Section 60 County Courts Act 1984, as amended by S125 (7) of County and Legal Services Act 1990, and in the Magistrates' Court pursuant to Section 223 Local Government Act 1972.

4.1.20 To amend the Constitution pursuant to any lawful decision of the Council where that decision warrants a change to the Constitution.

4.1.21 To amend the Constitution where any change in the law requires a consequential change in the body of the Constitution, provided such change is not so substantial as to warrant reporting to the Council for approval.

4.1.22 To sign or endorse any documents on behalf of the authority where so requested by a citizen, eg authentication details.

4.1.23 To certify as a true and correct record any documents in accordance with Section 229 Local Government Act 1972.

4.1.24 Following consultation with the Section 151 Officer and Chief Executive, to grant indemnities for Members and Officers within the terms of the Council's approved policy.

4.1.25 The Council's powers in consultation with the Head of Development Control in relation to the making of Tree Preservation Orders and the confirmation of Tree Preservation Orders where no objections or observations have been received.

4.1.26 Power to correct clerical mistakes pursuant to Regulation 33 of the Licensing Act (Hearing) Regulations 2005 where the determination was made by the Licensing Sub-Board in consultation with the Chairman of that Sub-Board and where the determination was made by the Environmental Services Manager in consultation with him.

4.1.27 To publish the Annual Monitoring Report to the Local Development Framework.

4.2 Local Land Charges

4.2.1 To carry out all functions and responsibilities associated with the Local Land Charges Act 1975 including maintaining; operating the Register of Local Land Charges; and authority, so far as such charges are not prescribed, to agree the scale of charges for responding to Land Charges Searches and replying to Supplemental Enquiries.

4.3 Transport and Traffic

4.3.1 Power to authorise temporary road closures or prohibitions or restriction of traffic in accordance with any relevant statutory provisions including to grant permission for the closure of any highway for celebrations such as street parties provided the Police do not object and the Council are indemnified against any third party claims

4.3.2 Authority to make vary or rescind Traffic Regulation Orders

5.0 **Delegations to the Section 151 Officer**

5.1.1 Authority to arrange the borrowings necessary to finance the Council's Capital Development, to defray payment to be met from Revenue Funds pending the receipt of sums due in respect of the same period, or to replace debts paid.

5.1.2 Authority to invest or deposit any temporary surplus funds on the Wholesale Money Market.

5.1.3 Transactions under 5.1.1 and 5.1.2 are to be in accordance with the Council's Treasury Management Strategy.

5.2 Authority to make all payments of money due from the Council.

- 5.3 Authority to write off debts due to the Council which he deems to be irrecoverable or uneconomic to pursue, other than debts in excess of any limit from time to time set by the Council.
- 5.4 Authority, after consultation with any other relevant Chief Officer, to approve the amount and period for repayment of any loan or mortgage within the limits of any scheme from time to time approved by the Council.
- 5.5 Authority in consultation with the Borough Solicitor to take proceedings for the collection of all money due to the Council under any statutory scheme of local taxation.
- 5.6 Authority to keep the statutory account, under the Local Government Act 1986, of the Council's expenditure on publicity and to make arrangements to enable persons to exercise their right to inspect and make copies of the account or any part of it.
- 5.7 The power to determine changes to the rate of interest on mortgage loans etc in accordance with any relevant statutory provisions.
- 5.8 To act as the Council's Anti Money Laundering Officer

6.0 Delegation to Borough Treasurer

- 6.1 Authority to enter into Agreements with other Local Authorities or third parties to deal with matters relating to community safety, crime and disorder and crime reduction.

6.2 To take any decisions or actions necessary in relation to community safety and anti-social behaviour, including the submission of funding bids, approving projects related to community safety and anti-social behaviour, authorising enforcement action, approving specific projects to meet targets in corporate plans and strategies.

6.3 Management of all matters relating to information technology for the Council.

7.0 Delegations to the Head of Development Control

7.1 Planning Matters

7.1.1 The determination of planning applications relating to the following types of proposals, including applications made by or on behalf of the Council but excluding applications from Officers of the Council; Members of the Council; or any member of their family, provided that:

- (i) in the case of any application approved under these delegated powers the proposals comply with the Borough Local Plan, and
- (ii) where objections have been received, or where supporting representations have been received for an application that is proposed to be refused, no Member has given written notice (within 5 working days of being notified in writing of a proposal to determine an application under this paragraph) that such an application must

be referred to the Regulatory Board for determination

- (a) Householder applications including:-
Private Garages,
Extensions and other ancillary structures;
- (b) Boundary walls, fences etc;
- (c) Vehicular accesses;
- (d) All applications for advertisement consent;
- (e) Submission of reserved matters;
- (f) Applications for temporary consents;
- (g) The erection of extensions to non-residential premises;
- (h) Changes of use or sub-division of existing premises including A1 to A2; A1 to residential;
- (i) Protected trees and trees in Conservation Areas;
- (j) Non Material, and Minor Material Changes to permissions, consents, approvals, approved plans and details;
- (k) The erection of extensions and alterations to Listed Buildings;
- (l) Applications for Conservation Area Consents;

(m) Variation of Conditions;

(n) Applications for development classified as Minor including new shop fronts; alterations to existing shop fronts save that the limit for residential units shall be 6;

(o) Extension of Time

7.1.2 Responding to the following notifications and minor consultations:-

- (a) Hampshire County Council;
- (b) Fareham Borough Council;
- (c) Portsmouth City Council;

7.1.3 Determination of Lawful Development Certification applications (Sections 191 and 192 of the Town and Country Planning Act 1990 as amended)

7.1.4 Authority, in accordance with Regulation 3 of the Town and Country Planning (General Development Procedure) Order 1995 to request the submission of such further detail as he considers necessary to enable an application for outline planning permission to be determined.

7.1.5 Authority to respond to any notification or application made to the Council under the terms of any General Development Procedure or General Permitted Development Order for the time being in force.

7.1.6 The approval of conditions (including, in consultation with the Borough Treasurer, for the assessment of

any commuted sum payable) for the future maintenance by the Council of any land which is proposed to be dedicated or transferred to the Council for use for open space or public amenity purposes.

7.1.7 Applications to discharge conditions.

7.1.8 The functions and powers of the Council in relation to High Hedges under Part 8 of the Anti-Social Behaviour Act 2003 (the Act) excluding the function of setting the level of fee and refunding fees in Sections 68 (1) (b) and (8), of the Act.

7.1.9 On receipt of a Hedgerow Removal Notice, authority to determine whether the hedge is “important” in accordance with the Hedgerow Regulations 1997 except in respect of hedgerows owned by the Council.

7.1.10 Authority to enter into agreements or obligations which arise from applications decided under delegated powers and power to discharge or modify such agreements or obligations in consultation with the Borough Solicitor.

7.1.11 Without prejudice to the general authority contained in paragraph 3.2 of this Scheme of Delegation all the Council's powers to take all enforcement action authorised under the Town and Country Planning Act 1990, the Planning Hazardous Substances Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning and Compensation Act 2004 including (but without prejudice to the generality of the foregoing) the issue, variation and withdrawal of enforcement notices and listed building

enforcement notices, stop and temporary stop notices, planning contravention notices, breach of condition notices, completion notices, hazardous substances contravention notices, building preservation notices, urgent works notices and the carrying out of works in default and the recovery of expenses in connection therewith and in the case of legal proceedings subject to the requirements of paragraphs 4.1.10, 4.1.12 and 4.1.13

7.1.12 Authority to issue a notice under Section 215 of the Town and Country Planning Act 1990 (proper maintenance of land).

7.1.13 Authority to decide whether an Environmental Assessment or Environmental Statement is required for any planning application to be determined.

7.1.14 Authority to deal with all future applications for screening and scoping opinions under the Town and Country Planning (Environmental Impact) (England and Wales) Regulations 1999

7.1.15 To decline to determine:

- (a) subsequent applications under Section 70A of the Town and Country Planning Act 1990;
- (b) overlapping applications under Section 70B of the Town and Country Planning Act 1990;
- (c) subsequent applications under Section 81A of the Listed Buildings Act 1990; and
- (d) overlapping applications under Section 81B of the Listed Buildings Act 1990.

7.1.16 Authority in consultation with the Borough Solicitor where an appeal is pursued following a refusal of any application whether determined under delegated powers or by the Regulatory Board or against non determination by the Local Planning Authority to enter into or accept planning obligations where these would overcome a reason for refusal and then to withdraw the reason for refusal

8.0 Delegations to the Building Control Manager

Note: The Council has delegated its Building Control functions to Fareham Borough Council as part of the joint provision of Building Control Services. Fareham Borough Council has delegated its Building Control functions to Gosport Borough Council.

8.1.1 The approval and disapproval of all plans submitted for building control purposes.

8.1.2 All the Council's powers under any Building Regulations for the time being in force.

8.1.3 All the Council's powers in relation to dangerous structures and buildings under Sections 77, 78, 81 and 82 of the Building Act 1984.

8.1.4 All the Council's powers under Sections 11, 12 and 13 of the Hampshire Act 1983.

8.1.5 All the Council's powers in relation to the naming and numbering of streets and properties and the alteration of street names and property numbers.

Note: this power shall not be exercised until the Ward Members within whose Ward the street or property concerned is situated have been consulted in writing by the Building Control Manager and none has, within a period of seven days from the date of the written consultation, objected. If any Ward Member does so object the matter shall be considered by the relevant Board.

- 8.1.6 All the Council's powers under the Building Act 1984 in respect of a breach of building regulations, enforcement, defective premises and demolition, supervision of building work other than by Local Authorities.
- 8.1.7 All the Council's powers to act as a third surveyor under the Party Wall etc., Act 1996.

9.0 Delegations to the Housing Services Manager

- 9.1 The day-to-day management of the Council's housing stock and associated land including setting the terms of any Tenancy Agreement, the collection of rents, the prioritisation and selection of tenants, the grant, transfer, assignment and exchange of tenancies of Council houses and garages and the acceptance of surrenders.
- 9.2 Authority, within the context of the Council's relationship with any Registered Social Landlord as defined by the Housing Act 1996:-
 - (a) To agree the terms of and enter into Nomination Agreements;

- (b) To select and nominate applicants for accommodation under the terms of any Nomination Agreement;
 - (c) To enter into reciprocal arrangements with any Registered Social Landlord for the housing of tenants.
 - (d) To respond to and agree proposals received from the Housing Corporation for amendments to the Annual Development Programme and any consequential changes in the allocation of Social Housing Grant to Registered Social Landlords.
- 9.3 The issue and signing of all Notices to Quit and Notices Seeking Possession where the form of the Notice has been approved by the Borough Solicitor.
- 9.4 Authority to issue landlord's offer notices under any Right-to-Buy legislation.
- 9.5 Authority to take whatever action is necessary to provide, in accordance with statutory requirements, accommodation for persons who are homeless under Part VII of the Housing Act 1996 or threatened with homelessness including authority to enter into leases or licences in respect of private housing accommodation and authority to make payments to third parties for such accommodation or under any damage deposit or similar scheme.
- 9.6 Authority to issue and represent the Council in County Court proceedings for the recovery of rent arrears.

- 9.7 All matters relating to the issue and signing of applications for Warrants of Possession including authority to attend and represent the Council in any associated County Court hearing in Chambers.
- 9.8 All matters relating to the determination of applications for accommodation under Part VI of the Housing Act 1996 including arranging temporary accommodation whilst enquiries are made.
- 9.9 The grant or refusal of any consent to proposed works to former Council-owned properties under the terms of any relevant restrictive covenant.
- 9.10 Authority to make Home Loss Payments under the provisions of Section 29 of the Land Compensation Act 1973 (as amended), Discretionary Home Loss Payments under the provisions of Section 32(7) of the Act and disturbance payments under the provisions of Section 37 of the Act where she is satisfied in each case that all relevant statutory requirements have been complied with.
- 9.11 All matters relating to the determination and payment of applications for financial assistance under the terms of any Cash Incentive, Right to Compensation for Improvements and Right to Repair or other scheme for the payment of money to secure tenants of Council-owned residential accommodation.
- 9.12 The determination of Service Charges payable by leaseholders of former Council flats and maisonettes.

9.13 The Councils functions under the Home Energy Conservation Act 1995

9.14 Management of the Council's non-housing portfolio.

9.15 Management of any Council owned permanent residential caravan site

10.0 Delegations to the Financial Services Manager

10.1 To exercise all the powers and duties of the Council in relation to:

- Housing and Council Tax Benefits Scheme
- National Non-Domestic Rates
- Council Tax

Save for those functions specifically excluded from delegation or by legislation.

10.2 To review annually or at such other periods as is considered necessary all risks and insurances following consultation with appropriate Chief Officers and make arrangements and agree terms with insurers for those risks considered to be economic to transfer to the Council's insurers.

10.3 To indemnify / insure directly or indirectly persons, other than councillors / officers, involved in Council activities.

10.4 The central procurement of furniture, equipment, stationery and other goods not delegated to other officers.

11.0 Delegations to the Environmental Services Manager

Note: The Council has delegated its Environmental Health and Licensing functions to Fareham Borough Council as part of the joint provision of Environmental Health and Licensing Services. Fareham Borough Council has delegated its Environmental Health and Licensing functions to Gosport Borough Council.

11.1 Licensing Matters

11.1.1 Subject to the policies of the Council the Council's powers and duties in relation to the grant, suspension and renewal of the following Licences under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976:-

Private Hire Vehicle Licence;
Private Hire Driver's Licences;
Private Hire Vehicle Operator's Licences;
Hackney Carriage Driver's Licences;
Hackney Carriage Licences.

11.1.2 All the Council's powers relating to Licences and permits for Street Collections and House-to-House Collections (Police Factories etc (Miscellaneous Provisions) Act 1916 and the House-to-House Collections Act 1939).

11.1.3 Determination of applications for registration under the Vehicles (Crime) Act 2001.

11.2 All the Council's powers relating to the administration, approval, refusal and to payment of Grants for the renovation and improvement of residential properties under any relevant statutory provision including, in

consultation with the Borough Treasurer, the determination of hardship status.

- 11.3 Without prejudice to the general authority contained in Paragraph 3.2.2 of this Scheme, all the Council's powers subject, in the case of legal proceedings, to the requirements of paragraphs 4.1.10 and 4.1.12 of this Scheme, under the following statutory provisions which includes any regulations made under the Statute or the European Communities Act 1972

STATUTORY PROVISION	EXTENT OF DELEGATION
Animal Boarding Establishments Act 1963	The whole Act
Animal Welfare Act 2006	Please confirm still needed
Anti-Social Behaviour Act 2003	The Whole Act
	Section 43(1),Section 43(B) and Section 47, authorisation of authorised officers to give fixed penalty notices under Section 43(1)
Breeding of Dogs Act 1973	The whole Act
Breeding of Dogs Act 1991	The whole Act
Breeding and Sale of Dogs (Welfare) Act 1999	The whole Act
Building Act 1984	Part III (except Sections 77, 78, 81 and 82)
Caravan Sites and Control of Development Act 1960	Part I (except Section 24)
Cinemas Act 1985	The whole Act
Clean Air Act 1993	The whole Act
Cleaner Neighbourhoods and Environment Act 2005	Sections 3,4,5,6(1)-(7),7,enforcement of orders made under Section 55 and Section 61, enforcement of provisions relating to Alarm Notification Areas designated under Section 69.
	Authorisations of authorised officers to give fixed penalties under Section 6,Section 59 and Section 73.
Control of Pollution Act 1974	Part III - Noise Section 73 - power to obtain information
Dangerous Wild Animals Act 1976	The whole Act

Environment Act 1995

Part II - contaminated land

Part IV - air quality

Section 108 - powers of enforcing authority and persons authorised by them

Section 109 - power to deal with cause of imminent danger of pollution

Schedule 18 - supplementary provisions in respect of powers of entry

Environmental Protection Act
1990

The whole Act excluding the Council's functions and powers:-

1.To specify fixed penalties and make provision for treating it as having been paid if a lesser amount is paid before the end of a period specified by the Council.

2. To enter into arrangements with persons to exercise the Council's functions of giving fixed penalty notices.

3. Under Section 92C(5).

3. To designate land under paragraph 2 of Schedule 3A and set fees under paragraph 4 of Schedule 3A of the Act.

But including the authorisation

	of authorised officers to give fixed penalty notices.
Factories Act 1961	The whole Act
Food Safety (Fishery Products and Live Shellfish)(Hygiene) Regulations 1998	Power to appoint officers of police and Solent Sea Fisheries for enforcement purposes.
THE FOOD HYGIENE (ENGLAND) REGULATIONS 2006 REGULATION (EC) 178/2002 REGULATION (EC) 852/2004 REGULATION (EC) 853/2004 REGULATION (EC) 854/2004 THE PRODUCTS OF ANIMAL ORIGIN (THIRD COUNTRY IMPORTS) REGULATIONS 2004 THE PRODUCTS OF ANIMAL ORIGIN (IMPORT and EXPORT) REGULATIONS 1996 OFFICIAL FOOD and FEED CONTROL REGULATIONS 2003 CONTAMINANTS OF FOOD REGULATIONS 2003	All of the Regulations
Game Act 1831	The whole Act
Hampshire Act 1983	Section 4 - Hairdressers and barbers
Health Act 2006	Section 10(5) - power to authorise officers to be the named person for recipients of fixed penalty notices to ask questions about the service of the notice and if appropriate to decide upon the cancellation of a Fixed Penalty Notice N.B in the absence of the Environmental Services Manager the Head of Environmental Health is authorised to exercise this

delegation

Housing Act 2004

Part 1 – Housing
Conditions

Section 4 – To
carry out
inspections to see
whether any
Category 1 or 2
hazards exist.

Section 4 – To be
the Proper Officer
to whom any
official complaint
about the condition
of residential
premises must be
made.

Section 11 – To
serve an
Improvement
Notice for Category
1 hazard

Section 12 – To
serve an
Improvement
Notice for a
Category 2 hazard

Section 14 – To

PART 3 – SCHEDULE 10

suspend an
Improvement
Notice

Section 16 – To
revoke or vary an
Improvement
Notice

Section 17 – To
review a
suspended
Improvement
Notice and give
notice of the
decision on a
review

Section 20 – To
make and serve a
Prohibition Order in
respect of Category
1 hazards

Section 21 – To
make and serve a
prohibition order in
respect of Category
2 hazards

Section 23 – To
suspend a
prohibition Order

Section 25 – To
revoke or vary a
Prohibition Order

Section 26 – To
review a
suspended
Prohibition Order
and to serve notice
of the decision of
any review

Section 28 – To
serve a Hazard
Awareness Notice
relating to a
Category 1 hazard

Section 29 – To
serve a Hazard
Awareness Notice
for a Category 2
hazard

Section 31 and
Schedule 3 - To
take action in
respect of an
Improvement
Notice

Sections 40 and 41

PART 3 – SCHEDULE 10

– To take
emergency
remedial action
where there is a
Category 1 hazard
and to serve the
requisite notices.

N.B. subject to
consultation with
Hampshire Fire
and Rescue
Authority in respect
of a fire hazard, in
accordance with
Section 10.

In consultation with
the Environmental
Services Manager
in respect of taking
emergency
remedial action in
relation to blocked
private sewers.

Section 43 – To
serve an
Emergency
Prohibition Order
for Category 1
hazard

Section 46

PART 3 – SCHEDULE 10

(Housing Act 1985,
S 265) – To serve
a Demolition Order
for Category 1 or 2
hazards

Section 47
(Housing Act 1985,
S 289) – To
declare a
Clearance Area

Section 49 – To
make a charge for
enforcement action

Part 2 – Licensing
of Houses in
Multiple
Occupation

The Council's
functions of
licensing Houses in
Multiple
Occupation ('HMO')
as set out below
excluding the
setting of the fee to
accompany the
application

Section 62 – To

PART 3 – SCHEDULE 10

serve a temporary
exemption from the
licensing
requirement for
HMOs

Sections 64, 69
and 70 – To grant
or refuse a licence
for an HMO, to vary
or revoke the
licence

Section 73 – to
apply for a rent
repayment order,
and to serve the
requisite notices

Part 3 – Selective
Licensing of Other
Residential
Accommodation

Section 96 – To
apply for a rent
repayment order
and to serve the
requisite notices

Part 4 – Additional
control Provisions
in relation to

PART 3 – SCHEDULE 10

Residential
Accommodation

Sections 102, 111
and 112 – To
make, vary and
revoke interim
management
orders

Sections 113, 121
and 122 – To
make, vary and
revoke final
management
orders

Section 131 –
Power of entry to
carry out works
where
management order
is in force, and to
appoint, in writing,
persons to enter
the premises to
carry out the work

Section 133 – To
make an interim
empty dwelling
management order

PART 3 – SCHEDULE 10

Section 136 – To
make a final empty
dwelling
management order

Section 139 – To
serve an
overcrowding
notice

Section 144 – To
revoke and vary
overcrowding
notices

Section 235 – to
serve notice
requiring
documents to be
produced

Section 239 – To
enter premises for
purposes of
carrying out a
survey or
examination

Section 239 – To
be the Proper
officer for
determining if a
survey or

examination is
necessary

Section 255 and 256 – To
serve, and to revoke, an HMO
declaration notice.

Housing Act 1985

The relevant Sections of the
Act, remaining in force, dealing
with powers concerning private
dwellings

Housing Act 1996

Part II - registration of houses
in multiple occupation

Housing Grants, Construction
and Regeneration Act 1996

Part I - grants

Part II - group repair

Part III - Home Repair
Assistance

Part IV - deferred action

Local Government and Housing
Act 1989

Part VII - renewal areas

Part IX - miscellaneous

Part XIII - administration,
approval, refusal and payment
of grants

Local Government
(Miscellaneous Provisions) Act
1976

Section 16 - Requisition for
information

Section 20 - provision of
sanitary appliances at places of
entertainment

Section 35 - removal of
obstruction from private sewers

Section 33 - restoration of

Local Government (Miscellaneous Provisions) Act 1982	water supply Part II - control of sex establishments Part III - Street trading Part VIII - Acupuncture, tattooing, ear-piercing and electrolysis Part IX - public health etc Part XII - Section 37 - temporary markets
Noise Act 1996	The whole Act excluding Section 8A but including the authorisation of authorised officers to give fixed penalty notices under Section 8A.
Noise and Statutory Nuisance Act 1993	The whole Act
Offices Shops & Railways Premises Act 1963	The whole Act
Pet Animals Act 1951	The whole Act
Prevention of Damage by Pests Act 1949	The whole Act
Private Water Supplies Regulations 2009	All the Regulations
Pollution Prevention and Control Act 1999	The whole Act
Public Health Act 1936	Part II - Sanitation and Buildings
Public Health Act 1961	Section 17 - summary power to remedy stopped up drains Section 22 - power to cleanse or repair drains

PART 3 – SCHEDULE 10

Section 34 - removal of rubbish
Section 36 - power to require
the vacation of premises for
fumigation

Section 37 - prohibition for sale
of verminous articles

Section 73 - derelict petrol
tanks

Section 74 - power to reduce
numbers of pigeons and other
birds in built-up areas

Scrap Metal Dealers Act 1964

The whole Act

Rag Flock and Other Filling
Materials Act 1951

The whole Act

Refuse Disposal (Amenity) Act
1978

The whole Act excluding
Section 2A(8) but including
authorisation of authorised
officers to give fixed penalties
under Section 2A

Riding Establishments Act 1964

The whole Act

Riding Establishments Act 1970

The whole Act

Road Traffic Regulation Act
1984

Sections 99-102 (removal of
abandoned vehicles)

Sunday Trading Act 1994

The whole Act

Theatres Act 1968

The whole Act

Town and Country Planning Act
1990

Section 224 and Section 225

Water Act 1989

The whole Act

Water Industry Act 1991

The whole Act

Water Industry Act 1999

The whole Act

Wildlife and Countryside Act

Part I - wildlife

1981

Zoo Licensing Act 1981

The whole Act

11.4 Power to appoint officers of the Health Authority to undertake the Council's duties with respect to infectious diseases.

11.5 The proper officer for the signature and issue of any Licence, Registration Certificate, Order, Notice or other document under the following legislation:

Statutory Provision	<u>Extent of Delegation</u>
Public Health (Control of Disease) Act 1984	The whole Act
Public Health (Infectious Disease) (Regulations) 1968	The whole Regulations
Food Safety Act 1990	Section 5 - appointment of authorised officers Section 6 - enforcement of the Act Section 9 - inspection and seizure of suspected food Section 10 - Improvement Notices Section 12 - emergency Prohibition Notices and Orders
Food and Environmental Protection Act 1985	Part III
Health and Safety at Work Etc Act 1974	Section 18 - enforcement Section 19 - appointment of Inspectors (including authority to define the powers of any Inspector under Section 20)

Section 21 - Improvement
Notices

Section 22 - Prohibition Notices

Section 25 - power to deal with
causes of imminent danger

11.6 Authority to enter into reciprocal enforcement arrangements relating to the detention, examination and seizure of food with other local authorities in England and Wales.

11.7 Determination of the following applications under the Licensing Act 2003 where no representation is made:

11.7.1 Personal Licence excluding applications where the applicant has unspent convictions

11.7.2 Premises Licence

11.7.3 Club Premises Certificate

11.7.4 Provisional Statement

11.7.5 Variation to Premises Licence

11.7.6 Variation to Club Premises Certificate

11.7.7 Variation to designated premises supervisor excluding applications where there is an objection from the police

11.7.8 Transfer of Premises Licence excluding application where there is an objection from the police

11.7.9 Interim authorities excluding applications where there is an objection from the police

11.8 The Council's functions and powers under the Licensing Act 2003 and to regulations made thereunder to

11.8.1 Determine requests to be removed as a designated premises supervisor

11.8.2 Determine whether a complaint is irrelevant, frivolous or vexatious

11.8.3 Issue notices of hearing pursuant to regulate and of the Licensing Act 2003 (Hearing) Regulations 2005 ('the Regulations') and information to accompany that notice including any particular points of which the authority considers that it will want clarification or at the hearing from a party (pursuant to Regulation 7)

11.8.4 Extend time limits pursuant to Regulation 11 of the Regulations

11.8.5 Carry out the administration of applications, the issuing of licences (including those determined on appeal) by the Magistrates Court and the compilation and maintenance of registers.

11.9 To authorise officers as required by Section 304 (3) (b) of the Gambling Act 2005.

11.10 Determination of the following applications under the Gambling Act 2005 where no representation have been received or such representation has been withdrawn:-

11.10.1 Premises licence

11.10.2 Variation to a licence

11.10.3 Transfer of a licence

11.10.4 Provisional licence

11.10.5 Club gaming/club machine permits

11.11 Determination of the following matters under the Gambling Act 2005:-

11.11.1 Applications for other permits

11.11.2 Cancellation of licensed premises gaming machine permits

11.11.3 Consideration of temporary use notices

Roads and Streets

11.12.1 The Council's powers under Section 7 of the Hampshire Act 1983 (touting on highways).

11.12.2 Authority to deal with the removal and disposal of abandoned vehicles.

11.12.3 Approval to road openings for private purposes.

11.12.5 Authority to issue and refuse any permit, licence, approval or consent (including the power to impose conditions and to rescind any permit, licence etc granted) under the Highways Act 1980

11.12.6 The maintenance of any street furniture and amenity lighting.

Note: The following delegations may only be exercised where the decision relates to a matter which, in the opinion of the Officer, is wholly within or affecting one particular Ward only of the Borough and then only after the Ward Members for that Ward have been given written notice of the proposed exercise of the delegation and none of them has, within seven days of such notice objected to the exercise of the delegation in which case, unless the objection can be resolved, the matter will be referred to the Community and Environment Board.

11.12.7 The provision of street furniture.

11.12.8 The provision of street lighting.

11.12.9 The erection of any notice or the taking of any other action to promote road safety.

14.0 Delegation to the Leisure and Corporate Services Manager

14.1 Authority to determine any fee or charge for special events and irregular lettings of recreational facilities and to fix a scale of charges for the use of recreational facilities so far as such charges are not included in the scale of fees and charges approved by the Council.

- 14.2 The fixing of charges for consumable items sold at the Council's recreational facilities.
- 14.3 The management of the Council's moorings.
- 14.5 Responsibility for the management of the Council's parks and service facilities.
- 14.6 Responsibility for the management of the Council's leisure facilities, and development of recreation facilities.
- 14.7 The issue of Grants of Exclusive Rights of Burial.
- 14.8 The Council's powers and duties under Section 46 of the Public Health (Control of Disease) Act 1984 (burial and cremation where no other arrangements have been made).
- 14.9 Administration of the Council's complaints procedure.

STATUTORY OFFICER APPOINTMENTS

Chief Executive

Head of the Paid Service - Section 4 Local Government and Housing Act 1989.

Borough Treasurer

1. Responsibility for the proper administration of the Council's financial affairs - Section 151 Local Government Act 1972.
2. Receipt of all monies and banking arrangements - Section 115(2) of the Local Government Act 1972.
3. Registrar of loan instruments - Section 46 of the Local Government and Housing Act 1989.
4. Maintenance of an adequate and effective system of internal audit of the Council's accounting records and control systems - Regulation 5 of the Accounts and Audits Regulations 1996.

NB: The Financial Services Manager and the Head of Accountancy are each appointed to act as Proper Officers in the absence of the Borough Treasurer.

The Borough Solicitor

1. The Council Solicitor with full power to serve and accept service of any legal document or process except where authority has been specifically delegated to any other Officer.

2. Monitoring Officer - Section 5 of the Local Government and Housing Act 1981.

NB: The Head of Legal Services is appointed to act as Deputy in the absence of the Borough Solicitor. The Head of Legal Services may appoint a Deputy to cover in his/her absence when acting as Monitoring Officer.

3. Appointment of Proper Officer in relation to:-

- (a) Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 October 1972 to the Town Clerk of a Borough which, by virtue of any provisions of the said Act was to be construed as reference to the Proper Officer of the Council.
- (b) Any reference in any local statutory provision to the Town Clerk of Gosport which, by virtue of an Order made under Section 254 of the Local Government Act 1972, was to be construed as a reference to the Proper Officer of the Council.
- (c) Any reference in the Local Government Act 1972 to the Proper Officer of the Council other than Section 115(2).
- (d) Any reference in any enactment passed after the 1971/72 session of Parliament or to be passed to the Proper Officer of the Council unless or until a specific appointment of another Officer has been made by the Council.

4. Registrar of Local Land Charges.
5. The Proper Officer for the following provisions of the Local Government Access to Information) Act 1985:-

Section 100B(2) - excluding reports from public agendas,

Section 100B(7) - Supplying additional documents to the Press,

Section 100C(2) - making written summary of confidential proceedings,

Section 100D(1) - compiling list of background papers,

Section 100D(5) - defining background papers,

Section 100F(2) - restricting disclosure of exempt information to Members.

NB: The Head of Legal Services is appointed to act Proper Officer in the absence of the Borough Solicitor.

6. The Proper Officer for the grant of any consent or licence and the giving of any notice under the Highways Act 1980
7. The Proper Officer in relation to the receipt of any application and the issue of any permission or refusal of permission under the Town and Country Planning Act 1990.

NB: The Head of Development Services is appointed Proper Officer in the absence of the Borough Solicitor.

8. The Proper Officer in relation to any notice, approval or other matter under the Building Act 1984.

NB: The Building Control Manager is appointed Proper Officer in the absence of the Borough Solicitor.

Environmental Services Manager

1. The Proper Officer in relation to the signature of all operators, drivers and vehicle licences in respect of Hackney Carriage and private hire vehicles under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.
2. The Proper Officer for the signature and issue of any licence, registration certificate, Order, notice or other document under the following purposes:-

Public Health (Control of Disease) Act 1984 and the Public Health (Infectious disease) Regulations 1968.

The Local Government (Miscellaneous Provisions) Act 1982:-

Part I licensing of public entertainments;

Part II - control of sex establishments;

Part III - street trading;

Part IV - Closing Orders (Section 5 only)

Part VIII - Acupuncture, tattooing, ear piercing and electrolysis;

Part IX - sale of food by hawkers.

Part XI - public health etc

3. Signature of any consents, Orders, demands or other documents under the Building Act 1984 Sections 59-76, 79,

84 and 1985 and their authentication as provided by Section 93.

4. In relation to the provisions of the Food Act 1984 and the Food Safety Act 1990.

APPENDIX 1

GOSPORT BOROUGH COUNCIL SCHEME OF DELEGATION TO OFFICERS

SEALING OF DOCUMENTS

- (a) The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of any Board or Officer having delegated powers in that behalf or where the sealing of any document is necessary to give effect to any lawful decision of the Council or of any Board or of any decision properly made under delegated powers.
- (b) The Common Seal shall be attested by the Chief Executive or the Borough Solicitor or the Head of Legal Services or Senior Solicitor (Litigation) and an entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for that purpose and shall be signed by the person who attested the Common Seal. The Common Seal may also be attested by the Mayor or the Deputy Mayor when affixed to any document which is, in the opinion of the Borough Solicitor or of the Head of Legal Services used for any ceremonial purpose. No document used for such purpose shall, however, be invalidated by the failure of the Mayor or the Deputy Mayor to attest the Common Seal.

- (c) The Chief Executive, the Borough Solicitor, the Head of Legal Services or Senior Solicitor (Litigation) shall be authorised to sign on behalf of the Council any agreement or other document not required to be executed under seal, provided that the subject matter has been approved by the Council or a Board or Sub-Board of the Council or is to put into effect a decision made by an Officer acting under delegated power

Cycle of Council, Board and Committee Meetings: 2011 – 2012

	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April
Regulatory Board (6.00) (Tuesday)	24	-	5	16	27	-	1	12	24	-	6	10
Licensing Board (6.00) (Tue)	-	7	19	-	6	18	29	-	10	21	-	3
Community Board (6.00) (Monday)	-	13	-	1	26	-	28	-	30	-	26	-
Economic Board (6.00) (Wednesday)	-	22	-	-	21	-	2	-	26	-	7	-
P & O Board (1) (6.00) (Wednesday)	-	-	6	-	-	-	9	-	31	-	14	-
S & G Ctte (2) (6.00) (Thursday)	-	23	-	-	15	-	24	-	-	9	-	1
O & S Ctte (3) (6.00) (Weds)	-	-	13	-	-	12	-	15	-	7	15	-
Council (6.00) (Wednesday)	18 AC (11am) 19 AAC Thurs (6pm)	-	20	-	-	-	23	-	-	1/27* CTS (Mon)	28	-
AC = Annual Council Meeting, AAC = Adjourned Annual Council Meeting CTS = Council Tax Setting, * = Extraordinary Meeting												
NOTE: The 2012-2013 Municipal Year will start with the Annual Council Meeting on 23 May and the Adjourned Annual Council Meeting on 24 May 2012.												

- 1 Policy and Organisation Board
- 2 Standards and Governance Committee
- 3 Overview and Scrutiny Committee

OVERVIEW AND SCRUTINY COMMITTEE

TITLE: CHAIRMAN'S DRAFT ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE FOR THE MUNICIPAL YEAR 20010-2011

AUTHOR: COUNCILLOR BOB FORDER

11 meetings of the full committee were called during the course of the Council Year, including extraordinary meetings.

a) The Committee completed the following scrutinies:

1. Member Development.

Following a visit by the Chairman and Vice-Chairman to South-East Employers in Winchester and a subsequent meeting attended by employees of that Organisation, the Committee published a report recommending the adoption of the Member's Development Charter. This report led to further consideration by the Standards and Governance Sub-board and the Policy and Organisation Board and an information session offered to all councillors at which they were briefed by Cllr Barnard from Bracknell Forest Council and representatives of South East Employers. This ended with the adoption of the Charter by this Council.

2. Nursery Operations at Grange Farm

The working group responsible for this scrutiny was led by Cllr Derek Kimber. The working group met on five occasions, interviewed seven officers and undertook two site visits. A very detailed final report was also the subject of an extraordinary meeting of the whole committee at which the Nursery Supervisor and two senior officers gave further evidence. The Committee's report was considered by the Community and Environment Board.

3. Gosport Dial a Ride

The working group responsible for this scrutiny was led by Cllr Rob Hylands. The working group met on five occasions and interviewed representatives of Gosport Dial a Ride, Community Action Fareham and Gosport Voluntary Action as well as Council officers. A very detailed initial report was the subject of lengthy debate at a full meeting of the Overview and Scrutiny Committee and resulted with a resolution by the Committee setting out criteria for improvements in the service and recommendations as to how this can be achieved. The Committee has also resolved to return to the issue in the new council year in an endeavour to monitor improvements.

b) The following reports were received and debated:

1. Cultural Strategy Planning
2. Local Strategic Partnership and Sustainable Community Strategy
3. Disability Equality Scheme
4. Outturn Budget, 2008-2009
5. Gender Equality Scheme
6. Race Equality Scheme

c) Following on from the previous year's report on Vocational Education in Gosport, the Committee was pleased to note the establishment of Gosport College which has served the purpose of broadening the range of vocational training opportunities available to the Borough's young people. This was a key recommendation made by the Committee during the previous Council year. During the course of the year the Committee also drafted a response to the County Council's consultation on post-16 Education in Gosport. The Committee was pleased to invite Mrs Di Lloyd (the new Principal of St Vincent College) to a meeting at which she explained her vision for the College. Also Mr Nigel Duncan (Acting Principal of Fareham College) attended a meeting as he had expressed a desire to respond to Committee's report of the previous year.

d) At its final meeting of the year the Committee considered possible subjects for its work during the 2011-2012 council year.

Some General Points and Concluding Comments

The Chairman would like to take this opportunity to acknowledge the support and help he has received from other members and officers.

With regard to the former he wishes to acknowledge the spirit of cooperation that has pervaded all aspects of the Committee's work and the relaxed, informal and thoughtful way in which members have conducted themselves. A number of members have worked very hard.

As explained above the Committee has already been considering its programme for the coming year and the Chairman hopes that there will be a high degree of continuity in its membership to facilitate this.

The Committee has also received much support from several officers. However it is perhaps appropriate to note that at his final meeting in January before his retirement, Chris Wrein was the recipient of heart-felt thanks from all members for his industry and efficiency over a long period.