

READING BOROUGH COUNCIL
SCHEME OF OFFICER DELEGATIONS

Valid at the Council meeting on 22 May 2019 - Last Updated 17/1/20

1. HOW THE SCHEME OPERATES

1.1 General authority to arrange the discharge of functions by officers is provided by Section 101 of the Local Government Act 1972. Following the adoption of a committee system form of governance by the Annual Council Meeting on 22 May 2013, all officer delegations are again made under this statutory power.

1.2 Before May 2013 the authority had operated a Leader and Cabinet form of executive arrangement under Section 11 of the Local Government Act 2000. Under Section 13(7) of the 2000 Act, all functions of the local authority were the responsibility of the executive, unless the Secretary of State had made a Regulation under Section 13 (12) of the Act to specify functions the discharge of which will not be the responsibility of the executive. These are the Local Authorities (Functions and Responsibilities) (England) Regulations, 2000, and more recent amendments, which set out three schedules of functions:

Schedule 1: functions which cannot be the responsibility of the executive

Schedule 2: functions which may be, but need not be, the responsibility of the executive ("local choice functions")

Schedule 3: functions which may not be the sole responsibility of the executive ("shared functions")

1.3 The adoption of a committee system form of governance has ended the separation between executive and non-executive functions contained in the Local Government Act 2000. Therefore Schedules 1 to 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations no longer apply, because the Council no longer has a single party executive. However, the Constitution continues to set out for future reference, in Part 3, the functions listed in the three Schedules attached to these Regulations, and shows which Committee and / or officer is responsible for the exercise of the functions listed in these Schedules. The functions listed on the Schedules are shown as shaded in this Register.

1.4 Responsibility for Decision Making

1.4.1 The Council has adopted a committee system of governance. Therefore the responsibility for decision making will be determined within the statutory context of Sections 101 and 102 of the Local Government Act 1972.

1.4.1 Full Council is responsible for the exercise of all functions of the authority. It may delegate functions to be exercised by individual Committees or Sub-Committees, or by a senior officer(s). Committees in turn may delegate any of their functions to be exercised by a Sub-Committee of Members, or by a senior officer; and a Sub-Committee in turn may delegate any of its functions to be exercised by a senior officer.

1.4.3 The functions delegated by Council to Committees and Sub-Committees are set out in Article 7 of the Constitution. This Delegations Register records the functions and responsibilities that have been delegated by Council and its Committees and Sub-Committees to individual officers. It also records the Committee responsible for the delegated function or service.

1.4.4 Under Sections 101 and 102 of the Local Government Act 1972, there is no statutory power to delegate the exercise of any function to an individual Councillor, including the Leader. This is set out in Article 6 of this Constitution.

1.5 Types of Decision.

1.5.1 Reserved Functions

A number of functions are reserved by statute to be exercised by full Council. These are set out in Article 4 of the Constitution. Decisions relating to the functions listed in Article 4.2 must be made by the full Council and cannot be delegated.

1.5.2 Policy, Strategy and Budget Decisions

The authority's policy and budget frameworks are set out in Part 4 of the Constitution. With the adoption of a committee system of governance, there is no longer a requirement for the authority's strategies and policies to be adopted by full Council (unless this is reserved by statute to full Council), and Article 7 delegates to individual Committees the setting of the policies, plans and strategies for the functions delegated to them, with the Policy Committee having the responsibility for setting the policies, plans and strategies for functions which cut across more than one committee area.

Full Council will continue to set the authority's budget and overall strategic direction, which the Policy Committee may recommend to it.

There is no delegation to individual officers to approve, adopt, amend, vary or cancel policies, plans or strategies, or to take decisions outside the authority's approved budget framework.

1.5.3 Operational Decisions

Individual Committees will also take decisions about the functions delegated to them which, in an executive arrangements model of governance, would be regarded as executive decisions. These in turn may be delegated to officers, subject to the decision not being a key decision (see para. 1.6 below)

1.5.4 Regulatory Functions

The Licensing Applications and Planning Applications Committees have delegated to them those licensing and planning functions which, under an executive arrangements form of governance, could not be the responsibility of the executive under Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

This does not preclude full Council in the future from making an alternative arrangement to delegate any of these functions to another Committee, or to delegate other functions to either of these Committees.

1.6 Key Decisions

- 1.6.1 The Local Authorities (Executive Arrangements) (Meetings and Access to Information (England) Regulations 2012 do not apply to authorities which have adopted a committee system form of governance. Therefore the provisions of the Local Government Act 2000 and associated Regulations in relation both to key decisions and publishing a forward plan of executive decisions no longer apply.
- 1.6.2 However, the authority will continue to set a local definition of a key decision, which will apply to all functions. This is set out in Article 13.3 of the Constitution. Any such decision must be taken by a Committee.
- 1.6.3 Under the local definition, a key decision is a decision which is likely to have:
- significant expenditure (over £500k) or savings (over £250k), except where already approved as part of the Council's revenue or capital budgets;
 - significant effects on communities living or working in two or more wards, including:
 - the closure of a service or an establishment within a service;
 - the externalisation of a service or a substantial part of it;
 - a variation to the Council's budget including virement or additional expenditure of more than £500,000;
 - joint arrangements or partnership arrangements with other local authorities or bodies;
 - making a compulsory purchase order;
 - bids for substantial funding from other bodies;
 - major Traffic Regulation Orders;
 - admissions to maintained schools;
 - appointments to outside bodies, except casual vacancies.

1.7 Decision-making by Officers

- 1.7.1 Decision-making by officers will be by Directors or Heads of Service, where a function has been delegated to that officer, and in line with the rules of operation set out in the Delegations Register.
- 1.7.2 Directors or Heads of Service may not take a decision on a function or service which has been delegated to them where:
- a) the decision is a key decision as defined in Article 13.3 of the Constitution and para. 1.6. above;
 - b) the decision is statutorily reserved to full Council or the Licensing Committee to exercise;
 - c) the decision is to approve, adopt, amend, vary or cancel policies, plans or strategies, or falls outside the authority's approved budget framework.

1.8 Decision Book

- 1.8.1 Subject to para. 1.7 above, the Council's procedural Standing Orders (Standing Order 42), in Part 4 of the Constitution, include provision for the Head of Paid Service, Corporate Directors, the Chief Financial Officer and the Monitoring Officer to take decisions on behalf of the Council or Committees on matters where there is not an existing delegation, subject to a number of procedural conditions as set out in the Standing Order. The decision shall be taken in consultation with the relevant Lead Councillor(s) and published in the Council's Decision Book, and may be implemented 10 days after

publication, unless within that 10 day period no less than three Members of the Council write to the Monitoring Officer to ask that the decision be referred to the responsible Committee for decision.

2. HEAD OF PAID SERVICE

- 2.1 The Local Government and Housing Act 1989 provides that each local authority shall appoint an officer as the head of its paid service. This is the Chief Executive. The specific powers of Reading's Head of Paid Service are set out in Section 3, and in Article 12.2 of the Council's constitution.

3. MONITORING OFFICER

- 3.1 The Local Government and Housing Act 1989 provides that each local authority shall appoint a Monitoring Officer. This is the Head of Legal and Democratic Services. The specific functions of the Monitoring Officer are set out in Article 12.3 of the Council's constitution.

4. CHIEF FINANCIAL OFFICER

- 4.1 Section 151 of the Local Government Act 1972 provides that each local authority shall appoint a Chief Financial Officer. This is the Strategic Finance Director. The specific functions of the Chief Finance Officer are set out in Article 12.4 of the Council's constitution.

5. GENERAL AND SPECIFIC POWERS

- 5.1 Reading Corporate Directors and Heads of Service have two types of delegated power:

(i) **General Managerial Powers**

These are delegated to all Corporate Directors and Heads of Service.

(ii) **Specific Powers**

These are specific powers delegated to individual Corporate Directors and Heads of Service.

- 5.2 Some delegations may only be exercised after consultation or with the concurrence of other named Corporate Directors or Heads of Service, with a view to ensuring that all relevant matters are taken into account before a decision is made.

6. REQUIREMENT TO TAKE ADVICE

- 6.1 In addition to the requirement to consult or secure concurrence in relation to certain powers, a Corporate Director or Head of Service should consult with the appropriate professional or technical officer appointed by the Council, on matters outside their own competence.

7. CORPORATE DIRECTOR OR HEAD OF SERVICE

- 7.1 General powers are exercisable by the following Corporate Director or Head of Service:

CHIEF EXECUTIVE

CORPORATE SUPPORT SERVICES
Head of Communications

Head of Customer Services
Strategic Finance Director
Head of Legal & Democratic Services

ADULT CARE AND HEALTH SERVICES

Head of Adult Social Care
Head of Commissioning & Improvement
Head of Wellbeing (delegation to Director of Public Health, Berkshire)
Transformation Programme Manager
Organisational & Workforce Development Manager

CHILDREN, EDUCATION AND EARLY HELP SERVICES

Head of Safeguarding & Children's Services
Head of Early Years & Family Intervention Services
Head of Transformation & Governance
Head of Education Services

DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES

Head of Economic & Cultural Development
Head of Housing & Neighbourhood Services
Head of Planning, Development & Regulatory Services
Head of Transportation & Streetcare

7.2 The term "Corporate Director" includes the Chief Executive for matters relating to his/her Directorate.

7.3 Specific powers relating to Council services delegated to Corporate Directors or Heads of Service are set out in separate sections below.

8. CONDITIONS OF DELEGATION

8.1 Delegations to officers are made by Council and its Committees by virtue of the Local Government Acts and Regulations issued under them, and the Powers and Duties of Committees and Sub-Committees. This does not prevent the Council or a Committee itself from determining a matter within its powers and duties which it has delegated to an officer if it so chooses.

8.2 The delegations are made subject to the following conditions:

(a) Except in those cases where it is legally necessary to name particular officers or categories of officers, all the delegations are made to a Corporate Director or Head of Service and, except where it is indicated that powers shall be exercised personally, each Officer must make clear and efficient arrangements so that powers delegated to him/her may be administered by another responsible officer, for whom s/he shall always be ultimately accountable.

(b) In exercising any delegation, the Corporate Director or Head of Service shall:

- (i) Comply with the law and the Constitution, including in particular the Rules of Procedure set out in Part 4, ie:
- Council and Committee Standing Orders
 - Access to Information Procedure Rules
 - Budget and Policy framework
 - Overview and Scrutiny Procedure Rules

- Financial Procedure Rules
 - Contracts Procedure Rules
 - Officer Employment Procedure Rules
- (ii) Have regard to any legal advice from the Head of Legal & Democratic Services, any financial advice from the Strategic Finance Director, and any Human Resources advice from the HR Manager.
- (iii) Have regard to the powers of the Council's Head of Paid Service, and act in accordance with any instructions given by the Chief Executive.
- (iv) Consult with the appropriate professional or technical officer(s) of the Council before authorising action on any matter involving professional or technical considerations not within the sphere of competence of the Corporate Director or Head of Service concerned.
- (v) Consult the responsible Lead Councillor and the Chair of the relevant Committee in such circumstances as are considered appropriate or required.
- (vi) Keep an adequate and auditable record of the decision, authorisation etc.; and record in writing and publish (subject to the provisions of the Data Protection Act 1998) any decisions taken under officer delegation as required by Regulations issued under the Local Audit and Accountability Act 2014, in particular decisions which:
- Grant permissions or licences
 - Affect the rights of individuals
 - Award contracts
 - Incur expenditure which materially affects the Council's financial position
- (vii) Report the decision in accordance with the requirements of any relevant Committee or delegation.
- (viii) **Not** take a decision that is specifically reserved to full Council or any Committee body, including any key decision.
- (ix) **Not** take a decision or action which:
- involves the approval of statutory Plans and other Policies;
 - conflicts with Council Policy;
 - is not compliant with the Council's Contract Procedure Rules;
 - involves the approval of Capital and Revenue budgets; or
 - incurs expenditure for which there is no approved budget.
- (c) Where delegations are made to any Head of Service, the appropriate Corporate Director is authorised to exercise the delegation in the absence of, or on behalf of, that Head of Service.
- (d) The Chief Executive may exercise all delegations in the absence of, or on behalf of, any Corporate Director or Head of Service.
- (e) Where any application or request is refused by a Director or Head of Service under delegated powers, unless there is a statutory procedure for appeal, s/he shall

notify the applicant or person making the request that they may have the matter referred to the Committee responsible for the delegated function.

- (f) Where there is a dispute between two or more Directors or Heads of Service over the exercise of a delegation, either Officer may refer the matter to the Head of Paid Service or Monitoring Officer for resolution.

- 8.3 Directors and Heads of Service may (so far as the law permits) arrange for other members of staff, or contractors for whom they are responsible, to take decisions or actions on functions delegated to them, in their name, but they will remain accountable for them.

Note: S.101 of the Local Government Act 1972 prohibits onward delegation from one officer to another. However the law permits administrative decisions to be taken by an officer in a Chief Officer's name, but not fundamental "threshold decisions".

- 8.4 In the event of the Director or Head of Service not being available for whatever reason then the next most senior officer of the Directorate or Service shall be authorised to implement these delegated powers.
- 8.5 To the extent that the law permits, decisions and actions taken by Directors and Heads of Service under delegated powers shall be valid notwithstanding any failure to comply with the requirements of this Scheme of Delegation, and may in addition be ratified by a decision of the relevant Committee or full Council.
- 8.6 Should the title of any Director or Head of Service change from that referred to in this Scheme of Delegation, the approved delegated arrangements shall be exercisable by the appropriate Director or Head of Service responsible for the function in question.
- 8.7 Where any new duty is given to the Council which does not fall within this Scheme of Delegation, the exercise of that duty shall be undertaken by the relevant Director until such time as the Council has allocated responsibility.
- 8.8 A Director or Head of Service may choose not to exercise their delegated powers in respect of any decision, in which case the decision shall be referred to the appropriate Committee for determination.

9. INTERPRETATION

- 9.1 Whenever the provisions of statutes and regulations which are from time to time delegated to a Director or Head of Service are repealed and re-enacted by a subsequent statute, without any substantive amendment to the powers contained in the provisions, the powers as set out in the new statute or regulation will be automatically delegated to the relevant Director or Head of Service, without the need for updating the reports to individual committees. The Monitoring Officer is authorised to make appropriate amendments to the scheme to take account of such re-enactments.
- 9.2 Where provisions are not only re-enacted but substantially amended in some way, the Director or Head of Service to whom powers under that provision are delegated, in consultation with the Head of Legal & Democratic Services, shall submit a report to the Council or its Committees, as appropriate, seeking a revision to the relevant delegations.

10. STATUTORY AND PROPER OFFICERS

10.1 Statutory Officers

By law, the authority must employ the persons set out below:

Legislation	Function	Officer
S4 Local Government & Housing Act 1989	Head of Paid Service	Chief Executive
S5 Local Government & Housing Act 1989	Monitoring Officer	Head of Legal & Democratic Services
S151 Local Government Act 1972	Chief Finance Officer	Strategic Finance Director
SS8 and 35 Representation of the People Act 1983	Electoral Registration Officer	Head of Legal & Democratic Services
S24(3) Representation of the People Act 1983	Returning Officer	Head of Legal & Democratic Services
S6(A1) Local Authority Social Services Act 1970	Director of Adult Social Services	Director of Adult Care & Health Services
S18 Children Act 2004	Director of Children's Services	Director of Children, Education & Early Help Services
S71(1)(a) Weights and Measures Act 1985	Chief Inspector of Weights and Measures	Trading Standards Manager
S21ZA of the Local Government Act 2000 (as amended by Section 31 of the Local Democracy, Economic Development and Construction Act 2009)	Scrutiny Officer	Democratic Services Manager

10.2 Proper Officers

Legislation may specify that a local authority has a Proper Officer for the exercise of specific functions in that legislation. The Delegations Register shows, by Corporate Director or Head of Service, where that particular office holder has been recognised as the Proper Officer for the function(s) in question.

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GENERAL POWERS

Subject to the requirements of the Scheme, the following powers are exercisable on the Corporate Director or Head of Service's own authority.

(1). EMPLOYMENT

FUNCTIONS DELEGATED TO AND BY THE PERSONNEL COMMITTEE

Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for dismissal), under Section 112 of the Local Government Act 1972.

(Council, 25/06/2013)

Constitution - Part 3, Schedule 3 - Reference I(37)

The Corporate Director or Head of Service will be fully empowered to take action on the matters set out below, subject in all cases to:

- (a) Estimate provision;
- (b) Compliance with the Council's Standing Orders, Contracts Procedure Rules, Financial Regulations and Oracle;
- (c) The policies and practices adopted by the Personnel Committee and Council from time to time;
- (d) Except where there is a designated deputy, to nominate an officer to deputise in the Corporate Director or Head of Service's absence.
- (e) The national conditions of service, and national and local agreements concerning the deployment, conditions of service and remuneration of employees of the Council applying from time to time;
- (f) Observance of contracts of employment and conditions of service including any discretions incorporated within them;
- (g) Rights of appeal; and
- (h) Monitoring reports as required from time to time in accordance with devolved personnel accountabilities

(1) To vary the establishment below Corporate Director level, including adding new posts, re-grading existing posts, and deleting existing posts, subject to:

- (a) total salary budget not being exceeded:
the approval of the Personnel Committee must be sought if a total increase in expenditure is to arise;
- (b) job evaluation in the case of new posts or significant variation of responsibility levels for existing posts;
- (c) the provisions of the Council's local agreement on Employment Stability Change, or any other local agreement applying from time to time, if:

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- posts are to be displaced, or
 - there were to be an adverse effect on responsibility levels for existing members of staff;
- (d) No notice of dismissal being implemented without the prior approval of the level of compensation to be paid by the Personnel Committee, in line with the Council's policies and procedures governing redundancy, medical or early retirement as applying from time to time.
- (2) *(Corporate Directors only)* To negotiate and implement local agreements in respect of their own Directorates, in consultation with the Head of Legal & Democratic Services (Human Resources Manager)
- (3) Within the context of National and local agreements and Council policies and procedures applying from time to time:
- (a) To alter the designation of posts.
 - (b) To suspend or dismiss staff (see also the Officer Employment Procedure Rules in the Council's constitution)
 - (c) To accelerate or withhold increments
 - (d) To authorise stand-by duty payments
 - (e) To make all decisions in respect of sick pay to employees, including extending sick leave on half-pay after the expiry of contractual entitlement.
 - (f) To determine requests for car and cycle loans to purchase vehicles to be used for official duties;
 - (g) To approve the installation or removal of telephones, faxes and IT equipment at the homes of employees, to be used for official duties, including meeting the costs of installation and rental where appropriate
 - (h) To approve training and course attendance; and assistance with post-entry training
 - (i) To grant leave of absence without pay for a period not exceeding 12 months, including maternity leave
 - (j) To grant compassionate, paternity and parental leave, in line with the Council's scheme as applying at the time
 - (k) To determine all claims for financial assistance made by new employees in accordance with the Council's scheme for financial assistance to new employees; including extending the time limits where special circumstances apply.
 - (l) To make honorarium and other temporary additional payments to officers temporarily undertaking additional duties in line with the Council's pay policy statement
 - (n) To make decisions in accordance with all Council policies and procedures applying from time to time, including
 - Discipline and Grievance
 - Capability
 - Harassment
 - Recruitment and Selection

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- Health and Safety
- Training
- Employment Stability
- Employee Code of Conduct
- Whistleblowing Policy

- (4) In accordance with the requirements of approved Council policy, S188(1)(A) of the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended), and the Employment Stability Agreement, to formulate proposals involving redundancy, to conduct statutory consultation and determine issues raised therein subject to:
- (a) The Chief Finance Officer, Monitoring Officer and HR Manager giving prior consideration to all proposals
 - (b) a full report to and approval by the Personnel Committee before any compensation package may be paid.
- (5) Subject always to estimate provision, to appoint and instruct when necessary outside agents or consultants to carry out specific work within the normal terms of reference of the relevant Corporate Director or Head of Service, in accordance with the terms of relevant corporate procedures including the Contracts Procedure Rules
- (6) With regard to appointments:
- (a) The decision as to the process to be followed in making an appointment to the posts covered by the Local Authorities (Standing Orders) (England) Regulations 2001 (except appointments to the Head of Paid Service, Director, Monitoring Officer, and Chief Financial Officer posts) is delegated to the Director responsible for the post concerned in consultation with the Chair of the Personnel Committee, the relevant Lead Councillor and opposition spokespersons. (Council 26 March 2002, Minute 86)
 - (b) Appointments to all other posts are to be made by the Corporate Director or Head of Service concerned
- [SEE ALSO THE OFFICER EMPLOYMENT PROCEDURE RULES AS SET OUT IN PART 4 OF THE COUNCIL'S CONSTITUTION]

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Policy Committee

(2). LAND AND PROPERTY

FUNCTIONS DELEGATED TO AND BY THE POLICY COMMITTEE

Corporate Directors or Heads of Service will be fully empowered to take action on the matters set out below in respect of land and property which they manage, subject in all cases to:

- (a) Budget provision;
 - (b) Consultation with the Chief Valuer about terms of leases and licenses;
 - (c) Compliance with the Council's Standing Orders, Contracts Procedure Rules, Financial Regulations and Oracle.
- (1) To arrange for payment of appropriate rates, charges and taxes.
 - (2) To approve minor modifications or minor additions to operational Council property funded by third parties.
 - (3) To authorise works of improvement or repair to operational Council property.
 - (4) To commission feasibility studies and value for money appraisals on all capital investments
 - (5) To allow free use of operational Council facilities and accommodation for local authority or related purposes
 - (6) To charge a deposit (max £5,000) against fly-posting when hiring operational facilities; and to return or forfeit the deposit paid, in whole or in part, in the light of the extent to which the anti-fly-posting provisions have been complied with.
 - (7) To provide or commission professional services in relation to operational property management and feasibility studies within approved budgets;
 - (8) Having due regard to the Council's policies, to offer or allocate for temporary use properties which are held by the Council pending their use for statutory or other purposes.
 - (9). **Particulars of Persons Interested in Land**
To obtain particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
See also Head of Development Nos 3, 11 and 17; and Miscellaneous (7) below

Constitution – Part 3, Schedule 1 (local choice) – Reference (17)

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(3). FINANCE

FUNCTIONS DELEGATED TO AND BY THE POLICY COMMITTEE

Corporate Directors or Heads of Service will be fully empowered to take action on the matters set out below in respect of the services which they manage, subject in all cases to:

- (a) Budget provision;
 - (b) Consultation with, and taking due regard of the professional advice of, the Strategic Finance Director;
 - (c) Compliance with the Council's Standing Orders, Contracts Procedure Rules, Financial Regulations and Oracle.
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- (1) To write off debts up to the sum of £1,000 for a particular debtor, subject to a record being kept of the amount written off and the reason for it;
 - (2) To waive charges for services or facilities for which they are responsible in cases of personal hardship, up to £1,000 for a particular case, subject to a record being kept of the amount written off and the reason for it;
 - (3) To vary fees and charges in the event of changes in the rate of Value Added Tax, to avoid loss of income to the Council
 - (4) To place orders for goods, services, materials, equipment or vehicles, through Oracle
 - (5) To incur expenditure and collect income in accordance with the approved revenue budget to provide the service(s) for which the Corporate Director or Head of Service is responsible to the standard required by the Council
 - (6) To authorise the payment of annual grants to any voluntary or other body or person for which provision has been identified in the approved estimates of the appropriate service.
 - (7) To pay annual subscriptions to individual organisations where included in the approved budget.

FINANCIAL POWERS EXERCISABLE WITH THE CONSENT OF THE STRATEGIC FINANCE DIRECTOR

The following powers are additional to the basic managerial power of spending and variation within approved budgets.

- (8) To write off debts for a particular debtor, between the sums of £1,000 and £20,000, for a particular individual subject to a record being kept of the amount written off and the reason for it, with the written agreement of the Strategic Finance Director
- (9) To waive charges for services or facilities for which they are responsible in cases of personal hardship, between the sums of £1,000 and £20,000 for a particular case, subject to a record

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being kept of the amount written off and the reason for it, with the written agreement of the Strategic Finance Director

- (10) To write off losses of property [not including real estate] and obsolescent stores and equipment, up to £20,000.
- (11) Subject to securing independent valuation advice, to sell surplus vehicles, stores, equipment, subject to the Strategic Finance Director being notified before the property is handed over to the purchaser.
- (12) To exercise the Council's powers under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (disposal of lost and unconnected property), subject to the Strategic Finance Director being notified before actual disposal.
- (13) Bidding Criteria
(Council – 23 June 2004 – updated for committee system)
 - (1) The Head of Service for the service in question, in consultation with the Strategic Finance Director and relevant Lead Councillor, be authorised to submit bids for funding from all available UK and European sources which do not fall within the key decision definition, and where successful to accept, subject to:
 - (a) The scheme being consistent with the Council's capital strategy, budget and policy framework and medium-term priorities
 - (b) The Council's contribution being met from within existing approved budgets in the current and future years
 - (c) The Council's costs or liability not exceeding £500,000 over the length of the scheme
 - (d) All successful bids being reported by the lead Head of Service:
 - If over £100,000, to the next meeting of the responsible Committee
 - If under £100,000, through the Decision Book
 - (2) Where the criteria in (a) to (c) above are not met, the lead Head of Service may not submit or accept a bid for any scheme without the prior approval of the Policy Committee
 - (3) In exceptional cases, where the timescale and deadline for the bid mean that it would not be practical to submit a report to the relevant Committee, the bid may be submitted following consultation with the Strategic Finance Director, Lead Councillor and Leader or Deputy Leader, and reported to the next meeting of the Committee by the lead Head of Service.

Exemptions

NB – Only the Strategic Finance Director has delegated authority:

- (1) To raise funding by way of loan, hire purchase, finance leases, operating leases or any other instrument which may constitute a credit arrangement.
- (2) To open banking accounts or similar accounts; or set up credit, debit and purchase card arrangements

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(4). MISCELLANEOUS

FUNCTIONS DELEGATED TO AND FROM THE POLICY COMMITTEE

Corporate Directors or Heads of Service will be fully empowered to take action on the matters set out below in respect of the services which they manage, subject in all cases to:

- (a) Budget provision;
 - (b) Consultation with, and taking due regard of the professional advice of, the Strategic Finance Director;
 - (c) Compliance with the Council's Standing Orders, Contracts Procedure Rules, Financial Regulations and Oracle.
- (1) To act as Proper Officer for the purposes of Section 100 D(1)(a) of the Local Government (Access to Information) Act 1985 (compilation of List of Background Papers) where the Corporate Director or Head of Service is the first named officer in whose name a report is published.
- (2) To authorise the installation, replacement or removal of telephones in Council establishments and in premises occupied by employees, subject to consultation with the ICT Manager.
- (3) To accept on behalf of the Authority contributions by individuals or bodies towards approved capital or revenue projects subject to:
- (a) the approval of the Strategic Finance Director, Head of Legal & Democratic Services or Chief Valuer as appropriate;
 - (b) report to the next succeeding meeting of the Policy Committee or relevant Committee, or through the Decision Book procedure as appropriate (see also Council and Committee Standing Order 55);
 - (c) any modifications or additions to Council property to be funded by third parties being agreed by the Corporate Director concerned subject to the advice of the Chief Valuer
- (4) To grant ex gratia payments not exceeding £10,000, subject to the guidelines issued by the Strategic Finance Director from time to time:
- (a) to employees of the Council, or to workers whilst carrying out voluntary duties on behalf of the Council who have in the normal course of their duties suffered accidental loss or damage; or
 - (b) to clients of the Council who have suffered accidental loss or damage to their persons or their possessions which may arise from the actions of the Council or its employees in the normal course of their duties;
 - (c) in cases where a complaint has been made to the Local Ombudsman, and s/he has recommended a compensation payment as a means of setting the complaint;

Constitution - Part 3, Schedule 3 - Reference I(48)

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Power to make payments or provide other benefits in cases of maladministration etc under Section 92 of Local Government Act 2000]
TO BE EXERCISED IN CONSULTATION WITH THE MONITORING OFFICER

provided that the nature of the damage or loss is such that the Strategic Finance Director advises that it cannot be dealt with under the Council's insurance.

- (5) To allow free use of those Council facilities managed by the Corporate Director or Head of Service for local authority or related purposes
- (6) To make provision for computer and information-related services as required from time to time, subject to commissioning the advice and services of the ICT Manager.
- (7) To serve notices regarding the ownership of property etc, under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976. [See also Land & Property (9) above]
- (8) To authorise the award of Council contracts under Contracts Procedure Rule 20, and to exercise any other functions ascribed to the Service Head or Project Officer in the Council's Contracts Procedure Rules. [Delegation to Heads of Service and Project Officers as described in the Contracts Procedure Rules in Part 4 of the Constitution]

(Council 25 May 2016 (Minute 10) amended (8) above)

- (9) To respond to consultation papers, following consultation with the responsible Lead Councillor, on matters not requiring a Committee decision or where the deadline for the response does not allow such a decision to be taken.

CONSTITUTION - PART 3, SCHEDULE 2 - LOCAL CHOICE FUNCTIONS

(10) Local Area Agreements [para. 22]

The exercise of functions under Sections 106, 110, 111 and 113 of the Local Government & Public Involvement in Health Act 2007 relating to local area agreements

(Council, 1 April 2008 (Minute 71) - delegation originally to Director of Resources)

(5) EMERGENCY PLANNING

FUNCTIONS DELEGATED TO AND FROM THE POLICY COMMITTEE

- (1) Each Council Management Team member and Head of Service is authorised to take executive action to assign the Council's resources without prior Committee consent during emergencies and major incidents that require gold level activation.
[CMT 28/02/12 - updates Cabinet 11/07/05 - Minute 54]

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May 2018
GENERAL POWERS
Policy Committee

READING BOROUGH COUNCIL – DELEGATIONS REGISTER
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CHIEF EXECUTIVE
Full Council and Policy Committee

CHIEF EXECUTIVE

DELEGATIONS BY AND FROM FULL COUNCIL AND THE POLICY COMMITTEE

(1) Statutory

To act as Head of the Council's paid service under Section 4 of the Local Government and Housing Act 1989 [see also Article 12.2 of the Council's constitution],

(2) Managerial

To exercise the following specific duties:

- (1) To assume the delegated powers of any Corporate Director or Head of Service in specific cases where requested so to do under clause 8.2(d) of those powers.
- (2) To make appropriate arrangements for the resolution of disputes between Corporate Directors and/or Heads of Service under to clause 8.2(f) of the powers of Chief Officers and Heads of Function.

- | |
|--|
| (3) Having consulted with the Leader of the Council, to suspend Corporate Directors pending the institution of disciplinary procedures, and to take the necessary steps to institute such proceedings. |
|--|

[Non-executive function under Section 112 of Local Government Act 1972

See also Officer Employment Rules in the Council's constitution]

- (4) On behalf of the Council to take the action necessary to respond to wartime, civil or other emergency where it is not practicable to obtain the necessary urgency approvals from the Council or its committees.
- (5) To designate another Corporate Director or Head of Service to exercise any of the powers listed above in his/her absence.
- (6) To give any of the consents specified as necessary for other Corporate Directors or Heads of Service to exercise any of their general or specific powers.

(3) Emergency

To take such action as s/he considers necessary in emergency situations to protect the interests of the Council, having consulted with the Leader of the Council, and Lead Councillors where appropriate, subject to the action taken being reported to the next meeting of the Council or its committees as appropriate.

(4) Proper Officer

To act as Proper Officer of the Council in respect of the following legislation:

- (1) Any reference to the Clerk or Town Clerk of the Borough Council in any act, statutory instrument made before 26 October 1972, or any order made under Section 254 of the Local Government Act 1972, which might be construed as a reference to the Proper Officer of the Council;
- (2) Acting as Parish Trustee in the case of a Parish without a separate Parish Meeting, under Section 13 (3) of the Local Government Act 1972

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Full Council and Policy Committee

- (3) Witnessing and receiving declarations of acceptance of office, and receipt of declarations of resignation, under Sections 83 (1)-(4) and 84 of the Local Government Act 1972
- (4) Convening meetings of the Council to fill a casual vacancy in the office of chairman (Mayor) under Section 88 (2) of the Local Government Act 1972
- (5) Maintaining the Roll of Freemen of the Borough under Section 248 of the Local Government Act 1972
- (6) Being the signatory to the summons to Council meetings under Para. 4(2)(b) of Schedule 12 to the Local Government Act 1972
- (7) The appointment and management of assistants for political groups [see Section 9 of the Local Government & Housing Act 1989].

(5) **Notices of Vacancy**

To declare and publish notices of vacancy, as appropriate, in accordance with the provisions of the Local Government Act 1972, whenever casual vacancies arise as a result of the resignation of elected members or whenever councillors cease automatically to be elected members under the provisions of that Act.

(Urgency Cttee 15.3.99 Minute 170)

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May 2018
CHIEF EXECUTIVE
Full Council and Policy Committee

HEAD OF COMMUNICATIONS

FUNCTIONS DELEGATED TO AND BY THE POLICY COMMITTEE

- (1). **Local Government Conference**
Authority to hire stands at relevant local government conferences and exhibitions organised at a national or regional level, subject to existing budgetary provisions.
- (2). **Award Schemes - Coordination and Submission of Entries**
To coordinate and submit entries to award schemes, in consultation with the Leader and Deputy Leader.

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CHIEF EXECUTIVE
Personnel Committee

CHIEF EXECUTIVE

DELEGATIONS BY AND FROM THE PERSONNEL COMMITTEE

CONSTITUTION - PART 3, SCHEDULE 1

I - Miscellaneous Functions (Part 2)

Delegations exercised under Section 112 of Local Government Act 1972 (Power to Appoint Staff and To Determine the Terms and Conditions on which they hold office) [Para. 37]

TO BE EXERCISED IN CONSULTATION WITH THE HEAD OF LEGAL & DEMOCRATIC SERVICES / HUMAN RESOURCES MANAGER

- (1) Local Agreements**
To negotiate and implement local agreements affecting the Council as a whole
- (2) Job Evaluation**
RSM evaluation of any posts reporting directly to Head of Paid Service or Corporate Director or Head of Service, subject to:
 - (1) the post being evaluated at the top of the NJC RG grade
 - (2) it being felt that the RG spinal column provided too low a ceiling and prevented the development of realistic career grades or not reflecting the scarcity of the skills in question
- (3) Salary Supplement**
To determine posts for which the payment of salary supplements should be applied and the amount and duration of supplement
(HEAD OF PAID SERVICE, IN CONSULTATION WITH RELEVANT CORPORATE DIRECTOR AND HEAD OF LEGAL & DEMOCRATIC SERVICES)

CONSTITUTION - PART 3, SCHEDULE 2

Local Choice Functions

- (4) Placement of Staff**
Making agreements with other local authorities for the placement of staff at the disposal of those other authorities.
(Council, 18/09/01, Minute 33)

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HEAD OF CUSTOMER SERVICES
Policy Committee

HEAD OF CUSTOMER SERVICES

FUNCTIONS DELEGATED TO AND BY THE POLICY COMMITTEE

Delegations

CUSTOMER SERVICES

General

- (1) To be responsible for the Council's:
- (1) Customer services functions, including the operation of the Customer Hub, Call Centre and customer relations
 - (2) Business development and business change services
 - (3) GIS and Mapping Service
 - (4) Website
 - (5) Revenues, benefits assessment, included Housing Benefit, Council Tax Support, and Financial Assessment of Benefits (adult social care)
 - (6) Licensing assessment and administration, excluding enforcement and debtors services
 - (7) Performance and policy team
 - (8) Funding Services and voluntary sector support
 - (9) Information and Communication Technology services
 - (10) Registrar Service
 - (11) Cemeteries and Crematorium
 - (12) Archives and Modern Records Service

REVENUES & BENEFITS

Council Tax

- (2) **Council Tax**
To exercise the authority's functions under the following legislation and Regulations issued thereunder:

General Rate Act 1967 (GRA 1967)

Rating (Disabled Persons) Act 1978

Local Government Finance Act 1988

- Sections 89, 91, 92, 97 and 98 - Establishment and Maintenance of Funds.
- Section 134 - Consultation with representatives of National Non-Domestic Ratepayers.
- Schedule 9 - Notifications to Valuation Officer.

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- Section 41 - Publication of Draft NNDR list.
- Sections 27, 73 and 77 - Supply of Information to Secretary of State
- Sections 5, 95(1)-(3), 95(5)-(9), 97 and 107 - Statutory Calculations.

Local Government Finance Act 1992

Authority to determine the following matters:

(1) Property to be treated as a Dwelling	S3
Who is a liable person	S6-S9
Who is entitled to a discount	S11
Award of Transitional Relief	S11
Award of Disabled Persons Relief	S11
Dealing with appeals	S16
Service of Completion Notices	S17
Who shall be disregarded for Discount purposes	Schedule 1
The collection of Council Tax	Schedule 2
Enforcement of Council Tax	Schedule 4

Council Tax (Administration and Enforcement) Regulations 1992

(including Amendment Regulations issued in 1992, 2003, 2004 and 2012)

- All Local Authority powers/duties contained within regulations except those within Sections 25 and 26 (discounts).

Council Tax (Administration and Enforcement) Regulations 1992 and Schedule 4 Local Government Finance Act 1992

- Representing the Council at all proceedings in connection with the collection of Council Tax.
- All Local Authority powers/duties contained within the Regulations.
 - Assumptions about who shall be liable R9
 - Service of Demand Notices R18
 - Assumptions about Demands R20
 - Adjustments to payments R24
 - Service of Joint Taxpayers Notices R28
 - Service of Final Notices R33
 - Application for Liability Order R34
 - Attachment of Earnings Orders R37
 - Service of attachment notices R41
 - Levy of distress R45
 - Committal to prison R47
 - Insolvency of Taxpayer R49
 - Charging order on taxpayers property R50
 - Recovery from Joint Taxpayers R54
 - Adjustment of Instalments Schedule 1
 - Treatment of Non-Dependants R3
 - Membership of a household R7

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- Applicable amounts and premiums R9
- Calculation of Income R11-R27
- Calculation of Capital R28-R37
- Eligibility of Students R38-R41
- Income of a Student R42-R50
- Maximum Council Tax Benefit R51
- Non Dependant Deductions R52
- Alternative Maximum Council Tax Benefit R54

Council Tax Benefit (General) Regulations 1992

- Who cannot be a "Second Adult" R55
- Benefit Periods R56-R59
- Who may Claim R61
- What shall be accepted as evidence R63
- The making of a determination R66
- Review of determinations R69
- Award of Benefit R77
- Who benefit shall be paid to R78
- Recovery of overpayment R80
- Determination of overpayments R83
- Recovery of overpayments R84-R91

We now operate a local Council Tax Support Scheme so assume the above needs updating

Local Authorities (Calculation of Council Tax Base) Regulations 1992

- Regulations 3 to 5 - calculation of the amount of a billing authority's council tax base for the purposes of the calculation of its council tax.
- Regulation 6 calculation of a billing authority's council tax base for a part of its area for the purposes of the calculation of its council tax similarly to the way in which the council tax base is to be calculated for the whole of a billing authority's area under regulations 3 to 5.
- Regulation 7 the calculation of the council tax base of the area or part of the area of a billing authority for the purposes of the calculation of a major precepting authority's council tax and the amount payable by a billing authority to a major precepting authority, based on the rules set out in regulations 3 to 6.

(Note: the power to delegate to officers is contained in Section 67 of the Local Government Finance Act 1992 as amended by Section 84 of the Local Government Act 2003)

Council Tax (Administration and Enforcement) Regulations 1992 and Amendment Orders of 1992 and 2003 (2)

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Council Tax (Alteration of Lists and Appeals) Regulations 1993 and Amendment Orders of 1994, 2008, 2009

Council Tax (Discount Disregards) Order 1992 and the Amendment Orders of 1994, 1996 (2), 2006, 2011 and 2013

- Who shall be treated as Severely Mentally Impaired
- Who shall be treated as a Student

Council Tax (Additional Provisions for Discount Disregards) Regulations 1992, and the Amendment Orders of 1992, 1993, 1994, 1996, 1997, 1998 and 2013

- Define a care worker
- Who is a person of other description

Council Tax (Discount Disregards and Exempt Dwellings) (Amendment) Orders 1995

Council Tax (Exempt Dwellings) Order 1992 and Amendment Orders of 1992, 1993, 1994, 1998, 1999 (2), 2000, 2005. 2006

- What properties are exempt from Council Tax

Council Tax (Liability for Owners) Regulations 1992 and Amendment Regulations of 1993, 2000 and 2003

- What is a residential care home?
- What is a House in Multiple Occupation

Council Tax (Liability for Owners and Additional Provisions for Discount Disregards) Amendment Regulations 1995

Council Tax (New Valuation List for England) Order 2006

Council Tax and Non-Domestic Rating (Amendment) (England) Regulations 2006

Council Tax (Prescribed Classes of Dwellings) (England) Regulations SI 2003 and Amendment Order 2004

Council Tax (Reductions for Disabilities) Regulations 1992 and Amendment Orders 1993, 1999

- Who is eligible for disabled relief

Council Tax Reduction Schemes (Default Schemes) England Regulations 2012

- and the Reading 2013 Amendments to the Council Tax Reduction (draft Scheme) (England) Regulations, adopted by full Council on 29 January 2013 (Minute 46 refers)

Council Tax Reduction Schemes (Prescribed Requirement and Default Scheme) (England) (Amendment) Regulations 2012 and 2013

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Policy Committee

- including the administration of the local Council Tax Support scheme adopted by Council on 20 January 2014 (Minute 77 refers)

Council Tax (Situation and Valuation of Dwellings) Regulations 1992 and Amendment Order 1994

Local Government Act 2003 (the 2003 Act)

Other Relevant Legislation

- Caravan Sites and Control of Development Act 1960
- Care Standards Act 2000
- Civil Partnership Act 2004 2270
- Council Tax (New Valuation Lists for England) Act 2006
- Housing Act 1985
- Housing Act 1996 (Consequential Amendments) Order 1997 SI 1997/74
- Rating (Caravans and Boats) Act 1996
- Registered Homes Act 1984
- Rent Act 1977
- Rent (Agriculture) Act 1976
- Valuation and Community Charge Tribunals Regulations 1989 SI 1989/439
- Valuation and Community Charge Tribunals (Amendment) Regulations 1993 SI 1993/292
- Valuation and Community Charge Tribunals (Amendment) (England) Regulations 1995 SI 1995/363
- Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009 SI 2009/

(3) AUTHORISED OFFICERS TO TAKE COURT ACTION TO RECOVER COUNCIL TAX

Authority to appoint authorised officers from within the Local Taxation or Legal Sections to appear on behalf of the Council for proceedings in the Magistrates' Court for Local Taxation (Council Tax, Business Rates and the Business Improvement District (BID) levy) in accordance with Section 224 of the Local Government Act 1972.
(Cabinet 4/12/06, Minute 119)

NNDR

(4) Non-Domestic Rating

To exercise the authority's functions under the legislation and Regulations governing non-domestic rating, including:

Local Government Finance Act 1988

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All relevant provisions in Part III (Non-Domestic Rating), including:

- SS 41 and 42 Compilation and maintenance of local rating list;
- SS 43-44 Calculation of the chargeable amount for occupied hereditaments;
- A44A Partly-occupied hereditaments - apportionment of rateable value;
- S45A Charities and community amateur sports clubs;
- S46A and Schedule 4A Unoccupied hereditaments - new buildings - service of completion notice;
- SS 47-48 Discretionary Relief;
- S49 Hardship Relief - reduction or remission of liability;
- S51 and Schedule 5 Other exemptions.

Local Government & Housing Act 1989 - Schedule 9

Business Rate Supplements Act 2009

Non-Domestic Rating (Collection and Enforcement)(Local Lists) Regulations 1989

Non-Domestic Rating (Collection and Enforcement)(Miscellaneous Provisions) Regulations 1990

Council Tax and Non-Domestic Rating (Demand Notices)(England) Regulations 2003

Non-Domestic Rating (Unoccupied Property) (England) Regulations 2008

IN CONSULTATION WITH THE STRATEGIC FINANCE DIRECTOR WHERE A DISCRETION IS BEING EXERCISED

Council AGM 25/5/16 Minute 10

(4A) Retrospective Rate Refunds

Power to make retrospective rate refunds for commercial properties."

Council AGM 25/5/16 Minute 10

Housing Benefit

(5) Housing Benefit Regulations

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The exercise of discretions provided for in all Regulations relating to the administration of Housing Benefit issued under the Social Security and Housing Benefits Act 1982, the Social Security Contributions and Benefits Act 1992, the Social Security Administration Act 1992, the Housing Act 1996, the Social Security Act 1998, and the Child Support, Pensions and Social Security Act 2000, including:

Housing Benefit Regulations 1982

Regulation

16(2), Schedule 3, Paragraphs 7-9
17

5(1)(2)(a) and (b)

24(1) and (2)

25(2)(a) and (b)

Discretion

To reduce the eligible service charge.

To treat a lower sum than the actual rent or rates payment as the eligible rent or rates.

To pay benefits to one person in respect of two dwellings.

To calculate benefit entitlement by reference to another person's income.

To backdate the commencement of benefit period.

Housing Benefit (General) Amendment Regulations 1995

Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001

Housing Benefit Regulations 2006

Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006

Housing Benefit (State Pension Credit) Regulations 2006

Housing Benefit (Amendment) Regulations 2012

(6) Authorised Officers to take Court Action to recover Housing Benefit

Authority to appoint authorised officers from within the Local Taxation or Legal Sections to appear on behalf of the Council for proceedings in the Magistrates' Court for Local Taxation (Housing Benefit) in accordance with Section 223 of the Local Government Act

Voluntary Sector Support

(7) Grants - Discretionary Rate Relief

To confirm the amount of each award of Discretionary Rate Relief in accordance with the decision of the Community Development Committee

(8) Street Party Grants

Authority to determine applications for grants of up to £500 towards the cost of street parties, subject to:

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Policy Committee

- (1) The Head of Service being satisfied with the reasons given for a late application;
- (2) The decision being reported for information in the next edition of the Decision Book

(9) Community Buildings Grants Transition Scheme

Authority to award grant aid as part of the scheme, in consultation with the Leader of the Council, and subject to publication through the Decision Book.

(Policy Committee 2 November 2015 - Minute 35 - approved the criteria and distribution of funds for the Scheme as set out in Appendix 4 to the report to the Committee)

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HEAD OF CUSTOMER SERVICES
Housing, Neighbourhoods & Leisure Committee

HEAD OF CUSTOMER SERVICES

FUNCTIONS DELEGATED TO AND BY THE HOUSING, NEIGHBOURHOODS AND LEISURE COMMITTEE

Proper Officer

- (1). **Registration**
Exercise of functions of proper officer under the provisions of the Registration Service Act 1953
- (2) **Graves**
To sign exclusive rights of burial under Regulation 10 of the Local Authorities Cemeteries Order 1977

Delegations

Community Capacity Development

- (1) **Community Halls Office Accommodation - Policy of Use**
To enter into agreements with local voluntary organisations for them to use offices in Council-owned premises, where this does not compromise the Council's planning or other policies.
IN CONSULTATION WITH THE CHIEF VALUER
- (2) **Bridge Hall**
 - (1) Authority to market the smaller office at Bridge Hall, Oxford Road, and conclude lettings to voluntary sector partner, subject to agreeing terms.
IN CONSULTATION WITH THE LEAD COUNCILLOR FOR COMMUNITY ACTION
To be exercised by Voluntary Sector Support Manager
(Policy & Implementation Committee, 17/04/01, Minute 178).
 - (2) To agree future marketing and lettings of the larger office at Bridge Hall on terms similar to those set out in para. 4.25 of the report, to voluntary sector partners
(Cabinet, 27 September 2004, Minute 40)

Cemetery and Crematorium

- (3) **Cemeteries and Crematorium**
To exercise the functions and duties of the Council under the Local Authorities (Cemeteries) Order 1977
- (4) **Graves**
Signature of Grants of Rights
The signature of all grants of rights relating to burial construction and use of vaults and other places of burial and the placing of any tombstone or other memorial

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HEAD OF CUSTOMER SERVICES
Housing, Neighbourhoods & Leisure Committee

(5) Weekend and Bank Holiday Burials - Henley Road Cemetery

- (1) Authority to licence nominated members of the Reading Muslim Community to carry out burials at weekends and Bank Holidays, in accordance with paragraphs 5(1)(b) of the Local Authorities' Cemeteries Order 1977, with the terms of the licence to be agreed by the Head of Legal & Democratic Services and Head of Environment and Consumer Services.
- (2) Authority to renew the Licence to carry out weekend and Bank Holiday burials at Henley Road Cemetery after the first 12 months on a year-by-year basis terminable on 3 months' notice by the Council and on such other terms as were agreed in consultation with the Head of Legal & Democratic Services subject to the pilot arrangement being reviewed after one year and deemed successful.
IN CONSULTATION WITH THE LEAD COUNCILLOR FOR ENVIRONMENT AND CONSUMER SERVICES

(Cabinet 15 February 2010, Minute 152)

(6) Closed Cemeteries

To be responsible for the Council's closed cemeteries under the Burial Act 1853.

Registration

(7) Citizenship Ceremonies

To provide the functions, facilities and arrangements for providing citizenship ceremonies, and the registrar to conduct them, under Section 3 and Schedule 1 of the Nationality, Immigration and Asylum Act 2002

(Council, 23 June 2004 - Minute 7)

Berkshire Record Office

(8) Records

To manage the County Record Office, County Modern Records, and Reading Borough Modern Records, having regard to Sections 224 and 228 of the Local Government Act 1972, the Local Government (Records) Act 1962, the Public Records Act 1948, the Parochial Register and Records Measure 1978 and Sections 61 and 62 of the Berkshire Act 1986, and to the agreed Service Level Agreement signed by the six authorities of Berkshire, within the policies of the Council and Committee, except where matters of significant public interest are concerned.

(9) Opening Hours

To change opening hours for the Berkshire Archives over the Christmas and New Year period

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May 2018
HEAD OF CUSTOMER SERVICES
Licensing Applications Committee

FUNCTIONS DELEGATED TO AND BY THE LICENSING APPLICATIONS COMMITTEE

CONSTITUTION - PART 3, SCHEDULE 1

Part B – Licensing & Registration Functions (B36)

(1). Marriages

Power to determine applications for approval of premises for the solemnisation of marriages under Section 46A of the Marriage Act 1949 9c.76) and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 [Para. B36], including:

- (1) Power to impose conditions, renew, revoke; and to determine fee in respect of applications, renewals and reviews
- (2) Duty to arrange review of decisions to refuse approval or to impose non-standard conditions; and to give notice of decision of review
- (3) Duty to maintain a register of approved premises

Marriage Act 1949

(1A). To determine, and from time to time vary, the fees payable for the granting or refusal of applications for the approval of premises under the Marriage Act 1949 (as amended) and the Marriage (Approved Premises) Regulations 1995.

IN CONSULTATION WITH STRATEGIC FINANCE DIRECTOR

(1B). To grant or refuse applications for the approval of premises under the Marriage Act 1949 (as amended) and the Marriage (Approved Premises) Regulations 1995 and to revoke any approval which has been granted

Marriage (On Approved Premises) Regulations 1995

(1C) To apply such conditions to the approval of premises under the Marriage (On Approved Premises) Regulations 1995 as he deems appropriate having regard to the particular circumstances of each premise for which approval is sought.

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HEAD OF CUSTOMER SERVICES
Licensing Applications Committee

FUNCTIONS DELEGATED BY ADULT SOCIAL CARE, CHILDREN'S SERVICES & EDUCATION
COMMITTEE

Disabled Drivers

- (1) Disabled Persons (Badges for Motor Vehicles) Regulations 2000
IN CONSULTATION WITH THE HEAD OF ADULT SOCIAL CARE
- (1) To administer the Council's scheme for badges for disabled persons as drivers or passengers.
 - (2) To issue and recall badges in accordance with the Disabled Persons (Badges for Motor Vehicles) Regulations 2000.

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EXECUTIVE DIRECTOR OF RESOURCES
Full Council and Policy Committee

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EXECUTIVE DIRECTOR OF RESOURCES
Full Council and Policy Committee

(1) ICT Policy Suite & Guidance Notes

To carry out revisions of the ICT Policy Suite and Guidance Notes

IN CONSULTATION WITH THE LEAD COUNCILLOR FOR CORPORATE AND CONSUMER SERVICES
Policy Committee, 16/12/19 (Minute 57)

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STRATEGIC FINANCE DIRECTOR
Full Council and Policy Committee

STRATEGIC FINANCE DIRECTOR

DELEGATIONS TO AND BY COUNCIL AND THE POLICY COMMITTEE

Statutory Officer

- (1) To act as the Statutory Officer of the Council under Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988.

CONSTITUTION – PART 3, SCHEDULE 1

I – Miscellaneous Functions (Part 2)

Proper Administration of Financial Affairs etc [para. 39]

Duty to make arrangements for proper administration of financial affairs etc, under Section 151 of the Local Government Act 1972.
(Council, 24/01/12)

Proper Officer

- (2) To act as Proper Officer of the Council in respect of the following legislation:
- (1) Any reference to the Borough Treasurer in any Act or statutory instrument made before 26 October 1972, or any local statutory provision made by virtue of an order made under Section 254 of the Local Government Act 1972, which might be construed as a reference to the Proper Officer of the Council.
 - (2) To receive money due from officers under Section 115 (2) of the Local Government Act, 1972;
 - (3) In respect of Declarations and Certificates with regard to Securities under Section 146 (1) (a) (b) of the Local Government Act 1972
 - (4) Making accounts available for inspection by any Member of the Council under Section 228(30) of the Local Government Act 1972.
 - (5) To maintain an adequate and effective system of internal audit for the Council within the terms of the Accounts and Audit Regulations.

Delegations

General

- (3) **General Financial Matters**
Authority to:
- (1) Respond to consultation documents relating to finance

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STRATEGIC FINANCE DIRECTOR
Full Council and Policy Committee

- (2) Submit expressions of interest and bids for funding
- (3) Accept capital and revenue funding from external sources, and associated terms and conditions of grants within the context of the Council's approved budget framework.
- (4) Give capital and or revenue spending approval for schemes up to the level of any Government Grant allocations and other external contributions awarded.
- (5) Enter into leasing arrangements to fund approved expenditure where this proves beneficial to the Council.

IN CONSULTATION WITH THE RELEVANT CORPORATE DIRECTOR AND LEAD COUNCILLOR(S)

Financial Management

- (4) To act as Head of Profession for Qualified Accountants employed by the Council.
- (5) To make all payments, duly authorised by or on behalf of the appropriate Corporate Director or Head of Service, as they become due.
- (6) To make arrangements for the maintenance of income and expenditure accounts of the Council.
- (7) Where additional estimate provision is made for cost and price increases or reductions, or growth items, by way of lump sums, to make arrangements for the allocation of the said sums amongst the appropriate service and heads of expenditure.
- (8) To review and, where necessary, to respond to changed financial circumstances or opportunity, amend the methods and incidence of financing approved capital expenditure, subject to annual report to the Cabinet for information.
- (9) Within approved Council policy and estimates, to authorise budget adjustments between estimate heads controlled by different Corporate Directors or Heads of Service, within the scheme of financial management agreed by the authority from time-to-time
- (10) To prepare, maintain and revise as necessary Financial Regulations, subject to the approval of the Council.
- (11) To issue a financial management handbook with which officers shall comply.
- (12) **Payments from General Fund**
To make payments from the General Fund without prior approval of the Council, subject to his reporting to the Committee at each meeting:
 - (1) the amount of payments so made;
 - (2) On any accounts which he considers should receive their approval before payment or should otherwise be drawn to their attention.
- (13) **Internal Audit**

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STRATEGIC FINANCE DIRECTOR
Full Council and Policy Committee

CONTINUOUS INTERNAL FINANCIAL AUDIT within Authority, to cause any establishment to be visited at any time for that purpose and access to all records relating to the finances of the Council.

(14) Contract Certificates

To sign certificates in accordance with the provisions of the Local Government (Contracts) Regulations 1997.

HEAD OF LEGAL & DEMOCRATIC SERVICES AND STRATEGIC FINANCE DIRECTOR.

(15) Raising Finance/Lending

- (1) to raise finance by any of the following sources:
local authority bonds, negotiable bonds, local authority money bills, loans from the public works loans board, Local Capital Finance Company Ltd (municipal bonds agency), temporary loans and leasing.
the conditions and limitations within which finance is realised by the above methods to be according to those currently approved by the council.
- (2) to act as registrar in respect of local authority bonds and local authority money bills.
- (3) to lend money temporarily which is surplus to current requirements.

(15A) Municipal Bond Agency

Authority to agree amendments to the Agency's Framework Agreement and act for the Council as shareholder of the Municipal Bond Agency.

IN CONSULTATION WITH THE LEADER OF THE COUNCIL AND MONITORING OFFICER
Policy Committee 14 March 2016, Minute 90

(16) Draft Final Accounts

Authority to make adjustments to the Final Accounts where there is a clear financial benefit to the Council in so doing, following consultation with the Leader and other Party Leaders and subject to a report back to the Committee on any adjustments made.

CONSTITUTION - Members' Allowances

- (17)** To increase the travelling and subsistence allowances paid to Members in accordance with the maximum rates provided under the Council's Scheme of Members' Allowances and Subsistence

(18) Banking

- (1) To open bank accounts on behalf of the Council, and be the authorised signatory.
- (2) To make arrangements for the collection and payment into the Council's bank accounts of all monies due to the Council.
- (3) To make transfers between the various bank accounts and withdrawals from those accounts and to authorise such transfers and withdrawals being made by such officers as he may from time to time designate.

READING BOROUGH COUNCIL – DELEGATIONS REGISTER
May 2018
STRATEGIC FINANCE DIRECTOR
Full Council and Policy Committee

(18A) Budget Monitoring and Banking

Authority to:

- (1) borrow on overdraft from its bankers up to a limit in respect of Gross Borrowing of £20m outstanding at any one time (incorporating a Net Borrowing limit of £40k) pursuant to Section 1 of Part 1 Chapter 1 of the Local Government Act 2003, and utilise additional facilities in respect of:
 - (i) a BACS facility of up to an aggregate amount of £30m;
 - (ii) a Corporate charge card facility of £150k;
 - (iii) an unlimited direct debit facility;and (Strategic Finance Director or any duly authorised official) in accordance with the bank mandate currently held by the Bank, to enter into all documentation in that regard on behalf of the Council;
 - (2) vary the limits set out in (a) above with Lloyds Bank to meet changing business needs.
- IN CONSULTATION WITH THE LEADER OF THE COUNCIL AND THE CHIEF EXECUTIVE.
Policy Committee 1 December 2014 (Minute 60)

(19) Insurance

- (1) To manage the Council's insurances.
 - (2) To take action on the Council's behalf as former policy-holder of Municipal Mutual Insurance
 - (3) To conclude negotiations with reputable insurance companies on detailed terms of the package, including levels of self insurance and associated premium reductions, where this is of financial benefit to the Council and subsequently place the Council's insurance requirements.
 - (4) To negotiate various insurance cover during the period of the Agreement with reputable insurance companies
 - (5) To award contracts for insurance services in accordance with the Public Contracts Regulations 2006 (as amended) and the Council's Contract Procedure Rules; and that Contract Procedure Rules in respect of terrorism cover only be invoked to permit quotes to be obtained on an annual basis rather than on a separate full tender process for terrorism cover being undertaken
- IN CONSULTATION WITH THE HEAD OF LEGAL AND DEMOCRATIC SERVICES AND THE LEADER OF THE COUNCIL
Cabinet 21/01/13 (Minute 108)

(20) Local Government Reorganisation

To manage residual payments and income, including arranging transfers between the Berkshire Unitary Authorities as appropriate, related to the business of the former Berkshire County Council.

Economic & Cultural Development

(21) Charity Trust Accounts, including Mapledurham Playing Fields

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STRATEGIC FINANCE DIRECTOR
Full Council and Policy Committee

Responsibility for making returns to the Charity Commission, subject to such accounts being made publicly available.
(Cabinet 3/11/08, Minute 89)

Housing

(22) Homes for Reading (HfR)

To act on behalf of the Council in agreeing arrangements with HfR Ltd, save for those matters specifically reserved to Policy Committee in the Shareholder Agreement.

WITH THE HEAD OF LEGAL AND DEMOCRATIC SERVICES AND IN CONSULTATION WITH THE DEPUTY LEADER OF THE COUNCIL AND THE CHAIR OF THE AUDIT AND GOVERNANCE COMMITTEE

(Policy Committee 13/3/17, Minute 99)

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STRATEGIC FINANCE DIRECTOR
Personnel Committee

STRATEGIC FINANCE DIRECTOR

DELEGATION TO AND BY THE PERSONNEL COMMITTEE

CONSTITUTION - PART 3, SCHEDULE 1

I. Miscellaneous Functions - Part II, Other

Personnel

Functions exercised under section 112 of Local Government Act 1972 [para. 37]

(1) National Negotiations

To implement decisions of national and provincial negotiating bodies.

STRATEGIC FINANCE DIRECTOR IN CONSULTATION WITH THE HEAD OF LEGAL & DEMOCRATIC SERVICES (HUMAN RESOURCES MANAGER)

(2) Stand-by Allowance

To review the level of stand-by allowance each September by the rate of inflation (with relevant Corporate Director)

(3) Season Ticket Loans

Authority to:

- (1) to pay loans for the purchase of season tickets in line with the scheme set out above and on the written authorisation of the employing Service Head;
- (2) to review and adjust the minimum loans payment each year in line with inflation

Superannuation

Function exercised under Regulations issued under Sections 7, 12 or 24 of the Superannuation Act 1972

(4) Superannuation Fund.

To review the options for additional contributions to the pension fund and to agree an overall contribution rate with the administering authority responsible for setting Scheme employer contribution rates in Berkshire as part of the triennial valuation exercise.

(Urgency, 12 April 1999, Min 192 (4) - modified 2014)

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STRATEGIC FINANCE DIRECTOR
Adult Social Care, Children's Services & Education Committee

STRATEGIC FINANCE DIRECTOR

DELEGATIONS TO AND BY THE ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE

Children's Services

Support to Children and Families in their Own Home

- (1) To approve arrangements for the financial and other support of young people formerly looked after by the Council and by others under Section 24 of the Children Act 1989 within current budgetary limits.
- (2) To vary the assessment scale in respect of financial contribution by a parent or young person to any service provided by the Council under Part III of the Children Act 1989 for reasons affecting the welfare of the child in question.
- (3) To vary or waive the charges for any service provided by the Council under Part III of the Children Act 1989 where failure to do so would adversely affect the welfare of the child in question.
- (4) To waive the assessment charges for any services to clients in circumstances where it is essential for the family for social and/or medical reasons and to record every case requiring such action in a register to be provided for this purpose
- (5) To guarantee to housing associations, district councils and private landlords, and to authorise the payment of any rent accruing due from tenants in those cases where the Council has asked the housing associations or private landlord to retain the tenants in their houses whilst efforts are made by Council's Officers to rehabilitate them in cases coming within the provision of Section 17 of the Children Act 1989.

Looked- after Children

- (6) Where requested by the Head of Legal & Democratic Services, to take joint action to take out letters of administration with or without the will annexed for:
 - (1) the estates of parents or any other person where there is a beneficial interest for children or young persons for whom the Council has parental rights under provisions of the Children Act 1989, or any other statutory provision affecting children and young persons;
 - (2) the estates of children or young persons who die whilst in the care of the Council, and to administer such estates in the manner directed by the appropriate probate registry.IN CONSULTATION WITH DIRECTOR OF CHILDREN, EDUCATION & FAMILY SERVICES
- (7) Jointly with the Head of Legal & Democratic Services, to accept money or other gifts from third parties for and on behalf of children or young persons in care and to hold or convert such money or gifts on their behalf and to their benefit.

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STRATEGIC FINANCE DIRECTOR
Adult Social Care, Children's Services & Education Committee

- (8) To arrange interest free loans to foster parents to provide accommodation for sibling groups by extending their present homes or to purchase larger homes, the amount of the outstanding loan to be reduced by way of a special allowance for as long as they care for foster children.
IN CONSULTATION WITH THE HEAD OF CHILDREN'S SOCIAL CARE
- (9) To approve the payment of the legal expense of prospective adoptive parents for children who are being placed by the Council as an Adoption Agency.
IN CONSULTATION WITH THE HEAD OF CHILDREN'S SOCIAL CARE
- (10) To undertake such actions as may be necessary to implement the payment of the various foster care allowances for the time being approved by the Council within current budgetary limits.
- (11) To make ex-gratia payments in respects of claims not exceeding £10,000 in respect of damage or injury resulting from the actions of clients looked after by the Council.
IN CONSULTATION WITH THE HEAD OF CHILDREN'S SOCIAL CARE
- (12) To waive charges or make additional allowances where the child has exceptional circumstances, such as apprenticeship and heavy travelling expenses.
IN CONSULTATION WITH THE HEAD OF CHILDREN'S SOCIAL CARE
- (13) To issue money bills under Schedule 13 Paragraph 5 of the Local Government Act 1972
STRATEGIC FINANCE DIRECTOR IN CONSULTATION WITH HEAD OF CHILDREN'S SOCIAL CARE
- (14) To sign certificates in accordance with the provisions of the Local Government (Contracts) regulations 1997
HEAD OF LEGAL & DEMOCRATIC SERVICES AND STRATEGIC FINANCE DIRECTOR

READING BOROUGH COUNCIL - DELEGATIONS REGISTER

May 2018

STRATEGIC FINANCE DIRECTOR

Housing, Neighbourhoods & Leisure Committee

STRATEGIC FINANCE DIRECTOR

DELEGATIONS TO AND BY THE HOUSING, NEIGHBOURHOODS AND LEISURE COMMITTEE

Housing

(1) Loans and Mortgages

- (1) To approve applications, make any necessary amendments to the schemes for loans under the Housing Acts, and adjust the items in accordance with legislation, guidance and current best practice.

IN CONSULTATION WITH HEAD OF HOUSING & NEIGHBOURHOOD SERVICES

- (2) To agree, subject to the prior written agreement of the borrower, the suspension of principal payments from borrowers where the Council is in receipt of interest payments from the DWP and in due course to renegotiate those mortgage arrangements to secure their eventual payment

Estate Management

(2) Service Charges

HEAD OF HOUSING & NEIGHBOURHOOD SERVICES AND STRATEGIC FINANCE DIRECTOR

- (1) Determination of service charges in accordance with a policy that the charges collected from tenants match the costs the Council paid for fuel and cleaning best reflected the differing benefits derived by tenants from communal heating systems in their blocks and, to this end, authority to review, re-calculate and adjust the charges from time to time.
- (2) Authority to determine service charges in temporary accommodation

(3) Nomination Agreements

STRATEGIC FINANCE DIRECTOR & HEAD OF HOUSING & NEIGHBOURHOOD SERVICE

Authority to agree the detailed calculations and terms to be included in Nomination Agreements for the recovery of residual costs

(4) Garages

STRATEGIC FINANCE DIRECTOR AND HEAD OF HOUSING & NEIGHBOURHOOD SERVICES

- (1) To agree costs up to a total not exceeding £50,000 in any financial year, to be funded from approved budgets for that financial year, should the need arise (to achieve a clean site through the repurchase or reorganisation of interests)
- (2) To approve up to £100,000 in any financial year for the refurbishment of garage sites where the Head of Housing & Neighbourhood Services can produce a satisfactory business case in consultation with Lead Councillors.
(Cabinet - 17 January 2005, Minute 130)

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STRATEGIC FINANCE DIRECTOR
Strategic Environment, Planning & Transport Committee

STRATEGIC FINANCE DIRECTOR

DELEGATIONS TO AND BY THE STRATEGIC ENVIRONMENT, PLANNING & TRANSPORT COMMITTEE

Highways & Transport

(1) Private Streets Works charges

- (1) The grant of consents under Section 212 of the Highways Act 1980 to the payment of private street works charges by instalment over a period not exceeding 30 years.
PROVIDED THAT power to refuse shall be reserved to the Committee.
- (2) To make additions to all approved tender sums for road contracts on variable price contracts in accordance with published indices.
IN CONSULTATION WITH HEAD OF TRANSPORTATION & STREETCARE

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STRATEGIC FINANCE DIRECTOR
Strategic Environment, Planning & Transport Committee

READING BOROUGH COUNCIL - DELEGATIONS REGISTER
May 2018
HEAD OF LEGAL & DEMOCRATIC SERVICES
Personnel Committee

HEAD OF LEGAL & DEMOCRATIC SERVICES

FUNCTIONS DELEGATED TO AND BY THE PERSONNEL COMMITTEE

Proper Officer

- (1). To be the Proper Officer responsible for the administration of procedures adopted under the Local Authorities (Standing Orders)(England) Regulations 2001 - Appointment and Dismissal of Staff (Schedule 1, Part 2).
Council - 16/05/02, Minute 8

Delegations

ALL DELEGATIONS TO BE EXERCISED UNDER SECTION 112 of LOCAL GOVERNMENT ACT 1972 (power to appoint staff and to determine the terms and conditions on which they hold office) Constitution - Part 3, Schedule 3 Reference I(37)

TO BE EXERCISED ON DAY-TO-DAY BASIS BY THE HUMAN RESOURCES MANAGER

- (1) To be the Council's principal adviser to the Personnel Committee, other Committees, Council Management Team and Heads of Service on personnel and employment matters including:
- (1) Matters of manpower management, costs, policy and practice.
 - (2) Reviewing the organisation of manpower and advice on management systems within Departments.
 - (3) Communication, consultation and negotiation with employees and arrangements for the orderly conduct of relations between employer and employees individually and collectively, including statutory consultation governed by S99 of the Employment Protection Act 1975.
 - (4) Issues concerning conditions of service and manpower related costs.
 - (5) Occupational Health and Welfare arrangements.
 - (6) Central training.
 - (7) In consultation with the Head of Paid Service and relevant departmental personnel officers, to report to the Personnel Committee on issues relating to the procedures for recruitment and terms of employment of Chief Officers and Heads of Function appointed by the Committee.
- (2) Several of the General and Specific powers of Corporate Directors or Heads of Service

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Personnel Committee

contain express requirements to consult with or secure the concurrence of the Head of Legal & Democratic Services (HR Manager) on:

- (1) Variation of establishment below Corporate Director level (all Corporate Directors or Heads of Service)
- (2) To determine posts for which the payment of salary supplements should be applied and the amount and duration of supplement
(HEAD OF PAID SERVICE, IN CONSULTATION WITH RELEVANT CORPORATE DIRECTOR AND HEAD OF LEGAL & DEMOCRATIC SERVICES)
- (3) RSM evaluation of any posts reporting directly to Head of Paid Service or Corporate Director or Head of Service, subject to
 - (1) the post being evaluated at the top of the NJC RG grade
 - (2) it being felt that the RG spinal column provided too low a ceiling and prevented the development of realistic career grades or not reflecting the scarcity of the skills in question(IN LIAISON WITH THE HEAD OF PAID SERVICE)
- (3) Authority to negotiate and implement local agreements affecting the Council as a whole
(WITH HEAD OF PAID SERVICE)
- (4) Authority to implement changes to National and Provincial and related conditions of service, including the implementation of nationally negotiated pay awards
- (5) Authorisation to adjust the retirement and long-service awards annually, in line with the provision for inflation made in the Council's budget guidelines for the year in question
- (6) Authority to review and amend the Council's Recruitment and Selection Policy in line with the Council's overall policy, subject to consultation with the trades unions
- (7) Authority to assess health and safety directives as they are introduced and ensure that the Council is complying with them
- (8) Authority to revise the sums payable and conditions of payment under the scheme for financial assistance to employees (relocation scheme), in consultation with Corporate Directors and Heads of Service, and to arbitrate in any dispute concerning the interpretation of the Council's scheme.
- (9) To implement decisions of national and provincial negotiating bodies.
STRATEGIC FINANCE DIRECTOR IN CONSULTATION WITH HEAD OF LEGAL & DEMOCRATIC SERVICES (HUMAN RESOURCES MANAGER).

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HEAD OF LEGAL & DEMOCRATIC SERVICES
Personnel Committee

HEAD OF LEGAL & DEMOCRATIC SERVICES

DELEGATIONS TO AND BY THE PERSONNEL COMMITTEE

Superannuation

Function exercised under Regulations issued under Sections 7, 12 or 24 of the Superannuation Act 1972

(1) Superannuation Fund - Disputes Procedure

To be the adjudicator appointed by Reading Borough Council to deal with pension disputes at stage one of the Internal Disputes Resolution Procedure (IDRP) in accordance with Regulations 72-75 of the Local Government Pension Scheme Regulations 2013
[TO BE EXERCISED IN CONSULTATION WITH THE HUMAN RESOURCES MANAGER]

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HEAD OF LEGAL & DEMOCRATIC SERVICES
Full Council and Policy Committee

HEAD OF LEGAL & DEMOCRATIC SERVICES

DELEGATIONS TO AND BY THE COUNCIL AND POLICY COMMITTEE

Monitoring Officer

- (1) To act as the Council's Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.
COUNCIL - 25 JANUARY 2011

Proper Officer

To act as Proper Officer of the Council in respect of the following legislation:

- (2) General
- (1) Sending bye-laws to Parishes and County Councils; and certifying bye-laws, under sections 236 (9)(10) and 238 of the Local Government Act 1972
 - (2) Certificates of resolution for the application or disapplication of certain public health enactments under paragraph 25 (7) of schedule 14 to the Local Government Act 1972
 - (3) The deposit, certification of photocopies, and authentication of documents under Sections 225 (1), 229 (5) and 234 (1)(2) of the Local Government Act 1972
 - (4) To certify copies of evidence of resolutions and minutes of proceedings under Section 41 of the local Government (Miscellaneous Provisions) Act 1976
- (3) Electoral Administration
- (5) To receive notice of casual vacancy from two local government electors, under Section 89 (1)(b) of the Local Government Act 1972
 - (6) To receive election expense declarations and returns and to hold these documents for public inspection under Sections 82 and 89 of the Representation of the People Act 1983
 - (7) To be responsible for the retention and public inspection of documents after an election, under Rule 46 of the Local Elections (Principal Area) Rules 1986.
- (4) Politically Restricted Posts
- (8) The deposit of the list of politically restricted persons under Section 2 (4) of the Local Government and Housing Act 1989.
 - (9) To prepare and maintain the list of politically restricted posts in accordance with Section 2 of the Local Government and Housing Act 1989, and Regulations 3-6 of the Local Authorities' (Members' Interests) Regulations 1992.
 - (10) For the purposes of the composition of committees and nominations to political groups under Regulations 8-14 of the Local Government (Committees and Political Groups) Regulations 1990
 - (11) To give certificates under Section 3 (3) of the Local Government and Housing Act 1989 to staff wishing to apply to the adjudicator for exemption from political restrictions.

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(5) Standards – Localism Act 2011

- (12) To establish, maintain, publish and make available for public inspection a register of interests of Members and Co-opted Members under Section 29 of the Localism Act 2011
- (13) To receive and register notifications received from Members of disclosable pecuniary interests on taking office under Section 30 of the Localism Act 2011
- (14) To receive notifications of pecuniary interests in matters considered at meetings where these are not entered in the authority's register of interests, under Section 31 of the Localism Act 2011
- (15) To determine whether an interest should be treated as a sensitive interest, under section 32 of the localism act 2011
- (16) To grant a dispensation to a Member to participate in the discussion of or voting on any matter in which the Member has registered or declared a disclosable pecuniary interest, under Section 33 of the Localism Act 2011
- (16A) Under Section 33 of the Localism Act 2011, to grant a dispensation from the restrictions in Section 31(4) of the Act, which would allow Members of the authority with a disclosable pecuniary interest to take part and vote on decisions in the following prescribed circumstances:
 - (i) housing, where the Member is a tenant of the authority provided that those functions do not relate particularly to their tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where the Member is a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the Member is in receipt of, or is entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to Members;
 - (v) any ceremonial honour given to Members; and
 - (vi) setting Council Tax or a precept under the Local Government Finance Act 1992;
 - (vii) any other business which might reasonably be regarded as affecting the financial position of the Member and/or his/her spouse or partner to a greater extent than the majority of other Council Tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

and the general dispensation to apply for four years, subject to it being renewed each year at the Annual Council Meeting.

(6) Access to Information

- (17) To be responsible for decisions regarding Members' right to papers under Section 100F of the Local Government Act 1972.
- (18) To be responsible for the supply of papers to the Press under Section 100B(7) of the Local Government Act 1972.

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- (19) To be responsible for circulating reports and agenda under Section 100B(2) of the Local Government Act 1972.
- (20) To be responsible for the supply of summaries of minutes under Section 100C(2) of the Local Government Act 1972.
- (21) To be responsible for ensuring the preparation of lists of background papers relating to committee reports and arrangements for inspection by the public under section 100D(1) and section 100D(3) of the Local Government Act 1972.
- (22) To receive notices regarding addresses to which summons to the meeting is to be sent under Paragraph 4(3) of Schedule 12 to the Local Government Act 1972.
- (23) To be responsible for the following activities relating to Access to Information under the Local Authorities (Executive Arrangements_ (Access to Information) (England) Regulations 2000 and Access to Information Rules (Part 3 of the Council's constitution):
 - (a) Access to agenda and reports before meetings (Rule 5) - where reports are prepared after the summons has been sent out, making such reports available to the public as soon as the report is completed and sent to Councillors;
 - (b) Supply of copies (Rule 6) - of document supplied to Councillors to any person on payment of a charge for postage and any other costs;
 - (c) Exclusion of Access by the Public to Reports (Rule 10) - where these are marked as "not for publication" under Rule 10 of the rules;
- (7) Political Balance of Committees
 - (24) To be responsible for the voting rights of Members of certain Committees; and the political balance of Committees etc, under Sections (9), (13) and (15)-(17) of the Local Government and Housing Act 1989 [
- (8) Petitions
 - (25) To publish each year the verification number for petitions to hold a referendum on changing to a different form of governance, under the Local Authorities (Referendums)(Petitions)(England) Regulations 2011.
- (9) Ombudsman
 - (26) To give notice that copies of an Ombudsman's report are available, under Section 30(5) of the Local Government Act 1974.
- (10) Scrutiny
 - (27) The responsibilities attached to the position of the Council's Scrutiny Officer, in accordance with Section 21ZA of the Local Government Act 2000, as amended by Section 31 of the Local Democracy, Economic Development and Construction Act 2009 [COUNCIL – 26 June 2010 – Minute 20]
TO BE EXERCISED BY THE DEMOCRATIC SERVICES MANAGER

Delegations

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LEGAL SERVICES

General Legal Matters

- (1) Where not otherwise authorised by these delegations and where it is necessary to protect or pursue the interests of the Council, in consultation with the Corporate Director or Head of Service concerned, to institute, defend, appeal from, settle or abandon legal proceedings whether administrative, civil or criminal in any matter in which the Council or its officers may institute or defend proceedings in any court, arbitration or tribunal.
- (2) To take all such steps as are in his/her opinion necessary, including the affixing of the Common Seal of the Council; the bringing of legal proceedings; the making of Orders and the giving of any Notice to give effect to any decision or action taken properly by the Council, or any duly authorised body or officer acting on its behalf, or to protect the interests of the Council or any person or property to whom or for which the Council has responsibility.

Legal Proceedings at Short Notice

- (3) To prosecute, defend and/or appear in any legal proceedings and, in the case of civil proceedings, institute them in the Council's name, pursuant to the provisions of Section 222 (1) (a) of the Local Government Act 1972, where he/she considers that urgent action is required to protect the interests of the Council or some or all of its inhabitants. P65

General

- (4) To authorise the appearance of persons other than Solicitors pursuant to Section 223 of the Local Government Act 1972, and Section 60 of the County Courts Act 1984.
- (5) To determine that an inspection of a document in the possession of the Council be not allowed on the grounds that it is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.
- (6) To certify or authenticate any matter requiring certification or authentication on behalf of the Council.
- (7) On behalf of the Council to determine applications for formal registration or certification made in pursuance of any legislation imposing such a function upon the Council, in any cases where the power to register has not been formally delegated to a specific Corporate Director or Head of Service
- (8) To maintain the register required to be kept by the Council pursuant to the Environment and Safety Information Act 1988.
- (9) To authorise an officer of the Council or other specified person to enter upon land or premises in accordance with any statutory provision providing for such authorisation.

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- (10) To exercise the Council's powers to be a Trust Corporation.

Institution of Proceedings

- (11) To institute proceedings under all legislation under which the Council is entitled to do so.
- (12) To institute proceedings in respect of offences under the Insurance Brokers (Registration) Act 1977.
- (13) Housing Benefit Fraud
To institute legal proceedings under Section 112 of the Social Security Administration Act 1992, or under the Theft Act 1968, in cases of housing benefit fraud
IN CONSULTATION WITH THE HEAD OF CUSTOMER SERVICES

Outstanding Payments

- (14) **Outstanding Payments due under Orders, Contracts, Agreements etc of the Former Berkshire County Council.**
- (1) To settle statutory compensation claims which are still outstanding for the A33 Relief Road, Phase 2;
- (2) To make or receive payments due in respect of all outstanding claims concerning the former County Council's capital contracts, debtors, creditors and other rights and liabilities
- Subject in either case to the funding to meet the claim or payment having been included in the resources transferred to Reading Borough Council on reorganisation.
WITH THE STRATEGIC FINANCE DIRECTOR, IN CONSULTATION WITH THE LEADER OF THE COUNCIL.
(Council, 20 July 1999, Min 37.)

Indemnities

- (15) **Accident Claims**
Indemnification of owner of any land in respect of any claim resulting from an accident to a museum assistant working on such land.
NOTE: This indemnification should be sought and given before the assistant commences working on the land if at all possible

Land and Property

On behalf of all Committees of the Council:

- (16) **Legal Proceedings**

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To institute proceedings in respect of damage to and recovery of rent for properties in the control of the Council; or in respect of offences under bye-laws and regulations relating to land and premises owned by the Council

(17) Assignment and Sub-letting

The issue of consents to the assignment of leases and sub-letting of property under the control of the Council, subject to satisfactory references being obtained in each case

(18) Rent Reviews

To serve notices on tenants of property (other than dwellings) as a pre-requisite to reviews of rent.

ON THE ADVICE OF THE CHIEF VALUER

(19) National Assistance

To make applications under Section 47 of the National Assistance Act 1948 (ie in cases where the immediate removal procedure is not involved).

(20) Rent Charges - Extinguishment

To extinguish remaining rent charges, subject to the payment of a sum and an application for redemption being received.

Open Services

(21) Community Right to Challenge

To exercise the following functions in the Localism Act 2011:

- (1) To specify and publish the timing of expressions of interest (Section 82);
- (2) To receive and evaluate expressions of interest (Section 83 and 84);
- (3) To specify and publish the minimum and maximum time periods between accepting an expression of interest and beginning the procurement process (Section 83);
- (4) To notify and publish the timetable for considering and deciding on expressions of interest (Section 84)

Cabinet 03/12/12, Minute 92

(22) Community Right to Bid

- (1) To review the decision of the Head of Development to include land on the AVC list when requested by the land owner (section 92);
- (2) To review the decision of the Head of Development on claims for compensation, when requested by the land owner (section 99)

Cabinet 03/12/12, Minute 92

INFORMATION SERVICES

(23) Information Security, Data Protection and freedom of Information

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- (1) To be the Council's Senior Information Risk Officer, Data Protection Officer and Freedom of Information Officer
- (2) To ensure that the Council's policies and procedures on Data Protection and Freedom of Information are complied with

DEMOCRATIC SERVICES

(24) Access to Information

- (1) To approve applications for the supply of Council and committee agenda papers and minutes
- (2) To make charges for background papers where more than one copy is requested

(25) Appointment to Committees - Delegation to Monitoring Officer

To make changes to a political group's appointments to non-Cabinet Committees, Panels and Working Parties, during and for the remainder of the Municipal Year in question, on the recommendation of the Group Leader and specifically to fill a casual vacancy which has arisen or to address situations of long-term absence, and subject to:

- (1) the political balance of the Committee etc or the authority's basket of appointments not being affected;
- (2) the Monitoring Officer reporting the change to the next meeting of full Council.

Council 16/05/07, Minute 7

(26) Education Appeal and Review Panels

To convene education appeal and review panels and associated matters as set out below:

Panel Members

Convening Education Appeal and Review Panels

- (1) To convene Appeal Panels under Section 94 of the Schools and Standards Framework Act 1998, including appointing independent panel members and clerks who have satisfied the specific training requirements; (schedules 18 and 24 repealed by Education Act 2002)
- (2) To convene Exclusion Review Panels in accordance with Schedule 1 of The School Discipline (Pupil Exclusion and Reviews)(England) Regulations 2012, including appointing independent panel members and clerks who have satisfied the specific training requirements;
- (3) To advertise for lay members to serve on Appeal and Review Panels under the provision of the Education (Lay Members of Appeals Committees) Regulations 1994;
- (4) To pay travel and subsistence allowances to Appeals and Review Panel members in line with Sections 173 and 174 of the Local Government Act 1972.

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Council AGM 25/05/16 Minute 10

- (27) **Localism Act 2011 - Pecuniary Interest Dispensation**
DELEGATION TO MONITORING OFFICER
See delegation (5)(16A) above - Delegations to the Head of Legal and Democratic Services by the Council and Policy Committee.

CONSTITUTION - PART 3, SCHEDULE 1

D. Functions relating to Elections

- (28) **Duty to appoint an Electoral Registration Officer [para. 1]**
Powers & Duties of the Electoral Registration Officer
The Electoral Registration Officer has a number of powers duties as set out in statute and Regulations, as follows:
- Duty to provide assistance at European Parliamentary elections under Paragraphs 4(3) and (4) of schedule 1 to the European Parliamentary Elections Act 1978
 - Powers in respect of holding elections under Section 39(4) of the Representation of the People Act 1983
 - Powers to pay expenses properly incurred by electoral registration officers under Section 54 of the Representation of the People Act 1983
 - Power to assign officers in relation to requisitions of the registration officer, under Section 52(4) of the Representation of the People Act 1983.
 - Duty to provide assistance at European Parliamentary elections, under Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act 1978 (c.10)[50].
 - Powers in respect of holding of elections, under Section 39(4) of the Representation of the People Act 1983.
 - Power to pay expenses properly incurred by electoral registration officers, under Section 54 of the Representation of the People Act 1983.
 - Duty to give public notice of a casual vacancy, under Section 87 of the Local Government Act 1972.
- Council 27/01/04, Minute 58.
This is not technically a delegation, but has been added to the Register to ensure a complete record
- (29) **Requisitions of the Registration Officer**
Duty to assign officers in relation to requisitions of the registration officer, under Section 52(4) of the Representation of the People Act 1983 [para. 2]
- (30) **European Parliamentary Elections**
Duties of the local returning officer for the conduct of the poll and count for European Parliamentary elections, under the European Parliamentary Election Regulations 2004.

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- (31) **Holding of Elections**
Powers in respect of holding of elections, under Section 39(4) of the Representation of the People Act 1983 [para. 10]
- (31A). **Fees and conditions for Supply of Copies of, or Extracts From, Elections Documents**
Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.
STATUTORY RESPONSIBILITIES ATTACHED TO THE RETURNING OFFICER
- (32) **Expenses Incurred by Electoral Registration Officers**
Power to pay expenses properly incurred by electoral registration officers, under Section 54 of the Representation of the People Act 1983 [para. 11]
- (32A) To determine the fees to be paid to Presiding Officers, Poll Clerks and Counting Assistants at Borough Elections.
- (33) **Casual Vacancies**
Duty to give public notice of a casual vacancy, under Section 87 of the Local Government Act 1972 [para. 14].
- I. Part II, Other Functions**
- (34) **Support for Monitoring Officer**
Duty to provide staff etc to person nominated by the Monitoring Officer under sections 82A(4) and (5) of the Local Government Act 2000 [para. 44A]
- (35) **Overview and Scrutiny Committees**
Powers relating to overview and scrutiny committees (voting rights of co-opted members) under Paras. 12 and 14 of schedule 1 to the Local government Act 2000 [para. 44B]
- (36) **Ombudsman**
Power to make payments or provide other benefits in cases of maladministration etc, under Section 92 of the Local Government Act 2000 [para. 48].
(Council, 18/09/01, Minute 33)
MONITORING OFFICER IN CONSULTATION WITH RELEVANT HEAD OF SERVICE
- (37) **Scheme of Members' Allowances**
(1) Co-optees' Allowances
(Council – 9 December 2003, Minute 48)
That provision for Co-optees' Allowances be introduced, to apply solely in respect of non-Councillor members of the Standards Committee attending meetings on those occasions when the Committee meets exceptionally to hear complaints- e.g. hearings to consider possible non-compliance with the Members' Code of Conduct; and that the Monitoring Officer be authorised to settle the rate to be paid on each occasion

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(2) Subsistence Allowance

(Council - 23 March 2004 Minute 76)

That the subsistence limits referred to in [the Scheme] may be exceeded in exceptional circumstances at the discretion of the Monitoring Officer, e.g. to enable a Councillor and an officer attending a conference to stay at the same accommodation, subject to there being sufficient budget provision

(38) **Alcohol Disorder Zone**

[para. 1-50]

REPEALED BY POLICE REFORM & SOCIAL RESPONSIBILITY ACT 2011 (S140)

(39) **Common Land and/or Town or Village Greens**

Council 24/01/12, Minute 56

(1) Registration

Functions relating to the registration of common land and town or village greens under Part 1 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008 (SI 2008/1961)

(2) Unlawful Works on Common Land

Power to apply for an enforcement order against unlawful works on common land under Section 41 of the Commons Act 2006 [para. 51]

(3) Unclaimed Registered Common Land and Unclaimed Town or Village Greens

Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference under Section 45(2)(a) of the Commons Act 2006 [para. 52]

(4) Offences in respect of Unclaimed Registered Common Land and Unclaimed Town or Village Greens

Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens under Section 45 (2)(b) of the Commons Act 2006 [para. 53]

CONSTITUTION - PART 3, SCHEDULE 2 (Local Choice Functions)

(40) **Outside Body Appointments** [para. 19]

Authority to make appointments to casual (mid-year) outside body vacancies and report the appointments through the Decision Book process.

MONITORING OFFICER IN CONSULTATION WITH THE APPROPRIATE LEAD COUNCILLOR.

Cabinet 27/09/10, Minute 68

Housing

(41) **Homes for Reading (HfR)**

To act on behalf of the Council in agreeing arrangements with HfR Ltd, save for those matters specifically reserved to Policy Committee in the Shareholder Agreement.

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HEAD OF LEGAL & DEMOCRATIC SERVICES
Full Council and Policy Committee

WITH THE DIRECTOR OF FINANCE AND IN CONSULTATION WITH THE THE DEPUTY LEADER OF
THE COUNCIL AND THE CHAIR OF THE AUDIT AND GOVERNANCE COMMITTEE
(Policy Committee 13/3/17, Minute 99)

READING BOROUGH COUNCIL – DELEGATIONS REGISTER
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HEAD OF LEGAL & DEMOCRATIC SERVICES
Adult Social Care, Children's Services & Education Committee

HEAD OF LEGAL AND DEMOCRATIC SERVICES

DELEGATIONS TO AND BY THE ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE

CHILDREN'S SOCIAL SERVICES

(1) Letters of Administration

To take all necessary steps to take out letters of administration with or without the will annexed either alone or jointly with the Director of Finance for:

- (1) the estates of parents or any other person where there is a beneficial interest for children or young persons for whom the Council has parental responsibility under provisions of the Children Act 1989, or any other statutory provision affecting children and young persons
 - (2) the estates of children or young persons who die whilst in the care of the Council, and to administer such estates in the manner directed by the appropriate probate registry.
- HEAD OF LEGAL & DEMOCRATIC SERVICES IN CONSULTATION WITH THE HEAD OF CHILDREN'S SOCIAL SERVICES

(2) Acceptance of Money or Gifts

To accept money or other gifts from third parties for and on behalf of children or young persons in care and to hold or convert such money or gifts on their behalf and to their benefit.

HEAD OF LEGAL & DEMOCRATIC SERVICES AND STRATEGIC FINANCE DIRECTOR

(3) Signing Certificates

To sign certificates in accordance with the provisions of the Local Government (Contracts) Regulations 1997

HEAD OF LEGAL & DEMOCRATIC SERVICES AND STRATEGIC FINANCE DIRECTOR

(4) Parenting Orders

Power to apply for a Parenting Order, under Section 26 of the Anti-Social Behaviour Act 2003 as amended by Section 23 of the Police and Justice Act 2006. [Member of Youth Offending Team may apply for this order]

IN CONSULTATION WITH THE HEAD OF CHILDREN'S SOCIAL SERVICES
(Cabinet 11/02/08 Minute 143)

READING BOROUGH COUNCIL – DELEGATIONS REGISTER
May 2018
HEAD OF LEGAL & DEMOCRATIC SERVICES
Housing, Neighbourhoods & Leisure Committee

HEAD OF LEGAL AND DEMOCRATIC SERVICES

DELEGATIONS TO AND BY THE HOUSING & NEIGHBOURHOODS AND LEISURE COMMITTEE

TRADING STANDARDS

Institution of Proceedings

- (1) **Children and Young Persons (Protection from Tobacco) Act 1991**
(1) To institute proceedings under the Children and Young Persons (Protection from Tobacco) Act 1991 and Regulations issued thereunder
(2) To make complaint to a court of summary jurisdiction where there is adequate evidence that an automatic machine for the sale of tobacco has been used by any person under the age of sixteen years.

IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

- (2) **Shop Regulations**
To institute proceedings in relation to:
(1) the employment of children and young persons in breach of legislation and local byelaws
(2) contraventions of Reading Borough Council's byelaws relating to hairdressers and barbers
(3) offences under Section 21 of the Berkshire Act 1986 relating to dust etc from building operations

IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

- (3) **Sunday Trading**
To institute proceedings in respect of offences and contraventions of Schedule 1, Part II of Schedule 2 and Schedule 3 of the Sunday Trading Act 1994
IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

HEALTH & SAFETY

- (4) **Institution of Proceedings**
To institute proceedings in relation to offences under the Health and Safety at Work etc Act 1974 (including all Regulations made thereunder)

ENVIRONMENTAL HEALTH

- (5) **Institution of Proceedings**
To institute proceedings under the following legislation (including Regulations issued thereunder):
- Theft Act 1968 & 1978
 - Road Traffic Act 1988
 - Road Traffic (Foreign Vehicles) Act 1972
 - Road Traffic Regulation Act 1984

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HEAD OF LEGAL & DEMOCRATIC SERVICES
Housing, Neighbourhoods & Leisure Committee

- Mock Auctions Act 1961
- Criminal Attempts Act 1981
- Forgery and Counterfeiting Act 1981
- Protection of Animals Act 1911
- Intoxicating Substances (Supply) Act 1985
- Business Names Act 1985
- Food and Environmental Protection Act 1985 as amended
- Dogs Act 1906
- Copyright, Designs and Patents Act 1988

IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

(6) Damage by Pests

To institute proceedings in respect of offences under Section 5 of the Prevention of Damage by Pests Act 1949, and the recovery of expenses for works undertaken in default under the provisions of Section 5 (i)

IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

(7) Verminous Premises/Persons

- (1) Service of notices and carrying out works in default under the relevant statutory provisions, where appropriate, in respect of public health nuisance in accordance with Sections 83 and 84 of the Public Health Act 1936 regarding the cleansing of filthy or verminous premises and filthy or verminous persons and articles.
- (2) To require the cleansing of verminous persons and their clothing.
- (3) To authorise members of staff, as appropriate, to serve the above Notices, and to apply to the courts for the detention of verminous persons.

HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES IN CONSULTATION WITH HEAD OF LEGAL & DEMOCRATIC SERVICES

(8) Control of Disease

To institute proceedings for offences under the provisions of the Public Health (Control of Disease) Act 1984 (including any Regulations made thereunder)

IN CONSULTATION WITH THE HEAD OF HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

(9) Agriculture Act 1970 and Sunbeds (Regulation) Act 2010

Power to institute legal proceedings under the following legislative provisions:

- (1) Agriculture Act 1970
- (2) Sunbeds (Regulation) Act 2010

IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

Cabinet 15/04/13 (Minute 157)

FOOD SAFETY

(10) Institution of Proceedings

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Housing, Neighbourhoods & Leisure Committee

To institute proceedings under the following legislation (including Regulations issued thereunder):

- Slaughterhouses Act 1974
- Food and Environmental Protection Act 1985
- Food Safety Act 1990
- General Food Regulations 2004;
- Food Hygiene (England) Regulations 2006;
- Official Feed and Food Control (England) Regulations 2006;
- Products of Animal Origin (Third Country Imports) (England) Regulations 2004 or the current regulations referring to this subject.

(Cabinet 05/12/05 Minute 122)

IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

(11) Food Safety Act 1990

To institute legal proceedings under any other regulations made under the Food Safety Act 1990 and/or relevant European legislation relating to food safety (including emergency legislation).

IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

Cabinet 15/04/13 (Minute 157)

(12) Food and Feed Law Enforcement

To institute legal proceedings under the following legislative provisions:

- (1) Animal By-products (Enforcement) (England) Regulations 2011;
- (2) Animal Feed (England) Regulations 2010
- (3) Beef & Veal Labelling Regulations 2010;
- (4) Contaminants in Food (England) Regulations 2010;
- (5) Drinking Milk (England) Regulations 2008;
- (6) Feed (Hygiene and Enforcement) (England) Regulations 2005
- (7) Feed (Sampling and Analysis and Specified Undesirable Substances (England) Regulations 2010;
- (8) Fish Labelling (England) Regulations 2010;
- (9) Fishery Products (Official Controls Charges) Regulations 2007;
- (10) Food Additives (England) Regulations 2009;
- (11) Food Hygiene (England) Regulations 2006;
- (12) General Food Regulations 2004;
- (13) General Product Safety Regulations 2005;
- (14) Genetically Modified Animal Feed (England) Regulations 2004;
- (15) Infant Formula and Follow-on Formula (England) Regulations 2007;
- (16) Materials and Articles in Contact with Food (England) Regulations 2012;
- (17) Meat (Official Controls Charges) (England) Regulations 2009;
- (18) Official Controls (Animals, Feed & Food) (England) Regulations 2006;
- (19) Official Feed and Food Control (England) Regulations 2009;
- (20) Organic Products Regulations 2009;
- (21) Spirit Drinks Regulations 2008;
- (22) Trade in Animals and Related Products (England) Regulations 2011;

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(23) Wine Regulations 2011

IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES
Cabinet 15/04/13 (Minute 157)

(13) Institution of Proceedings

Power to institute legal proceedings under the following legislative provisions:

- Animals & Animal Products (Examination for residues and maximum residue Limits) (England & Scotland) Regulations 2015;
- Consumer Protection from Unfair Trading Regulations 2008;
- Country of Origin of Certain Meats (England) Regulations 2015;
- Food Information Regulations (FIR) 2014;
- Food for Specific Groups (Information & Compositional Requirements) (England) Regulations 2016;
- Genetically Modified Organisms (Traceability & Labelling) (England) Regulations 2004;
- Olive Oil (Marketing Standards) Regulations 2014;
- Poultry Meat (England) Regulations 2011;
- Quick-Frozen Foodstuffs (England) Regulations 2007;
- Scotch Whisky Regulations 2009;
- Specified Products from China (Restrictions on Placing on the Market)(England) Regulations 2008;
- Consumer Protection from Unfair Trading Regulations 2008;
- Animal Health Act 1981;
- Consumer Protection Act 1987.

IN CONSULTATION WITH THE ASSISTANT DIRECTOR OF PLANNING, TRANSPORT AND REGULATORY SERVICES (Housing, Neighbourhoods and Leisure Committee 3/7/19 (Minute 11)

POLLUTION

(13) Legal Proceedings

(1) Control of Pollution Act 1974

To institute legal proceedings in respect of offences arising under Part III and to deal with appeals in the Magistrates' Courts against the provision of any Notices served pursuant to Section 60 of that Act or against the Council's failure or refusal to give consent under Section 61 of the Act to conditions attached thereto

(2) Environmental Protection Act 1990

To institute proceedings in respect of offences and contraventions of Part I of the Environmental Protection Act 1990

IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

(14) Clean Air - Institution of Proceedings

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Housing, Neighbourhoods & Leisure Committee

To institute proceedings in respect of the Clean Air Act 1993

HEAD OF LEGAL & DEMOCRATIC SERVICES IN CONSULTATION WITH HEAD OF PLANNING,
DEVELOPMENT & REGULATORY SERVICES

NUISANCE ABATEMENT

(15) Public Health Nuisances - Notices

- (1) To oppose appeal proceedings brought under Section 80(3) of the Environmental Protection Act 1990, against abatement notices in appropriate cases
- (2) To institute proceedings under Section 80(4) of the Environmental Protection Act 1990, for conviction or contravention or for failure to comply with an abatement notice under Section 80(1) of the Environmental Protection Act 1990

IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

(16) Environmental Protection Act 1990

To take proceedings to the High Court under Section 81(5) of the Environmental Protection Act 1990 in appropriate cases

IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

(17) Challenge by Aggrieved Persons

To defend proceedings in the Magistrates' Court by aggrieved persons under Section 91 of the Environmental Protection Act 1990

(18) Dogs

- (1) To institute proceedings for breaches of the Council's byelaw controlling the fouling of footways and grass verges in the Borough by dogs
- (2) To take legal proceedings for failure to provide name and address when required, or giving false or inaccurate information, in connection with offences relating to dog control orders under section 61 of the Clean Neighbourhoods and Environment Act 2005.

(Cabinet 20/03/06, Minute 200)

[REPEALED BY Anti-Social Behaviour, Crime & Policing Act 2014 - Schedule II)

IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

(19) Cable Burning and Obstruction

- (1) To institute proceedings in respect of offences under Section 78, relating to cable burning, and Section 92, relating to obstruction, of the Control of Pollution Act 1974
- (2) To institute proceedings in respect of offences under Section 33, relating to cable burning, and Section 57, relating to obstruction, of the Clean Air Act 1993

IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

PROSECUTION OF OFFENDERS

(20) Simple Cautions

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To issue simple cautions in appropriate cases
HEAD OF SERVICE (IN CONSULTATION WITH HEAD OF LEGAL & DEMOCRATIC SERVICES)

HOUSING

PRIVATE SECTOR

(21) Buildings

- (1) To institute proceedings to recover expenses in relation to work executed in default under Section 79 of the Building Act 1984
 - (2) To institute proceedings for offences under Section 85 of the Building Act 1984
- IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

(22) Defective Electrical Installations

To institute proceedings against any person having control of premises to which a defective electrical installation notice relates who fails to comply with a Notice served under Section 39 of the Berkshire Act 1986
IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

(23) Institution of Proceedings

ON THE ADVICE OF THE HEAD OF SERVICE

- (1) To recover possession of property provided that eviction shall not be enforced without approval of the Committee
- (2) Under Section 170 of the Housing Act 1957, for failure to supply information or making of a mis-statement in response to notice to state the nature of his interest or the interest of any other person in premises.

(24) Demolition Orders

To institute proceedings:

- (1) Under Section 270 of the Housing Act 1985 for contravention of an operative Demolition Order
- (2) Under Section 272 of the Housing Act 1985 to recover expenses following enforcement of Demolition Order.
- (2) Under Section 270 of the Housing Act 1985 for recovery of possession once a Demolition Order has become operative, and to recover expenses incurred.

HEAD OF LEGAL & DEMOCRATIC SERVICES ON THE ADVICE OF THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

(25) Enforcement Action for Improvement Notices – Housing Act 2004

To institute proceedings in respect of the following offences:

- (1) Failure of person served to comply with an operative improvement notice, under Section 30
- (2) Being on the premises to carry out works after the authority has begun default works, under section 31
- (3) Knowingly using the premises in contravention of an operative prohibition order, under Section 32

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Housing, Neighbourhoods & Leisure Committee

Cabinet, 18/04/06 - Minute 226

(26) Rent Books / HMOs

To institute proceedings:

- (1) Under Section 332 of the Housing Act 1985 for use of a Rent Book not containing the required information.
- (2) Under Section 333 of the Housing Act 1985 for failure to notify a local or housing authority of overcrowding
- (3) Under Section 335 of the Housing Act 1985 for failure to supply information as to the number of persons sleeping in a dwelling or giving a false statement.
- (4) Under Section 336 of the Housing Act 1985 for failure to produce a Rent Book.

(27) Landlord Information

To institute proceedings:

ON THE ADVICE OF THE HEAD OF SERVICE

- (1) Under Section 1 of the Landlord and Tenant Act 1985, for failure to disclose landlord's identity
- (2) Under Section 2 of the Landlord and Tenant Act 1985, for failure to disclose the name and address of every Director or the Secretary of a company.
- (3) Under Section 3 of the Landlord and Tenant Act 1985, for failure to inform tenants of the assignment of landlord's interest.
- (4) Under Sections 4 to 7 of the Landlord and Tenant Act 1985, for failure to provide a Rent Book, to provide the prescribed information in a Rent Book.

(28) Illegal Eviction / Harassment

To institute proceedings for illegal eviction and/or harassment of occupiers under Sections 1-4 and 6 of the Protection from Eviction Act 1977

ON THE ADVICE OF THE HEAD OF SERVICE

(29) Tenancies - Financial

To institute proceedings:

- (1) Under part IX of the Rent Act 1977, for receiving or requiring an illegal premium or making an illegal loan.
- (2) Under Sections 123 and 124 of the Rent Act 1977 for demanding excessive payment for furniture and for offering furniture at an excessive price, or for failing to supply a written inventory as required.
- (3) Under Section 57 of the Rent Act 1977 for failing to remove from a Rent Book an irrecoverable amount.
- (4) Under Section 126 of the Rent Act 1977 for requiring rent before the beginning of the rental period.
- (5) Under Section 77 and 81 of the Rent Act 1977 for failure to comply with the notice of reference of a restricted contract to a Rent Tribunal and the receipt of payments in excess of the rent registered.

(30) Recovery of Costs

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Under the Housing Act 1985, to institute proceedings for the recovery of costs and expenses in respect of work carried out in default following the service of any notice, making of an order, or acceptance of an undertaking under the provisions of the Housing Act 1985.

(31) Supply of Information

To institute proceedings for failure to supply information or making a mis-statement in response to a notice seeking the nature of that person's interest and of any other person, under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976
IN CONSULTATION WITH HEAD OF HOUSING & NEIGHBOURHOOD SERVICES

(32) Obstructing Repairs

Under the Housing Act 1985, Sections 261, 320, 341, 601, 315, to institute proceedings against any person obstructing an officer of the authority, or an authorised person with the performance of any act in relation to Parts II, IV, IIV, IIIV, IX, X, XI, XII, and XVII of the Act, or preventing the execution of repairs after receiving notice thereof.
HEAD OF LEGAL & DEMOCRATIC SERVICES IN CONSULTATION WITH HEAD OF HOUSING & NEIGHBOURHOOD SERVICES

(33) Land Registration

Under the Land Registration Act 1925, to take proceedings to register a caution on the Land Register or to inhibit dealings on registered land.

(34) Arrest Warrants under Magistrates Court Act

To apply for a Warrant for Arrest in accordance with the provisions of the Magistrates Court Act 1980 and the Bail Act 1976 in respect of offences committed against residential occupiers under the provisions of the Protection from Eviction Act 1979, or any amendment, re-enactment or replacement thereof.

(35) Housing Conditions

IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

(1) Power to prosecute for offence of failure of person served to comply with an operative improvement notice under Section 30 of the Housing Act 2004.

(2) Repeats (1) above?(3)

(Cabinet 18/04/06, Minute 226)

(36) Empty Dwelling Management Orders

Power under Schedule 7 paragraph 25 sections 3 and 4 of the Housing Act 2004 to obtain a Magistrates' Court order to enforce right of entry and prosecute on breach;

IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES
(Cabinet 17/03/08, Minute 159)

RIGHT TO BUY / MORTGAGES

(37) Local Authority Mortgages - Re-mortgage Arrangements

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Authority to waive part or all of the land charge search fees in connection with properties in the re-mortgage scheme where the Strategic Finance Director advises that there is a financial advantage to the Council from such a waiver within two years of the re-mortgage.

ADVICE FROM STRATEGIC FINANCE DIRECTOR

(38) Redemption Charge Reduction or Waiver

Authority to reduce or waive the redemption charge from time to time, to encourage the repayment of Council mortgages to achieve capital receipts and reduce administrative costs (*under Leasehold Reform, Housing and Urban Development Act 1993*)

IN CONSULTATION WITH HEAD OF HOUSING & NEIGHBOURHOOD SERVICES AND STRATEGIC FINANCE DIRECTOR

(39) Indemnities in Connection with Mortgages Transfers

To give an indemnity to individual mortgagors who could not otherwise transfer under re-mortgage arrangements where the Strategic Finance Director indicated that there was little prospect of the Council being required to make payments under the indemnity.

(40) Charges for Property Searches

Authority to agree and set the charges for the services provided in connection with property searches and for access to property records under the Local Authorities (England) (Charges for Property Searches) Regulations 2008.

IN CONSULTATION WITH THE STRATEGIC FINANCE DIRECTOR
(Cabinet 19/01/09 Minute 124)

HOUSING AND ESTATE MANAGEMENT

(41) Introductory Tenancies

To recover possession of properties let under the Introductory Tenancy Scheme.
(Policy & Implementation Committee, 17/04/01, Min 171)

WASTE

(42) Waste Receptacles

To institute proceedings:

(1) In respect of offences under Section 3 (vii) and 4 (iv) of the Deposit of Poisonous Waste Act 1972

i (2) in respect of offences under Section 24 of the Berkshire Act 1986 (relating to restrictions on the use of dustbins)

IN CONSULTATION WITH THE HEAD OF TRANSPORTATION & STREETCARE

(43) Interference with Waste

To institute proceedings against persons interfering with refuse presented for collection or deposited at a Civic Amenity Site as laid down by the Public Health Act 1936

(44) Waste Enforcement

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Housing, Neighbourhoods & Leisure Committee

- (1) Institute legal proceedings for failure to comply with a notice under Section 47 (2) of the Environmental Protection Act 1990 requiring occupiers to provide receptacles for the storage of commercial and industrial waste;
 - (2) Repealed by ASBCP Act 2014 Schedule II(3) Oppose appeals under Section 59 (2) of the Act against notices requiring the removal of controlled waste;
 - (4) Repealed by ASBCP Act 2014 Schedule II(5) Repealed by ASBCP Act 2014 Schedule II
- (Cabinet 14/07/03, Minute 49)

(45) Environmental Protection Act 1990

Powers and duties under the Environment Protection Act 1990 as follows:

- (1) Power to take legal proceedings for the offence under Section 46(6) of the Environmental Protection Act 1990 for failing to comply with any requirements imposed under Section 46, subsections (1), 3(c), 3(d) or (4);
- (2) Power to oppose appeals made to the Magistrates Court under Section 46(7) of the Environmental Protection Act 1990.

(Cabinet 30/10/06, Minute 90)

(46) Control of Pollution - Institution of Legal Proceedings

- (1) Power to take legal proceedings for failure to provide name and address when required, or giving false or inaccurate information, in connection with offences related to the transport of waste under section 37 of the Clean Neighbourhoods and Environment Act 2005 (section 5(9) of the Control of Pollution (Amendment) Act 1989).
- (2) Power to take legal proceedings for failure to provide name and address when required, or giving false or inaccurate information, in connection with offences related to the power to search and seize vehicles under section 46 of the Clean Neighbourhoods and Environment Act 2005 (section 5 of the Control of Pollution (Amendment) Act 1989).
- (3) Power to take legal proceedings for failing to assist, or intentionally obstructing, an authorised officer or constable in the exercise of a power under section 5(2) of the Control of Pollution (Amendment) Act 1989 and under section 37 of the Clean Neighbourhoods and Environment Act 2005 (section 5 of the Control of Pollution (Amendment) Act 1989).
- (4) Power to take legal proceedings for failing to assist, or intentionally obstructing, an authorised officer or constable in the exercise of a power to stop and search a vehicle under section 34B of the Environmental Protection Act 1990 and under section 46 of the Clean Neighbourhoods and Environment Act 2005 (section 34B of the EPA 1990).

(Cabinet 20/03/06, Minute 200)

STREETCARE

(47) Clean Neighbourhoods and Environment

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HEAD OF LEGAL & DEMOCRATIC SERVICES
Housing, Neighbourhoods & Leisure Committee

To exercise powers under Sections 3 and 4 of the Clean Neighbourhoods and Environment Act 2005.

IN CONSULTATION WITH THE HEAD OF TRANSPORTATION & STREETCARE
(Cabinet 11/07/05, Minute 41)

(48) Flytipping

To institute legal proceedings for offences under Section 33(1) of the Environmental Protection Act 1990 in respect of unauthorised or harmful deposit, treatment or disposal etc of waste, and Section 34 (1) of the Act in respect of import, production, treatment, carriage, keeping or disposal of waste.

HEAD OF LEGAL & DEMOCRATIC SERVICES
(Cabinet 6/12.04 Minute 101)

(49) Fly-Posting and Graffiti

To institute proceedings in respect of fly-posting and offences under Sections 132(1) of the Highways Act 1980 and 224(3) of the Town & Country Planning Act 1990

HEAD OF LEGAL & DEMOCRATIC SERVICES IN CONSULTATION WITH THE HEAD OF TRANSPORTATION & STREETCARE

(50) Litter

(1) To institute proceedings for litter offences committed under Part IV, Section 87 of the Environmental Protection Act 1990

(2) Repealed by ASBCP Act 2014 Schedule II Para. 21

(3) Repealed by ASBCP Act 2014 Schedule II Para 21

(4) Power to take legal proceedings for failure to provide name and address when required, or giving false or inaccurate information, in connection with litter offences under section 19 of the Clean Neighbourhoods and Environment Act 2005 (section 88 (8B) of the Environment Protection Act 1990 (EPA 1990)).

(5) Repealed by ASBCP Act 2014 Schedule II Para 21c

(Cabinet 20/03/06, Minute 200)

(51) Free Distribution of Printed Matter

(1) Power to take legal proceedings for failure to provide name and address when required, or giving false or inaccurate information, in connection with the offence of distributing printed matter without consent under section 23 of the Clean Neighbourhoods and Environment Act 2005 (paragraph (8) of Schedule 3A of the EPA 1990).

(2) Power to take legal proceedings for the offence of distribution of free printed matter without consent on designated land, or of causing such distribution under section 23 of the Clean Neighbourhoods and Environment Act 2005 (paragraph (1) of Schedule 3A of the EPA 1990).

(Cabinet 20/03/06, Minute 200)

(52) Graffiti, Fly-posting and other Defacement

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May 2018
HEAD OF LEGAL & DEMOCRATIC SERVICES
Housing, Neighbourhoods & Leisure Committee

- (1) To institute legal proceedings for Relevant Offences under Section 44 of The Anti-Social Behaviour Act requiring occupiers to remove graffiti.
IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES
(Cabinet 6/12/04 Minute 101)
- (2) Power to take legal proceedings for failure to provide name and address when required, or giving false or inaccurate information, in connection with graffiti and fly-posting offences under section 29 of the Clean Neighbourhoods and Environment Act 2005 (section 43B of the Anti-Social Behaviour Act 2003 (ASBA 2003)).
(Cabinet 20/03/06, Minute 200)

COMMUNITY SAFETY

CONSTITUTION

PART 3, SCHEDULE 1 – RESPONSIBILITY FOR COUNCIL FUNCTIONS

(53) Controlled Drinking Area [1-49]

REPEALED BY Anti-Social Behaviour, Police & Crime Act 20145 (Schedule II, Part 1, para. 30).
(Council, 12 November 2002, Minute 59).

(54) Anti-Social Behaviour

To exercise the Council's powers under Sections 13 and 14 of the Anti-Social Behaviour Act 2003 and (new) Sections 153 (A-E) of the Housing Act 1996.

IN CONSULTATION WITH THE HEAD OF HOUSING & NEIGHBOURHOOD SERVICES

(Cabinet 6/12/04 Minute 108)

(55) Anti-Social Behaviour, Crime & Policing Act 2014

- (1) To prosecute for offences of failure to comply with a community protection order under Section 48
- (2) To prosecute for offences of failure to comply with the requirements of a constable or authorised person under Section 63(2) (consumption of alcohol in breach of prohibition in public spaces protection order) under Section 63(6)
- (3) To prosecute for offences of failing to comply with a public spaces protection order Under Section 67
- (4) To prosecute for offences relating to closure orders under Section 86.
(Policy Committee, 1 December 2014, Minute 58)

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May 2018
HEAD OF LEGAL & DEMOCRATIC SERVICES
Licensing Applications Committee

HEAD OF LEGAL & DEMOCRATIC SERVICES

FUNCTIONS DELEGATED TO AND BY THE LICENSING APPLICATIONS COMMITTEE

CONSTITUTION

PART 3 - SCHEDULE 1 - RESPONSIBILITY FOR COUNCIL FUNCTIONS

B - LICENSING AND REGISTRATION

- (1) Pet Shops**
Institution of proceedings pursuant to the Pet Animal Act 1951 in respect of the operation of pet shops without a licence.
IN CONSULTATION WITH HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES
- (2) Street Trading - Mobile Food Vans**
Institution of enforcement proceedings under the provisions of paragraph 10 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.
IN CONSULTATION WITH HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES
- (3) Licences - Contravention**
To institute proceedings:
 - (1) For contravention of the Council's Street Collection Regulations
 - (2) For any offence which might be committed under the following parts of the Local Government (Miscellaneous Provisions) Act 1982:
 - (a) Part II - Control of Sex Establishments
 - (b) Part VIII - Registration of Acupuncture, Tattooing, Ear-piercing and Electrolysis
IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES
- (4) Appeals re Licensing Decisions**
To institute appeals to the Crown Court against decisions of the Magistrates' Court in matters falling within the preview of the Licensing Applications Committee, following consultation with the Chair
IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES
- (5) Gambling Act 2005**
Power to institute criminal proceedings (Section 346) (B14D)
- (6) Scrap Metal Dealers Act 2013 (B25 as amended)**
Power to institute proceedings for the following offences under the Scrap Metal Dealers Act 2013:
 - (1) S 1(3) carrying on business as a scrap metal dealer without a licence
 - (2) S 8 (9) failure to comply with section 8 (notification requirements)
 - (3) S 10(5) failure to comply with section 10 (display of licences)
 - (4) S 11(4) receiving scrap metal without verifying person's name and address

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HEAD OF LEGAL & DEMOCRATIC SERVICES
Licensing Applications Committee

- (5) S 11(7) giving false name or address to scrap metal dealer on delivering scrap metal
 - (6) Schedule 2 paragraph 9 offences relating to closure orders
 - (7) S 12(4) paying for scrap metal otherwise than by cheque or electronic transfer (i.e. paying by cash)
 - (8) S 15 (4) failing to fulfil requirement of sections 13 or 14 (records of receipt or disposal)
 - (9) S 16(13) obstructing the exercise of a right of entry or inspection under section 16, or failing to produce a record required to be produced under section 16.
 - (10) Schedule 1, paragraph 3(5) failing to make application to vary licence in circumstances in paragraph 3(2)
 - (11) Schedule 1 paragraph 5 knowingly or recklessly making false statement in application or in response to request under paragraph 4(1)
 - (12) Schedule 2 paragraph 9 offences in relation to closure orders
 - (13) Schedule 2 paragraph 9 offence of obstructing exercise of powers under paragraph 9
- COUNCIL 22 OCTOBER 2013

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May 2018
HEAD OF LEGAL & DEMOCRATIC SERVICES
Planning Applications Committee

HEAD OF LEGAL AND DEMOCRATIC SERVICES

DELEGATIONS TO AND BY THE PLANNING APPLICATIONS COMMITTEE

CONSTITUTION

PART 3 – SCHEDULE 1 – RESPONSIBILITY FOR COUNCIL FUNCTIONS

A – TOWN & COUNTRY PLANNING AND DEVELOPMENT CONTROL

Planning & Development Control

- (1) **Planning Control Enforcement - Proceedings**
To institute proceedings in relation to offences under the Planning Acts
IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

(Planning Applications Committee, 23 July 2014, Minute 12 – delegations (2)-(4) below)

- (2) **Enforcement**
Power to give assurance as regards prosecution, and to withdraw assurance, under Section 172A of the Town & Country Planning Act 1990
HEAD OF LEGAL & DEMOCRATIC SERVICES IN CONSULTATION WITH HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES
- (3) **Certificates of Lawfulness of Proposed Works to Listed Buildings**
Power to prosecute an offence of making a false statement etc for the purpose of procuring a decision on an application for a certificate of lawfulness of proposed works, under Section 26J of the Planning (Listed Buildings & Conservation Areas) Act 1990 as amended by the Enterprise & Regulatory Reform Act 2013
- (4) **Demolition without Planning Permission**
Power to prosecute for the offence of carrying out relevant demolition without planning permission under Section 196D of the Town & Country Planning Act 1990 as amended by the Enterprise & Regulatory Reform Act 2013 (non-listed buildings in conservation areas)

Footpaths & Public Rights of Way

I – MISCELLANEOUS FUNCTIONS

Part I – Functions relating to Public Rights of Way

- (5) **Creation of Footpaths or Bridleways**
(1) Power to create footpaths or bridleways by agreement under Section 25 of Highways Act 1980 [para. 1]

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May 2018
HEAD OF LEGAL & DEMOCRATIC SERVICES
Planning Applications Committee

2) Power to create footpaths and bridleways under Section 26 of Highways Act 1980 [para. 2]

(Planning Applications Committee, 23 July 2014. Minute 12)

(6) Duty to assert and protect the rights of the public to use and enjoyment of highways under section 130 of Highways Act 1980 [para. 16]

(1) institution of legal proceedings

IN CONSULTATION WITH HEAD OF TRANSPORTATION & STREETCARE

(7) **Green Park - Diversion of Footpaths**

Under Section 119 of the Highways Act 1980, or Section 259 of the Town and Country Planning Act 1990, as appropriate, to take all necessary action regarding any orders for the permanent diversion of the footpaths over land affected by Green Park where planning permission had been granted for any part of the development.

(Urgency, 12 April 1999, Min 194.)

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May 2018

HEAD OF LEGAL AND DEMOCRATIC SERVICES

Son Committee

DELEGATIONS TO AND BY THE STRATEGIC ENVIRONMENT, PLANNING & TRANSPORT COMMITTEE

PLANNING, DEVELOPMENT & REGULATORY SERVICES

Building Control

(1) Building Control - Proceedings

To institute proceedings under the Building Act 1984 and any regulations made pursuant to this legislation, to issue enforcement notices and take any action ancillary thereto
IN CONSULTATION WITH HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

(2) Building Control - Passages/Gangways - Proceedings

To institute proceedings on relation to offences under Section 33 of the Berkshire Act 1986 relating to notices served requiring passageways and gangways to be kept unobstructed
IN CONSULTATION WITH HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

TRANSPORTATION & STREETCARE

Highways

(3) Entry into Agreements

- (1) To enter into Agreements for the construction and/or dedication of estate roads and footways by developers and their adoption by the Council.
- (2) To enter into public path creation agreements under Section 25 of the Highways Act 1980 except where a capital payment by the Council is involved.
- (3) To enter into highway maintenance agreements with adjacent Authorities in the interests of operational efficiency under Section 8 of the Highways Act 1980.

(4) Making Good Damage

Pursuant to Section 9 of the Berkshire Act 1986, to recover from the person responsible the cost of making good damage caused to a grass verge or footway of a highway by any person carrying on building operations or delivering goods to premises in the course of trade.

(5) Prosecutions under the Berkshire Act 1986

To prosecute under Section 11(6) of the Berkshire Act 1986, persons contravening Section 11 (1) of that Act (driving or riding vehicles on land owned by Reading Borough Council)
IN CONSULTATION WITH THE HEAD OF TRANSPORTATION & STREETCARE

(6) Special Events - Prohibition of Vehicular and Pedestrian Movements

To exercise the Council's powers under the Road Traffic Regulation (Special Events) Act 1994 to restrict or prohibit vehicular and pedestrian movements as necessary to facilitate the holding of a "relevant event" when he considers that an order under the Town Police Clauses Act 1847 is inappropriate.
HEAD OF LEGAL & DEMOCRATIC SERVICES IN CONSULTATION WITH HEAD OF TRANSPORTATION & STREETCARE

READING BOROUGH COUNCIL – DELEGATIONS REGISTER
May 2018
HEAD OF LEGAL AND DEMOCRATIC SERVICES
Son Committee

(7) Institution of Proceedings

To institute proceedings:

- (1) In respect of offences under the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976 and bye-laws made thereunder in relation to hackney carriages and drivers.
- (2) Under the Highways Act 1835 for riding on footpaths etc; (3) Under Section 7 of the Local Government (Miscellaneous Provisions) Act 1976, for the contravention of a Control Order in connection with roadside sales.

(8) Offences in Car Parks

Power to prosecute offenders under the Road Traffic Regulation Act 1984 and any Traffic Regulation Orders made under the provisions of that Act.

(9) Interference with Traffic Signs etc

To institute proceedings in respect of offences under Section 6 of the Berkshire Act 1986, relating to interference with traffic signs, life-saving equipment etc of local authorities.

(10) Repair of Vehicles on Highways

To institute proceedings in respect of offences under Section 10 of the Berkshire Act 1986, relating to the repair etc of vehicles on highways.

HEAD OF LEGAL & DEMOCRATIC SERVICES IN CONSULTATION WITH HEAD OF TRANSPORTATION & STREETCARE

(11) Highways Act 1980

To institute proceedings in relation to the following Sections of the Highways Act 1980:

- (1) Damage caused under Section 131;
- (2) Damage caused by street excavations under Section 133;
- (3) Wilful obstruction of free passage under Section 137;
- (4) Erecting buildings, planting hedges on highway under Section 138;
- (5) Breaches of control of builders' skips re lights, parking, cones, etc under Section 139;
- (6) Repositioning or removal of builders' skips under Section 140;
- (7) Projections, obstructions from buildings under Section 152;
- (8) Mortar etc defacing highway, entering drains and sewers under Section 170;
- (9) Unauthorised depositing of materials under Section 171;
- (10) Failure to fence off and light during darkness excavations under Section 171;
- (11) Breaches of Public Utilities Street Works Act 1950, safety procedures under Section 174;
- (12) Unauthorised removal of barriers, lights, etc from roadworks
- (13) Protection of public rights under Section 130;

IN CONSULTATION WITH HEAD OF TRANSPORTATION & STREETCARE

(12) Vehicles: Nuisance Parking

- (1) Power to take legal proceedings for failure to provide name and address when required, or giving false or inaccurate information, in connection with nuisance parking offences under section 7 of the Clean Neighbourhoods and Environment Act 2005.

READING BOROUGH COUNCIL - DELEGATIONS REGISTER

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HEAD OF LEGAL AND DEMOCRATIC SERVICES

Son Committee

- (2) Power to take legal proceedings for failure to provide name and address when required, or giving false or inaccurate information, in connection with the offence of abandoning a vehicle, under section 2B of the Refuse Disposal (Amenity) Act 1978 and under section 10 of the Neighbourhoods and Environment Act 2005.

(Cabinet 20/03/06, Minute 200)

(13) Abandoned Vehicles - Legal Proceedings

Power to institute proceedings for the offence of abandonment under s.2 Refuse Disposal (Amenity) Act 1978.

IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

(Cabinet 29/10/07, Minute 90)

(14) Affixing of Signs - Legal Proceedings

Power to institute proceedings for the offence under Section 132 Highways Act 1980 of painting, inscribing or affixing any picture, letter, sign or other mark upon the surface of a highway or upon any tree, structure or works on or in a highway.

IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

(Cabinet 29/10/07, Minute 90)

(15) Noise from Premises

- (1) Power to take legal proceedings for failure to provide name and address when required, or giving false or inaccurate information, in connection with noise offences under section 82 of the Clean Neighbourhoods and Environment Act 2005 (section 8B of the Noise Act 1996).

- (2) Power to take legal proceedings for offences under section 4 of the Noise Act 1996 where noise exceeds the permitted level after service of a warning notice under section 3 of the 1996 Act under section 84 of the Clean Neighbourhoods and Environment Act 2005 and Schedule 1 (section 4 of the Noise Act 1996)

- (3) Power to take legal proceedings under section 10(8) of the Noise Act 1996 for wilful obstruction of an authorised officer exercising powers of entry, removal or seizure under section 10(2) or 10(7) and section 10(8) of the Noise Act 1996.

(Cabinet 20/03/06, Minute 200)

(16) Audible Intruder Alarms

Power to take legal proceedings for failing to comply with the nomination or notification requirements in an alarm notification area under section 71 of the Clean Neighbourhoods and Environment Act 2005.

(Cabinet 20/03/06, Minute 200)

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May 2018
HEAD OF HR & ORGANISATIONAL DEVELOPMENT
Personnel Committee

(1) Council's Employment Policies

Authority to make minor revisions to HR Policies to ensure they are kept up to date, for example, to reflect changes in job titles or departments names and to make changes relating to administration of systems once iTrent self-service has been rolled out.

(Personnel Committee 8/11/18, Minute 10)

IN CONSULTATION WITH THE LEAD COUNCILLOR FOR CORPORATE AND CONSUMER AFFAIRS

FOR HUMAN RESOURCES DELEGATIONS SEE HEAD OF LEGAL AND DEMOCRATIC SERVICES

READING BOROUGH COUNCIL - DELEGATIONS REGISTER
May 2018
DIRECTOR OF ADULT CARE AND HEALTH SERVICES
Full Council and Adult Social Care, Children's Services and Education Committee

DIRECTOR OF ADULT CARE AND HEALTH SERVICES

FUNCTIONS DELEGATED TO AND BY THE ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE

Statutory and Proper Officer

- 1) To be designated as the Council's Director of Adult Services under Section 6 of the Local Authority Social Services Act 1970 as amended by Schedule 2 of the Children's Act 2004.

Public Health

- 2) That decisions relating to the procurement, clienting and monitoring of public health contracts applying to Reading be delegated to the Director of Adult Services, including those contracts in excess of £1m

TO BE EXERCISED IN CONSULTATION WITH THE LEAD COUNCILLOR FOR HEALTH, AND HEAD OF WELLBEING

(Policy Committee, 17 March 2014, Minute 96 - amended)

- 3) **Better Care Fund - Section 75**
Authority to agree joint commissioning arrangements under the 2016/17 Better Care Fund Section 75 Agreement with the two Reading Clinical Commissioning Groups.

IN CONSULTATION WITH THE CHAIR OF THE ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE AND THE CHAIR OF THE HEALTH AND WELLBEING BOARD

(Adult Social Care, Children's Services and Education Committee 4 July 2016, Minute 17)

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May 2018
DIRECTOR OF ADULT CARE AND HEALTH SERVICES
Health & Wellbeing Board

FUNCTIONS DELEGATED TO AND BY THE HEALTH AND WELLBEING BOARD

Public Health

(1) Better Care Fund Performance Submissions

Authority to approve Better Care Fund performance submissions outside of the Health and Wellbeing timetable.

IN CONSULTATION WITH THE CHAIR OF THE HEALTH & WELLBEING BOARD

Health & Wellbeing Board, 17 July 2015, Minute 9

(2) Better Care Fund Plans

Authority to enter into Section 75 (Health Act 2006) agreements that support the delivery of Better Care Fund plans.

IN CONSULTATION WITH THE LEAD COUNCILLORS FOR ADULT SOCIAL CARE AND HEALTH AND THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

Adult Social Care, Children's Services and Education Committee 4 March 2015, Minute 27.

(3) Better Care Fund Returns

Authority to sign off Better Care Fund returns.

IN CONSULTATION WITH THE LEAD COUNCILLOR FOR HEALTH, WELLBEING AND SPORT AND THE LEAD COUNCILLOR FOR ADULT SOCIAL CARE

Health and Wellbeing Board 17/1/20 and Adult Social Care, Children's Services and Education Committee 8/1/20, Minute 27

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May 2018
HEAD OF ADULT SOCIAL CARE
Adult Social Care, Children's Services & Education Committee

HEAD OF ADULT SOCIAL CARE

FUNCTIONS DELEGATED TO AND BY THE ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE

Proper Officer

- (1) **Appointee of the Department of Work and Pensions and Deputy of the Court of Protection**
To act as the Appointee of the Department of Work and Pensions and Deputy of the Court of Protection set up under Section 45 of the Mental Capacity Act 2005.
- (2) **National Assistance (Amendment) Act 1951**
To certify the need for immediate action under section 1 of the National Assistance (Amendment) Act 1951.

Delegations

General

- (1) To exercise the functions of the Council with regard to the delivery of those functions in respect of adults as set out in Schedule 1 of the Local Authority Social Services Act 1970 (as amended), other than those functions for which the Head of Children's Social Care is responsible.
- (2) To safeguard adult learners within Reading and secure provisions of first steps and personal and community development learning to meet the needs of the community.
- (3) To arrange for the effective operation of the Council's responsibilities for the assessment, purchase and provision of social care services for adults including people with disabilities, older people, people with mental health needs, people with substance misuse problems, adults with learning disabilities (including people with autistic spectrum disorder and a dual diagnosis incorporating mental health needs and learning disability) and people with HIV/AIDS.
- (4) To implement the Council's statutory functions as follows:
 - (1) To assess the need for, and where necessary provide, services and/or residential accommodation for those suffering from a disability, including a mental disability, pursuant (but not limited) to the National Assistance Act 1948, the Mental Health Acts 1983 and 2007, the Chronically Sick and Disabled Persons Act 1970, the Disabled Persons (Services, Consultation and Representation) Act 1986, the National Health Service and Community Care Act 1990, the Health and Social Care Act 2012, and the Mental Capacity Act 2005.

READING BOROUGH COUNCIL – DELEGATIONS REGISTER
May 2018
HEAD OF ADULT SOCIAL CARE
Adult Social Care, Children's Services & Education Committee

- (2) To assess, and plan to meet, the needs of carers of vulnerable people in accordance with the provisions of the Carers (Recognition and Services) Act 1995 and the Carers and Disabled Children Act 2000.
- (3) To act as the "appropriate adult" within the definition of the Police and Criminal Evidence Act 1984 in relation to persons with a mental disorder (which may include a learning disability) who are detained at a police station.
- (5) To promote the welfare and independence, and ensure the protection, of vulnerable adults through the assessment of needs, the arrangement of services and the provision of facilities and assistance, where appropriate, to meet those needs, for adults and their carers.
- (6) To lead and direct the continuous improvement of high quality services to the customer in the area of Council-funded care and housing support services to adults, including:
 - (1) Development of commissioned care and support services (including supported accommodation)
 - (2) Delivery of assessment/care management services (including ensuring resource allocations to eligible individuals to buy care and support)
 - (3) Performing management and quality assurance (including information, IT and contract monitoring).
- (7) To represent the Council in joint planning with the Health Service and other agencies.
- (8) To exercise all functions, powers and duties of an Adult Services Authority under all relevant legislation including, but not limited to Social Services, safeguarding adults, Deprivation of Liberty, Mental Health services and Health functions.

Financial

- (9) **Charges**
TO BE EXERCISED IN CONSULTATION WITH THE STRATEGIC FINANCE DIRECTOR
 - (1) In accordance with the procedures approved by the Strategic Finance Director, to waive the assessment charges for any services to clients in circumstances where it is essential for the family for social and/or medical reasons and to record every case requiring such action in a register to be provided for this purpose.
 - (2) In accordance with procedures agreed in writing in advance, with the Strategic Finance Director, to vary or waive the charges for any service provided by the Council under Part III of the Children Act 1989 and Community Care legislation where failure to do so would adversely affect the welfare of the adult in question.
- (10) **Purchase and Provision of Care Services**
Within the provisions of the National Health Service and Community Care Act 1990, to arrange for the purchase and provision of appropriate care services to those persons assessed

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May 2018
HEAD OF ADULT SOCIAL CARE
Adult Social Care, Children's Services & Education Committee

as having needs that fall within the Council's agreed priorities, subject always to the appropriate Contract and Financial regulations, the approved policies and estimates of the Council and the proper identification of the appropriate suppliers.

Residential Accommodation

- (11) To authorise and approve the maintenance costs for the admission of any person to any residential accommodation.
- (12) To set up arrangements for the hearing of representations and complaints in accordance with the National Health and Community Care Act 1990

Disability

- (13) To authorise the following facilities for any registered disabled person, within the approved budget and within approved policies:
 - (1) attendance at a centre providing appropriate development opportunities
 - (2) the provision of special facilities
 - (3) minor alterations and adaptations to premises including the installation of appropriate equipment, the works to be supervised by the appropriate professional staff
 - (4) contribute, where assessed as appropriate, to the cost of adaptations to premises where the client is not eligible for a grant.
- (14) To act as receiver in all matters in which it is appropriate for an officer of the Council so to act.
- (15) To accept a guardianship application and to make an order for discharge of patients subject to guardianship under the Mental Health Act 1983.
- (16) To appoint officers to act as approved social workers and warrant mental health workers under the Mental Health Act 1983.
- (17) To exercise the functions of the nearest relative under the powers contained in the Mental Health Act 1983 in all matters which it is appropriate for an Officer of the Council so to act.
- (18) Disabled Persons (Badges for Motor Vehicles) Regulations 2000
IN CONSULTATION WITH THE HEAD OF CUSTOMER SERVICES
 - (1) To authorise the making of the necessary amendment orders providing for exemption for disabled car badge holders in accordance with the Disabled Persons (Badges for Motor Vehicles) Regulations 2000.
 - (2) To administer the Council's scheme for badges for disabled persons as drivers or passengers.
 - (3) To issue and recall badges in accordance with the Disabled Persons (Badges for Motor Vehicles) Regulations 2000.

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May 2018
HEAD OF ADULT SOCIAL CARE
Adult Social Care, Children's Services & Education Committee

- (19) Within the approved policies and estimates of the Council to discharge the duties towards people with disabilities imposed upon the Council by the National Assistance Act 1948, the Chronically Sick and Disabled Persons Act 1970 and the Disabled Persons (Services Consultation and Representation) Act 1986.
- (20) To make appropriate bids for relevant Department of Health grants.
IN CONSULTATION WITH THE LEAD COUNCILLOR FOR ADULT SOCIAL CARE

Adult Placements

- (21) To undertake assessments of need and to make appropriate arrangements to provide services to meet those needs, in relation to adult placements.
Cabinet 17/05/04, Minute 245(3)

Community Care

- (22) To exercise the powers and duties of the local authority under the Care Act 2014 and any Regulations made under it, including:
- (1) Care and Support (Sight-impaired and Severely Sight-impaired Adults) Regulations 2014
 - (2) Care and Support (Preventing Needs for Care and Support) Regulations 2014
 - (3) Care and Support (Charging and Assessment of Resources) Regulations 2014
 - (4) Care and Support and After-care (Choice of Accommodation) Regulations 2014

Better Care Fund Returns

- (23) Authority to sign off Better Care Fund returns.
- IN CONSULTATION WITH THE LEAD COUNCILLOR FOR HEALTH, WELLBEING AND SPORT AND THE LEAD COUNCILLOR FOR ADULT SOCIAL CARE
- Adult Social Care, Children's Services and Education Committee 8/1/20, Minute 27 and Health and Wellbeing Board 17/1/20, Minute XX

Modern Day Slavery

- (24) Authority to adopt and update the Modern Day Slavery Transparency Statement each year on behalf of the Council.
- IN CONSULTATION WITH THE LEAD COUNCILLOR FOR HEALTH, WELLBEING AND SPORT AND THE LEAD COUNCILLOR FOR ADULT SOCIAL CARE
- Adult Social Care, Children's Services and Education Committee 8/1/20, Minute 28

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HEAD OF ADULT SOCIAL CARE
Adult Social Care, Children's Services & Education Committee

READING BOROUGH COUNCIL – DELEGATIONS REGISTER
May 2018
DIRECTOR OF CHILDREN, EDUCATION AND EARLY HELP SERVICES
Adult Social Care, Children's Services and Education Committee

DIRECTOR OF PUBLIC HEALTH, BERKSHIRE

DELEGATIONS TO AND BY THE POLICY COMMITTEE

TO BE EXERCISED ON A DAY-TO-DAY BASIS BY THE HEAD OF WELLBEING

Proper Officer

(1) Public Health (Control of Disease) Act 1984

To be the Proper Officer in respect of:

- (1) Receiving and dealing with notifications about cases of notifiable diseases and food poisoning (Section 11)
- (2) Obtaining information about cases of notifiable disease or food poisoning (Section 18)
- (3) Stopping work to prevent the spread of disease (Section 20)
- (4) Exclusion from school of a child liable to convey a notifiable disease (section 21)
- (5) Requesting the names and addresses of pupils attending a school or department of a school (section 22)
- (6) Certification by officer of need for disinfection of premises (Section 31)
- (7) Certification by officer of need to remove person from infected house (section 32)
- (8) Issuing certificates to obtain an order for and carrying out a medical examination of persons believed to be carrying a notifiable disease (Section 36)
- (9) Obtaining a warrant to and carrying out a medical examination of inmates of a common lodging house (Section 40)
- (10) Certifying a common lodging house to be free of infection (section 42)
- (11) Certifying that the body of a person who dies in hospital from a notifiable disease shall not be moved except to be taken to a mortuary or immediately buried or cremated (section 43)
- (12) Certifying that the retention of a body in a building would endanger health (Section 48)
- (13) Authentication of documents relating to matters within the post's responsibility (Section 59)

Delegations

(2) Public Health Joint Arrangements

Authority for those matters which they are required to be responsible for under the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012) as specified below:

- (1) the duty imposed upon the Council to "take such steps as it considers appropriate for improving the health of the people in its area";
- (1) any public health functions of the Secretary of State which require local authorities to discharge on his/her behalf;
- (2) dental health functions of the Council;

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- (3) the duty to co-operate with the prison service to secure and maintain the health of prisoners;
- (4) the Council's duties set out in Schedule 1 of the National Health Act 2006, which include medical inspection of pupils, the weighing and measuring of children and sexual health services;
- (5) arrangements for assessing the risks posed by violent and sexual offenders.

CABINET 18/03/13, Minute 145

Public Health - Procurement

Decisions relating to the procurement, clienting and monitoring of public health contracts applying to Reading are delegated to the Director of Adult Care & Health Services, to be exercised in consultation with the Lead Councillor for Health and the Head of Wellbeing - see under Director above.

POLICY COMMITTEE, 17 MARCH 2014 (Minute 96)

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FUNCTIONS DELEGATED TO AND BY THE ADULT SOCIAL CARE, CHILDREN’S SERVICES AND EDUCATION COMMITTEE

Statutory and Proper Officer

- (1) To be designated as the Council’s Director of Children’s Services under Section 18(1) of the Children Act 2004; and to exercise the following functions of the Children Act 2004, whilst recognising that the Lead Councillor for Education & Children’s Services will have political responsibility for the functions listed below as set out in Section 19 of the Children Act 2004:
- a) Education services – the authority’s functions in its capacity as a local education authority, except those excluded under Section 18(3) of the Act (namely certain functions relating to further education, higher education and adult education)
 - b) Social Services – the authority’s social services functions within the meaning of the Local Authorities Social Services Act 1970, insofar as they relate to children, and the local authority’s functions for children and young people leaving care
 - c) Health Services – any health-related functions exercised on behalf of an NHS body under Section 31 of the Health Act 1999, insofar as they relate to children
 - d) Inter-agency Co-operation – the new functions of the Children’s Services Authority set out in the Children Act, in particular building and leading the arrangements for inter-agency cooperation set out in (e) below.
 - 1. Section 10— the duty to make and sustain arrangements to promote co-operation between the Council and its partner organisations to improve the well-being of children in the Council’s area.
 - 2. Section 11 – the duty to make arrangements to ensure the Council’s functions are discharged having regard to the need to safeguard and promote the welfare of children.
 - 3. Section 12— any duty to establish, maintain and operate a database of basic information on all children in the authority or, if the duty to create a database or databases is placed on another body, to participate in its operation.
 - 4. Sections 13, 14, 15 and 16 – the duty to establish a Local Safeguarding Children Board (LSCB) to co-ordinate and ensure the effectiveness of board members’ activities for the purpose of safeguarding and promoting the welfare of children in the Council’s area.
 - 5. Section 17— the duty to prepare and publish a Children and Young People’s Plan to set out the Council’s strategy for discharging their functions in relation to children and young people.
 - 6. Section 20(8)(d) – subject to consultation and the laying of Regulations, responsibility for co-ordinating statements of proposed action in light of a Joint Area Review report, in consultation with partners; and to exercise a key role in monitoring and evaluating implementation of the proposed action.

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(2) Health Visitor and Family Nurse Placement Services

Authority to enter into contracts for Health Visitor and Family Nurse Placements Services.
IN CONSULTATION WITH THE LEAD COUNCILLORS FOR CHILDREN'S SERVICES AND FAMILIES
AND HEALTH, THE HEAD OF LEGAL AND DEMOCRATIC SERVICES AND STRATEGIC FINANCE
DIRECTOR
Adult Social Care, Children's Services and Education Committee 4 March 2015, Minute 37

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FUNCTIONS DELEGATED TO AND BY THE ADULT SOCIAL CARE, CHILDREN’S SERVICES AND EDUCATION COMMITTEE

General

- (1) To exercise all functions, powers and duties of a Children’s Services Authority under all relevant legislation including, but not limited to, Education, Social Services and Health functions.
- (2) To exercise of the duty to promote the educational achievement of looked after children, as set out in the Children Act 1989 (as amended).
- (3) to exercise of the duty to provide the Secretary of State, if s/he so directs, with information on individual children, as set out in the Children Act 1989 (as amended).

General

- (4) Within the provisions of Part III of the Children’s Act 1989 and the National Health Service and Community Care Act 1990, to arrange for the purchase and provision of appropriate care services to those children assessed as having needs that fall within the Council’s agreed priorities, subject always to appropriate Contract and Financial regulations, the approved policies and estimates of the Council and the proper identification of appropriate suppliers.
- (5) To exercise the functions of the Council under Sections 85 and 86 of the Children Act 1989 in relation to the children accommodated by health and education authorities or in residential care homes or mental nursing homes.

Child Minding

- (6) To grant applications for and impose conditions of registration of child minding and day care for young people under the Children Act 1989; to revise and cancel registrations; and to vary the conditions of registrations.

Support to Children and Families in their Own Home

- (7) To exercise the powers of the Council under Section 7 of the Children Act 1989 to report to the court on the welfare of children in private proceedings.
- (8) To exercise any functions of the Council relating to Orders with respect to children in family proceedings under Part II of the Children Act 1989.
- (9) To exercise the powers of the Council under Section 16 of the Children Act 1989 to provide advice, assistance and befriending under the terms of a Family Assistance Order.

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- (10) To exercise the functions of the Council under Section 17 and Part I of Schedule 2 of the Children Act 1989 to safeguard and promote the welfare of children in need including financial assistance within current budgetary limits.

THE FOLLOWING (11 – 15) TO BE EXERCISED IN CONSULTATION WITH THE STRATEGIC FINANCE DIRECTOR:

- (11) To approve arrangements for the financial and other support of young people formerly looked after by the Council and by others under Section 24 of the Children Act 1989 within current budgetary limits.
- (12) To vary the assessment scale in respect of financial contribution by a parent or young person to any service provided by the Council under Part III of the Children Act 1989 for reasons affecting the welfare of the child in question.
- (13) To vary or waive the charges for any service provided by the Council under Part III of the Children Act 1989 where failure to do so would adversely affect the welfare of the child in question.
- (14) To waive the assessment charges for any services to clients in circumstances where it is essential for the family for social and/or medical reasons and to record every case requiring such action in a register to be provided for this purpose
- (15) To guarantee to housing associations, district councils and private landlords, and to authorise the payment of any rent accruing due from tenants in those cases where the Council has asked the housing associations or private landlord to retain the tenants in their houses whilst efforts are made by Council’s Officers to rehabilitate them in cases coming within the provision of Section 17 of the Children Act 1989.

Child Protection

- (16) To exercise the functions of the Council in relation to the duty to make enquiries or investigations as necessary to decide whether action should be taken to safeguard or promote the welfare of children in accordance with Section 47 of the Children Act 1989.
- (17) To take such action as is necessary under Section 31 of the Children Act 1989 to bring a child or young person before a Court where there are grounds for bringing care proceedings.
- (18) To present an application to a court for the variation or discharge of any care order or supervision order in accordance with Section 39 of the Children act 1989.
- (19) To present an application to a Court for a Child Assessment Order, and emergency Protection Order or a recovery order under Part V of the Children Act 1989.

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**Looked-after Children
Accommodation, Care, Fostering and Adoption**

- (20) To provide accommodation for children in need in pursuance of the Council's duty under Sections 20 to 23 of the Children Act 1989.
- (21) To make provision for the accommodation of children in secure accommodation in accordance with Section 25 of the Children Act 1989.
- (22) To exercise the functions of the Council to undertake parental responsibility for children who are the subject of Care Orders and to make arrangements for reasonable contact with parents or others in accordance with Sections 33 and 34 of the Children Act 1989.
- (23) To allow children the subject of a care order to reside at home in accordance with Section 23(5) of the Children Act 1989, subject to the Accommodation with Parents Regulations 1991.
- (24) To make contributions towards the maintenance of children placed with a person as a result of a Residence Order in accordance with paragraph 15 of Schedule 1 of the Children Act 1989.
- (25) To approve payment of the legal expenses of applicants for a residence order or other Section 8 Orders in respect of children in care to the extent that they are not met by the Legal Aid Fund.
- (26) To change the names of children who are the subject of a care order in favour of the Council, subject to the requirements of Section 33 of the Children Act 1989.
- (27) To appoint an independent visitor for a child where appropriate in accordance with paragraph 17 of Schedule 2 of the Children Act 1989.
- (28) To guarantee apprenticeship and similar deeds under paragraph 18 of Schedule 2 of the Children Act 1989.
- (29) To give consent to the marriage of a young person in care pursuant to Section 3 of the Marriage Act 1949 as amended by the Family Law Reform Act 1969.
- (30) To approve and sign applications for passports for children and young persons in the care of the Council.
- (31) To arrange for a child in care to live abroad subject to the approval of a Court in accordance with paragraph 19 of Schedule 2 of the Children Act 1989.

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- (32) To approve applications of children and young persons in the care of the Council who wish to join HM Forces.
- (33) To exercise the powers of the Council under paragraph 20 of Schedule 2 of the Children Act 1989 in relation to the death of children looked after by Local Authorities.
- (34) To take joint action to take out letters of administration with or without the will annexed for:
- (1) The estates of parents or any other person where there is a beneficial interest for children or young persons for whom the Council had parental rights under the provisions of the Children Act 1989, or any other statutory provision affecting children or young persons,
 - (2) The estates of children or young persons who die whilst in the care of the Council, and to administer such estates in the manner directed by the appropriate probate registry.
- HEAD OF LEGAL & DEMOCRATIC SERVICES IN CONSULTATION WITH HEAD OF CHILDREN’S SOCIAL CARE
- (35) To exercise the functions of the Council under Part VI of the Children Act 1989 in relation to the provision of accommodation for children in community homes.
- (36) To arrange interest-free loans to foster carers or adopters to provide accommodation for sibling groups by extending their present homes or to purchase larger homes, the amount of the outstanding loan to be reduced by way of a special allowance for as long as they care for foster children.
IN CONSULTATION WITH THE STRATEGIC FINANCE DIRECTOR.
- (37) To approve the institution of adoption proceedings by foster carers.
- (38) To work with an adoption panel in accordance with Regulation 56 of the Adoption Agencies Regulations 1983 and to make such decisions and notifications as to the adoption of children as are specified in those regulations.
- (39) To approve the payment of the legal expenses of:
- 1) prospective adoptive parents for children who are being placed by the Council as an Adoption Agency.
 - 2) prospective Special Guardians for children who are being placed by the Council as agreed through Court proceedings
- IN CONSULTATION WITH THE STRATEGIC FINANCE DIRECTOR.
- (40) To grant allowances to persons who have adopted or on special guardianship orders children in accordance with Section 57 of the Adoption Act 1976 and regulations which may be issued by the Secretary of State; and to increase the allowances annually in line with the rates recommended by the National Foster Care Association.

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- (41) To undertake such actions as may be necessary to implement the payment of the various foster care allowances for the time being approved by the Council within current budgetary limits.
IN CONSULTATION WITH THE STRATEGIC FINANCE DIRECTOR
- (42) To sanction payment of the cost of the initial clothing and equipment required by children looked after by the Council who are placed in boarding schools and other establishments within current budgetary limits.
- (43) To approve applications to go on school expeditions, including expeditions abroad, of children looked after by the Council including expenditure on equipment and pocket money within current budgetary limits.
- (44) To make ex gratia payments in respect of claims not exceeding £5000 in respect of damage or injury resulting from the actions of clients looked after by the Council.
IN CONSULTATION WITH THE STRATEGIC FINANCE DIRECTOR
- (45) To make payments to promote contact between parents and children looked after by the Council in accordance with paragraph 16 of Schedule 2 of the Children Act 1989.
- (46) To exercise the powers of the Council under Part III of Schedule 2 of the Children Act 1989 relating to the contributions towards the maintenance of children looked after by local authorities.
- (47) To assess the contributions to be paid towards board and lodging by working children in accordance with the currently agreed formulae, provided that the amount remaining for weekly personal pocket money and clothing allowance should not be less than the amount currently approved under the payment of foster care allowances.
- (48) To waive charges or make additional allowances where the child has exceptional circumstances, such as apprenticeship and heavy travelling expenses.
IN CONSULTATION WITH THE STRATEGIC FINANCE DIRECTOR
- (49) To increase the contribution of children in lodgings in appropriate circumstances in order to help to assimilate the heavier costs of lodgings after leaving care.

Guardian ad Litem, Representation, Registration and Inspection

- (50) To set up arrangements for the hearing of representations and complaints in accordance with Section 26 of the Children Act 1989 and the National Health and Community Care Act 1996 and to respond to and determine responses to recommendations of complaint review panels including application of financial redress, as considered appropriate within the framework of the Council's policy on remedies to complaints, financial regulations and where necessary in consultation with the Monitoring Officer.

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- (51) To exercise the functions of the Council under Part VII of the Children Act 1989 in relation to the provision of accommodation by voluntary organisations.
- (52) To exercise the powers conferred on the Council under Part IX of the Children Act 1989 in respect of arrangements for the care of privately fostered children.
- (53) To make decisions to exempt persons from the usual fostering limit in accordance with paragraph 4 of Schedule 7 of the Children Act 1989.
- (54) To act as receiver in all matters in which it is appropriate for an Officer of the Council so to act.
- (55) To accept a guardianship application and to make an order for discharge of patients subject to guardianship under the Mental Health Act 1983.

Employment of Children

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| <p>(56) <u>Employment of Children</u>
Power to license the employment of children under Part II of the Children & Young Persons Act 1933 9c33), byelaws made under that Part, and Part II of the Children & Young Persons Act 1963 (c. 37).
(Council, 18/09/01, Minute 33)</p> <p>Constitution, Part 3, Schedule 1 – Part B Para. 35</p> |
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Children's Centres

- (57) To determine revenue-funding allocations in consultation with the Strategic Finance Director for each individual children's centre
(CABINET, 01.11.2004, MINUTE 80)
[TRANSFERRED FROM HEAD OF EDUCATION]

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Delegations

Schools

(1) Schools

To establish a new school, maintain as a school any school which is not such a school, cease to maintain any school, make any significant change in the character, or significant enlargement of the premises, of a school, and cease to maintain a nursery school under Section 12 of the Education Act 1980, where no objections have been received and where the Secretary of State has not indicated his/her intention to determine the proposals himself/herself.

(2) Admissions

- (1) Subject to the open enrolment provisions of the Education Act 1996 relating to maintained and voluntary schools:
 - (a) To consult annually with governing bodies about admission arrangements as required by section 412 of the Education Act 1996.
 - (b) To keep Standard Numbers under review and to implement any necessary changes, where these are agreed by the governing body.
 - (c) To respond to any proposals from governing bodies to increase Standard Numbers.
 - (d) To set admission limits which exceed the Standard Number where this is considered appropriate.
- (2) To administer arrangements for admissions to nursery schools and classes in accordance with policies agreed by the Local Education Authority.
- (3) To exercise on behalf of the Authority the power under Section 413 of the Education Act 1996 to issue a direction that a child be admitted to a named school within the Authority's area.
- (4) To comply with any requirements made by the Secretary of State to implement a scheme for co-ordinated arrangements for admissions in accordance with Section 430 of the Education Act 1996.
- (5) To administer arrangements for the admission of individual pupils to primary and secondary schools, including designated areas and other relevant factors, and to present the case on behalf of the Authority to admission appeals panels.

(3) School Term Dates

To determine school term dates, after consultation with the Consultative Panel for Teachers, for maintained, voluntary controlled and special schools.

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(4) Name of Schools

To approve the name of a school proposed by the governors.

(5) Attendance at Schools

- (1) To ensure that appropriate transport arrangements are made in accordance with the Authority's policies.
- (2) To authorise home-to-school transport outside existing policy, in exceptional circumstances
- (3) To exercise the powers and duties of the authority in respect of children excluded from school and to make suitable arrangements for the continuing education of pupils who are excluded or otherwise unable to attend school.
- (4) To authorise any proceedings necessary to enforce any enactment relating to the non-attendance of pupils at school, or education other than at school.
- (5) To undertake the powers and duties of the Authority under section 36 of the Children Act 1989 regarding Education Supervision Orders.
- (6) Truancy - School Attendance, Fixed Penalty Notices Code of Practice
To apply the procedures outlined in the agreed School Attendance, Fixed Penalty Notices Code of Practice.
Education Act 1996 as amended by Section 23 of the Anti-Social Behaviour Act 2003 - The Education (Penalty Notices) (England) Regulations.
Cabinet 1/11/04 Minute 81

(6) Curriculum

- (1) On behalf of the Authority, to monitor the implementation of the requirements in respect of the school curriculum, including religious worship and education, in conjunction with SACRE, if appropriate, as set out in the Education Act 1996.
- (2) In accordance with arrangements approved by the Secretary of State under Section 409 of the Education Act 1996 to investigate complaints concerning alleged failures of schools to comply with the Local Education Authority's curriculum policy statement and the National Curriculum, including the requirements for religious education and collective worship and the arrangements for statutory assessment and moderation of the National Curriculum.
- (3) To determine whether application be made to the Secretary of State to direct that a Local Education Authority maintained school be authorised to conduct curriculum experiments outside the National Curriculum.
- (4) To provide, on behalf of the Authority any information which the Secretary of State may by regulation require.

(7) Special Education Needs

- (1) To arrange for children to be assessed in accordance with the requirements of the Education Act 1996, to determine the special education provision which should be made for them and to maintain and review statements of special educational need in accordance with any regulation concerning these.
- (2) To represent the Authority at statutory appeal tribunals in connection with the assessment of special educational needs.

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- (3) To ensure that the requirements of any statutory codes of practice, or other regulations are complied with.
- (4) To inspect arrangements for the care of children accommodated in Independent schools under Section 87 of the Children Act 1989.

(8) **Staffing**

(A) In Respect of Nursery Schools

- (1) To advise the Governing Body and/or Selection Panel as to the shortlisting of candidates for headships in accordance with the provisions of the Education act 1996.
- (2) To make arrangements for all other staffing appointments subject to the provisions of the Articles of Government.
- (3) To authorise disciplinary action as appropriate, subject to the Articles of Government and the disciplinary procedures applicable in each individual case.
- (4) To approve appointments for additional teaching staff and to grant special allowances within the scheme approved by the Council.
- (5) To approve applications for leave of absence for teachers to attend courses exceeding three months.

(B) In Respect of Primary, Secondary and Specials Schools

- (1) To appoint persons selected by Governing Bodies to fill vacant posts as Headteachers or Deputy Headteachers in Schools, unless the person so recommended does not meet the staff qualification requirements applicable to the appointment.
- (2) To exercise any advisory rights, in the case of grant aided schools, relating to the appointment of Headteachers, Deputy Headteachers or other teaching or ancillary staff conferred by legislation or agreement.
- (3) To nominate persons to fill vacancies in other teaching posts in schools where governing bodies have notified their intention to fill those vacancies.
- (4) To appoint persons recommended or accepted for appointment by governing bodies to fill other teaching posts in schools unless the person so recommended does not meet any staff qualification requirements applicable to the post.
- (5) To appoint persons recommended by governing bodies for appointment to non-teaching posts unless the person so recommended does not meet any qualification requirements applicable to the post.
- (6) To appoint persons selected by governing bodies as their clerks.
- (7) To implement decisions of governing bodies of schools relating to the determination of potential dismissals and any subsequent appeals against such dismissals, which are within the Authority's powers to determine.
- (8) To designate the relevant voluntary organisation(s) to be specified on the Instrument of Government for maintained special schools in Berkshire, in consultation with each school as appropriate under Section 8 of the Education Act 1996.

(C) In Respect of All Educational Establishments

- (1) To exercise the powers of the Local Education Authority in respect of the Licensed Teacher Scheme.

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- (2) To appoint supply teachers from a centrally held pool.
- (3) To exercise the powers and duties under the School Teacher (Appraisal) Regulations 1991 in respect of Head Teachers.

(9) Finance

IN CONSULTATION WITH THE STRATEGIC FINANCE DIRECTOR:

- (1) To design and keep under review the Authority's schemes of delegation in accordance with the Authority's policies and any statutory requirements.
- (2) To approve loans for any education project within the policy of the Council which provides for loans.
- (3) To determine and authorise the payment of boarding awards, grants towards tuition fees and expenses at schools where fees are payable, major and further education awards, maintenance allowances and tuition fees for correspondence courses and requests for the refund of grants in accordance with the policy of the Council.
- (4) To determine applications for assistance towards travelling expenses from further education students over the age of 21 who apply on the grounds of hardship within the Council's approved scheme.
- (5) For high needs pupils (including post-16):
 - a) to approve the number of places in special schools and resource units within the Borough.
 - b) to approve 'top ups' for these pupils and for out-of-borough Reading pupils.
- (6) To determine applications for financial assistance from staff in accordance with any schemes approved by the Council.
- (7) To accept tenders and to sign, or authorise the sealing of contracts, for works and/or services for schools funded other than by the Council, or where funding is in whole or in part passported through the Council
(to be exercised subject to the requirements to consult with the Schools Forum on specified contract matters under the Education Act 2002)

(10) Education Budgets

- (1) To notify the Secretary of State for Education of the estimated schools budget by 31 January each year, following consultation with the Lead Councillor for Education (Cabinet, 13 January 2003, Minute 161)
- (2) To exercise the Authority's decision-making powers and responsibilities for Education budgets under the Education Act 2002, having regard to the need to consult the Schools Forum where appropriate under the Act.
IN CONSULTATION WITH THE STRATEGIC FINANCE DIRECTOR AND THE LEAD COUNCILLOR FOR EDUCATION.

NB - The Schools Forum has also a number of decision making powers with regard to the budget matters and the Secretary of State may exercise certain powers where there is disagreement between the two bodies, under the Act, Major and material changes to the Formula, breaches in central expenditure limit and minimum funding guarantee changes put forward by the Authority must be approved by Committee,

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and Council must agree the schools budget annually as part of the medium-term financial plan.

- (11) **Education Capital Programme**
To finalise details of individual schemes and programmes within the spending approval given and these be reported through the Decision Book Process.
IN CONSULTATION WITH THE STRATEGIC FINANCE DIRECTOR AND THE LEAD COUNCILLOR FOR EDUCATION
Cabinet 11/04/11 (Minute 208)
- (12) **School Maintenance Projects**
To determine future schemes which fall within the approved budget.
IN CONSULTATION WITH THE LEAD COUNCILLOR FOR EDUCATION
(Policy & Implementation Committee, 11 July 2000, Minute 25).
- (13) **Consultation Documents**
(Education Committee 7.7.98 Minute 18)
To determine whether consultation documents received in relation to education matters were of a technical, professional or policy nature and:
- (1) submit responses to "technical" documents on behalf of the Council, subject to document details and copies of the responses being sent to all members of the Committee for information;
 - (2) submit, in consultation with the Lead Councillor for Education, responses to "professional" documents on behalf of the Council, subject to document details and copies of the responses being sent to all members of the Committee for information;
 - (3) submit, in consultation with the Lead Councillor for Education, responses to "policy" documents on behalf of the Council, in those cases where the timescale for submission of responses did not permit them to be submitted to the Committee for approval, subject to document details and copies of the responses being sent to all members of the Committee for information.
- (14) **Appointment to Schools Forum**
- (1) To appoint elected Governors and Head Teachers and Trades Union nominations to the Schools Forum.
IN CONSULTATION WITH THE LEAD COUNCILLOR FOR EDUCATION
Cabinet, 09/12/02, Minute 142.
 - (2) To oversee and administer the election and nomination of members to the Schools Forum in accordance with the current Schools Forum (England) Regulations.
IN CONSULTATION WITH THE LEAD COUNCILLOR FOR EDUCATION WITH REGARD TO THE APPOINTMENT OF NON-SCHOOL MEMBERS ONLY.
- (15) **Provision of Information Concerning Individual Performance of Pupils**

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- (1) To provide performance information as specified under Section 20 of the Education Act 1997.
- (2) To provide such information to the Chief Inspector as may be prescribed under Section 38 of the Education Act 1997.

(16) Governance

- (1) Authority to appoint / nominate and dismiss Local Authority School Governors under Section 19 of the Education Act 2002 and the School Governance (Constitution) (England) Regulations 2007, subject to the decision being recorded through the Decision Book Process.
IN CONSULTATION WITH THE LEAD COUNCILLOR FOR EDUCATION
Cabinet 1/11/10 (Minute 84)
- (2) To provide training and support for governors under Section 22 of the Education Act 2002.
- (3) To ensure compliance with Regulations and to make the Instrument of Governance for the governing bodies of all maintained schools and federation schools under the School Governance (Constitution) (England) Regulations 2007.

(17) Academies

To approve Academy Transfer Agreements on behalf of the Local Authority in accordance with the Directions of the Secretary of State.
IN CONSULTATION WITH THE HEAD OF LEGAL & DEMOCRATIC SERVICES AND THE STRATEGIC FINANCE DIRECTOR

(18) Schools Causing Concern

Under Sections 60 (2) and 63-66 of the Education and Inspections Act 2006 Part 4:
Having followed the procedures as set out in the Schools Causing Concern – Guidance for Local Authorities, for those schools meeting the definition:

- Issue a notice of concern.
- Issue a formal warning notice
- Withdrawal of delegation
- Require a governing body to enter into arrangements
- Appoint additional governors
- Appoint an Interim Executive Board

IN CONSULTATION WITH THE HEAD OF LEGAL & DEMOCRATIC SERVICES, THE STRATEGIC FINANCE DIRECTOR AND THE LEAD COUNCILLOR FOR EDUCATION

(19) Parenting Orders

- 1) Power to enter into Parenting Contracts, under section 25, part 3, of the Anti-Social Behaviour Act 2003, as amended by section 23 of the Police and Justice Act 2006.
- 2) Power to apply for a Parenting Order, under section 26, part 3, of the Anti-Social Behaviour Act 2003, as amended by section 23 of the Police and Justice Act 2006.

IN CONSULTATION WITH THE HEAD OF LEGAL & DEMOCRATIC SERVICES
(Cabinet 11/02/08 Minute 143)

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(19A) Primary School Expansion Programme

Authority to make future decisions to enter construction contracts for individual projects within the Primary School Expansion Programme.

IN CONSULTATION WITH THE LEAD COUNCILLOR FOR EDUCATION, HEAD OF LEGAL AND DEMOCRATIC SERVICES, STRATEGIC FINANCE DIRECTOR AND THE STRATEGIC ASSET MANAGEMENT GROUP

Policy Committee 2 November 2015 Minute 38

Youth and Community Services

(20) Day Nursery

To make minor adjustments each month to the waiting list and retainer scheme to meet the particular requests of individuals, subject to these changes being in keeping with the overall objectives of the scheme

POLICY & IMPLEMENTATION COMMITTEE - 6 JUNE 2000 (Minute 9)

COUNCIL - 25 JANUARY 2011 (Minute 53)

(21) Pre-school and Holiday Care

To make provision for the day-care of pre-school children and provision for out-of-school and holiday care and activities as appropriate in accordance with the duties and powers of the Council under Section 18 of the Children Act 1989.

(22) Playwork Consultancy Training - Price for Events

To assess and set prices for tailor-made training events according to cost, duration and number of participants.

(23) Community Facilities in Educational Buildings

To conclude agreements with other Local Authorities for capital contributions to cover the cost of additional community facilities in educational buildings where these are provided, together with appropriate arrangements for the recovery of operating costs within the policy approved by the Council.

SUBJECT TO CONSULTATION WITH GOVERNING BODIES.

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DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES

FUNCTIONS DELEGATED TO AND BY THE POLICY COMMITTEE

TO BE EXERCISED ON A DAY-TO-DAY BASIS BY THE CHIEF VALUER OR THE HEAD OF PLANNING,
DEVELOPMENT & REGULATORY SERVICES

Proper Officer

- (1) The Land and Property Manager [Chief Valuer] be recognised as the Corporate Property Officer.
(Cabinet, 15 April 2002, Minute 171(3))
- (2) To act as Proper Officer of the Council in respect of the following legislation:
 - (1) Any reference to the Surveyor of the Borough Council in any act, statutory instrument made before 26 October 1972, or any order made under Section 254 of the Local Government Act 1972, which might be construed as a reference to the Proper Officer of the Council;
 - (2) Functions with respect to Ordnance Survey under section 191 of the Local Government Act 1972.(Cabinet 19 March 2007, Minute 181)

Delegations

Corporate Property

- (1) **Land and Property Management**
 - (1) To commence preliminary negotiations with respect to any land/property to be acquired/sold/leased so as to be able to ascertain questions of willingness to sell/acquire/lease and general terms.
 - (2) To approve modifications or additions to non-operational Council property funded by third parties.
 - (3) To authorise works of improvement or repair to non-operational Council property.
 - (4) To provide or commission professional services in relation to the management and disposal of land and buildings

- (2) **Land and Property Function**

That the delegations to the Director in respect of land and property functions may be exercised on a day-to-day basis by the Chief Valuer or the Head of Planning, Development & Regulatory Services.

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Council AGM 25/5/16 Minute 10

(2A) Land and Property Delegations

To undertake the functions listed below, under the Local Government Act 1972, in relation to land transactions, up to the ceilings stated, and in all cases in consultation with the Leader of the Council, the Lead Councillor responsible for the property in question, and the Head of Financial Services; and following consultation with Ward Councillors and leaders of opposition parties:

Acquisition of land/property as purchaser or lessee or licensee	S120	Up to £500k or £50,000 p.a. rental (excl service charge and insurance) where funding has been identified
Appropriation of Land/property	S122	Where land/properties are used for purposes which differ from those originally purchased with the exception of appropriations for planning purposes.
Disposal of land/property as freeholder, leaseholder or licensor	S123	Up to £500k or £50,000 p.a. All land/property disposed of at below market value to be reported through the Decision Book or Policy Committee

and that in all cases the Head of Legal and Democratic Services be authorised to enter into the necessary legal agreements.
(Cabinet, 14/02/05, Minute 148)

(3) Legal Charges

To consent to the variation of Legal Charges where the Council's remaining Charge is covered by the value of the property.
(Cabinet, 11/07/05, Minute 28)

(4) Planning Consents

To determine to seek planning permission for the purposes of Regulations 3 and 4 of the Town and Country Planning General Regulations 1992
IN CONSULTATION WITH HEAD OF SERVICE RESPONSIBLE FOR THE MANAGEMENT OF THE PROPERTY SUBJECT TO THE PLANNING CONSENT

(5) Approval of Works

In exceptional circumstances, to approve works without specific funding where failure to implement the necessary works without delay may lead to criminal liabilities or serious risk to the health and safety of employees, clients, or the public.

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IN CONSULTATION WITH THE STRATEGIC FINANCE DIRECTOR

- (6) **Change of Use of Premises**
TO AGREE TO alterations, additions or changes of use as landlord (but not as planning authority) in respect of leased premises
IN CONSULTATION WITH HEAD OF SERVICE RESPONSIBLE FOR THE MANAGEMENT OF THE PROPERTY
- (7) **Compensation Claims**
To settle all claims under Part 1 of the Land Compensation Act 1973 resulting from depreciation caused by public works carried out or used by the Council within the Borough of Reading provided that any expenditure is within an approved budget;
(Policy Committee, 08/07/1998 Minute 24)
- (8) **Compulsory Purchase Order**
Authorisation of Advance Payments
To authorise up to 90% of the officer's estimate of the proper compensation of any acquisition of property under a confirmed Compulsory Purchase Order.
(POLICY & IMPLEMENTATION COMMITTEE, MIN 17, 06/06/2000)
- (9) **Agreement of Terms**
(1) For the letting of land and premises for periods not exceeding 180 days and to agree its availability for such letting.
(2) For the granting of grazing rights, easements, licences or wayleaves of a minor nature, including grants to statutory undertakers and power to agree to the use of the land for this purpose.
- (10) **Amendment to Long Leasehold Interests**
Authority to negotiate variations to lease terms on properties which are already let on long leasehold bases to secure capital receipts 6 above allows change of user
- (11) **Rent Review and lease renewals**
(1) The review of rent within the period of the lease and renewal of leases at a revised rent if on a similar basis to the previously approved lease.
(2) To serve notices on tenants of property (other than dwellings) as a pre-requisite to review of rent.
- (12) **Release of Covenant**
Authority to release covenants attached to land which had already been sold on a freehold basis to secure capital receipts, again see 6 above
- (13) **Surrender of Leases**
Authority to accept the surrender of leases where there was not tenants' break clause and where it was in the interests of good estate management.

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IN CONSULTATION WITH THE LEAD COUNCILLOR AND WARD COUNCILLORS and leaders of opposition parties
(CABINET 09/07/07, MINUTE 23)

(14) Statutory Agreements

Authority to enter into any future Planning, Highway or other similar Statutory Agreements in relation to the Planning Application Process in consultation with the Lead Councillor.
(CABINET, 5 JUNE 2006, MINUTE 8(3))

(15) Community Right to Bid

To exercise the following functions in the Localism Act 2011:

- (1) To maintain and publish the authority's list of assets of community value, and a separate list of unsuccessful community nominations (Sections 87-89, 93 and 94);
- (2) To consider and decide on community nominations (Section 90);
- (3) To give written notice of land/assets included in or removed from the lists (Section 91);
- (4) To publicise a notice to dispose of land on the ACV list (section 97) and to notify the owner and the nominating community group of any community bid for the land (section 98);
- (5) To determine claims for compensation from land owners (section 99);
- (6) To apply to the Land Registry to enter a restriction on the Land Register when an asset is listed; to change the details of ownership of a listed asset; and to cancel the restriction when an asset is removed from the AVC list (Section 100)

(CABINET 03/12/12, MINUTE 92)

(16) Corporate Mechanical and Electrical Term Contracts

Authority to award contracts to contractors providing the best bids for the delivery of mechanical and electrical service contracts to corporate buildings and schools, for an initial period of five years, with an option to extend for two further consecutive years in accordance with the Public Contracts Regulations 2015.

IN CONSULTATION WITH LEADER OF THE COUNCIL, THE HEAD OF FINANCE AND THE HEAD OF LEGAL & DEMOCRATIC SERVICES
(POLICY COMMITTEE 12/06/17, MINUTE 8)

Housing

(16) Purchase of Empty Properties where Council is Mortgagee

Authority to purchase empty properties where the Council is mortgagee, provided that any individual purchase would provide a cost-effective solution to the Council.

IN CONSULTATION WITH HEAD OF HOUSING & NEIGHBOURHOOD SERVICES, STRATEGIC FINANCE DIRECTOR AND HEAD OF LEGAL & DEMOCRATIC SERVICES

(17) Disposal of Repossessed Property, Repossessed Mortgaged Properties, Invitation of Tenders

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Invitation to tender for and disposal of repossessed mortgage properties at auction *or by private treaty* to the highest offerer, and to pay an appropriate commission to the auctioneer *or estate agent*.

(18) Right-to-Buy

- (1) Determination of the valuation of a Council dwelling which is subject to the Right-to-Buy legislation
- (2) Terms for the repurchase of Council dwellings under the Pre-Emption Clause.

(19) Determination of Claims

- (1) Determination of miscellaneous claims of up to £10,000 in any case for disturbance arising out of rehousing.
- (2) Determination of discretionary home loss payments to persons displaced under Slum Clearance or other approved capital schemes except where a blight notice has been served.
- (3) Authorisation of disturbance compensation where a statutory right to such compensation has arisen.
- (4) Determination of statutory compensation payable and calculable in accordance with fixed rules, the application of which leaves no discretion to the Council, including home loss payments, well-maintained payments and compensation under the Landlord and Tenant Act 1954.

(20) Area Improvement

Under Section 260 of the Housing Act 1985, survey, examination or valuation in connection with the provisions of Part VII of the Act (Area Improvement)
IN CONSULTATION WITH HEAD OF HOUSING & NEIGHBOURHOOD SERVICES

(21) Residential Garages

- (1) To dispose of, purchase and regularise structural and legal aspects of single residential garages, whether on individual or shared sited, in circumstances of potential redevelopment or site clearance.
IN CONSULTATION WITH HEAD OF HOUSING & NEIGHBOURHOOD SERVICES
- (2) To dispose of garages, irrespective of an application under the Right to Buy, subject to such disposals being only to the occupying tenant of the particular garage and such a sale not prejudicing development proposals
IN CONSULTATION WITH HEAD OF HOUSING & NEIGHBOURHOOD SERVICES

(22) Mortgagee in Possession Properties

To enter into arrangements for the disposal of such properties which appeared to be in the overall best interest of the Council and dispossessed mortgagors
IN CONSULTATION WITH STRATEGIC FINANCE DIRECTOR, HEAD OF HOUSING & NEIGHBOURHOOD SERVICES AND HEAD OF LEGAL & DEMOCRATIC SERVICES

(23) Acre Road Nursery Units - Lettings

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To select occupiers at Nursery Units at Acre Business Park, to negotiate and fix fees, and to introduce other terms as deemed necessary to run the nursery units on a sound financial basis.

(23A) Local Authority New-build Housing

- (1) Authority to develop a preferred approach to the procurement and delivery of a Local Authority New Build programme;
HEAD OF HOUSING AND NEIGHBOURHOODS AND THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES, IN CONSULTATION WITH THE STRATEGIC FINANCE DIRECTOR AND THE HEAD OF LEGAL & DEMOCRATIC SERVICES
- (2) Authority to appropriate land from the General Fund to the HRA ... for the purpose of delivering new housing in cases where a business plan had identified that it was cost effective to do so;
IN CONSULTATION WITH THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES, THE STRATEGIC FINANCE DIRECTOR, THE LEADER OF THE COUNCIL AND THE LEAD COUNCILLOR FOR HOUSING;
- (3) Authority to purchase land and property to ensure the Council meets Government requirements to spend one-for-one Right To Buy receipts by the required dates, subject to each individual purchase offering value for money to the Council in the opinion of the Strategic Finance Director;

IN CONSULTATION WITH THE HEAD OF HOUSING AND NEIGHBOURHOOD SERVICES,

(Policy Committee, 22 September 2014, Minute 35)

Telecommunications Masts

(24) Telecommunications Apparatus Installations On Council-Owned Land

- (1) To agree to the replacement of equipment subject to existing agreements only where all new and upgraded base stations on Council-owned land or buildings comply with International Commission for Non-Ionizing radiation Protection guidelines and a Declaration of Conformity be provided by the Operator which will be verified by the Council at the expense of the Operator
- (2) To renew existing agreements if they comply with:
 1. That no new base stations (or upgraded base stations requiring a new Agreement) be allowed on Council-owned land or buildings where the beam of greatest Radio Frequency intensity falls on any part of land or buildings which have a primary designated use for children.
 2. That no new base stations (or upgraded base stations requiring a new Agreement) are allowed on Council-owned land or buildings which have a primary designated use for children.

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3. That all new and upgraded base stations on Council-owned land or buildings comply with International Commission for Non-Ionizing Radiation Protection guidelines and a Declaration of Conformity be provided by the Operator which will be verified by the Council, at the expense of the Operator.
4. That all new base stations (and upgraded base stations requiring a new Agreement) on Council-owned buildings used for residential accommodation be subject to the agreement of residents.
5. That the Head of Development be authorised to agree to the replacement of equipment subject to existing agreements only where (3) above is satisfied.
6. That the Head of Development be authorised to renew existing agreements if they comply with (1) (2) & (3) above. If an existing agreement does not comply with (1) (2) or (3) the Council will serve notice under the Telecommunications Act 1984 to remove the equipment. The Operator will have the right to apply to the Court for the retention of the equipment.

(CABINET - 22 SEPTEMBER 2003 (MINUTE 82))

Markets

(25) Retail Market Fees and Charges

Power to vary the fees and charges for the retail market in the region of plus or minus 20%

(26) Debt Recovery

- (1) To enter into any composition with any person with respect to the debt recovery of stallage and tolls or charges in accordance with Section 54 of the Berkshire Act 1984
- (2) The power to issue notices and require information as market authority in accordance with Section 55 of the Berkshire Act 1984.

(27) Electronic Payment Facilities in Hackney Carriages

Authority to:

- (a) Approve electronic payment device facilities for use in Hackney Carriage Vehicles in line with the Guidelines set out in Appendix I, attached to the report;
- (b) Approve the signage to be used in Hackney Carriages in association with the electronic payment facilities;
- (c) Vary the Hackney Carriage Licence Conditions to only permit the use of Council approved electronic payment device facilities.

Licensing Applications Sub-Committee 3, 6/6/18, Minute 2

SEE ALSO GENERAL DELEGATION (14W) TO HEAD OF PLANNING, DEVELOPMENT AND REGULATORY SERVICES

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HEAD OF ECONOMIC AND CULTURAL DEVELOPMENT

FUNCTIONS DELEGATED TO AND BY THE POLICY COMMITTEE

ARTS & CULTURAL SERVICES

(1) Arts and Theatres

To make general management arrangements for the operation, use, maintenance and development of the Council's arts and theatres, and the promotion of culture, including programming, letting, promotion, publicity, the engagement of artists, the appointment of contractors and other routine matters in accordance with the policies of the Council and Committee, including the setting of prices for entertainments at the Council's theatres, except where matters of significant public interest are concerned.

(2) Museums

To make general management arrangements for the operation, use, maintenance and development of the Council's Museum Service, including programming of exhibitions and events, the setting of prices of individual exhibitions and events, promotion, publicity, opening hours, the Schools Loans Service, the appointment of contractors and other routine matters in accordance with the policies of the Council and Committee, except where any matters of significant public interest are concerned.

(3) Town Hall and Abbey Quarter

To make general management arrangements for the operation, use, maintenance and development of the Town Hall and Abbey Quarter, including the Abbey Ruins and Abbey Gateway, including programming, letting, promotion, publicity, the appointment of contractors and other routine matters in accordance with the policies of the Council and Committee, except where any matters of significant public interest are concerned.

LEISURE SERVICES

(4) General Management and Use of Leisure Facilities

To make general management arrangements for the operation, use, maintenance and development of the Council's Leisure Centres and Pools, including programming, letting, promotion, publicity, the appointment of contractors and other routine matters in accordance with the policies of the Council and Committee, except the setting of fees and charges and where matters of significant public interest are concerned.

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FUNCTIONS DELEGATED TO AND BY THE ADULT SOCIAL CARE, CHILDREN'S SERVICES & EDUCATION COMMITTEE

ADULT EDUCATION

(5) New Directions

- (1) To undertake the powers and duties of the governing body set out in the Instrument of Government and the Scheme of Delegations in respect of all financial and staffing decisions;
- (2) To undertake existing agreements and procedures in respect of the staffing and management of New Directions
- (3) To advise the governing body (Life Long Learning Board) of New Directions in relation to the appointment or termination of employment of senior staff
- (4) To implement decisions of the Life Long Learning Board on New Directions relating to the determination of potential dismissals and any subsequent appeals against such dismissals, which are within the Authority's powers to determine.

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FUNCTIONS DELGATED TO AND BY THE HOUSING, NEIGHBOURHOODS & LEISURE COMMITTEE

PARKS, SPORT & RECREATION

- (1) Outdoor Recreation Facilities**
To make general arrangements for the operation, use and development of the Council's outdoor recreation facilities, sports pitches and courts, including programming, letting, promotion, publicity, the appointment of contractors and other routine matters in accordance with the policies of the Council and Committee, except the setting of fees and charges and where matters of significant public interest are concerned.
- (2) Boat Trips**
To conclude arrangements on the best possible terms for use of Thameside Promenade car park area by operators in connection with commercial boat trips.
IN CONSULTATION WITH HEAD OF DEVELOPMENT

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Housing, Neighbourhoods & Leisure Committee

HEAD OF HOUSING AND NEIGHBOURHOOD SERVICES

DELEGATIONS TO AND BY THE HOUSING, NEIGHBOURHOODS & LEISURE COMMITTEE

Delegations

HOUSING

Right to Buy

- (1) To exercise powers and duties under Part V Housing Act 1985, including:
 - (1) Section 121A - power to apply for suspension order (order suspending right to buy because of ASB)
 - (2) Sections 121AA and 121B - duties in relation to provision of information regarding right to buy
 - (3) Section 123 - power to consent to application to share right to buy with family members
 - (4) Section 124 - duty to serve notice on tenant admitting or denying right to buy
 - (5) Sections 125 and 125A to 125E - duty to serve notice of purchase price and other matters
 - (6) Sections 128 and 128A to 128B - powers and duties in relation to determination of value by District Valuer
 - (7) Section 138 - duty to convey freehold or grant lease on right to buy
 - (8) Sections 140 and 141 - power to serve notice to complete
 - (9) Section 154 - duty to give certificate where title not registered
 - (10) Section 155A - power to demand repayment of discount on early disposal
- (2) Authority to make decisions on all matters relating to the administration and operation of the Right to Buy in accordance with the legislation in force from time to time.
IN CONSULTATION WITH HEAD OF LEGAL & DEMOCRATIC SERVICES AND STRATEGIC FINANCE DIRECTOR
- (3) **Re-purchase of Council Dwellings**
Authority to agree repurchase of houses previously sold under right to buy (Section 156A Housing Act 1985), where notice has been given by the owners.

Sale and Repurchase of Council Houses, Garages and Ancillary Land

To exercise powers and duties under Part II of the Housing Act 1985, including:

Dwellings

- (4) **Sale or Disposal of Council Dwellings and Land**

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- (1) Authority to agree sale or disposal of Council houses and land under Section 32 of the Housing Act 1985, in accordance with the General Consent for the Disposal of Land given by the Secretary of State;
- (2) Power under Section 33 to impose covenants and conditions in accordance with the General Consent
- (3) Power under Section 35 to require repayment of the discount on early disposal
- (4) Power under Section 36A to exercise right of first refusal
- (5) Power under Section 43 to seek consent of the Secretary of State for disposals not within Section 32

Garages/Ancillary Land

- (5) **Erection of Garages**
Erection of garages at Council houses and in accordance with approved principles IN CONSULTATION with the Head of Planning, Development & Regulatory Services.
- (6) **Sale or Disposal of Garages**
 - (1) Authority to agree sale or disposal of residential garages to the occupying tenant under Section 32 Housing Act 1985 in the following circumstances:
 - (a) the sale being considered irrespective of an application under the Right to Buy, and the sale not prejudicing development proposals;
 - (2) Authority to agree to sale of ancillary land and garages with houses, including:
 - (a) A garage, not within the curtilage of a dwelling, where the tenant rents both at the time of application to purchase.
 - (b) The forecourt fronting a garage.
 - (c) Pieces of ancillary land in the sales of Council properties.

SUBJECT TO AGREEMENT OF TERMS BY CHIEF VALUER, AND THE HEAD OF LEGAL & DEMOCRATIC SERVICES ENTERING INTO CONVEYANCES TO ENABLE THE SALES TO PROCEED.
- (7) **Demolition / Refurbishment of Garages**
 - (1) To arrange for the demolition of all garages on non-viable sites, subject to consultation with Ward Members and Tenants' Associations, and the demolition of individual garages on other sites where repairs are not considered to be cost effective.

STRATEGIC FINANCE DIRECTOR AND HEAD OF HOUSING & NEIGHBOURHOOD SERVICES

- (2) To agree costs up to a total not exceeding £50,000 in any financial year, to be funded from approved budgets for that financial year, should the need arise (to achieve a clean site through the repurchase or reorganisation of interests)
- (3) To approve up to £100,000 in any financial year for the refurbishment of garage sites where the Head of Housing & Neighbourhood Services can produce a satisfactory business case in consultation with Lead Councillors.
(Cabinet 17/01/05 Minutes 130)

Shared Ownership

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(8) Shared Ownership Leases

Authority to enter into and amend Shared Ownership leases under Section 32 Housing Act 1985, including:

- (1) To agree the inclusion of a mortgage protection clause in the Council's Shared Ownership lease, where necessary.
- (2) To amend the Council's Shared ownership leases where necessary to allow existing leaseholders to sell their properties or purchase further shares.

IN CONSULTATION WITH HEAD OF LEGAL & DEMOCRATIC SERVICES AND STRATEGIC FINANCE DIRECTOR

(9) Sub-Letting of Shared Ownership Property

Authority to consent or refuse the sub-letting of shared ownership properties under Section 33 of the Housing Act 1985

Homelessness

(10) Homelessness Strategy and Review

To exercise duties under Sections 1-3 of the Homelessness Act 2002 in relation to homelessness strategy and review of homelessness

(11) Part VII, Housing Act 1996

To exercise powers and duties under Part VII, Housing Act 1996, including:

- (1) Section 179 - duty to provide advisory services about homelessness; power to give assistance by grant or loan; power to provide assistance by permitting person to use Council-owned premises, by making available furniture or other goods by way of gift, loan or otherwise, and by making available the services of Council employees
- (2) Section 180 - power to give grant or loan to voluntary organisations concerned with homelessness or matters relating to homelessness; power to permit organisations to use premises belonging to authority; power to make available furniture or other goods, by way of gift, loan or otherwise, and to make available services of Council staff
- (3) Section 181 - power to serve notice requiring information; power to determine conditions on which assistance under section 179 or 180 is to be given; power to recover amount of assistance after serving notice.
- (4) Section 184 - duty to make inquiries into cases of homelessness or threatened homelessness; duty to give notice to applicant
- (5) Section 188 - interim duty to accommodate in case of apparent priority need
- (6) Section 190 - duty to persons becoming homeless intentionally
- (7) Section 192 - duty to persons not in priority need who are not homeless intentionally (advice and assistance); power to secure that accommodation is available for occupation by applicant
- (8) Section 193 - duty to persons with priority need who are not homeless intentionally
- (9) Section 195 - duties in case of threatened homelessness
- (10) Section 198 - power to refer case to another local housing authority

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- (11) Section 200 - duties to applicant whose case is considered for referral or referred
- (12) Section 202 - duty to review decision
- (13) Section 203 - duties as regards reviews
- (14) Section 204 - power to secure that accommodation is available during appeal to county court
- (15) Section 206 - duties in discharging housing functions; power to require payment of charges etc.
- (16) Section 208 - duties as regards out-of-area placements
- (17) Section 211 - duties and powers in relation to protection of property of homeless persons and persons threatened with homelessness
- (18) Section 212 - powers in relation to protection of property (power to enter premises etc.)
- (19) Section 213 - duty to cooperate with other housing authorities or social services
- (20) Section 213A - duties as regards cooperation in certain cases involving children

(11A) Short-Term Lettings

Authority to agree terms and enter into, and terminate Agreements with owners of properties suitable for letting under the Short-Term Lettings Scheme on behalf of the Council. SUBJECT TO:

- (a) rents being negotiated by the Chief Valuer
- (b) details of successfully negotiated schemes being recorded in the Decision Book.

Housing Advice

(12) Deposit Guarantee Scheme

- (1) Power to provide advice and assistance by way of deposit guarantee scheme under Section 179 of the Housing Act 1996
- (2) Authority to accept onto scheme and to enter into three-way agreement with the tenant and the landlord to set out responsibilities.

(13) Non-Secure Tenancies

- (1) Authority to enter into a non-secure tenancy agreement and to end tenancy by notice to quit
- (2) Authority to determine level of service charge
- (3) Power to increase rent by notice for non-secure tenancy under Section 25 of the Housing Act 1985

Allocations/Choice Based Lettings

(14) Part VI, Housing Act 1996

Authority to allocate housing accommodation under Part VI of the Housing Act 1996, including:

- (1) Section 159 - powers and duties in relation to allocation of housing accommodation
- (2) Section 160ZA - duties in relation to allocation (eligible and qualifying persons)
- (3) Section 166 - duty to provide advice and assistance

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- (4) Section 166A - duty to have allocation scheme; and to allocate only in accordance with scheme
- (5) Section 168 - duty to provide information about allocation scheme
- (6) Section 170 - power to seek cooperation from Registered Social Landlords (RSL) etc in offering accommodation
- (7) Authority to offer accommodation in accordance with the Council's Allocations Scheme
- (8) Power to allocate and duty to comply with provisions of Part 6 of Housing Act 1996 (Cabinet - 27/10/2003)
- (9) Exercise functions under Part 6 of Housing Act 1996 (Decision Book 347 18/2/2011 Allocations Scheme)

(15) Nomination Agreements

IN CONSULTATION WITH THE HEAD OF LEGAL & DEMOCRATIC SERVICES AND THE STRATEGIC FINANCE DIRECTOR, AND THE CHIEF VALUER WHERE THE DISPOSAL OF LOCAL AUTHORITY LAND IS INVOLVED

- (1) Authority to negotiate and agree the terms of nomination agreements with Housing Associations, Registered Social Landlords and other providers of social housing
 - (2) Authority to enter into a nominations agreement with a Registered Social Landlord for nominations to their stock
 - (3) Authority to vary a nomination agreement
 - (4) Authority to agree the detailed calculations and terms to be included in the Nomination Agreements for the recovery of residual costs.
- STRATEGIC FINANCE DIRECTOR AND HEAD OF HOUSING

Tenancies

To exercise powers and duties under Parts II and IV of the Housing Act 1985, including:

(16) Tenancy Agreements

Authority to dispose of land to tenants under Sections 32 and 102/103 of the Housing Act 1985 (as amended), to include:

- (1) Granting a secure tenancy agreement;
 - (2) Varying a secure tenancy agreement following due legal process and in consultation with the Head of Legal & Democratic Services under sections 102/103;
 - (3) Granting an introductory tenancy.
- (Cabinet 15/02/10, Minute 157)

(17) Authority to:

- (1) Enter into a tenancy agreement for secure, introductory, demoted and family intervention tenancies
- (2) Determine succession and assignment applications
- (3) Determine applications to sublet

(18) Introductory Tenancies

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Authority to:

- (1) Issue Notice of Proceedings;
 - (2) Review the decision to seek an order for possession where no oral hearing was requested by the tenant;
 - (3) Deal with review cases where oral hearings were requested by the tenant;
 - (4) Evict.
- (P&I 17/04/01, Min 171)

(19) Demoted and Family Intervention Tenancies (Section 82A)

Authority to:

- (1) Issue Notice of Proceedings;
- (2) Review the decision to seek an order for possession where no oral hearing was requested by the tenant;
- (3) Deal with review cases where oral hearings were requested by the tenant;
- (4) Evict.

(20) Notice to Quit (Section 83)

Authority to issue:

- (1) Notice to quit
- (2) Notice seeking possession for all forms of tenancy (secure, introductory, demoted, family intervention)

(21) Housing Management: Miscellaneous Delegations under Part IV of the Housing Act 1985

Authority to make decisions on the following:

- (1) Successions and assignments of tenancies
- (2) Priority for management transfers
- (3) Transfers for tenants who are in arrears with their rent where the following circumstances apply:
 - Under-occupation; or
 - the move being required on management grounds
 - high need (usually determined by the number of housing needs bands subject to an agreement to repay the arrears being in force, irrespective of the length of time the agreement had been in place;
- (4) Eviction of tenants in serious breach of their conditions of tenancy
- (5) Eviction of licensees for non-payment of licence charges, or for other breach of licence
- (6) All matters relating to the administration and operation of Part XVI of the Housing Act 1985 (Housing Defects Provisions)

(22) Rent Arrears / Breach of Tenancy

- (1) Authority to write off irrecoverable former tenants' arrears
- (2) Authority to determine action to be taken against tenants who are in arrears and in breach of their tenancy, after a possession order has been obtained from the Court.
[TRANSFER FROM STRATEGIC FINANCE DIRECTOR]

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- (23) **Rent to Mortgages Scheme**
Authority to operate the Rents to Mortgages Scheme.

Housing Management

- (24) **Improvements to Dwellings**
Functions under Section 97 of the Housing Act 1985 (see also delegation (31) below)
- (25) **Service Charges**
HEAD OF HOUSING & NEIGHBOURHOOD SERVICES AND STRATEGIC FINANCE DIRECTOR
- (1) Determination of service charges for heating, lighting and cleaning in accordance with a policy that the charges collected from tenants match the costs the Council paid for fuel, lighting and cleaning best reflected the differing benefits derived by tenants from communal heating systems in their blocks
 - (2) Authority to review, re-calculate and adjust the charges from time to time.
 - (3) Authority to determine service charges in temporary accommodation
 - (4) Authority to refund a proportion of heating charges incurred where a breakdown in landlord-controlled heating systems of three or more days duration has occurred.
- (26) **Housing Repairs**
- (1) To make all decisions relating to the repair and maintenance of Council-owned dwellings
 - (2) Authority to make all decisions relating to the implementation of the Procurement Plan for the Housing Repairs Service, including where appropriate exposing for competitive tender the provision of works included in the Building Maintenance term contract, subject to the provisions of the Council's contracts procedure rules and the approved policies and budgets of the Council.
(Policy & Implementation Committee, 9 July 2001, Minute 26)
- (27) **Planned Maintenance Programme - Submission of Planning Applications**
To submit planning applications pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, where such applications are required to implement revenue-funded schemes for which the Committee has given scheme approval.
- (28) **Repairs Service and Rent Arrears**
Authority to implement a reduced repairs service, necessary to keep properties wind-tight, watertight and safe in cases where a tenancy becomes insecure due to a failure by a tenant to comply with the terms of a suspended Possession Order.
NB - Following introduction of Housing and Regeneration Act 2008, breach of suspended possession order no longer leads to end of secure tenancy status
- (29) **Travellers**
Duties in relation to assessment of accommodation needs of gypsies and travellers under Section 225 of Part VI of the Housing Act 2004

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- (30) **Housing Act 1985 - Part II (Provision of Housing Accommodation)**
Authority to exercise powers and duties under Part II of the Housing Act 1985, including:
- (1) Section 9(2) - power to alter, enlarge, repair or improve a house erected, converted or acquired under Section 9(1)
 - (2) Section 10(1) - power to fit out, furnish and supply a house provided under Part II
 - (3) Section 10(2) - power to sell or supply furniture under hire-purchase or conditional sale agreements, and to buy furniture for that purpose
 - (4) Section 11 - power to provide facilities for obtaining meals and refreshments, and for doing laundry and laundry services, and to make reasonable charges
 - (5) Section 11A - power to provide welfare services and make reasonable charges
 - (6) Section 21 - exercise general powers of management (general management, regulations and control) of the Council's houses
 - (7) Section 25 - power to increase rent by notice for non-secure tenancy
 - (8) Section 26 - power to give financial assistance towards tenants' removal expenses
 - (9) Section 54 - power of entry to premises for purpose of survey and examination for purposes specified in Section 54(1)(a) and (b)
- (31) **Housing Act 1985 - Part IV (Housing the Homeless)**
Authority to exercise powers and duties under Part IV of the Housing Act 1985, including:
- (1) Section 82(1A) - power to apply to court for possession order or order terminating tenancy
 - (2) Section 82A - power to apply to court for demotion order
 - (3) Section 83 - power to serve notice seeking possession on tenant
 - (4) Section 83AZ - power to serve notice on tenant for Recovery of Possession of a dwelling house on grounds of anti-social behaviour
 - (5) Section 84A - absolute ground for possession of secure tenancies where anti-social behaviour or criminality has already been proven in another court.
 - (6) Section 85ZA - duty to review decision to seek possession under Section 84A
 - (7) Section 92 - power to consent to assignment by way of exchange, to impose conditions under Section 92(5), and to refuse consent
 - (8) Sections 93 and 94 - power to consent to subletting, and to refuse consent
 - (7) Sections 97 and 98 - power to consent to tenant's improvements, and to refuse consent
 - (9) Section 99 - power to give conditional consent to improvements
 - (10) Section 100 - power to reimburse cost of tenant's improvements
 - (11) Section 101 - duties in relation to determining increase in rent following tenant's improvements
 - (12) Sections 102 and 103 - power to vary terms of secure tenancy
 - (13) Section 104 - duty to provide information about tenancies
 - (14) Section 105 - duty to consult on matters of housing management
 - (15) Section 106 - duties in relation to information about housing allocation
 - (16) Sections 107A to 107E - powers and duties in relation to flexible tenancies
- (32) **Housing Act 1996 - Part V (Secure Tenancies and Rights of Secure Tenants)**
Authority to exercise powers and duties under Part V of the Housing Act 1996, including:

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- (1) Sections 125A-125B - powers in relation to introductory tenancies
 - (2) Section 128 - power to serve notice of proceedings for possession
 - (3) Section 129 - duty to review decision to seek possession
 - (4) Section 136 - duty to provide information about introductory tenancies
 - (5) Section 137 - duty to consult on matters of housing management (introductory tenancies)
 - (6) Section 143E - power to serve notice of proceedings for possession (demoted tenancy)
 - (7) Section 143F - duty to review decision to seek possession
 - (8) Section 143M - duty to provide information about demoted tenancies
 - (9) Section 153A - power to apply for anti-social behaviour injunction
 - (10) Section 153B - power to apply for injunction against unlawful use of premises
 - (11) Section 153D - power to apply for injunction against breach of tenancy agreement
- (33) **Housing Act 1996 - Part VIII**
Duties as regards policy and procedures in relation to anti-social behaviour under Section 218A
- (34) **Regulations**
Authority to exercise powers and duties under the following Regulations:
- (1) Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994
 - (2) Housing (Right to Manage) (England) Regulations 2012 (s.27AB)
 - (3) Secure Tenants of Local Authorities (Compensation for Improvements) Regulations 1994 (s.99A)
 - (4) Housing (Right to Buy) (Information to Secure Tenants) (England) Order 2005
 - (5) Introductory Tenants (Review) Regulations 1997
 - (6) Allocation of Housing (England) Regulations 2002
 - (7) Allocation of Housing (England) (Amendment) (Family Intervention Tenancies) Regulations 2008
 - (8) Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006
 - (9) Allocation of Housing and Homelessness (Miscellaneous Provisions) (England) Regulations 2006
 - (10) Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2006
 - (11) Allocation of Housing and Homelessness (Review Procedures) Regulations 1999
 - (12) Housing Renewal Grants Regulations 1996 + Amendment Regulations 1996-2003
- (35) **Harassment**
- (1) Arrangement of installation of protective measures in the homes of victims of racial and other harassment and domestic abuse in cases where this will significantly enhance the victim's sense of security
 - (2) Provision of removal and other relevant expenses for households transferring as a result of racial and other harassment and domestic abuse

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(35A) Local Authority New-build Housing

- (3) Authority to develop a preferred approach to the procurement and delivery of a Local Authority New Build programme.

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- (2) Authority to evaluate suitable sites and properties which are held within the HRA with potential for housing development, alteration and extensions, to submit further Planning applications and, subject to Planning consent, to deliver these schemes.

IN CONSULTATION WITH THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES, THE LEADER OF THE COUNCIL, AND THE LEAD COUNCILLOR FOR HOUSING

(Policy Committee, 22 September 2014, Minute 35)

General

(36) Consultation Papers

Authority to respond to future consultation papers, following consultation with the Lead Councillors for Neighbourhoods & Housing, in cases where the deadline imposed by the Government would not allow a report to be submitted to a scheduled meeting of this Committee.

NEIGHBOURHOODS

Safer Communities

(1) Anti-Social Behaviour

To exercise the Council's powers under Sections 13 and 14 of the Anti-Social Behaviour Act 2003 and (new) Sections 153A to 153E of the Housing Act 1996
IN CONSULTATION WITH THE HEAD OF LEGAL & DEMOCRATIC SERVICES
(Cabinet 6.12.04, Minute 108)

(2) Safer Community Forums - Budgets

To authorise individual capital projects within the total capital budget, in consultation with the Safer Community Forums, subject to

- (1) the Forum's support for the project being formally minuted;
- (2) the budget not being overspent;
- (3) the scheme being published through the Decision Book.

(Cabinet, 14/04/03, Minute 230)

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CONSTITUTION - PART 3, SCHEDULE 1

Part I - Miscellaneous Functions

- (3) **Street Drinking [1-49]**
REPEALED - replaced by Public Spaces Protection Order
- (4) **Temporary Closure Notices [1-49A]**
REPEALED - replaced by Closure of Premises Order

(5) Anti-Social Behaviour, Crime & Policing Act 2014

To exercise the functions of the Council under the Act in relation to services provided by the Service:

- (1) Section 43 - power to issue a Community Protection Notice
- (2) Section 47 - power to take action in default of compliance with a Community Protection Notice, and recover expenses,
- (3) Section 49 - power to carry out works under a remedial order and recover expenses
- (4) Section 50 - duties in relation to forfeiture of items used in commission of offence under Section 48
- (5) Section 51 - power for designated person to seize item under warrant issued by justice of the peace
- (6) Section 52 - power for authorised person to issue a fixed penalty notice for an offence under Section 48
- (7) Section 53 - power to issue and to authorise officers to issue fixed penalty notices for offences under Section 48, and power to designate other person to issue fixed penalty notices (persons of a description specified in an Order made by the Secretary of State)
- (8) Section 68 - power to issue, and to authorise officers to issue fixed penalty notices for offences under Sections 63 and 67
- (9) Sections 76 to 79 - powers and duties in relation to closure notices
- (10) Sections 80 to 84 - powers and duties in relation to closure orders
- (11) Section 85 - powers in relation to enforcement of closure orders
- (12) Sections 101 and 104, and Schedule 4 - powers and duties in relation to the community remedy document and to anti-social behaviour case reviews

(Policy Committee, 1 December 2014, Minute 58)

DELEGATION ALSO MADE TO HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES;
AND HEAD OF TRANSPORTATION AND STREETCARE

(6) Anti-Social Behaviour, Crime and Policing Act 2014

To exercise powers and duties under the Anti-Social Behaviour, Crime and Policing Act 2014, including:

Part 1: Injunctions

- (1) Section 2 - power to apply for an injunction

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- (2) Section 8 - power to apply to vary or discharge an injunction
- (3) Section 10 - power to apply for an arrest warrant
[Commencement on hold until 2015]

Part 2: Criminal Behaviour Orders

- (1) Section 29(2) - Duty to cooperate with the police in reviews of criminal behaviour orders

Part 4: Community Protection

Public Spaces Protection Orders (Chapter 2).

SECTIONS 59-61 TO BE EXERCISED IN CONSULTATION WITH LEAD COUNCILLOR FOR NEIGHBOURHOODS AND RECORDED THROUGH THE DECISION BOOK

- (1) Section 63 - powers to authorise persons to impose requirements in relation to consumption of alcohol
- (2) Section 64 - powers and duties in relation to orders restricting public right of way over highway
- (3) Section 72 - duties in relation to making, extending, varying or discharging of public spaces protection order

Closure of Premises associated with Nuisance or Disorder etc (Chapter 3)

- (1) Section 88 - power to apply to court for order reimbursing costs incurred relating to closure orders

Recovery of Possession of Dwelling-Houses: Anti-social Behaviour Grounds (Part 5)

(Sections 94-96 add new Sections 83ZA, 84A and 85ZA to the Housing Act 1985 - see under delegation (30) above.

- (7) **Safer Reading Campaign - Crime Reduction Capital Projects**
To approve specific projects to be supported within the programmes in operation
SUBJECT TO CONSULTATION WITH THE NEIGHBOURHOOD ACTION GROUPS AND LEAD COUNCILLOR
- (8) **Sexual Offences Act 2003**
To respond to consultation by the police in relation to closure notices made under Section 136B(1).

Libraries

- (9) **Libraries**
 - (1) To manage the Library and Information Service in conformity with the Public Libraries and Museums Act 1964, as amended, and the Local Government and Housing Act 1989, including selection of stock and services, programming of events, promotion, the opening hours of individual libraries, and other routine matters in accordance

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with the policies of the Council and Committee, except where matters of significant public interest are concerned.

- (2) To transfer accessioned reference books to the Borough Library Service, when appropriate.

(10) Opening Hours

To change opening hours for libraries and museums over the Christmas and New Year period.

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FUNCTIONS DELEGATED TO AND BY THE POLICY COMMITTEE

HOUSING

(1) **New Affordable Homes**

To approve the purchase of existing properties from the open market to be held within the General Fund for the use of Temporary Accommodation, with a limit of £500,000 per single unit.

IN CONSULTATION WITH THE HEAD OF FINANCE
(Policy Committee, 17 July 2017, Minute 20(5))

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FUNCTIONS DELEGATED TO AND BY THE POLICY COMMITTEE

TO BE EXERCISED ON A DAY-TO-DAY BASIS BY THE CIVIC SERVICES MANAGER

CORPORATE FACILITIES MANAGEMENT

(1) Civic Offices

- (1) To vary the charges made for commercial lettings of meeting/function rooms in the Civic Offices
- (2) To let Committee rooms for use as creches, provided the organisers have taken all reasonable steps to ensure the safety of the children, and that no member of Council staff is involved

COUNCIL 25 JANUARY 2011 - Minute 53(2)

(2) Civic Centre Service Charges

To be responsible for the arrangements for service charges made with other users of the former Civic Centre complex, including the Magistrates Court and police station.

COUNCILLOR SERVICES

(3) Attendance at Conferences and Seminars

- (1) To authorise the attendance of Members of the Council at conferences and seminars, in consultation with the appropriate Corporate Director or Head of Service, and subject to a quarterly monitoring report to the Policy Committee on any action taken.
- (2) To report attendance by Councillors at conferences and seminars, where the conference or seminar falls within the Council's scheme of approved duties, through the Decision Book process.

CABINET 27/09/10, MINUTE 67

(4) Councillor Training

To arrange an annual training programme for Councillors, and for attendance to be an approved duty

(IN CONSULTATION WITH HUMAN RESOURCES MANAGER)

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FUNCTIONS DELEGATED TO AND BY THE POLICY COMMITTEE

GENERAL

- (5) **Coroner**
To appoint coroners under the Coroners and Justice Act 2009, Sections 22-24 and schedule 3.
IN CONSULTATION WITH THE HEAD OF LEGAL & DEMOCRATIC SERVICES
- (6) **Reading Act 2013 - Designation of areas and places in the Borough in which peddling is restricted and toutting prohibited.**

Authority under the Act to:

- (1) publish notice of the resolutions as required by the 2013 Act;
- (2) publish notice of the level of fixed penalty and to notify the Secretary of State of the level;
- (3) carry out the duties in Section 11 of the Act (financial provisions);
- (4) publish information about the Act on the Council's website as required by Section 13 of the Act;
- (5) formulate and publish on the website the Council's policy as to enforcement of the provisions of the Act;
- (6) authorise officers to act for the purposes of the Act; and to ensure that officers and other persons authorised to enforce the Act have received adequate training to do so;
- (7) enforce the provisions of the Act;
- (8) amend the fixed penalty fee;

[Policy Committee, 10 June 2013, Minute 11(5)]

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FUNCTIONS DELEGATED TO AND BY THE HOUSING, NEIGHBOURHOODS & LEISURE COMMITTEE

PROPER OFFICER

- (1) **Public Health Inspector**
To act as Proper Officer of the Council in respect of any reference to the Public Health Inspector of the Borough Council in any act or statutory instrument made before 26 October 1972, or any order made under Section 254 of the Local Government Act 1972, which might be construed as a reference to the Proper Officer of the Council;
- (2) **Rent Act 1977**
To exercise the functions of proper officer under the provisions of Part IV of the Rent Act 1977
- (3) **Local Government (Miscellaneous Provisions) Act, 1976 (P102)**
 - (1) To act as Authorised Officer for the purposes of Part II (Hackney Carriages and Private Hire Vehicles)
 - (2) To appoint additional authorised Officers, where necessary, for the purposes of Sections 50(4), 53(3), 56(2), (3) and (4), 58(2), 68 and 73 of the Act
(also listed under Licensing Section)
- (4) **Berkshire Act 1986**
To act as Proper Officer for the purposes of Section 39 of the Act, and to be authorised to serve notices and to take all necessary action in accordance with the provisions of Section 39 relating to defective electrical and gas installations.
- (5) **Food Safety Act 1990**
To act as Proper Officer for the purposes of the Act, including the authentication of documents under Section 49(3)(a).
- (6) **Stray Dogs**
To be the appointed officer for the purposes of Section 149 of the Environmental Protection Act 1990
- (7) **Verminous Persons or Articles**
 - (1) To serve notice requiring remedial action where there are verminous persons or articles, under Section 85(2) of the Public Health Act 1936
 - (2) To act as Proper Officer for the control of any verminous article, under Section 37 of the Public Health Act 1961
- (8) **Public Health (Control Of Diseases) Act 1984**
 - (1) To act as Proper Officer under Section 74 of the Act;

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- (2) To appoint appropriate medical practitioners to act as the “Proper Officer” on behalf of the Council to carry out functions under the Act and the Public Health (Infectious Disease) Regulations 1988
 - (3) To authorise suitably qualified officers to enforce Regulations made under the Act (Cabinet 5 December 2005 Minute 122)
 - (4) To certify that the retention of a body in a building would endanger public health, under Section 48
 - (5) To authenticate documents relating to matters within responsibility under Section 59
- (9) **Housing Conditions**
To act as Proper Officer to inspect where an ‘official complaint’ on the condition of premises under Sub-Section 2 is received and, where Sub-Section 6 applies, to produce a report, under Section 4, chapter 1, of the Housing Act 2004.
(Cabinet 18 April 2006, Minute 226)
- (10) **National Assistance Act 1948**
- (1) Power to act as the Proper Officer in accordance with the provisions of Section 47 of the National Assistance Act 1948 and Section 251(1) of Schedule 29 Part 1, paragraph 4 (1) of the Local Government Act 1972.
 - (2) Power to appoint appropriate medical practitioners to act as the “Proper Officer” on behalf of the Council to carry out functions under the National Assistance Act 1948 and the Local Government Act 1972.
(Cabinet 15 April 2013, Minute 157)
- (11) **Traffic Act 1991 – Overloaded Vehicles**
- (1) To be the nominated officer for the purposes of Section 47 of the Road Traffic Act 1991
 - (2) Authority to exercise the Council's powers under Section 47 of the Road Traffic Act 1991, including the making of applications to the Police for searches against the Police National Computer.
- (12) **Weights and Measures Act 1963**
To act as Chief Inspector for the purposes of the Weights and Measures Acts 1963 to 1985 and any amendments thereto (exercised by Trading Standards Manager)

DELEGATIONS

GENERAL

- (1) **Consultation Documents**
To submit responses to consultation documents on behalf of the Council in cases where it is not practicable or appropriate for a report to be submitted to the Committee, and subject to details of the responses being published through the Decision Book.

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(In consultation with the LEAD COUNCILLOR FOR HOUSING, NEIGHBOURHOODS & LEISURE)

(2) Buildings - Entry and Inspection

- (1) The entry, and inspection and, where appropriate, sampling under the Building Act 1984
- (2) The power to authorise members of staff to enter, inspect and, where appropriate, sample under the Building Act 1984

Control of Dogs

(3) Stray Dogs

- (1) To exercise the powers and duties of the Council under the Environmental Protection Act 1990
- (2) Control of Dogs Order 1992 - To institute proceedings for an offence against the Animal Health Act 1981, under Article 3 of the Order, of causing or permitting a dog to be in a highway or public place not wearing a dog collar with the name and address of the dog's owner

(4) Controls on Dogs / Dog Fouling

- (1) Power to revoke or amend a dog control order under Section 55 of the Clean Neighbourhoods and Environment Act 2005.
- (2) Power to issue fixed penalty notices and take action ancillary thereto under Section 59 of the Clean Neighbourhoods and Environment Act 1990 for offences under dog control orders, and to authorise persons to issue such notices and to take such action under Section 59 of the Clean Neighbourhoods and Environment Act 2005.
- (3) Power to require name and address in connection with fixed penalty notices, and to authorise officers or other persons as appropriate to require such information, under Section 61 of the Clean Neighbourhoods and Environment Act 2005, in connection with an offence under a dog control order under Section 61 of the Clean Neighbourhoods and Environment Act 2005.

(Cabinet 20/03/06, Minute 200)

(5) Dangerous Dogs

- (1) Power to enforce the provisions of the Dangerous Dogs Act 1991
- (2) Powers under Sections 106 and 107 of the Anti-Social Behaviour, Crime and Policing Act 2014 in relation to dangerous dogs.

(Policy Committee, 1 December 2014, Minute)

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CONSUMER ADVICE AND TRADING STANDARDS

(6) General

To exercise the powers and duties of the Council, including enforcement, in connection with trading standards and consumer protection legislation and those duties ascribed to a local weights and measures authority or food authority.

(Note - Trading Standards Manager is Proper Officer for the purposes of the Weights and Measures Acts 1963 to 1985.)

(7) Cross-Border Enforcement for Environmental Health, Trading Standards and Licensing Functions in Berkshire

Authority to take appropriate action under the Cross Border Enforcement Agreement with the other five local authorities in Berkshire, under Section 113 of the Local Government Act 1972, for the joint authorisation of Environmental Health, Trading Standards and Licensing enforcement staff to assist in times of need and to satisfy the requirements of the Service's business continuity arrangements.

Cabinet 2 November 2009, Minute 87

(8) Explosives Acts

For the purpose of the Explosives Acts 1875 to 1976

- (1) To act as Inspector
- (2) To issue store licences
- (3) To register premises for the retailing of fireworks.

(9) Poisons

To issue licences under the Poisons Act 1972

(10) Sunday Trading Act 1994

- (1) Duty to enforce the provisions of Schedules 1, 2 and 3 of the Sunday Trading Act 1994
- (2) To appoint members of staff as inspectors under Paragraph 3 of Schedule 2

(11) Weights and Measures

To submit an Annual Report to the Secretary of State under Section 70 of the Weights and Measures Act 1985.

(12) Illegal Sales to Children

To seek the assistance of suitably trained and supervised children in accordance with the guidelines issued by the Government to determine the extent of illegal sales of:

- (1) Cigarettes (in accordance with the provisions of the Children and Young Persons (Protection from Tobacco) Act 1991);
- (2) Fireworks, restricted videos and solvents, where complaints have been received from members of the public;
- (3) Lottery tickets to children (in accordance with the National Lottery etc Act 1994); with a view to gathering evidence for use in prosecutions in appropriate cases.

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(13) Test Purchases of Alcohol

To use suitably trained and supervised young people to carry out test purchases of alcohol, under Section 30 and 31 of the Criminal Justice and Police Act 2001.
(Cabinet, 18.03.02, Minute 150)

(14) Petroleum and Flammable Materials

- (1) To exercise the Council's powers and duties as petroleum enforcement authority under the Petroleum (Consolidation) Regulations 2014 including:
 - (a) Duty to grant a storage certificate on an application
 - (b) Power to grant a licence for storage of petrol in domestic or other relevant premises, and power to renew a licence, vary conditions and to revoke a licence.
- (2) To exercise the Council's powers and duties under the Health and Safety at Work (etc.) Act 1974, including:
 - (a) Power under Section 39 to authorise Inspectors to institute proceedings for offences under the relevant statutory provisions
 - (b) Power under Section 19 to appoint suitable qualified persons as Inspectors for the purposes of Sections 19 to 25 of the Act, by an instrument in writing specifying the relevant statutory provisions to be exercisable; power to vary the instrument of appointment and power to terminate such appointments
 - (c) Power under Section 20(2) to authorise persons to accompany an Inspector
- (3) To exercise the Council's powers and duties under the Berkshire Act 1986, including:
 - (a) Power under Section 30(2) to serve notice in relation to the storage of flammable substance
 - (b) Duty under Section 30(6) to issue a certificate of compliance
 - (c) Power under Section 30(8) to alter a certificate
 - (d) Powers under Part VII relating to unlawful stacks
- (4) To exercise the Council's powers under Section 73 of the Public Health Act 1961 relating to derelict petrol tanks
- (5) Power under the Dangerous Substances (Notification and Marking of Sites) Regulations 1990 to require an occupier of any part of a building in the Borough to affix standard uniform signs or symbols or warning notices indicating a substance likely to involve a special hazard to persons extinguishing fires and protecting life and property in case of fire.

(14A) Lettings Agencies

To exercise the powers and duties in the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014, including the function of determining the amount of monetary penalty to be imposed in any case.

ENVIRONMENTAL HEALTH – COMMERCIAL

Public Health

(15) Environmental Health Medical Officer

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To deal with changes in appointments/authorisations of alternatives to the Medical Officer of Environmental Health.

(16) Recovery of Expenses

Power to recover expenses for which the owner of premises is liable under the Public Health Act 1936 or by agreement with the Council, including the power under Sections 291-3 to declare by order that expenses shall be payable with interest by instalments.

(17) Public Health Nuisance

(1) The service of Notice and the carrying out of works in default and the recovery of expenses under the relevant statutory provisions, where appropriate, in respect of public health nuisance, and in accordance with:

- (i) Section 45 of the Public Health Act 1936 in respect of buildings having defective closets capable of repair.
- (ii) Section 50 of the Public Health Act 1936 in respect of overflowing and leaking cesspools.
- (iii) Section 59 of the Building Act 1984 in respect of the provision of drainage for existing buildings.
- (iv) Section 84 of the Building Act 1984 in respect of the paving and drainage of yards and passages.
- (v) Under Section 17 of the Public Health Act 1961 in respect of stopped up and defective drains.
- (vi) Under Sections 20(1) in respect of the provision of sanitary appliances at places of entertainment and under Section 35 in respect of the removal of obstructions from private sewers of the Local Government (Miscellaneous Provisions) Act 1976.

(2) Power to authorise officers employed in the Environmental Health Section, as appropriate, to serve the above Notices.

(18) National Assistance (Amendment) Act 1951

To certify the need for immediate action under Section 1.

(19) Control of Disease

- (1) The service of notices, making of orders and carrying out of works in default, where appropriate, under the provisions of the Public Health (Control of Disease) Act 1984.
- (2) The power to enter premises under the provisions of Section 61 of the Public Health (Control of Disease) Act 1984.
- (3) To authorise members of staff to serve notices, made orders and enter premises under the provisions of the Public Health (Control of Disease) Act 1984.
- (4) To authorise suitably qualified officers to enforce the following Regulations and the UK regulations which are made as a result:

To enable the Council to carry out its powers to ensure food safety under the EU Regulations (EC) No 178/2002 general food law regulation, 852/2004 hygiene of foodstuffs, 853/2004 laying down specific rules for food of animal origin, 854/2004

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specific rules for the organisation of official controls on products of animal origin intended for human consumption, and 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and welfare rules of the European Parliament and of the Council of the European Union.
(Cabinet 5 December 2005 Minute 122)

- (5) To exercise the powers set out in the following Regulations:
- (i) Health Protection (Local Authority Powers) Regulations 2010
 - To serve notice of a parent requiring a child to be kept away from school
 - To disinfect or decontaminate items at the owner's request
 - To disinfect premises
 - Relating to dead bodies
 - (ii) Health Protection (Part 2A Orders) Regulations 2010
 - (iii) Health Protection (Notification) Regulations 2010
 - (iv) Food Hygiene (England) Regulations 2013
 - Including the issue of detention notices under Regulation 10

(20) Health Act 2006

Duty to take enforcement action under Section 10(3) of the Health Act 2006, in respect to the premises, places and vehicles in relation to which the Council has enforcement functions; and to appoint authorised officers under Section 10(5) of the Act.
(Cabinet 4/06/07, Minute 14)

(21) Control of Asbestos at Work Regulations 2006

- (1) To enforce the Regulations where the Council is the enforcing authority under the Health & Safety (Enforcing Authorities) Regulations 1998
- (2) To agree commencement of work less than 14 days after notification under Regulation 9
- (3) To give agreement (in appropriate cases) to the commencement of work before the end of the 28 day notification period, in accordance with Regulation 6 (2) of the Control of Asbestos at Work Regulations 1987.

(22) Public Health Acts Amendment Act 1907

Power to serve notice under Section 31 where land adjoining street is used for immoral or indecent purposes, or for any purpose causing annoyance or inconvenience to the public, requiring land to be fenced off or fence to be repaired; power to carry out works in default and recover expenses.

(23) Rag Flock

- (1) The entry and inspection and, where appropriate, sampling under:
 - (i) The Public Health Acts
 - (ii) The Housing Act 1985
- (2) To authorise members of staff to enter, inspect and sample where appropriate, in relation to the Acts set out above.
{NB - S154 of PHA 1936 Repealed by Schedule 3 of Public Health (Control of Disease) Act 1984}

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(24) Sunbeds (Regulations) Act 2010

Power to exercise functions and to authorise officers to exercise functions under the Sunbeds (Regulations) Act 2010
Cabinet 15 April 2013, Minute 157

Buildings

(25) Entry and Inspection of Buildings and Premises

- (1) The entry and inspection and, where appropriate, sampling under:
 - (i) The Building Act 1984
 - (ii) The Environmental Protection Act 1990
- (2) To authorise members of staff to enter, inspect and sample, where appropriate, in relation to the Acts listed above.

(26) Protection of Buildings

- (1) To serve notices under Sections 29 (1), (2) and (6) and 30 (2) of the Local Government (Miscellaneous Provisions) Act 1982 requiring owners and occupiers to secure buildings against unauthorised entry or to avoid their becoming a danger to public health;
- (2) To undertake works in default of (1) above and to recover reasonable expenses incurred
- (3) Power to enter buildings and any other unoccupied land if it is impossible to undertake works without entering it
- (4) Power to carry out works under Section 29(8) without notice where considered necessary or where not reasonably practicable to ascertain the name and address of the owner or to trace the whereabouts of an occupier who is absent from the building

(27) Building Sites, etc

- (1) The grant of consent in relation to maintenance of entrances to courtyards including the imposition of conditions under the provisions of Section 85 of the Building Act 1984
- (2) The service of Notices under Section 79 of the Building Act 1984 relating to ruinous and dilapidated buildings and neglected sites, and the carrying out of works in default under the provisions of Section 99 of the Building Act 1984.
- (3) The service of Notices under Section 76 of the Building Act 1984 in respect of premises which are so defective as to be prejudicial to health or a nuisance, and works in default, and the recovery of expenses
- (4) To authorise members of staff, as appropriate, to serve the above Notices.

(28) Building Sites - Dust etc. from Building Operations

- (1) Power under Section 21(2) of the Berkshire Act 1986 to give Notice requiring steps to be taken
- (2) Power under Section 21(6) to give or refuse conditional or unconditional consent

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- (29) **Defective Electrical and Gas Installations**
(1) To serve notices and to take all necessary action in accordance with the provisions of Section 39 of the Berkshire Act 1986 relating to defective installations
(2) To authorise members of staff, as appropriate, to serve notices under the above provisions
- (30) **Private Water Supplies Regulations 2010**
To exercise functions under the Regulations

Drains and Sewers

- (31) **Drains - Examination and Testing**
(1) Power to examine and test drains, sanitary conveniences, private sewers and cesspools believed to be prejudicial to health or a nuisance or defective under the provisions of Section 48 of the Public Health Act 1936.
(2) Duty to reinstate the ground if the drain etc is found to be in proper condition.
(3) Power to carry out the examination and testing of drains in accordance with Section 23 of the Berkshire Act 1986
- (32) **Drains - Repair**
The power to serve notice where a drain, private sewer etc is stopped up requiring the owner or occupier to remedy the defect, and to carry out works in default and recover expenses under Section 17 of the Public Health Act 1961 and to carry out works in default.
IN CONSULTATION WITH HEAD OF LEGAL & DEMOCRATIC SERVICES
- (33) **Culverts on Private Land**
The service of Notices under Section 264 of the Public Health Act 1936 to require the repairing, maintaining and cleansing of a culvert on private land, subject to the subsequent carrying out of any works in default being the subject of an express authorisation from the Committee on each occasion.
- (34) **Sewers - Agreements with Owners**
The power to enter into agreements with the owners of buildings over sewers to safeguard the Council's legal position.
IN CONSULTATION WITH HEAD OF LEGAL & DEMOCRATIC SERVICES

Food Safety

- (35) **Public Analyst**
To make the appointment of a Public Analyst required by Section 27 of the Food Safety Act 1990.
- (36) **Agricultural Analyst**
To make the appointment of an Agricultural Analyst and Assistant Agricultural Analysts required by Section 67 of the Agriculture Act 1970.

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(37) Food Authority

- (1) To exercise the Council's functions as food authority in accordance with any statutory Code of practice and practice guidance applicable.
- (2) To exercise the Council's functions under all national and local legislation, including secondary legislation and byelaws, and under the European Communities Act 1972 and any Regulations issued thereunder, including any emergency control legislation, relating to:
 - food safety
 - imported food
 - feed and food law
 - animal health and welfare
 - plant health
 - plant reproductive materials
 - plant protection rulesIncluding powers of entry to premises, inspection, sampling and seizure, and powers to serve notices and to make, vary or revoke orders under the above legislation
- (3) To authorise officers and other qualified persons to exercise functions under the above legislation, including authorisation to take action in accordance with any current emergency control legislation
- (4) To amend the Food Service Plan.

(38) Movement of Pigs and Cattle

Delegation from Licensing Applications Committee - see below under CONSTITUTION - PART 3, SCHEDULE 1 - B. Licensing and Registration Functions

- (50). Movement of Pigs (B43)
- (51). Sale of Pigs (B44)
- (52). Collecting Centres for Pigs.(B45)
- (53). Movement of Cattle from a Market (B46)

(38A) Institution of Proceedings

Power to exercise functions and to authorise officers to exercise functions under the:

- Animals & Animal Products (Examination for residues and maximum residue Limits) (England & Scotland) Regulations 2015;
- Consumer Protection from Unfair Trading Regulations 2008;
- Country of Origin of Certain Meats (England) Regulations 2015;
- Food Information Regulations (FIR) 2014;
- Food for Specific Groups (Information & Compositional Requirements) England) Regulations 2016;
- Genetically Modified Organisms (Traceability & Labelling) (England) Regulations 2004;
- Olive Oil (Marketing Standards) Regulations 2014;
- Poultry Meat (England) Regulations 2011;

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- Quick-Frozen Foodstuffs (England) Regulations 2007;
- Scotch Whisky Regulations 2009;
- Specified Products from China (Restrictions on Placing on the Market)(England) Regulations 2008;
- Animal Health Act 1981;
- Consumer Protection Act 1987.

Housing, Neighbourhoods and Leisure Committee 3/7/19 (Minute 11)

Vermin and Pests

(39) Verminous Premises / Persons

- (1) Service of Notices and carrying out of works in default under the relevant statutory provisions, where appropriate, in respect of public health nuisance in accordance with Sections 83 and 84 of the Public Health Act 1936 regarding the cleansing of filthy or verminous premises and filthy or verminous persons and articles.
 - (2) to require the cleansing of verminous persons and their clothing.
 - (3) to authorise members of staff, as appropriate, to serve the above Notices, and to apply to the courts for the detention of verminous persons.
- (3) IN LIAISON WITH HEAD OF LEGAL & DEMOCRATIC SERVICES

(40) Pigeons - Reduction of Numbers

Power to take steps to abate or mitigate any nuisance, annoyance or damage caused by the congregation in a built-up area of pigeons and other birds under Section 74 of the Public Health Act 1961 other than by means of narcotising

(41) Prevention of Damage by Pests Act 1949

- (1) The entry and inspection and, where appropriate, sampling under the Prevention of Damage by Pests Act 1949
- (2) The power to authorise members of staff to enter, inspect and sample, where appropriate
- (3) Duty under Section 2:
 - (a) to take necessary steps so far as is practicable to secure that a district is kept free from rats and mice
 - (b) to destroy rats and mice on Council-occupied land and to keep free from rats and mice
 - (c) to enforce the duties of owners and occupiers under Part 1 and to carry out operations authorised by Part 1
- (4) Power under Section 6 to take action in relation to groups of premises after giving notice, and to recover expenses under Section 7.

(42) Damage by Pests - Notices

The authority to sign and issue Notices under Section 4 of the Prevention of Damage by Pests act 1949, (requiring owners/occupiers of land to take steps for the destruction of rats and mice) and the undertaking of works in default under the provisions of Section 5 of the Prevention of Damage by Pests Act 1949

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ENVIRONMENTAL HEALTH - DOMICILIARY

(43) Arrangement of Supplies

Power - at the request of the occupier of premises where the supply of gas, water or electricity is cut off in consequence of the failure of the owner or former owner to pay for the supply - to arrange for the supply to be continued or restored and to recover costs from the owner or former owner who was liable to pay, under Section 33 Local Government (Miscellaneous Provisions) Act 1976.

Unfit Houses

(44) Clearance, Demolition, etc.

Under Section 319 of the Housing Act 1985 to enter premises for the survey/examination or valuation purposes of Part IX of the Act (clearance, demolition orders, etc.)

(45) Demolition Orders

To make a demolition order under Sub-Sections (1) or (2) of Section 265 of the Housing act 1985 (as amended); or

(46) Demolition / Repair

Under the following Sections of the Housing Act 1985:

- (1) Power Section 274 to extend period for demolition;
- (2) Power under Section 275 to substitute a Prohibition Order for the Demolition Order to permit use otherwise than for human habitation.

Overcrowding

(47) Part X, Housing Act 1985

- (1) Power to issue, or revoke, a licence to permit additional persons to sleep on premises in excess of the permitted numbers (Section 330).
- (2) Duty to inform the landlord or occupier of the permitted number of persons (Section 332)
- (3) Duty to inspect, report and prepare proposals in relation to overcrowding (Section 334)
- (4) Power to serve notice requiring information about persons sleeping in a dwelling (Section 335)
- (5) Power to require production of a rent book (Section 336)
- (6) Power to enter premises, to ascertain the number of persons permitted to use the dwelling for sleeping under Part X of the Act (Section 337)
- (7) Power to serve notices under Part X of the Housing Act 1985 relating to overcrowding.
- (8) Power to enter premises, to determine whether powers under Part X of the Act should be exercised (Section 340)

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Houses in Multiple Occupation

(48) Utilities - Urgent Repair

Under the Berkshire Act 1986 Section 63 to authorise, in appropriate cases of urgent need, repairs to apparatus used for supply of water, gas or electricity; to authorise entry to premises for that purpose, including cases of emergency; and to recover expenses from the owner.

(49) Licensing of Houses in Multiple Occupation

- (1) To issue, vary or revoke a licence under Sections 64, 69, 79 and 71 of the Housing Act 2004.
 - (2) To issue a notice giving temporary exemption from HMO licensing under Sections 62 and 68 of the Housing Act 2004.
 - (3) To adopt discretionary licence conditions under Section 67 of the Housing Act 2004.
IN CONSULTATION WITH THE HEAD OF LEGAL & DEMOCRATIC SERVICES AND THE LEAD COUNCILLOR FOR HOUSING
 - (4) To set the licence fee under Section 63 of the Housing Act 2004.
IN CONSULTATION WITH THE STRATEGIC FINANCE DIRECTOR, THE LEAD COUNCILLOR FOR HOUSING AND THE HEAD OF HOUSING & NEIGHBOURHOOD SERVICES.
 - (5) To test the suitability for occupation, fit and proper person and satisfactory management arrangements under Sections 65 and 66 of the Housing Act 2004.
IN CONSULTATION WITH THE HEAD OF LEGAL & DEMOCRATIC SERVICES AND THE LEAD COUNCILLOR FOR HOUSING
- (Cabinet 26/09/05 Minute 71)

(50) Housing Conditions - Housing Act 2004

- (1) Duty to inspect premises for category 1 or 2 hazards where considered appropriate, under Section 4 of the Act.
- (2) To act as Proper Officer under Section 4(2) to inspect where an 'official complaint' on the condition of premises is received and to produce a report Under Section 4(6)
- (3) Duty to consider a report produced by the Proper Officer under Section 4(7).
- (4) Duty to take appropriate enforcement action, where the authority considers a category 1 hazard exists on residential premises, under Section 5.
- (5) Duties in relation to a statement of reasons under Section 8.
- (6) Duty to consult with the area fire rescue authority under Section 10.
- (7) Power to serve an improvement notice under Section 11.
- (8) Power to serve an improvement notice under Section 12.
- (9) Duty and power (as appropriate) to revoke an improvement notice under Section 16,
- (10) Power to vary an improvement notice under Section 16(4).
- (11) Duty and power (as appropriate) to review a suspended improvement notice under Section 17
- (12) Power to serve a prohibition order under Section 20
- (13) Power to serve a prohibition order under Section 21.
- (14) Duty and power (as appropriate) under Section 25.
- (15) Power to vary prohibition order under Section 25(4).

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- (16) Duty and power (as appropriate) to review a suspended prohibition order under Section 26.
- (17) Power to serve a Hazard Awareness Notice under Section 28.
- (18) Power to serve a Hazard Awareness Notice under Section 29.

(51) Improvement Notices - Housing Act 2004

- (1) Power under Schedule 3 to take any action required by an improvement notice, with the agreement of the person on whom the notice has been served, at the expense of that person.
IN CONSULTATION WITH THE STRATEGIC FINANCE DIRECTOR
(Cabinet 18/04/06, Minute 226) [TRANSFER FROM STRATEGIC FINANCE DIRECTOR]
- (2) Power under Schedule 3, (paragraphs 3 and 4) and Section 31 to take action relating to improvement notices.
IN CONSULTATION WITH HEAD OF LEGAL & DEMOCRATIC SERVICES
- (3) Powers under Schedule 3, Part 3, and Section 31 to recover expenses after having taken the action required by an improvement notice.
IN CONSULTATION WITH THE HEAD OF LEGAL & DEMOCRATIC SERVICES
- (4) Power under Section 40 to take emergency remedial action.
- (5) Power to serve an emergency prohibition order under Section 43.
- (6) Power to make and recover a reasonable charge for specified enforcement action, under Sections 49 and 50.
(Cabinet 18/04/06, Minute 226 - amended)

(52) Housing Conditions - Supplementary and Final Provisions

- (1) Duty to establish and maintain a register under Section 232 of all the following which are in force:
 - (a) Licences Granted under Parts 1 and 2;
 - (b) temporary exemption notices under Sections 62 and 68;
 - (c) management orders under Part 4.
- (2) Power to give notice to a person to produce documents in their custody or control, under Section 235.
- (3) Power under Section 239 to enter to survey or examine premises.
- (4) Power under Section 255 to serve notice. (an HMO declaration).
- (5) Power under Section 256 to revoke an HMO declaration.
(Cabinet 18/04/06, Minute 226 - amended)

(53) Empty Dwelling Management Orders - Housing Act 2004

Powers and duties under the Housing Act 2004 as follows:

- (1) Power under Section 133 to make an interim Empty Dwelling Management Order on authorisation by the Residential Property Tribunal
- (2) Duty under Section 133(3) to make reasonable efforts to notify proprietors and ascertain the steps they are taking to secure occupation, before the application for an interim order;

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- (3) Duty under Section 133(4) to take into account the rights of the relevant proprietor and interests of the wider community, in deciding whether to make an application for an interim order;
- (4) Power under Section 133(6) to include an application to determine a lease or licence of a dwelling;
- (5) Duties under Section 133(8) and Schedule 6, Part 1 in relation to interim orders
- (6) Duties under Section 135 in relation to interim orders:
- (7) Duty under Section 135 (4), to either:
 - (i) make a final Empty Dwelling Management Order or
 - (ii) revoke the interim order;
- (8) Power under Section 136 (1) and (2) to make a final Empty Dwelling Management Order to replace an interim or existing final Empty Dwelling Management Order,
- (9) Duty under Section 136 (3), in deciding whether to make a final Empty Dwellings Management Order, to take into account:
 - (i) the interests of the wider community;
 - (ii) the effects it will have on rights of the relevant proprietor and on third parties;
- (10) Duty under Section 136 (4) to consider whether to pay compensation to third parties for interference with rights, before making a final order;
- (11) Duty under Section 136 (5) to take certain procedural steps, under Schedule 6, Part 1 as modified, before making a final Empty Dwelling Management Order;
- (12) Duties under Section 137(2), (3) and (7)
- (13) Duties under Section 137(4) in relation to review of final Orders
- (14) Duty to vary a final Order under Section 137(5)
- (15) Duty to revoke a final Order under Section 137(6)
- (16) Duty under Section 138 (3) to consider whether any compensation should be paid for the interference with their rights at the request of a third party;
- (17) Duty under Section 138 (4) and (5) to notify such decision as soon as practicable and where awarded, vary the management scheme to specify the amount and make provision for the payment;
- (18) Power under Schedule 7 paragraph 2 (3) during an interim Empty Dwelling Management Order to exercise the following rights and powers:
 - (i) right to possession;
 - (ii) proprietors management powers;
 - (iii) power to create a lease or licence, subject to proprietor’s consent;
 - (iv) power to apply to the Residential Property Tribunal to determine lease or licence;
- (19) Power under Schedule 7, paragraph 2 (10) to apply to have interim Empty Dwelling Management Orders registered as a restriction on the register of title;
- (20) Power under Schedule 7 paragraph 5 (3) and (4) to use rents and other occupiers’ payments to meet relevant expenditure and any compensation subject to a duty to pay the balance, with appropriate interest, to proprietors;
- (21) Duty under Schedule 7 paragraph 5 (6) to keep full accounts of income and expenditure and provide to proprietors and other relevant persons;

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- (22) Power under Schedule 7 paragraph 6 (1) to vary interim Empty Dwelling Management Orders, where considered appropriate;
 - (23) Power under Schedule 7 paragraph 7 to revoke interim Empty Dwelling Management Orders in specific circumstances;
 - (24) Duty under Schedule 7 paragraph 8 to follow Schedule 6 part 2 procedure on variation or revocation;
 - (25) Power under Schedule 7 paragraph 10, during a final Empty Dwelling Management Order, to exercise the following rights and powers:
 - (i) right to possession;
 - (ii) proprietors management powers;
 - (iii) power to create a lease or licence, with proprietor's consent required in only limited circumstances;
 - (iv) power to apply to the Residential Property Tribunal to determine lease or licence;
 - (26) Power under Schedule 7 paragraph 10(10) to apply to have interim Empty Dwelling Management Orders registered as a restriction on the register of title;
 - (27) Duty under Schedule 7 paragraph 13 to ensure that a final Empty Dwelling Management Order contains a management scheme, with a plan that fulfils the mandatory requirements in sub-paragraph (3);
 - (28) Power under Schedule 7 paragraph 13(4) to include certain matters in the management scheme;
 - (29) Duty under Schedule 7 paragraph 13(5) to keep full accounts of income and expenditure and provide to proprietors and other relevant persons;
 - (30) Power under Schedule 7 paragraph 15(1) to vary final Empty Dwelling Management Orders, where considered appropriate;
 - (31) Power under Schedule 7 paragraph 16 to revoke final Empty Dwelling Management Orders in specified circumstances;
 - (32) Duty under Schedule 7 paragraph 17 to follow Schedule 6 Part 2 procedure on variation or revocation;
 - (33) Duty under Schedule 7 paragraph 20 (4) to give up possession of furniture to the proprietor on their request;
 - (34) Power under Schedule 7 paragraph 20 (5) and (6) to renounce right to possession of furniture by notice to proprietor subject to duty to arrange storage;
 - (35) Power under Schedule 7 paragraph 21 to supply dwelling subject to interim or final Empty Dwelling Management Orders with furniture as required;
 - (36) Duty under Schedule 7 paragraph 23 to make payment of excess funds to, and power to recover shortfall from, the relevant proprietor on termination of an Empty Dwelling Management Order;
 - (37) Power under Schedule 7 paragraph 23 (10) to enforce the charge on the property for recoverable sums;
 - (38) Power under Schedule 7 paragraph 25, to enter any part of the dwelling for the purpose of carrying out works, and to authorise persons to do so;
 - (39) Power under Schedule 7 paragraph 25 (3) and (4) to apply for a Magistrates' Court order to enforce right of entry and prosecute on breach;
- IN CONSULTATION WITH THE HEAD OF LEGAL & DEMOCRATIC SERVICES

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- (40) Any other express or implied duty or power not specified above under Sections 132 to 138 and Schedule 7.

(Cabinet 17/03/08, Minute 158 - amended)

(54) Interim and Final Management Orders

Powers and duties under the Housing Act 2004 as follows:

- (1) Duty under Section 102 (2) and (3), to make Interim Management Order regarding a licensable but unlicensed House in Multiple Occupation or a Part 3 house where either:
 - (i) there is no reasonable prospect of it being licensed or;
 - (ii) the health and safety condition is satisfied;Or where the licence has been granted but it has been decided to revoke it and on the revocation coming into force (i) or (ii) will apply;
- (2) Power under Section 102 (4), (5), and (6), to make an Interim Management Order on successful application to the Residential Property Tribunal;
- (3) Power under Section 102 (7) to make a Special Interim Management Order against a property potentially licensable under Part 3 on a successful application to the Residential Property Tribunal;
IN CONSULTATION WITH THE HEAD OF HOUSING & NEIGHBOURHOOD SERVICES
- (4) Duty under Section 106 to take immediate steps to protect the health, safety or welfare of occupiers and others, once an Interim Management Order is in force, and to take other action considered appropriate to secure the proper management of the house;
- (5) Powers under Section 107 (3) exercisable in performing Section 106 duties:
 - (i) right to possession;
 - (ii) right to do what an estate/interest holder would be entitled to do;
 - (iii) to grant licences or tenancies (only with prior written consent);
- (6) Power under Section 110 1 (2) and (3) to determine “relevant expenditure” and to meet it and compensation payments out of rent and other payments from occupiers;
IN CONSULTATION WITH THE STRATEGIC FINANCE DIRECTOR
- (7) Duty under Section 110 (4) to pay residue of such payments to the relevant Landlord(s) with interest, if appropriate;
IN CONSULTATION WITH THE STRATEGIC FINANCE DIRECTOR (8) Duty under Section 110 (6) to keep full accounts for the house and to allow Landlords and others with an interest access thereto;
IN CONSULTATION WITH THE STRATEGIC FINANCE DIRECTOR
- (9) Power under Section 111 to vary an Interim Management Order where considered to be appropriate on the authority’s initiative or an application by a relevant person;
- (10) Power under Section 112 to revoke an Interim Management Order in given cases and where considered to be appropriate either on the authority’s initiative or on application by a relevant person;
- (11) Duty under Section 113 to make Final Management Order where on expiry of Interim Management Order (or Final Management Order) a licence under Parts 2 or 3 cannot be granted;

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- (12) Power under Section 113 to make a Final Management Order where on expiry of an Interim Management Order (or Final Management Order) the house would not be licensable and it is necessary for the long term protection of the health, safety and welfare of occupiers and other persons;
 - (13) Duties under Section 115 once Final Management Order is in force to take appropriate steps for the proper management of the house in accordance with the management scheme in the order;
 - (14) Duty under Section 115 (3) to periodically review:
 - (i) the operation of the order and its management scheme;
 - (ii) whether keeping the order in force is the best alternative;
 - (15) Duty under Section 115 (3) to ensure property is insured;
 - (16) Powers under Section 116 exercisable in performing duty under Section 115 (2) as follows:
 - (i) right to possession of house;
 - (ii) right to do what an estate/interest holder would be entitled to do;
 - (iii) to grant tenancies or licences;
 - (17) Duty under Section 119 to produce a management scheme;
 - (18) Duty under Section 119(7) to keep full accounts for the house to be made available to each relevant landlord and others with an interest;
 - (19) Power under Section 121 to vary a Final Management Order;
 - (20) Power under Section 122 to revoke a Final Management Order;
 - (21) Powers and duties under Section 125 in relation to management orders;
 - (22) Power under Section 126 to renounce right to possession of furniture vested by the Interim Management Order/Final Management Order in force;
 - (23) Power under Section 127 to supply a house subject to an Interim Management Order/Final Management Order;
 - (24) Duty to consider whether compensation should be paid to a person whose rights have been interfered with by an Interim Management Order/Final Management Order;
 - (25) Duty under Section 129 to deal with the final balance of accounts on termination of an Interim Management Order/Final Management Order;
 - (26) Power under Section 130 to transfer management agreements, rights liabilities and legal proceedings to the Landlord on termination of an Interim Management Order/Final Management Order;
 - (27) Power under Section 131 when Interim Management Order/Final Management Order is in force, to enter the house for the purpose of carrying out works.
- (Cabinet 17/03/08, Minute 159 - amended)

(55) Licensing of Houses In Multiple Occupation - Enforcement: Rent Repayment Orders

Powers and duties under the Housing Act 2004 as follows:

- (1) Power under Section 73 to apply to Residential Property Tribunal for a Rent Repayment Order where:
 - (i) Landlord guilty of offence under Section 72 within the last 12 months; and
 - (ii) Housing Benefit paid to the occupier for rent/charges;
- (2) Duty under Section 73 (7) to serve notice of intended proceedings prior to seeking a Rent Repayment Order and consider representations received;

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- (3) Duty under Section 74 (9)(b) to treat a Rent Repayment Order as a local charge;
- (4) Power under Section 74 (10) and (11) to enforce charge, including by sale etc;
- (5) Power under Section 74 (12) and (13) to secure repayment by applying conditions to subsequent licence or terms of a subsequent Management Order.

(Cabinet 17/03/08, Minute 159 - amended)

(56) Empty Homes Strategy - Recovery of Costs

To operate the procedure for recovering the Council's costs of dealing with health and safety matters in long-term empty private properties by enforcing any relevant legal charges which the Council may have placed on these properties

(Housing Committee, 3 March 1998, Minute 50)

(57) Housing Act 1985 - (Part XVIII) - Miscellaneous and General Provisions

- (1) Power to enforce covenants against the owner of property for the time being (Section 609)
- (2) Power to serve notice requiring removal or alteration of apparatus of statutory undertakers (Section 611)

(58) Regulatory Powers For Long-Term Empty Homes

Authority to exercise the relevant powers in the Housing Act 1985 and the Law of Property Act 1925.

IN CONSULTATION WITH THE STRATEGIC FINANCE DIRECTOR AND THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

Policy Committee 14 April 2014, Minute 109

(58A) Housing and Planning Act 2016

- (1) Authority to implement the scheme to issue Civil Penalties and Penalty Charges in relation to Section 128 and Schedule 9 of the Housing and Planning Act 2016 and the Smoke and Carbon Monoxide Alarm (England) Regulations 2015. The purpose of the 2016 Act being to introduce a number of measures to tackle criminal (rogue) landlords and agents including Civil Penalties of up to £30,000 as an alternative to prosecutions, Rent Repayment Orders and Banning Orders and the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 placing a duty on landlords to fit smoke and carbon monoxide alarms in private rented properties, where the penalty for non-compliance could be a charge of up to £5,000.
- (2) To discharge the Council's powers and duties under the scheme under the Housing and Planning Act 2016 and the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 along with subsequent Regulations and Orders as well as policies and procedures relating to this legislation.

HOUSING, NEIGHBOURHOODS AND LEISURE COMMITTEE 14/3/18, MINUTE 26

(58B) Licensing of Houses in Multiple Occupation - Energy Efficiency Regulations

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- (1) Authority to implement the scheme for the extension of mandatory licensing of Houses in Multiple Occupation and enforce the requirements of The Energy Efficient (Private Rented Property) (England and Wales) Regulations 2015.
IN CONSULTATION WITH THE HEAD OF LEGAL AND DEMOCRATIC SERVICES AND HEAD OF FINANCE
Housing, Neighbourhoods and Leisure Committee 4/7/18, Minute 7
- (2) Authority to discharge the Council's duties and powers under the Licensing of Houses in Multiple Occupation (Mandatory Conditions or Licences) (England) Regulations 2018 and the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 along with subsequent Regulations and Orders as well as policies and procedures related to this legislation.
IN CONSULTATION WITH THE HEAD OF LEGAL AND DEMOCRATIC SERVICES
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Home Improvement

(59) Renovation Grants

- (1) Power to administer the scheme for discretionary grants and loans under the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002, in accordance with the Council's policy for Housing Renewal in the Private Sector
- (2) Power to administer the scheme for mandatory disabled facilities grants under the Housing Grants, Construction and regeneration Act 1996, in accordance with the Council's policy for Housing Adaptations

(60) Applications for Reinstatement Grants

Under Part XVI Housing Act 1985:

- (1) Powers and duties under Sections 534 to 546 in relation to reinstatement grants
- (2) Under Section 543(2), determination of 100% grant aid application in the following two circumstances:
 - (a) Where applicants are of a pensionable age with less than £6,000 savings, and annual income of less than £5,000.
 - (b) Where applicants are below pensionable age with less than £6,000 savings and are unable to obtain a loan to meet the difference between grant and cost of works.

(61) Private Sector Renewal Policy

To make changes in consultation with the Lead Councillor that are consistent with the main objectives of the policy

HEALTH & SAFETY AT WORK

CONSTITUTION - PART 3, SCHEDULE 1
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Part C - Functions relating to health and safety at work

(62) Health & Safety at Work Act 1974

Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health & Safety at Work etc Act 1974, and any Regulations made thereunder, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.

(63) Staff Replacement

The power to issue Certificates of Appointment to newly appointed staff or replacement and existing staff where necessary under the Health and Safety at Work etc Act 1974.

(64) Workplace Danger

- (1) To serve Improvement Notices under the provisions of Section 21 and Prohibition Notices under the provisions of Section 22 of the Health and Safety at Work etc Act 1974.
- (2) To deal with causes of imminent danger by seizure and rendering harmless under the provisions of Section 25 of the Health and Safety at Work etc Act 1974.
- (3) The power to authorise members of staff, as appropriate, to serve the above notices and exercise the above provisions.

COMMUNITY PROTECTION

(65) Anti-Social Behaviour, Crime & Policing Act 2014

To exercise the functions of the Council under the Act in relation to services provided by the Service:

- (1) Section 43 - power to issue a Community Protection Notice
- (2) Section 47 - power to take action in default of compliance with a Community Protection Notice, and recover expenses
- (3) Section 49 - power to carry out works under a remedial order and recover expenses
- (4) Section 50 - duties in relation to forfeiture of items used in commission of offence under Section 48
- (5) Section 51 - power for designated person to seize item under warrant issued by justice of the peace
- (6) Section 52 - power for authorised person to issue a fixed penalty notice for an offence under Section 48
- (7) Section 53 - power to issue and to authorise officers to issue fixed penalty notices for offences under Section 48, and power to designate other person to issue fixed penalty notices (persons of a description specified in an Order made by the Secretary of State)

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- (8) Section 68 - power to issue, and to authorise officers to issue fixed penalty notices for offences under Sections 63 and 67
- (9) Sections 76 to 79 - powers and duties in relation to closure notices
- (10) Sections 80 to 84 - powers and duties in relation to closure orders
- (11) Section 85 - powers in relation to enforcement of closure orders
- (12) Sections 101 and 104, and Schedule 4 - powers and duties in relation to the community remedy document and to anti-social behaviour case reviews

(Policy Committee, 1 December 2014, Minute 58)

DELEGATION ALSO MADE TO HEAD OF HOUSING & NEIGHBOURHOOD SERVICES, AND HEAD OF TRANSPORTATION AND STREETCARE

(see also Delegation (5) above re. dangerous dogs)

LICENSING

(66) Objections to Applications for Licences to Operate Heavy Goods Vehicles

To make representations on behalf of the Council to the Licensing Authorities under:

- (1) Part V of the Transport Act 1968 in connection with applications for Goods Vehicles Operators Licences;
- (2) Section 12 of the Goods Vehicles (Licensing of Operators) Act 1995 in connection with the revocation, suspension or curtailment of operators' licences in appropriate circumstances.

(67) Goods Vehicle Operator Licences

To consider whether an objection to an application for a grant or variation of conditions to a Goods Vehicle Licence should be made or not, and to make an objection in the following circumstances:

- (1) where s/he is of an opinion that the application should be objected to on environmental grounds; or
- (2) where he, after consultation with the Head of Planning and Transport, is of an opinion that the application should be objected to on planning grounds; or
- (3) where he, after consultation with Councillors of the Ward where the operating premises is situated, is of an opinion that the application should be objected to on environmental, planning or other grounds; or
- (4) where he, after receiving representations from local residents in the vicinity where the operating premises is situated, is of an opinion that the application should be objected to on environmental, planning or other grounds.

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FUNCTIONS DELEGATED TO AND BY THE LICENSING APPLICATIONS COMMITTEE

LICENSING

CONSTITUTION - PART 3, SCHEDULE 1

B. Licensing and Registration Functions

General Delegations

(1) Issuing of Licences, Permits etc

Authority to grant, issue, renew, and transfer (where relevant), licences, permits, consents, and similar for the activities listed below, and to impose and amend terms and conditions, subject to:

- (1) there being no objections from any consultees
- (2) in respect of renewals, there being no complaints or breaches of any of the terms and conditions to the licence, permit, consent or similar
- (3) All other licensing requirements being met
- (4) the terms and conditions having originally been approved by the Committee:

Environmental Health

- Pet Shop Licences (Pet Animals Act 1951)
- Pet Shop Licences (Pet Animals Act 1951)
- Animal Boarding Establishment Licences (Animal Boarding Establishments Act 1963)
- Breeding of Dogs Act 1973
- Breeding and Sale of Dogs (Welfare) Act 1999
- Dangerous Wild Animals Act 1976
- Performing Animals (Regulation) Act 1925
- Riding Establishment Licences (Riding Establishments Act 1964 & 1970)
- Acupuncture, Ear Piercing and Tattooing Registration (Local Government (Miscellaneous Provisions) Act 1982)

Licensing

- House-to-House Collection Permits (House to House Collections Act 1939)
- Street Collection Permits (Police, Factories Etc (Miscellaneous Provisions) Act 1916)
- Lottery Registration (Lotteries and Amusements Act 1976)
- Scrap Metal Dealers Act 2013
- Pavement Cafe Licences (Highways Act 1980)
- Street Trading Licences (Local Government (Miscellaneous Provisions) Act 1982)
- Street Trading Consents (Not Town Centre)(Local Government (Miscellaneous Provisions) Act 1982)

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- Hackney Carriage Vehicle Licences (Local Government (Miscellaneous Provisions) Act 1976) and Town Police Clauses Act 1847)
- Hackney Carriage Vehicles (Horse Drawn) Local Government (Miscellaneous Provisions) Act 1976) and Town Police Clauses Act 1847)
- Private Hire Vehicle Licences (Local Government (Miscellaneous Provisions) Act 1976)
- Licensing Act 2003

(2) Issuing of Licences, Permits etc (Renewals)

(amended lcs.c 5.10.98 Minute 55, and Licensing Committee 11.1.99 Minute 87)

Authority to grant and issue, ON RENEWAL ONLY, licences, consents, permits and similar for the below listed (provided there have been no complaints, objections or breaches of conditions and the renewal application is identical to the existing licence, and ALL other licensing requirements are met):

- Sex Establishment Licences (Local Government Miscellaneous Provisions Act 1982)
- Private Hire Operators Licences (Local Government Miscellaneous Provisions Act 1976)

(3) Entry, inspection and sampling

(1) The entry, inspection and, where appropriate sampling under:

- (i) The Local Government (Miscellaneous Provisions) Act 1982
- (ii) The Caravan Sites, Control of Development Act 1960
- (v) The Riding Establishment Acts 1964 and 1970
- (vi) The Pet Animals Act 1951
- (vii) The Animal Boarding Establishments Act 1963
- (viii) The Breeding of Dogs Act 1973

(2) The power to authorise members of staff to enter, inspect and sample, where appropriate, in relation to the Acts set out above.

(4) Proceedings and Enforcement Action

Authority to take appropriate enforcement action up to and including authorising the institution of proceedings in respect of:

(a) Unlicensed activity

or

(b) Failure to comply with the terms and conditions of any licence, permit, consent, or similar issued by the Council.

(5) Refusal of Applications

Authority to refuse applications for the grant, renewal or variation of licences, permits and registrations where the application:

- Would, if granted, be contrary to an approved Council policy or policies
- Does not comply with other conditions or requirements relevant to the application in question, or
- Is incomplete and the applicant has been given notice that the application will be refused if the further information is not received within a period of 14 days

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- (6) **Miscellaneous**
To set and review appropriate fees for all licences, permits, consents and similar as outlined in Sections 1 and 3 above issued by the Council.

- (7) **Simple Cautions**
To administer simple cautions in appropriate cases
IN CONSULTATION WITH HEAD OF LEGAL & DEMOCRATIC SERVICES

Specific Delegations

Key - number after title (B1) is reference to paragraph in Schedule 1) in Part 3 of the Constitution. Delegations indented are RBC delegations relating to the relevant paragraph.

- (8) **Caravan Site Licences (B1)**
Power to issue licences authorising the use of land as a caravan site (“site licences”) under Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c.62)

(8A) Mobile Homes and Caravan Sites

Power to exercise functions in the Mobile Homes Act 2013 and in the Caravan Sites and Control of Development Act 1960, together with any regulations made thereunder, including future revision of the approved Fees Policy
[Licensing Applications Sub-Committee 3, 16 April 2014, Minute 36]

- (9) **Moveable Dwellings and Campsites (B2)**
Power to license the use of moveable dwellings and campsites, under Section 269(1) of the Public Health Act 1936 (c.49)

Hackney Carriage and Private Hire Licensing

- (10) **Hackney Carriages/Private Hire Licences**
(1) TO BE THE AUTHORISED OFFICER under Part II, Sections 50(4), 53(3), 56(2), (3) & (4), 58(2)(b), 68 and 73 of Local Government (Miscellaneous Provisions) Act 1976.
(2) TO authorise officers where necessary under the provisions of the Act of 1976 set out in 1 above.
(also listed under Proper Officer Section)

- (11) **Hackney Carriages and Private Hire Vehicles (B3)**
(1) Power to grant and renew licences in respect of hackney carriages vehicles under Section 37 of the Town Police Clauses Act 1487 and attach conditions thereto under Section 47 of the Local Government (Miscellaneous Provisions) Act 1976
SUBJECT TO (11A) BELOW
(2) Power to grant and renew licences and attach conditions in respect of private hire vehicles under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.
(3) Duty under Section 42 to maintain a register of hackney carriage vehicle licences
(4) Power under Section 70 LGMPA 1976 to charge a fee for vehicle licences and power to

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remit the whole or part of the fee for a licence under Section 48 (private hire vehicle)

(11A) Determination of Applications for Hackney Carriage Vehicle Licences

- (1) Authority to exercise discretion in applying the criteria below when determining applications for new hackney carriage vehicle licences:

That new licences shall not be granted to any person who has previously been issued a new hackney carriage vehicle licence by the Council, or to any person who currently owns a Reading Borough Council licensed hackney carriage, or to any person who has previously owned a Reading Borough Council licensed hackney carriage vehicle and has sold or transferred the vehicle to another person within the last 5 years.

(IN CONSULTATION WITH THE CHAIR OF THE LICENSING APPLICATIONS COMMITTEE AND, WHERE THE HEAD OF SERVICE DEEMS IT APPROPRIATE, THE READING TAXI ASSOCIATION)

(Licensing Applications Committee, 28 March 2007 (Minute 8) and Licensing Sub-Committee 3, 5 September 2007 (Minute 13))

- (2) Power under Section 75 LGMPA 1976 to dispense by notice with the requirement to display the vehicle plate

(12) Drivers of Hackney Carriages and Private Hire Vehicles (B4)

- (1) Power to grant and renew licences for drivers of hackney carriages under Section 46 of the Town Police Clauses Act 1847 and drivers of private hire vehicles under Sections 51 and 53 of the Local Government (Miscellaneous Provisions) Act 1976 (but see 12B below for exceptions).
- (2) Power under Section 53 Local Government Miscellaneous Provisions Act 1976 to charge a fee for a hackney carriage or private hire driver licence, and to remit the whole or part of the fee for a private hire driver licence if appropriate
- (3) Duty under Section 54 Local Government Miscellaneous Provisions Act 1976 to issue badges to licensed drivers
- (4) Duty under Section 51 Local Government Miscellaneous Provisions Act 1976 to maintain a register of private hire drivers
- (5) Duty under Section 46 Town Police Clauses Act 1847 to maintain a register of hackney carriage driver licences

(12A) Hackney Carriage and Private Hire Driving Assessments

- (1) To conduct driving assessments for assessing the driving and knowledge capabilities of all applicants for the first grant of a licence to drive Hackney Carriage and Private Hire Vehicles, and as otherwise directed by the Licensing Committee
- (2) To determine the timescales in which the two-part Council and Driving Standards test be taken by applicants, in order to allow flexibility where a driver may need a number of attempts to pass the test.
(Licensing Applications Committee 16/03/05 Minute 1)

(12B) Granting and Renewal of Hackney Carriage Driver and Private Hire Vehicle Driver

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Licences (475)

Power to grant and renew hackney carriage and private hire drivers licences, providing all licensing requirements are met, except where the applicant has:

- (1) Unspent convictions for any offence;
- (2) Incurred a fine of above £500 within the last 3 years;
- (3) More than one conviction for a major traffic offences such as reckless driving and driving without due care and attention with the last two years;
- (4) More than one conviction for driving or being charge of a vehicle whilst under the influence of drink within the last three years.

(Licensing Applications Sub-Committee 3 28/01/09, Minute 37)

(13) Not Used

(14) Operators of Private Hire Vehicles (B5)

- (1) Power to grant and renew a licence and attach conditions in respect of operators of private hire vehicles under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976
- (2) Power under Section 70 to charge a fee for an operator licence, and power to remit the whole or part of any fee for a licence granted under Section 55

(14A) Private Hire Operator Licences (restricted to School Transport)

- (1) Power under Section 55 of the LGMPA 1976 to grant or renew a private hire vehicle operator licence subject to a condition restricting the operators' vehicles to use for school transport, and to vary conditions, where there are no objections or controversial issues warranting referral to the Committee;
(Licensing Applications Committee, 1 December 2004, Minute 64 - amended)

(14B) Requirements to Provide Information

- (1) Power under Section 57 of the LGMPA 1976 to require an applicant for a licence under the 1847 Act or the 1976 Act to submit information; to produce a medical certificate; and to submit to a medical examination
- (2) Power under Section 56 LGMPA 1976 to require an operator to produce records, particulars of bookings of vehicles, and his licence
- (3) Power under Section 50(4) to require the proprietor of a hackney carriage or private hire vehicle to produce the vehicle licence or insurance certificate for inspection.
- (4) Power under Section 53(3) to require the driver of a hackney carriage or private hire vehicle to produce his licence.

(14C) Hackney Carriage/Private Hire Vehicle Licence - Suspension

Power under Section 68 LGMPA 1976 to suspend Hackney Carriage or Private Hire Vehicle Licences in cases where the proprietor fails to present the vehicle for inspection when required to do so, without reasonable cause.

(14D) Revocation of Hackney Carriage Vehicle Licences and The Suspension/Revocation of Hackney Carriage Drivers' Licences and Private Hire Vehicle Drivers' Licences

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- (1) Power to revoke a hackney carriage vehicle licence, issued with the conditions approved by the Licensing Application Committee at their meeting on 28 March 2007 (Minute 8 refers), where:
 - (i) the proprietor having by notice been required to provide evidence that the vehicle was driven by the proprietor for at least 37 hours per week, had failed to do so, or had not given reasonable cause for failure to provide such information, within 28 days;
 - (ii) the proprietor had been disqualified from driving;
 - (iii) the proprietor having by notice been required to provide evidence that the vehicle was being used for the purposes of a second shift, had failed to do so, or had not given reasonable cause, within 28 days;
 - (iv) the licence holder had been a proprietor of a hackney carriage for over 6 months and having by notice been required to take either the Council's two part knowledge test or Driving Standards Agency driving test had failed to do so;
 - (2) Power to suspend/revoke a hackney carriage vehicle driver's licence where the driver has had his private hire vehicle driver's licence suspended/revoked and vice versa, on the grounds that if a person was not fit and proper person to have one licence then they were equally not a fit and proper person to hold the other licence.
(Licensing Applications Sub-Committee 3 28/01/09, Minute 38)
- (14E) Revocation of Vehicle Licences**
- (1) Power under Section 50 of the Town Police Clauses Act 1847 to revoke or suspend a hackney carriage vehicle or hackney carriage driver licence where the licence holder has been convicted on two occasions of an offence under the Act or under any byelaws made under the Act
 - (2) Power under Section 60 of the LGMPA 1976 to suspend or revoke a hackney carriage or private hire vehicle licence:
 - (a) where the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
 - (b) for any offence, or non-compliance with, the provision of the Act of 1847 or of Part II of the Local Government (Miscellaneous Provisions) Act 1976 by the operator or driver;
 - (c) for any other reasonable cause; including 14F below:**IN CONSULTATION WITH THE CHAIR OR VICE-CHAIR when in the Head of Service's opinion it is necessary to do so**
(Licensing Applications Committee, 30 May 2001, Minute 132)
- (14F) Insurance of Hackney Carriages and Private Hire Vehicles**
- (3) To suspend licences in respect of vehicles for which the proprietors fail without reasonable cause to produce their certificates or policies of insurance for verification.
- (14G). Hackney Carriage and Private Hire Vehicle Licences - Revocation**
- (1) To revoke Hackney Carriage and Private Hire Vehicle Licences in respect of any

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- vehicle where the proprietor, having been by notice required to present the vehicle for six monthly mechanical examination, without reasonable excuse fails to present the vehicle for such a test and further fails, within 21 days of service of a suspension notice, to present the vehicle for mechanical examination.
- (2) To revoke Hackney Carriage and Private Hire Vehicle Licences in respect of any vehicle where the proprietor, having by notice been required to produce the insurance certificate for that vehicle fails, without reasonable excuse, to produce the insurance certificate and fails within 21 days of service of a suspension notice to produce valid insurance for that vehicle.
- (14H) Hackney Carriage or Private Hire Vehicle Drivers' Licence**
Power under Section 61 LGMPA 1976 to suspend or revoke a driver licence:
- (1) where the driver has since the grant of the licence:
- (i) been convicted of an offence involving dishonesty, indecency or violence;
 - (ii) been convicted of an offence or failed to comply with the provisions of the Act of 1847 or of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- (2) for any other reasonable cause; including 14-1 below:
IN CONSULTATION WITH THE CHAIR OR VICE-CHAIR when in the Head of Service's opinion it is necessary to do so
(Licensing Applications Committee, 30 May 2001, Minute 132)
- (14-I) Revocation of Hackney Carriage or Private Hire Vehicle Drivers' Licences - Disqualified Drivers**
Authority to revoke a Hackney Carriage or a Private Hire Vehicle Drivers Licence where the holder of such a licence has been disqualified from driving by the Courts.
- (14J) Private Hire and Hackney Carriage Vehicle Drivers - Failure to Book or Take and Fail Medical Examination**
Authority to:
- (1) suspend with immediate effect, on the grounds of public safety, the licences of drivers who had failed to book their medical examinations after two reminder letters had been sent;
 - (2) charge an administration fee for medical reminder letters, including suspension letters, that were sent to drivers over and above the initial reminder letter;
 - (3) lift a suspension when a driver, who had been suspended for failure to book a medical, had paid the appropriate fees and had booked a medical examination;
 - (4) suspend with immediate effect the licences of drivers who had failed their medical examinations;
 - (5) lift suspensions of driver licences where a driver, who had initially failed a medical examination, subsequently had passed a medical examination.
- (Licensing Applications Sub-Committee 3, 26/01/11 (Minute 51))**

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(14K) Operator Licence

Power under Section 62 LGMPA 1976 to suspend or revoke a private hire operator licence:

- (1) for any offence under, or non-compliance with, the provisions of Part II of the 1976 Act;
- (2) for any conduct on the part of the operator which appears to the Council to render the person unfit to hold an operator's licence;
- (3) for any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted
- (4) for any other reasonable cause;

IN CONSULTATION WITH THE CHAIR OR VICE-CHAIR, when in the Head of Service's opinion it is necessary to do so.

(Licensing Apps Committee 30 May 2001, Minute 132)

(14L) Refusal of Renewal of Licences

Power under Section 60 LGMPA 1976 to refuse to renew a hackney carriage vehicle licence or private hire vehicle licence on the grounds that:

- (1) the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle
- (2) the operator or driver has committed an offence under, or has not complied with, the provisions of the 1847 Act or of Part II of the 1976 Act
- (3) any other reasonable cause.

(14M) Vehicle Inspections

- (1) Power under Section 50 of the Local Government (Miscellaneous Provisions) Act 1976 to require a hackney carriage or private hire vehicle to be presented for inspection
- (2) Power under Section 68 LGMPA 1976 to inspect and test private hire vehicles and hackney carriage vehicles and taximeters; power to require further inspection; power to suspend the vehicle licence until satisfied as to the fitness of the vehicle and the accuracy of the taximeter
- (3) Power under Section 58 LGMPA 1976 to require the proprietor of a hackney carriage or private hire vehicle to return the plate on revocation or expiry of the licence, and on suspension under Section 68
- (4) Power under Section 58 to remove and retain a vehicle plate which has not been returned after notice.

(14N) Hackney Carriages - Colour of Vehicles

Authority to approve any purpose built hackney carriage manufacturers colour and any additional colours approved by the Licensing Committee for a Hackney Carriage Vehicle.

(14-O) Hackney Carriages - Interior Advertising

Authority to approve applications for advertising material to be displayed in the

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interior of Hackney Carriages provided they meet the criteria approved by the Licensing Committee.

(Licensing Applications Committee, 16 March 1998 Minute 100)

(14P) Hackney Carriage Livery – Scrolling Advertisements

Authority to determine future applications for moving image advertisements in hackney carriages, subject to compliance with the approved criteria.

(Licensing Applications Committee, 29/01/03 Min 72.)

(14Q) Hackney Carriage Full Livery Application

Authority to approve applications using perforated window marking film for window graphic advertising provided they complied with the current conditions, and that applications using new procedures or materials which did not comply with the conditions be referred to the Committee.

(Licensing Applications Cttee, 25 February 2004 – Minute 126)

(14R) Penalty Point System for Private Hire Vehicle Driver’s Licences

Authority to implement the penalty points system of enforcement in relation to private hire vehicle driver’s licences and allocate penalty points, in accordance with the legislation and conditions applicable to private hire vehicle licences and penalty point enforcement system.

(Licensing Applications Sub-Committee 3 1/11/06, Minute 27)

(14S) Penalty Point System for Private Hire (School Transport) Vehicle Driver’s Licences

Authority to implement the penalty points system of enforcement in relation to private hire driver licences (restricted to school transport) and allocate penalty points, in accordance with the legislation and conditions applicable to such licences and penalty point enforcement system.

(Licensing Applications Sub-Committee 3 15/12/10, Minute 43)

(14T) Penalty Point System for School Transport Vehicle Driver’s Licences

Authority to implement the penalty points system of enforcement in relation to school transport vehicle driver’s licences and allocate penalty points in accordance with the legislation and conditions applicable to school transport vehicle licences and penalty point enforcement system.

(Licensing Applications Sub-Committee 3 15/12/10, Minute 43)

(14U) Hackney Carriage Fares

(1) Authority to approve and implement hackney carriage fare rises, having taken into account any recommendations expressed by the Licensing Applications Committee or Licensing Applications Sub-Committee 3

(2) Authority to advertise hackney carriage fare rises in a local newspaper, in accordance with the Local Government (Miscellaneous Provisions) Act 1976.

(Cabinet 11/07/11, Minute 32)

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(14V) Electronic Payment Facilities in Hackney Carriage and Private Hire Vehicles

Authority to:

- (1) approve electronic payment device facilities for use in hackney carriage and private hire vehicles, in line with the Guidelines for Electronic Payment Devices used in Licensed Hackney Carriage and Private Hire Vehicles;
- (2) approve the signage to be used in hackney carriages in association with the electronic payment facilities;
- (3) vary the hackney carriage and private hire vehicle licence conditions to only permit the use of Council approved electronic payment device facilities;
- (4) vary the hackney carriage vehicle licence conditions to require approved signage to be displayed where payment is accepted by electronic payment device.

Licensing Applications Sub-Committee 3, 12/02/13, Minute 45

(14W) Electronic Payment Facilities in Hackney Carriages

Authority to:

- (a) Approve electronic payment device facilities for use in Hackney Carriage Vehicles in line with the Guidelines set out in Appendix I, attached to the report;
- (b) Approve the signage to be used in Hackney Carriages in association with the electronic payment facilities;
- (c) Vary the Hackney Carriage Licence Conditions to only permit the use of Council approved electronic payment device facilities.

Licensing Applications Sub-Committee 3, 6/6/18, Minute 2

Registration - Other

(15) Pool Promoters (B6)

(16) Track Betting (B7)

REPEALED BY GAMBLING ACT 2005

(17) Inter-track Betting Schemes (B8)

Power to license inter-track betting schemes

SEE GAMBLING ACT 2005 AT 24, 24A and 24B BELOW

(18) Lotteries Promotion (B10)

(19) Amusements With Prizes (B11)

REPEALED BY GAMBLING ACT 2005

(20) Cinema and Cinema Club Licences (B12)

(21) Theatre Licences (B13)

(22) Entertainment Licences (B14)

REPEALED BY LICENSING ACT 2003

(22A) Entering of Premises - Provision of Sanitary Appliances at Places of Entertainment

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- (1) To authorise people in writing on behalf of the Council to enter premises under the provision of Section 20(5) of the Local Government (Miscellaneous Provisions) Act 1976; and to enforce the requirements of Section 20;
- (2) The power to authorise members of staff to enter, inspect and, where appropriate, sample under Sections 95 / 96 of the Building Act 1984

(23) Any function of a Licensing Authority (B14A)

Under the Licensing Act 2003 and any Regulations or Orders made under that Act
COUNCIL 22 OCTOBER 2013

(23A) Licensing Act 2003

Authority to determine the following:

- Application for personal licence if no relevant representation is made;
- Application for premises licence/club premises certificate if no relevant representation is made;
- Application for provisional statement if no relevant representation is made;
- Application to vary premises licence/club premises certificate if no relevant representation is made;
- Applications to vary designated premises supervisor where no Police representation is received;
- Any request to be removed as designated premises supervisor;
- Applications for transfer of premises licence where no Police representation is received;
- Applications for Interim Authorities where no Police representation is received;
- Decision on whether a complaint is irrelevant frivolous vexatious etc.

(Council 25/01/05 Minute 47)

(23B) Minor Variations of Premises Licences and Club Premises Certificates

Authority to:

- (a) Determine applications for minor variations when representations have been received;
- (b) Refuse applications where it is considered that a full variation is required.

(Licensing Applications Committee 29/09/09, Minute 4)

(23C) Premises Licences

Authority to:

- (1) make representations against applications for new licences and variations in respect of premises licences, in accordance with Section 13(4) of the Licensing Act 2003 as amended by Section 103 of the Police Reform and Social Responsibility Act 2011.
- (2) make review applications in respect of premises licenses in accordance with Section 51 of the Licensing Act 2003 as amended by Section 106 of the Police Reform and Social Responsibility Act 2011.
- (3) make representations against an application for a Temporary Events Notice in accordance with Section 99A of the Licensing Act 2003 as inserted by Section

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- 112 of the Police Reform and Social Responsibility Act 2011.
- (4) Suspend a premises licence for non-payment of the annual fee in accordance with Section 55A of the Licensing Act 2003 as inserted by Section 120 of the Police Reform and Social Responsibility Act 2011 where payment has not been received within 21 days following the due date, subject to the licensing authority giving a two day written notice of the date the suspension would come into effect.

Council, Annual Meeting, 23/05/12, Minute 9

(24) Gambling Act 2005 (B14AA)

Local Authorities (Functions and Responsibilities)(Amendment)(England) Regulations 2006 - B14B - 14G

Local Authorities (Functions and Responsibilities)(Amendments Nos 1 and 3)(England) Regulations 2007 - B14AA - AC

- (1) Duty to comply with requirement to provide information to Gambling Commission (Section 29) (B14AA)
- (2) Functions relating to exchange of information (Section 30) (B14AB)
- (3) Functions relating to occasional use notices (Section 39) (B14AC)
- (4) Power to resolve not to issue a casino premises licence (Section 166) (B14B)
- (5) Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises (Section 304) (B14C)
- (6) Power to make order disapplying Sections 279 or 282(1) of the Gaming Act 2005 in relation to specified premises (Section 284) (B14CA)
- (7) Power to exchange information (Section 350) (B14E)
- (8) Functions relating to the determination of fees for premises licenses under the Gambling (Premises Licence Fees)(England & Wales) Regulations 2007 (B14F)
- (9) Functions relating to the registration and regulation of small society lotteries (Part 5 of Schedule 11 to Gambling Act 2005) (B14G)

(24A) Gambling Act 2005

Authority to grant or refuse an application for a review under Sections 198 and 199 and give notice under Section 200 of the Gambling Act 2005 of the licensing authority's intention to review the application and to allocate applications to the Licensing Applications Sub-Committees 1 or 2 for determination as appropriate.
(Licensing Applications Committee 19/09/07, Minute 4)

(24B) Gambling Act 2005

Authority to carry out the following functions under the Gambling Act 2005:

- (a) license premises for gambling activities (and temporary use) eg betting shops & casinos where no relevant representations have been received;
- (b) regulate gaming and gaming machines in clubs, miners welfare institutes and alcohol licensed premises such as pubs;
- (c) grant permits to family entertainment centres for the use of certain lower stake gaming machines;
- (d) grant permits for prize gaming;

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- (e) register small society lotteries;
- (f) maintain a register of premises licences issued by the authority;
- (g) vary or transfer a premises licence;
- (h) revoke a premises licence in the event the licence holder fails to pay the annual fee;
- (i) reinstate a lapsed premises licence;
- (j) determine an application for a provisional statement in respect of premises that the applicant expects to be constructed, altered or acquire the right to occupy (Section 204)

(Licensing Applications Committee 19/09/07, Minute 4)

(25) Late Night Levies (B14AZ)

Powers and functions relating to late night levy requirements under Chapter 2 of Part 2 of the Police Reform & Social Responsibility Act 2011 and any Regulations made thereunder
COUNCIL 22 OCTOBER 2013

(26) Sex Establishments (B15)

Power to license sex shops, sex cinemas and sexual establishment venues under the Local Government (Miscellaneous Provisions) Act 1982, Section 2 and Schedule 3 (as amended by Police & Crime Act 2009, Section 27)

SUBJECT TO Licensing Applications Sub-Committee 3 being responsible for the determination of applications for grant of new licences, and for applications for renewal or transfer of licences where objections or representations have been received (Licensing Applications Committee, 27 October 2010, Minute 3)

(26A) Variation of Sex Establishment Licences

- (1) To determine any applications to vary the opening hours of Sex Establishments to 9am to 7pm Monday to Saturday (inclusive).
- (2) To determine applications to vary the opening hours for Sex Establishments over the Christmas period (the two weeks preceding Christmas).

(27) Hypnotism (B16)

Power to authorise performances of hypnotism under the Hypnotism Act 1952 (c. 46)

(28) Premises for Acupuncture, Tattooing, Ear-Piercing and Electrolysis (B17)

Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis under Section 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.

(29) Pleasure Boats and Pleasure Vessels (B18)

Power to license pleasure boats and pleasure vessels under Section 94 of the Public Health Acts Amendments Act 1907 (c.53)[31].

(30) Door Staff (B19)

Relates only to London

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(31) Market and Street Trading (B20)

Power to license market and street trading under Part III of, and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.

(31A) Street Trading Consents

To refuse applications for street trading consents where the duration of the consent applied for is one month or less and where one or more objection has been received.

(31B) To refer Street Trading Consents and Licences to the Licensing Committee with a view to revocation, where there are repeated breaches of the conditions of the licence or consent.

(31C) Street Trading Consents within the Borough of Reading

(1) Power to revoke street trading consents, when:

- (a) a street trading consent holder has failed to make two instalments of the annual consent payment, within any 12 month period;
- (b) the street trading consent holder, is both no longer trading and had failed to respond to correspondence sent to the consent holder's last known home and/or business address;

(2) Power to refuse applications for street trading consents when:

- (a) the application is for a location on any road which is designated as a Strategic Highway 'A', 'B' or 'C'.

Licensing Applications Sub-Committee 3 28/01/09, Minute 39

(31D) Street Trading Consents

Authority to revoke a street trading consent when the consent holder has failed two test purchases of age restricted products in a five day period.

Licensing Applications Sub-Committee 3 11/03/14, Minute 30

(31E) Pavement Cafés Trade Displays and A Boards - Fees and Charges

Authority to amend fees and charges annually.

IN CONJUNCTION WITH THE HEAD OF TRANSPORTATION & STREETCARE FOLLOWING CONSULTATION WITH THE LEAD COUNCILLOR FOR STRATEGIC ENVIRONMENT, PLANNING & TRANSPORT

Cabinet 18 March 2013, Minute 144

(see also 52 below)

(31F) Street Trading Consents - Changes to Conditions

Authority to amend or, where required, create new conditions which may be attached to street trading consents, subject to:

- (1) the process of consultation agreed by the Sub-Committee;
- (2) any appeal, or request for a change of conditions that could not be resolved by negotiation, being referred to the Sub-Committee

[Licensing Sub-Committee, 22 November 2011, Minute 43]

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(31G) Street Trading Consent Location

Authority to vet and issue consents in the town centre where applications are not of a controversial nature.

(Licensing Applications Sub-Committee 3 1/11/17, Minute 17)

(32) Night Cafes and Take-Away Food Shops (B21)

REPEALED BY LICENSING ACT 2003

(33) Non-Medicinal Poisons (B22)

Duty to keep list of persons entitled to sell non-medicinal poisons under Sections 3(1)(b)(ii), 5,6 and 11 of the Poisons Act 1972 (c.66)[33].

(34) Dealers In Game (B23)

REPEALED BY SI 2007/2007

(35) Premises for the Preparation of Food (B24)

Power to register and license premises for the preparation of food under Regulations made under Section 19 of the Food Safety Act 1990 (c.16).

(36) Scrap Yards (B25)

SCRAP METAL DEALERS ACT 1964 REPEALED - REPLACED BY SCRAP METAL DEALERS' ACT 2013

(36A) Scrap Metal Dealers' Act 2013

COUNCIL - 22 OCTOBER 2013

To exercise the following powers and duties under the Act:

- (1) Section 2 - power to issue scrap metal licence (site licence or collector's licence)
- (2) Section 3 - powers and duties relating to issue of scrap metal licence
- (3) Section 4 - power to revoke scrap metal licence, to vary licence and to impose conditions pending the coming into effect of a revocation
- (4) Section 6 - duty to supply information to specified bodies on request, and power to supply information in other cases
- (5) Section 8 - duty to notify Environment Agency of notifications, variations and revocations
- (6) Section 16(1) - right to enter and inspect licensed site on notice to site manager
- (7) Section 16(2) - right to enter and inspect licensed site otherwise than on notice in specified circumstances
- (8) Sections 16(5) and (8) - power to apply for warrant to enter licensed premises or unlicensed premises where there are reasonable grounds for believing they are being used by a scrap metal dealer in the course of business, and power to use reasonable force in the exercise of the powers under a warrant
- (9) Section 16(9) - power to require production of, and inspect, any scrap metal kept at any licensed premises or any premises mentioned in a warrant under Section 16(5); power to require production of, and inspect, any records kept in accordance with Sections 13 or 14 and any other records relating to payment for scrap metal; power

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- to take copies of or extracts from any such records.
- (10) Schedule 1 paragraph (3) - power to vary licence from one type to another
 - (11) Schedule 1 paragraph 4(1) - power to request further information
 - (12) Schedule 1 paragraph 4(2) - power to decline to proceed with application where applicant fails to comply with paragraph 4(1) request
 - (13) Schedule 1 paragraph 6(2) - power to set fee for application
 - (14) Schedule 1 paragraph 7(7) - duty to give applicant or licensee notice of proposed refusal, revocation or variation; power to refuse, revoke or vary where no representations made; duty to consider representations; duties with regard to oral representations
 - (15) Schedule 1 paragraph 7(8) - duty to allow applicant to make oral representations to a person appointed by the authority
 - (16) Schedule 1 paragraph 8 - duty to give decision notice with reasons on refusal, revocation or variation under Section 4
 - (17) Schedule 1 paragraph 9(7) - duty to comply with directions given by magistrates' court on appeal

TO BE EXERCISED IN CONSULTATION WITH THE HEAD OF LEGAL & DEMOCRATIC SERVICES:

- (18) Schedule 2 paragraph 2 - powers and duties with regard to closure notice
 - (19) Schedule 2 paragraph 3 power to cancel closure notice
 - (20) Schedule 2 paragraph 4 power to apply to magistrates court for closure order
 - (21) Schedule 2 paragraph 6 power to make a certificate ending closure order, and related duties
 - (22) Schedule 2 paragraph 8 power to appeal to Crown Court against magistrates court decision not to make closure order or against discharge order
- Schedule 2 paragraph 9 power to enter premises to secure compliance with closure order

(37) Safety Certificates (B26)

Power to issue, amend or replace safety certificates (whether general or special) for sports grounds under The Safety of Sports Grounds Act 1975 (c.52)[34].

(38) Regulated Stands at Sports Grounds (B27)

Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds, under Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27).

(38A) Trading Consents

To exercise the following functions under the Safety of Sports Grounds Act 1975 and Part II of the Fire Safety and Safety at Places of Sport Act 1987:

- (1) Signing and issue of Safety Certificates
- (2) Inspection of Sports Grounds
- (3) Prosecution of Offences
- (4) Service of Statutory Notices

(38B) Fire Safety

To exercise powers and duties under the Regulatory Reform (Fire Safety) Order 2005,

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including:

- (1) Duty under Article 26 to enforce the provisions of the Order, and power to appoint inspectors
- (2) Powers of inspectors under Article 27 to do anything necessary for the purpose of carrying out the Order and any Regulations made under it, in particular:
 - to enter and inspect premises
 - to make necessary inquiries
 - to require production of records
 - to require responsible persons to provide facilities and assistance
 - to take samples etc
- (3) Power to serve alterations notice under Article 29
- (4) Power to serve enforcement notice under Article 30
- (5) Power to serve prohibition notice under Article 31
- (6) Power under Article 36 to agree to refer dispute to Secretary of State for determination

(39) Fire Certificates (B28)

Not relevant - Power to issue fire certificates under Section 5 of the Fire Precautions Act 1971 is with Fire Authority

(40) Breeding of Dogs (B29)

Power to license premises for the breeding of dogs under Section 1 of the Breeding of Dogs Act 1973 (c.60) and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11).

(41) Pet Shops (B30)

Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business under Section 1 of the Pet Animals Act 1951 (c.35)[35], Section 1 of the Animal Boarding Establishments Act 1963 (c.43)[36], the Riding Establishments Acts 1964 and 1970 (1964 c.70 and 1970 c.70[37]), Section 1 of the Breeding of Dogs Act 1973 (c.60)[38], and Sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.

(41A) Pet Shops, Dog Breeding & Animal Boarding

Authority to alter the licence conditions where new national model conditions are issued for Pet Shops, Dog Breeding and Animal Boarding.

Licensing Applications Sub-Committee 3, 5/8/15, Minute 12

(42) Animal Trainers and Exhibitors (B31)

Power to register animal trainers and exhibitors under Section 1 of the Performing Animals (Regulation) Act 1925 (c.38)[39].

(43) Dangerous Wild Animals (B33)

Power to license dangerous wild animals under Section 1 of the Dangerous Wild Animals Act

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1976 (c.38) and other animal legislation..

- (44) **Knackers' Yard (B34)**
SECTION 4 OF THE SLAUGHTERHOUSES ACT 1974 REPEALED
See also the Animal By-Products Enforcement (England) Regulations 2011
- (45) **Marriages (B36)**
TRANSFERRED TO HEAD OF CUSTOMER SERVICES
- (46) **Collections for Charities and Other Causes.(B39)**
 - (1) Power to grant permits for street collections to collect for charities and other causes under Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and the Council's Street Collection Regulations ,
 - (2) Power to issue licenses for house-to-house collections under Section 2 of the House to House Collections Act 1939 (c.440[43].
- (47) **Operation of a Loudspeaker (B40).**
Power to grant consent for the operation of a loudspeaker under Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40).
- (48) **Movement of Pigs (B43)**
- (49) **Sale of Pigs (B44)**
- (50) **Collecting Centres for Pigs.(B45)**
Power to enforce the provisions of the Pigs (Records, Identification and Movement) Order 2011 as amended.
- (51) **Movement of Cattle from a Market (B46)**
Power to enforce the provisions of the Cattle Identification Regulations 2007
- (52) **Placement of Tables and Chairs and the Designation of Smoking Areas on the Highway (B46A)**
Authority, where there are no objections, to grant, renew and vary permissions for the placement of tables and chairs and the designation of smoking areas on the highway, for recreation and refreshment purposes, in accordance with Section 115(E) of the Highways Act 1980 and to exercise the powers and perform the duties pursuant to Section 115(F)(impose conditions), Section 115(G)(public notice of application for permission) and Section 115(K)(require the grantee to remedy the breach) of the Highways Act 1980.
IN CONJUNCTION WITH THE HEAD OF TRANSPORTATION & STREETCARE
(Council 25 May 2010, Minute 9)
(See also 31E above re. charging)
- (53) **Storage of Celluloid and Cinematograph Film (B56)**
REPEALED BY SI 2003 / 448
- (54) **Meat Product Premises (B57)**

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- (55) **Production of Minced Meat or Meat Preparations (B58)**
- (56) **Dairy Establishments (B59)**
- (57) **Egg Product Establishments (B60)**
- (58) **Retail Butchers Shops (B61)**
RELEVANT REGULATIONS REVOKED BY FOOD HYGEINE REGULATIONS 2006
- (59) **Fish Products Premises (B62)**
Power to approve fish products premises under regulation 24 of the Food Safety (Fishery products and Live Shellfish) (Hygiene) Regulations 1998 (SI 1998/994).
- (60) **Dispatch or Purification Premises.(B63)**
Power to approve dispatch or purification premises under Regulation 11 of the Food Safety (Fish Products and Live Shellfish) (Hygiene) Regulations 1998.
- (61) **Auction and Wholesale Markets (B66)**
Power to register auction and wholesale markets under Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
PARTS OF ABOVE MAY HAVE BEEN REVOKED BY FOOD HYGEINE REGULATIONS 2006
- (62) **Register of Food Business Premises (B67)**
- (63) **Food Business Premises (B68)**
RELEVANT REGULATIONS REVOKED BY FOOD HYGEINE REGULATIONS 2006
- (64) **Motor Salvage Operators (B69)**
AMENDED BY SCRAP METAL DEALERS ACT 2013 - See (36) above).

CONSTITUTION - PART 3, SCHEDULE 1

FA. Functions relating to Smoke-free Premises

- (65) **Smoke-free Premises**
 - (1) Duty to enforce Chapter 1 and regulations made under it, pursuant to Section 10(3) of the Health Act 2006
 - (2) Power to authorise officers under Section 10(5) of and para. 1 of Schedule 2 to the Health Act 2006
 - (3) Functions relating to Fixed Penalty Notices under paras. 13, 15 and 16 of Schedule 1 to the Health act 2006 and the Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007
 - (4) Power to transfer enforcement functions to another enforcement authority, under the Smote-free (Premises and Enforcement) Regulations 2006

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FUNCTIONS DELEGATED TO AND BY THE STRATEGIC ENVIRONMENT, PLANNING & TRANSPORT COMMITTEE

PROPER OFFICER

- (1) To act as Proper Officer in relation to the receipt on deposit of lists of protected buildings, under Section 54(4) of the Town and Country Planning Act 1971 (and under Schedule 16, Paragraph 28 of the Local Government Act 1972)
For the authentication of documents under Section 93 of the Building Act 1984.

GENERAL

- (2) **Orders up to £15,000**
To place orders up to £15,000 in respect of items within normal running expenditure on highways and sewerage functions and that this be exempted from the provisions of Standing Orders
- (3) **Buildings - Entry and Inspection**
- (1) The entry, and inspection and, where appropriate, sampling under the Building Act 1984
 - (2) The power to authorise members of staff to enter, inspect and, where appropriate, sample under the Building Act 1984

ENVIRONMENTAL POLLUTION AND STATUTORY NUISANCE

CONSTITUTION - PART 3, SCHEDULE 2 (Local Choice Functions)

- (4) **Contaminated Land**
Any function relating to contaminated land (para. 10)
(COUNCIL, 25 June 2013, Minute 21)
- (5) **Control of Pollution and Management of Air Quality**
- (1) The discharge of any function relating to the control of pollution or the management of air quality (para. 11)
 - (2) Determination of air quality management areas under Section 84(1) of the Environment Act 1985
- (6) **Abatement Notices in Respect of A Statutory Nuisance**
The service of and abatement notice in respect of a statutory nuisance (para. 12)
- (7) **Detection of Statutory Nuisance**

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The inspection of the authority's area to detect any statutory nuisance (para. 14)

- | | |
|------------|---|
| (8) | Investigation into Complaints as to the Existence of a Statutory Nuisance
The investigation of any complaint as to the existence of a statutory nuisance (para. 15) |
|------------|---|

Pollution

(9) Pollution - Powers

- (1) The entry, inspection, and, where appropriate, sampling testing, restricting use of premises and plant and the requiring of information under:
 - (i) the Control of Pollution Act 1974
 - (ii) Schedule 3 of the Environmental Protection Act 1990
 - (iii) Section 17 of Part I of the Environmental Protection Act 1990.
 - (iv) Section 55, 56 and 57 of the Clean Air Act 1993
- (2) The power to authorise members of staff to enter, inspect, sample, restrict the use of premises and plant and require information, under the above powers.
- (3) Delete - Environmental Protection (Prescribed Processes and Substances) Regulations 1991 revoked by Environmental Permitting (England and Wales) Regs 2007
- (4) The determination of information to be excluded from registers on the grounds of commercial confidentiality under Section 22 of Part I of the Environmental Protection Act 1990.
- (5) The service of either enforcement or prohibition notices in respect of contraventions or authorisations, or the likelihood of imminent risk of serious pollution of the environment under Sections 13 and 14 of the Environmental Pollution Act 1990.

(10) Environmental Permitting

To exercise powers and duties under the Environmental Permitting (England and Wales) Regulations 2007 and 2010.

Noise

(11) Noise - Control of Pollution Act 1974

To give consent under the provisions of Section 65 of the Control of Pollution Act 1974 to noise exceeding the registered level and to impose conditions thereunder

(12) Noise Levels - Notices

- (1) Service of Notice under Section 66(1) requiring a reduction of noise levels in premises to which a Noise Abatement Order applies.
- (2) To authorise officers employed in his Section to serve the above Notice.

(13) Noise Level Registration

The registration of noise levels and service of copy record as provided for under Section 64 of the Control of Pollution Act 1974

(14) Noise from Premises

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- (1) Power to exercise the enforcement powers in the Noise Act 1996 and to authorise officers to exercise such powers, including the investigation of complaints about noise at night under Section 2, the service of warning notices under Section 3, the issue of fixed penalty notices under Section 8, power to require name and address under Section 8B, power under Section 10 to enter premises and power to seize and remove equipment (including power to apply for a warrant where necessary), and all actions ancillary to those powers under Sections 82 to 86 of the Clean Neighbourhoods and Environment Act 2005.
- (2) Power to require name and address in connection with fixed penalty notices, and to authorise officers or other persons as appropriate to require such information, under Section 76 of the Clean Neighbourhoods and Environment Act 2005 in connection with an offence in an alarm notification area under Section 76 of the Clean Neighbourhoods and Environment Act 2005.
- (3) Power to require name and address in connection with fixed penalty notices, and to authorise officers or other persons as appropriate to require such information, under Section 8B of the Noise Act 1996, in connection with a noise offence under that Act under Section 82 of the Clean Neighbourhoods and Environment Act 2005.
- (4) Power under Section 80 (2A) to (2E) of the Environmental Protection Act 1990 to take any action considered appropriate as an alternative to serving an abatement notice in respect of a nuisance under Section 79(1)(g) of the Environmental Protection Act 1990 (noise emitted from premises), and to authorise officers to take such action under Section 86 of the Clean Neighbourhoods and Environment Act 2005.

(Cabinet 20/03/06, Minute 200)

(15) Audible Intruder Alarms

- (1) Power under Section 69 of the Clean Neighbourhoods and Environment Act 1990 to designate land as an alarm notification area, and power under Section 70 to withdraw such designation under Sections 69 and 70 of the Clean Neighbourhoods and Environment Act 2005.
- (2) Power to issue fixed penalty notices and take action ancillary thereto under Section 73 of the Clean Neighbourhoods and Environment Act 2005 for offences in connection with nomination or notification requirements in an alarm notification area, and to authorise persons to issue such notices and to take such action under Section 73 of the Clean Neighbourhoods and Environment Act 2005.
- (3) Power to enter land for the purposes of silencing an alarm, and to authorise officers to enter land for this purpose under Section 77 of the Clean Neighbourhoods and Environment Act 2005.
- (4) Power to apply for a warrant to enter premises by force where necessary for the purpose of silencing an alarm, and to authorise officers to make such an application under Section 78 of the Clean Neighbourhoods and Environment Act 2005.
- (5) Power to recover reasonable expenses incurred in exercising the powers under Sections 77 or 78 of the Clean Neighbourhoods and Environment Act 2005 relating to alarms under Section 79 of the Clean Neighbourhoods and Environment Act 2005.

(Cabinet 20/03/06, Minute 200)

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(16) Construction Sites - Noise

- (1) To serve Notices under Sections 58 and 60 of the Control of Pollution Act 1974 concerning summary proceedings by Local Authorities to deal with noise and the control of noise on construction sites
- (2) To authorise officers employed in the Environmental Health Department as appropriate to serve the above Notices.
- (3) To determine applications submitted to the Council under Section 61 of the Control of Pollution Act 1974 concerning prior consent for work on construction sites.

Clean Air

(17) Clean Air Act 1993

- (1) Power to serve notice under Section 24 requiring adaptations
- (2) Power to determine applications for grants under Section 26
- (3) Power of entry to land under Section 56
- (4) Power to require information to be provided under Section 58
- (5) Power to serve notice requiring information, under Section 12

(18) Clean Air - Chimneys and Furnaces

Approval of:

- (1) Plans for new furnaces under Section 4 of the Clean Air Act 1993
- (2) Plans under Section 16 of the Clean Air Act 1993
- (3) Applications under Section 15 of the Clean Air At 1993 in relation to the height of chimneys

(19) Air Quality Management

Duties under Section 84 of the Environment Act 1995 in relation to designated air quality management areas.

(19A) Vehicle Idling

Exercise the powers in Regulations 6(3) and 12 of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 on the basis set out in paragraph 6.3 of the report [submitted to SEPT Committee on 23/11/16]

STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE 23/11/16,
MINUTE 16

Nuisance Abatement

(20) Public Health Nuisance Notices

Where an abatement notice has not been complied with to authorise the abating of the nuisance and the carrying out of anything necessary to execute the notice and to recover the costs incurred in accordance with Section 81 of the Environmental Protection Act 1990.

Contaminated Land

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(21) Control of Pollution

- (1) Where an incident or possible incident having the potential to involve serious pollution of the environment, serious harm to human health, or danger to life or health, occurs, to authorise officers to enter premises:
- (i) to take any other duly authorised person, or equipment or materials;
 - (ii) examine and investigate;
 - (iii) direct that premises be left undisturbed;
 - (iv) take measurements and photographs, or samples;
 - (v) dismantle, process or test, or take possession of articles or substances;
 - (vi) interview persons;
 - (vii) require the production or furnishing of records or extracts from records;
 - (viii) require such facilities and assistance as are necessary;
 - (ix) or any other power necessary to determine whether pollution control enactments have been complied with, to exercise or perform a pollution control function of the authority, or determining
- (2) Issue notices under Section 108 (6) of the Environment Act 1995, where premises to be entered were residential
(Cabinet 6/12/04 Minute 101)

(22) Environmental Damage (Prevention and Remediation) Regulations 2009
Powers and duties under the Regulations

PLANNING & BUILDING CONTROL

Building Control

(23) Building Control

To exercise all powers of the Council relating to the control of buildings and building in accordance with the provisions of the Building Act 1984 and any regulations there under, Section 29 of the Local Government (Miscellaneous Provisions) Act 1976 regarding the protection of buildings, Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 regarding requisitions for information, Sections 32, 33, 35, 36, 37, and 38 of the Berkshire Act 1986 regarding fire and safety matters, subject to the Head of Legal & Democratic Services being responsible for the institution of all legal proceedings.

(24) Building Control - Dangerous Buildings

- (1) To enter an unoccupied building and do works to prevent unauthorised entry to it or to prevent it becoming a danger to public health under the provision of S29 of the Local Government (Miscellaneous Provisions) Act 1982 including service of notices where required by that Section and recovery of expenses.
- (2) To empower named officers of the Council to exercise the rights of entry and service of notice mentioned in (i) above.

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- (25) **Building Control - Fire escapes - Notices**
Services of notices in accordance with S33 of the Berkshire Act 1986, requiring that the provisions of means of escape from fire in certain buildings are kept clear and unobstructed.
- (26) **Building Control - Passageways/Gangways - Proceedings**
Institution of proceedings in relation to offences under S33 of the Berkshire Act 1986 relating to notices served requiring passageways and gangways to be kept unobstructed.
- (27) **Building Regulation Charges**
(Planning Committee 10.3.99 Minute 108)
In respect of the Council's scheme of charges under the Building (Local Authorities Charges) Regulations 1998 (for which the Local Government Association Model Scheme was adopted as the basis, with two exceptions (see Minute 108)):
- (1) To vary the standard scale of charges from the Local Government Association Model Scheme by plus or minus 10%;
IN CONJUNCTION WITH THE HEAD OF FINANCIAL SERVICES
 - (2) To vary the standard scale of charges from the Local Government Association Model Scheme by plus or minus a percentage greater than 10%, **in consultation with the Lead Councillor for Strategic Planning & Transport.**
IN CONJUNCTION WITH THE HEAD OF FINANCIAL SERVICES
- (28) **Entry and Inspection of Buildings and Premises**
- (1) The entry and inspection and, where appropriate, sampling under:
 - (i) Offices, Shops and Railway Premises Act 1963
 - (ii) The Building Act 1984
 - (iii) The Environmental Protection Act 1990
 - (2) To authorise members of staff to enter, inspect and sample, where appropriate, in relation to the Acts listed above.
- (29) **Building Sites etc**
The service of Notices under Section 79 of the Building Act 1984 relating to ruinous and dilapidated buildings and neglected sites, and the carrying out of works in default under the provisions of Section 99 of the Building Act 1984.
- (30) **Dangerous Buildings**
Powers to deal with dangerous buildings under S77 and S78 of the Building Act 1974
- (31) **Building (Local Authority Charges) Regulations 2010**
Authority to review and adjust the level of charges set under the charging scheme and to publicise any amendments to the scheme, as required by the Regulations.
IN CONSULTATION WITH THE STRATEGIC FINANCE DIRECTOR AND THE LEAD COUNCILLOR FOR STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT
Strategic Environment, Planning and Transport Committee 9/07/13, Minute 9

STREET NAMING

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- (32) **Street Naming (PL27)**
Revoked by Council 16/05/07, Minute 7

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FUNCTIONS DELEGATED TO AND BY THE PLANNING APPLICATIONS COMMITTEE

23 JULY 2014

**THE EXERCISE OF THESE DELEGATIONS IS SUBJECT TO THE FOLLOWING MATTERS BEING
EXPRESSLY EXCLUDED AND RESERVED TO THE COMMITTEE**

A - Town & Country Planning and Development Control

- 1) Determination of an application for planning permission for a Major Development as defined in the Development Management Procedure Order 2010 (subject to the DMPO definition “dwelling houses” being changed to “dwellings”), ie:
 - a) the winning and working of minerals or the use of land for mineral-working deposits;
 - (b) waste development;
 - (c) the provision of dwellings where –
 - (i) the number of dwellings to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more;
 - (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more, or over 2,500 square metres for retail, leisure and culture developments in centres;
 - (e) development carried out on a site having an area of 1 hectare or more.
- 2) Determination of an application for planning permission for any development which is considered by the Head of Planning, Development & Regulatory Services to be a departure from the provisions of the adopted development plan and where the application is recommended for approval
- 3) Determination of applications for listed building consent or planning permission for demolition of an unlisted building in a conservation area where the proposal also involves a major development
- 4) Power to require the discontinuance of land under Section 102 of the Town & Country Planning Act 1990 [para. 17]

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- 5) Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject, under Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991; paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25), and paragraph 6(5) of Schedule 14 to that Act [para. 22].
- 6) Power to acquire a listed building in need of repair under Section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990 [para. 29]
- 7) Applications “called -in” by a Member
Determination of applications where a Member has requested that an application be referred to Planning Applications Committee for a decision within 3 weeks of the application appearing on the weekly list of planning applications.
- 8) Planning Applications Committee – re-referral
Where Planning Applications Committee has resolved that a matter be referred to Planning Applications Committee for a decision.
- 9) Councillors and employees of the Council and their close friends and relatives
Determination of applications for planning permission, approval of reserved matters, variations of conditions, variations of legal agreements or planning obligations, advertisement consent, listed building or conservation area consent, works affecting trees covered by tree preservation order and certificates of existing or proposed lawful use or development made by councillors and employees of the Council and their close friends and relatives.
- 10) Council Developments
Determination of applications for planning permission made by a local authority alone or jointly with another person under Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492). [Para 6];

Subject to applications made by the Council for listed building consent or for planning permission for demolition of an unlisted building in a conservation area being submitted to the Secretary of State for determination.
- 11) Applications to develop land without compliance with conditions attached by Committee
Determination of applications to develop land without compliance with conditions under Section 73 of the Town and Country Planning Act 1990 where those conditions were previously attached by Committee, without first agreeing the method of determination with the Chair of Planning Applications Committee and Ward members.
- 12) Telecommunications Masts
Determination of applications for planning permission for masts; or all planning applications seeking permission on land situated within a conservation area or within the

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curtilage of a listed building. (see delegation 13 below)

I - Miscellaneous Functions Part II Other Functions

- 13) exercise of powers in relation to Tree Preservation Orders where an objection has been received to the making of an Order or where the proposal has been submitted by or on behalf of the Council [para. 47]

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THE FOLLOWING DELEGATIONS ARE MADE TO THE HEAD OF PLANNING, DEVELOPMENT &
REGULATORY SERVICES SUBJECT TO THE EXCLUSIONS SET OUT ABOVE

PLANNING FUNCTIONS

- (1) **Development by Neighbouring Planning Authorities or Government Departments/Statutory Undertakers Proposals in neighbouring authority areas**
To give observations on consultations from other local authorities and enquiries received from Government departments/statutory undertakers relating to all development which is not classed as "Major" (see exclusions above).

- (2) **Telecommunications**
To respond to notices and determine applications regarding telecommunication structures, including satellite dishes, in accordance with the Telecommunications Act 1984, The Town and Country Planning Development Management (Procedure) (England) Order 2010, Parts 24 and 25 of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995, and the Town and Country Planning Act 1990.

Excluding:

- (a) All planning applications seeking planning permission for masts, and
- (b) All Planning Applications seeking permission on land situated within Conservation Areas or within the curtilage of Listed Buildings, made under the Telecommunications Act 1984 and the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2 Parts 24 and 25.

(Planning Applications Committee, 24 May 2000, Minute 7)

CONSTITUTION - PART 3, SCHEDULE 1

A. Functions relating to town and country planning and development control

Scheme of delegations agreed by Planning Applications Committee, 24 July 2002 - Minute 27 - and subsequently updated

Planning Applications

- (3) Determine applications for planning permission under Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 [para. 5]

This includes determining applications for minor and other development (not excluded above), including :

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- (i) Changes of use without building or engineering work unless the building or engineering work would be permitted development were it not for the fact that the development involves a change of use.
- (ii) Telecommunications development (but see delegation 13 above)
- (iii) Householder applications relating to an existing dwelling house or development within the curtilage of a dwelling house.
- (iv) Minor commercial applications as defined in Article 2(1) of the Development Management Procedure Order 2010
- (v) Applications for planning permission for demolition

(4) Determine Applications for development already carried out, under Section 73A of the Town and Country Planning Act 1990 [para.7]

(5) Determine applications to develop land without compliance with conditions previously attached, under Section 73 of the Town and Country Planning Act 1990 [para. 6]

(Where the application was approved by Committee, determination to be subject to the agreement of the Chair of Planning Applications Committee and Ward members).

(6) Determine applications for proposed minor amendments to approved schemes, under:

- 1) Sections 73 (minor material amendments) of the Town and Country Planning Act 1990;
- 2) Section 96A (non-material amendments) of the Town & Country Planning Act 1990 (as amended)(Planning Applications Committee, 23 July 2014, Minute 12).

Where the application was approved by Committee, determination to be subject to the agreement of the Chair of Planning Applications Committee and Ward members.

(7) Approve or refuse variations of conditions after the grant of permission under Section 73 of the Town & Country Planning Act 1990.

Decline to determine applications:

(8) Under the following Sections of the Town and Country Planning Act 1990:

- a) Section 70A - decline to determine a subsequent application for planning permission or for prior approval where required under Section 60(2) of the Act [para. 8];
- b) Section 70B - decline to determine an overlapping application for planning permission;
- c) Section 70C - decline to determine a retrospective application where the

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circumstances set out in Section 70C apply
(Planning Applications Committee, 23 July 2014, Minute 12)

- (9) Under the following Sections of the Planning (Listed Buildings and Conservation Areas) Act 1990:

- a) Section 81A - decline to determine a subsequent application for listed building consent or conservation area consent;
- b) Section 81B - decline to determine an overlapping application for listed building consent or conservation area consent;

(Planning Applications Committee, 14/09/05, Minute 43 - updated by Planning Applications Committee, 23 July 2014, Minute 12).

(10) **Section 106 Agreements**

- (1) Power to enter into agreement or agree a unilateral undertaking regulating development or use of land under Section 106 of the Town and Country Planning Act 1990 [para. 12]

Power to determine an application to vary a Section 106 Agreement made under Section 106BA of the Town & Country Planning Act 1990 as amended by the Growth & Infrastructure Act 2013 (Planning Applications Committee, 23 July 2014, Minute 12)

(11) **Temporary Structures / Buildings**

Determine applications for time-limited and renewal development of same for temporary structures and buildings, up to a maximum of 3 years except for temporary classrooms where the total maximum is 10 years

(12) **Planning Application Procedures**

Duties relating to the making of determinations of planning applications under Sections 69 and 92 of the Town and Country Planning Act 1990 and articles of the Town and Country Planning (Development Management Procedure) Order 2010 and directions made there under. [para. 9]

Section 69	Registers of applications
Section 92	Outline planning permission

(13) **Discharge of Conditions**

Determine applications for approval of details submitted pursuant to conditions attached to planning permissions, listed building consents, conservation area consents, advertisement consents and hazardous substances consents (and including “reserved matters” applications following the grant of outline planning permission).

(14) **Planning Applications Validation Checklist**

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- (1) Power to direct that any applicant for planning permission, submitted on or after 1 January 2007, supplies information as set out in the Validation Checklist, under Regulation 4 of the Town & Country Planning (Applications) Regulations 1988
- (2) Power to amend the Validation Checklist from time to time to reflect any changes in legislation, government advice or best practice under Section 62(3) of the Town & Country Planning Act 1990 (as amended)

(Planning Applications Committee, 11 October 2006, Minute 55)

(15) Environmental Assessment

Request the submission of Environmental Statements and to give screening opinions, screening directions and scoping opinions in accordance with the Town and Country Planning (Environmental Impact Assessment Regulations) (England and Wales) 1999.

Permitted Development

(16) Permitted Development Rights

- (1) Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995(S.I. 1995/418). [para. 11];
- (2) Including authority to deal with all matters relating to applications for prior approval as set out in the Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2013.
(Planning Applications Committee 29/05/13, Minute 5)
- (3) To serve an Immediate Article 4 direction to remove permitted development rights under Part 11, Schedule 2, Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for demolition of other locally listed buildings as appropriate.
IN CONSULTATION WITH THE LEAD COUNCILLOR FOR STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT AND CHAIR OF PLANNING APPLICATIONS COMMITTEE
(Planning Applications Committee, 19 July 2017, Minute 17(2))

Telecommunications

(see 13 above)

Listed Buildings and Conservation Areas

(17) Listed Building Consent

Power to determine application for listed building consent, and related power under Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) Act except where proposals also require planning permission for

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development which is classed as “Major” [para. 24]; also powers in relation to a Listed Building Consent Order granted by the Secretary of State (Section 26C of the Act).

- (18) Conservation Area Consent**
REVOKED – [para. 25]

- (18A) List of Locally Important Buildings and Structures**
Authority to add buildings or structures to the List of Locally Important Buildings and Structures of Local Heritage Significance
IN CONSULTATION WITH LEAD COUNCILLOR FOR STRATEGIC ENVIRONMENT, PLANNING & TRANSPORT
(Cabinet, 8 February 2013, Minute 129)

- (19) Certificates of Lawfulness of Proposed Works for alteration or extension of a listed building**
Powers and duties under Section 26H of the Planning (Listed Buildings & Conservation Areas) Act 1990, and the Planning (Listed Buildings) (Certificates of Lawfulness of Proposed Works) Regulations 2014
IN CONSULTATION WITH HEAD OF LEGAL AND DEMOCRATIC SERVICES
(Planning Applications Committee, 23 July 2014, Minute 12)

- (20) Acquisition and Repair of Listed Buildings**
Power to serve a repairs notice under Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 [para. 29]
IN CONSULTATION WITH HEAD OF LEGAL & DEMOCRATIC SERVICES

- (21) Listed Building Consent and Conservation Area Consent**
Duties relating to applications for listed building consent and conservation area consent under:
- (1) Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990
 - (2) Regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990
 - (3) Circular 2001/01: Arrangements for Handling Heritage Applications
 - (4) Circular 2009/08: Notification to the Secretary of State

Enforcement

- (22) Enforcement**
IN CONSULTATION WITH THE HEAD OF LEGAL & DEMOCRATIC SERVICES:
- (1) To exercise the powers of the Council in respect of the enforcement of planning control in accordance with the provisions of Part VII of the Town and Country Planning Act 1990;
 - (2) Serve a completion notice under Section 94(2) of the Town and Country Planning Act 1990. [para. 14]

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- (3) Authorise entry onto land under Section 196A of the Town and Country Planning Act 1990. [para. 16]
- (4) Serve a breach of condition notice or stop notice under Sections 187A and 183(1) of the Town and Country Planning Act 1990. [para. 18]
- (5) Authority to issue a temporary stop notice under Section 171E to 171H of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 [para. 18A]
(Planning Applications Committee 25/05/05, Minute 8)
- (6) Issue an enforcement notice under Section 172 of the Town and Country Planning Act 1990 [para. 19]
- (7) Apply for an injunction restraining a breach of planning control under Section 187B of the Town and Country Planning Act 1990. [para. 20]
- (8) Require proper maintenance of land under Section 215-219 of the Town and Country Planning Act 1990.[para. 23] (see also 35 below)
- (9) Power to serve a building preservation notice, and related powers under Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.[para. 27]
- (10) Issue enforcement notice in relation to unauthorised works to a listed building (including demolition) under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990. [para. 28]
- (11) Serve a repairs notice in relation to a listed building in need of repair under Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and execute urgent works under Section 54 of the same Act. [paras. 29 and 31]
- (12) Apply for an injunction in relation to a listed building Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990; [para. 30]
- (13) Power to apply for a planning enforcement order under Section 171BA of the Town and Country Planning Act 1990, and to take ancillary action Under Section 171BB
(Planning Applications Committee, 23 July 2014, Minute 12)

AND SUBJECT TO THE HEAD OF LEGAL & DEMOCRATIC SERVICES BEING RESPONSIBLE FOR THE INSTITUTION OF ALL LEGAL PROCEEDINGS IN RELATION TO OFFENCES UNDER THE PLANNING ACTS.

(23) Enforcement - Local Choice Function

Authority to serve a notice under Section 330 of the Town and Country Planning Act 1990 (requiring a recipient to provide information regarding ownership and other interests in land and the purposes for which the premises are being used).

(Planning Applications Committee 7/01/09, Minute 66)

LOCAL CHOICE FUNCTION - SCHEDULE 2 OF LOCAL AUTHORITIES (FUNCTIONS & RESPONSIBILITIES) REGULATION

Reserved to Council and delegated to Planning Applications Committee

(24) Planning Contravention Notices

To serve a Planning Contravention Notice under Section 171C of the Town and Country Planning Act 1990. [para. 18]

(25) Derelict Sites

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To serve notices on landowners where their land is causing detriment to the local amenity in accordance with Section 215 of the Town & Country Planning Act 1990.

IN CONSULTATION WITH HEAD OF LEGAL & DEMOCRATIC SERVICES

(See also 32(8) above)

(26) Lawful Development Certificates

- (1) Power to Issue or refuse to issue a certificate of existing lawful use or development under Section 191(4) of the Town and Country Planning Act 1990. [para. 13] IN CONSULTATION WITH HEAD OF LEGAL & DEMOCRATIC SERVICES
- (2) Power to Issue or refuse to issue a certificate of proposed lawful use or development under Section 192(2) of the Town and Country Planning Act 1990. [para. 13]

Hazardous Substances

(27) Planning (Hazardous Substances) Act 1990

- (1) Determine applications for hazardous substances consent, and related powers under Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 [para. 21]
 - (2) Exercise the following functions under the Planning (Hazardous Substances) Act 1990:
 - Section 24 - issue of a Hazardous Substances Contravention Notice (HSCN)
 - Section 11 - powers and duties in relation to claims for deemed consent
 - Section 13 - power to determine applications to remove conditions
 - Section 14 - power to revoke or modify consent
 - Section 15 - duties in relation to revocation orders or modification orders
 - Section 16 - duty to pay compensation in respect of Section 14 order
 - Section 18 - power to determine applications for continuation of consent
 - Section 19 - duty to pay compensation in relation to revocation or modification under Section 18
 - Section 24 - power to issue HSCN, and power to withdraw notice
 - Section 24A - power to vary HSCN
 - Section 26AA - power to apply for injunction in relation to actual or apprehended breach of hazardous substances control
 - Section 28 - duty to maintain register of applications for consents, and revocations and modifications of consents
 - Section 29 - duty to consult the HSE, and to revoke or modify void consent
 - Section 36 - power to exercise right of entry in connection with an application for HSC or any proposal to issue an HSCN, in connection with offences, compensation and enforcement
 - Section 36A - power to apply for warrant to enter land
- (Planning Applications Committee, 23 July 2014, Minute 12)

Advertisements

(28) Determine Applications for Consent

Determine applications for consent for the display of advertisements under Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of

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Advertisements) Regulations 2007. [para. 15]

(29) Advertisement Control

Exercise all powers relating to advertisement control in Sections 222 to 225K of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisement) Regulations 2007.

(Planning Applications Committee, 23 July 2014, Minute 12)

Power to exercise the following functions under Section 225 of the Town and Country Planning Act 1990 (as amended by Section 127 of the Localism Act 2011):

Section 225A	Power to remove structures used for unauthorised display of advertisements, and to take remedial action: serve remedial notice; recover expenses;
Section 225C	Power to serve action notice where there is a persistent problem with display of unauthorised advertisements and take ancillary action (carry out measures in default and recover expenses)
Section 225F	Power to serve notice requiring owner of surface to remove or obliterate sign considered detrimental to amenity of area, or offensive, and to take ancillary action (remove or obliterate sign in default, and recover expenses)
Section 225J	Power to remove or obliterate sign or unauthorised advertisement at owner's request and recover expenses

(Planning Applications Committee, 23 July 2014, Minute 12)

FUNCTIONS TO BE EXERCISED BY HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES OR HEAD OF TRANSPORTATION & STREETCARE, DEPENDING ON WHERE UNAUTHORISED ADVERTISEMENT OR DEFACEMENT IS OCCURRING

I. Miscellaneous Functions – Part II – Other Functions

OTHER FUNCTIONS

(30) Important Hedgerows

Exercise all powers relating to the protection of important hedgerows under The Hedgerow Regulations 1997 (S.I. 1997/1160). [para. 46]

(31) Tree Preservation Orders

Exercise all powers in relation to Tree Preservation Orders under Sections 197 to 214D of the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (S.I. 2012/605), except the confirmation of a Tree Preservation Order where an objection has been received or where the proposal relates to Council-owned land and/or has been submitted by or on behalf of the Council. [para. 47]

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(32) Trees in Conservation Areas

Determine applications for works to trees in Conservation Areas under Section 211-214 of the Town and Country Planning Act 1990, except in relation to applications relating to Council owned land and/or applications submitted by or on behalf of the Council. [para. 47]

(33) Complaints Relating to High Hedges

(Planning Applications Committee 25/05/05, Minute 9)

- 1) To exercise powers relating to complaints about high hedges under Part 8 of the Anti-Social Behaviour Act 2003 [para. 47A]
IN CONSULTATION WITH THE HEAD OF LEGAL & DEMOCRATIC SERVICES
- 2) To update the fee from time to time, in line with comparable fees for planning applications, charged for the adjudication of a dispute in relations to a high hedge.

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FUNCTIONS DELEGATED TO AND BY THE STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE

Proper Officer

- (1) To be the Traffic Manager of the authority, in respect of the performance of the authority's network management duty, under Section 17(2) of the Traffic Management Act 2004.

Delegations

GENERAL

- (1) **Orders up to £15,000**
To place orders up to £15,000 in respect of items within normal running expenditure on highways and sewerage functions, and that this be exempted from the provisions of Standing Orders.

TRANSPORT

- (2) **Concessionary Fares Scheme**
1) To administer the concessionary fares scheme in accordance with the provisions of the Transport Act 2000;
2) To operate any discretionary concessions under Section 93 of the Transport Act 2000 which have been approved by the Committee
- (3) **OAP Fare Rate**
To make the various rate and reimbursement calculations in accordance with current Department of Transport Guidance
(to enable major operators to be reimbursed using their own average OAP fare rate)
- (4) **Concessionary Travel Passes - Duplicates**
(1) Authority to waive charge in special circumstances
(2) Authority to refuse issues where clear lack of care by bus pass holder has resulted in the loss of more than two passes
- (4A) **Readybike Cycle Hire Scheme**

Authority to approve any relocation of docking stations for the Readybike Cycle Hire Scheme.

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IN CONJUNCTION WITH THE LEAD COUNCILLOR FOR STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT.

Strategic Environment, Planning and Transport Committee 15 July 2015, Minute 13.

Public Transport

- (5) To make payments towards the provision of cross-boundary public transport services which are the subject of service subsidy agreements entered into by adjoining counties and which serve Reading.
- (6) To exercise the powers of the Council under the Public Passenger Vehicles Act 1981 including the submission of objections to applications for the grant of operators' licences under Section 14A.

IN CONSULTATION WITH THE HEAD OF LEGAL & DEMOCRATIC SERVICES

- (7) To exercise the powers of the Council under Section 7 of the Transport Act 1985 to request the Traffic Commissioners to make, vary or revoke traffic regulations conditions affecting local services or to hold an inquiry prior to determination of such conditions.
- (8) To enter into public transport service subsidy agreements under the provisions of the Transport Act 1985 where they are exempted from the tendering requirements in that Act.
- (9) To lodge holding objections regarding proposals by operators for withdrawals of or alterations to rail services, or the fares and charges therefore, where it is anticipated that extra Council expenditure would result, and to pursue objections before the Traffic Management Sub-Committee.

HIGHWAYS

- (10) **Highways Aspects of Development Control**
In the exercise of the functions of the Council as Highway Authority, to advise the Council as Planning Authority as to the highway aspects of development control.
- (11) **Highways Act 1980**
To exercise the following functions under this Act:

	Roads
Section 14	power to make orders to stop up etc. side roads
Section 18	powers in relation to special roads

	Creation of Highways
Section.24	power to construct new highway

Footpaths

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Section 25	enter public path creation agreement for creation of footpath, bridleway or restricted byway
Section 27	duties in relation to making up of new footpaths, bridleways or restricted byways
Section 35	creation of walkways by agreement; powers and duties in relation to byelaws for walkways
	Maintenance of Highways
	Maintenance at Public Expense
Section 36(6) and (7)	duty to keep list of highways maintainable at public expense
Section 37	duties in relation to highways created by dedication becoming maintainable at public expense
Section 38	New Streets and Adoption of Streets
	(1) To issue consent or give approval in respect of deposited street plans, subject either to the deposit of an appropriate sum or entry into an agreement under Section 38 of the Highways Act 1980.
	(2) To release or reduce deposits or bonds for new streets.
	(3) To agree to adopt streets as being maintainable at public expense
Section 41(1)	duty to maintain highway maintainable at public expense
Section 41(1A)	duty to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice
Section 42	power to undertake maintenance of eligible highway (footpaths etc)
Section 44	power to enter agreement for maintenance
Section 45	power to get materials for repair of publicly maintainable highways (and related duties under s.46)
Section 47	power to apply to magistrates court for order declaring that highway shall cease to be maintained at public expense
	Maintenance of Private Roads
Section 50	power to maintain privately maintainable footpath or bridleway and recover expenses under s.57
Section 53	power to apply to magistrates court for order extinguishing liability to maintain privately maintainable highway and power to agree payment of sum
Section 54	power to agree sum payable in respect of extinguishment of liability to maintain privately maintainable highway diverted by court order
Section 56	duties in respect of order to repair highway
Section 57	default powers in respect of privately maintainable highways
	Recovery of Expenses incurred in Maintaining Highways
Section 59	power to recover expenses due to extraordinary traffic
	Improvement of Highway
	General Powers
Section 62	power to carry out work for improvement of highway maintainable at public expense, and alter or remove any work carried out by them

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Section 64	power to construct and maintain works in the carriageway (dual carriageways and roundabouts)
	Safety Provision
Section 66	duty to provide proper and sufficient footways, and to light the footway, including installing safety provisions on the public highway under Section 66(2) to (5) and (8) of the Highways Act, 1980. IN CONSIDERING THE INSTALLATION OF SAFETY PROVISIONS, TO CONSULT CLOSELY WITH RELEVANT LEAD COUNCILLORS AND APPROPRIATE WARD COUNCILLORS WITH REGARD TO THE TRAFFIC IMPLICATIONS OF THE PROPOSALS).
Section 67	power to provide and maintain guard-rails etc in private streets, and to alter or remove them
Section 68	power to construct and maintain refuges for protection of pedestrians crossing the carriageway
Section 69	power to construct, light and maintain subways under the highway, and alter, remove or close temporarily subways
Section 70	power to construct, light and maintain footbridges over highways, and enter agreements with other persons
	Width of Highway
Section 72(1)	power to widen highway and enter agreement for dedication of adjoining land as part of highway
Section 72(2)	power to enter public path creation agreement or make public path creation order for purpose of securing widening of existing footpath, bridleway or restricted byway
Section 73	power to prescribe improvement line for widening street
Section 74	power to prescribe building line
Section 75	power to vary relative widths of carriageway and footway in highway maintainable at public expense
	Levels of Highway
Section 76	power to execute works for levelling highway maintainable at public expense
Section 77	power to alter levels of highway maintainable at public expense
	Corners
Section 78	execute works for cutting off corners of highway maintainable at public expense
Section 79	serve notice requiring obstruction to view at corners to be altered/removed
	Fences and Boundaries
Section 80	power to fence highway (to obstruct access)
Section 81	power to erect highway boundary posts
	Traffic Calming
Section.90A	power to construct road humps
Section 90G	power to carry out traffic calming works, and to remove
	Bridges
Section.91	power to construct bridge
Section 92	power to reconstruct bridge

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Section 93	power to apply for order re privately maintainable bridge
Section.94	power to enter agreement with bridge owner
	Miscellaneous Improvements
Section 95A	power to install equipment for detection of traffic offences
Section 96	<u>Highways Verges</u>
	(1) Powers relating to the planting and laying out, erection, protection, maintenance and removal of trees and shrubs, grass verges, and guards and fences on public highway land
	(2) Similar powers relating to land acquired under Sections 239(2)-(4)
	(3) Power to enter into agreements to authorise other authorities to maintain and plant land within highway limits
Section 97	power to provide lighting for highway
Section 98	power to enter agreement with lighting authority
Section 99	power to convert highway into metalled highway
Section100	power to do works for drainage of highway
Section 101	power to fill in roadside ditches etc.
Section 102	power to provide barriers for protection against hazards of nature
Section 103	duty to provide posts to indicate depth of flood water
Section 104	power to treat highway to mitigate nuisance of dust
	Construction of Bridges over and Tunnels under Navigable Waters, and Diversion of Watercourses
Section 110	power to divert non-navigable watercourses and carry out works on other watercourses
	Provision of Special Facilities for Highways
Section 115	power to provide areas for parking heavy goods vehicles
Section 115B	power to provide services and amenities on certain highways
Section 115C	power to provide recreation and refreshment facilities
	Stopping Up and Diversion of Highways and Means of Access
Section 122	power to make temporary diversion during highway works
Section 124	power to stop up private access to highway
Section 127	power to enter agreement re stopping up private access to premises
Section 129	power to provide new means of access
	Lawful and Unlawful Interference with Highways and Streets
	Damage to Highways and Streets
Section 133	power to make good damage and recover expenses
Section 137ZA	power to remove obstruction and recover expenses after conviction for s.137 offence
Section 141	serve notice requiring removal of tree or shrub planted in or near carriageway
Section 143	power to remove structures from highway
Section 144	power to erect flagpoles etc on highway

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Section 145	powers as to gates across highways
Section.146	duty to maintain stiles etc
Section147ZA	power to enter agreement re stiles, gates etc.
Section150	duty to remove snow, soil etc from highway
Section 152	<u>Projections, Obstructions from Buildings</u> (1) Service of notices re projections, obstructions from buildings under Section 152 of the above Act (2) Removal and disposal of projections, obstructions from buildings under Section 152 of the above Act (3) Recovery of expenses under Section 152 of the above Act
Section 153	<u>Doors in Streets</u> To take action in relation to doors, etc. opening outwards into streets.
Section 154	<u>Overhanging Hedges and Trees</u> To serve notice on an owner or occupier of land to remove, lop or cut a hedge, tree or shrub which is overhanging the highway or any other road or footpath to which the public have access; and to do works in default and recover expenses. IN CONSULTATION WITH THE HEAD OF HOUSING & NEIGHBOURHOOD SERVICERS, AS APPROPRIATE, IN RELATION TO INCURSIONS INTO LAND HELD FOR HOUSING USE Danger or Annoyance to Users of Highways or Streets
Section 163	power to serve notice requiring works to prevent water flowing onto highway
Section 164	power to serve notice requiring removal of barbed wire, do works in default and recover expenses
Section 165	power to serve notice re dangerous land adjoining street, do works in default and recover expenses
Section 166	power to serve notice re forecourt abutting on street, do works in default and recover expenses
Section 167	power to serve notice requiring works to retaining wall, do works in default and recover expenses
	Precautions to be Taken when doing Street Works
Section 175A	duty to have regard to needs of blind and disabled in executing works etc
	Miscellaneous.
Section 176	<u>Construction of a Bridge over the Highway</u> (1) To grant licences and fix and collect fees (representing reasonable legal or other expenses) to construct a bridge over the highway to the owner or occupier of any premises adjoining the highway, subject to:- (i) such conditions as may be appropriate in each case; (ii) the object or structure receiving planning approval; (iii) the authorised officer being satisfied that the object or structure will not adversely affect the highway or its use. (2) To require a bridge to be removed.
Section 177	<u>Construction of Buildings over Highways</u>

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	<p>(1) to grant licences and fix and collect fees for the construction of building over highways, subject to:</p> <p>(i) such conditions as may be appropriate in the circumstances of each case;</p> <p>(ii) The building or structure concerned receiving planning permission.</p> <p>(iii) The authorised officer being satisfied that the projection will not adversely affect the highway or its use.</p> <p>(2) to do works and recover expenses;</p> <p>(3) where a building has been constructed without a licence or in breach of conditions, to serve notice requiring it to be demolished or altered; and to do works in default and recover expenses</p> <p>(Subject to the authority recovering only reasonable legal or other expenses)</p>
Section 178	power to grant consent for placing an overhead beam, rail, pipe, cable, wire or other apparatus over the highway
Section 184	<p><u>Footway Crossings and Safety</u></p> <p>To issue notices and take all necessary action with regard to footway crossings under Section 184 of the Highways Act, 1980, and recover expenses under Section 305 of that Act.</p>
Section 185	<p><u>Storage Bins in Streets</u></p> <p>power to install refuse or storage bins in street</p>
	Making up of Private Streets
SS 205 -237	<p>to exercise all powers and duties under these Sections</p> <p>[NB Section 205 requires the Council to pass a resolution where street works are required in private streets]</p>
SS 219 / 220	<p>To serve notices requiring developers to make deposits for road charges</p> <p>Under Sections 219 and 220 of the Highways Act 1980,</p>
Section 236	<p>Subject to the Committee having passed a resolution to bear in whole or in part the expenses of any private street works, to approve contributions towards road charges in respect of flank frontages.</p> <p>Acquisition, Vesting and Transfer of Land</p>
Section 239	power to acquire land for construction or improvement of highway
Section 240	power to acquire land for various purposes
Section 241	power to acquire land between improvement line and boundary of street
Section 242	power to acquire land for works in connection with bridges
Section 243	power to acquire land for cattle grids etc.
Section 245	power to acquire land for buildings etc. for discharge of functions of highway authority
Section 246	power to acquire land for mitigating adverse effects of constructing or improving highway
Section 253	power to enter agreement as to use of land near highway
	General Provisions

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- (1) To accept dedications of land donated to the Council for highway purposes.
IN CONSULTATION WITH THE HEAD OF LEGAL & DEMOCRATIC SERVICES
- (2) Approval in principle of offers to dedicate or transfer land for highway improvement purposes where consideration does not exceed £1,000
- (3) To demolish property acquired for road schemes in advance of requirements subject always to due regard to road schemes planning considerations or consent as appropriate.
IN CONSULTATION WITH THE HEAD OF LEGAL & DEMOCRATIC SERVICES AND HEAD OF DEVELOPMENT
- (4) To arrange for the temporary use of land for the dumping or storing of highway materials or equipment.
- (5) To enter into agreements:
 - a) to exchange land to straighten or adjust boundaries under Section 256 of the Highways Act 1980
 - b) to authorise other authorities to maintain and plant land within highway limits under Section 96 of the Highways Act 1980
 - c) with other public authorities for the provision of services and the recoupment of charges
- (8) To dispose of surplus land not exceeding 500 sq m no longer required for highway purposes.
IN CONSULTATION WITH HEAD OF LEGAL & DEMOCRATIC SERVICES AND HEAD OF DEVELOPMENT

Financial Provisions

- Section 278 power to enter agreement for works on highway, and power to direct that means of access not to be used until amount paid, execute works, enter land etc.

Miscellaneous and Supplementary Provisions

- Section 282 power to execute works for mitigating adverse effect of constructing or improving highway
- Section 286 power to require angles of new buildings at corners of streets to be rounded off
- Section 287 Emergency Planning - authority to erect barriers in streets in cases of emergency, under Section 287 of the Highways Act 1980.
(Cabinet 17/03/03, Minute 214)
- Section 288 power to require gas and water pipes to be moved
- Section 289 power to enter land for surveying in connection with exercise of any functions; power to place and leave on land any apparatus for use in survey, and to remove; power to search and bore
- Section 291 power to enter land for purpose of maintaining etc. structures and works
- Section 293 power to enter land for purposes connected with orders relating to footpaths and bridleways
- Section 294 power to apply to magistrates court for order to enter premises

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Section 295	power to dispose of certain materials
Section 296	power to execute certain works on behalf of another person
Section 297	power to require information as to ownership of land
Section 299	right to discharge water
Section 300	right to use vehicles and appliances on footways, bridleways and restricted byways

(12) Highways: Private Property

Traffic Signs and Wayleaves

To erect traffic signs and to arrange wayleaves for their erection on private property under Section 71 of the Road Traffic Regulation Act 1984 (see also 27(3) below).

(13) Overhanging Hedges and Trees

Power under Section 23 of the Local Government (Miscellaneous Provisions) Act 1982 to deal with dangerous trees on private land.

(Planning Applications Committee, 23 July 2014, Minute 12)

(14) Protection of Development and Improvement Lines

To approve and protect development and improvement lines.

(15) Highways: Creation, Adoption, Improvement

- (1) To adopt streets constructed to specification.
- (2) To plan and carry out highway improvements not requiring planning permission subject to notification of the proposals to the Head of Transport and to the Local Land Charges Registrar as necessary and appropriate.
- (3) To apply for planning permission for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992.
- (4) To respond to consultations on public path extinguishment or diversion orders proposed by a neighbouring Council except where there is any outstanding objection.
- (5) Under the provisions of Section 134 of the Highways Act 1980, to grant extensions to the statutory periods of reinstatement

[See also Private Street works at 19-24 below]

(16) Highways: Obstructions, Nuisances, Minor Repairs and Street Works

- (1) To approve:
 - a) the placing of structures within highway limits;
 - b) the laying, maintenance and inspection of pipes cables or other lines over or under the highway;
 - c) the erection of stiles gates or cattle grids; and,
 - d) arrangements for motor vehicles and cycle trials.
- (2) To exercise the Council's powers including the giving of formal notices:
 - a) to prohibit horses, cattle or vehicles entering on ornamental gardens within the highway;
 - b) to pipe or culvert and fill up roadside ditches;

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- c) to require the execution of works to prevent soil or refuse from land from falling or being washed on to a street;
 - d) to take action in relation to any obstruction of, or damage to, or nuisance to the highway or users thereof;
 - e) To require the removal of obstructions to sight lines at corners and to remove unauthorised signs on any part of the highway.
- (3) To carry out urgent repairs to private streets to prevent or remove a danger to persons or vehicles under Section 230 (7) of the Highways Act 1980 ; and to recover costs from the owners of premises fronting the street in default
SUBJECT TO CONSULTATION WITH THE HEAD OF LEGAL & DEMOCRATIC SERVICES ON THE SCALE OF THE POTENTIAL LEGAL LIABILITY.
- (4) To grant permission for the erection of banners over highways under Section 178 of the Highways Act 1980, subject to appropriate conditions including conditions necessary for public safety.

(17) Highways: Agency and Financial Matters

- (1) To enter into arrangements with the Department of Transport to act as its agent in any case.
- (2) To certify interim and ex gratia payments on all trunk road, principal road and "other roads" contracts subject to the approval by the Department of Transport on trunk road contracts and a report of payments through the Decision Book.

(18) Obstructions and Nuisances

To exercise the Council's powers, including the giving of formal notices:

- (1) to require the removal of obstructions to sight lines at corners and to remove unauthorised signs on any part of the highway;
- (2) to take action in relation to any obstruction or of any damage to or nuisance to the highway or its users

(19) Berkshire Act 1984

(1) Dangerous Obstructions in the Highway

Under Section 4 of the Berkshire Act 1986, to take steps to protect persons or vehicles by fencing or lighting etc; and to recover expenses reasonably incurred in fencing or lighting a source of danger or obstruction to persons or vehicles using a highway from the owner or other person responsible for the danger or obstruction

(2) Private Street Works

To approve plans, sections and particulars submitted by a landowner in support of a private street works scheme, to impose conditions, and to declare by notice that a street is to be a highway, under Section 5 of the Berkshire Act 1986 (see also 21(4) below)

(3) Traffic Signs

Under Section 8 of the Berkshire Act 1986, to affix to any building or structure, in or having a frontage to or constructed over any road in the Borough, any traffic sign or any apparatus required for illumination forming part of any sign (see also 27 above)

(4) Damage to the Footway

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Recovery of expenses from persons carrying on building operations or delivering goods that cause damage to the footway, under Section 9 of the Berkshire Act 1986.

(5) **Parking of Goods Vehicles**

To publish Notices, make orders and carry out the provisions of Section 14 of the Berkshire Act 1986 (relating to parking of goods vehicles in front gardens).

(6) **Parking Unlawfully**

(a) The power to erect Notices under Section 15 of the Berkshire Act 1986 prohibiting unlawful parking (acting on advice of the appropriate Director for the management and control of the land);

(b) The power to take all necessary action in the removal of unlawfully parked vehicles in accordance with Section 15 of the Berkshire Act 1986.

(7) **Construction of New Streets - Notices**

Issue of notices and imposition of conditions on plans, sections and particulars submitted in accordance with the proposed construction of new streets, under Section 5 of the Berkshire Act, 1986.

(8) **Defacing of Streets**

The removal or obliteration of any picture, letter, sign etc on premises visible from a street on terms to be agreed with the owner or occupier of the premises, and the recovery of expenses from persons contravening Section 132 of the Highways Act 1980, under Section 29 of the Berkshire Act 1986 (relating to defacing of streets, etc.).

(19A) Highways: Licence for Advertising on Highway Land

Authority to enter into licence agreements to permit advertising development on the public highway, subject to the obtaining of statutory planning consent.

IN CONSULTATION WITH THE HEAD OF LEGAL AND DEMOCRATIC SERVICES AND THE LEAD COUNCILLOR FOR STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT
(Policy Committee 24/9/18, Minute 33)

STREET WORKS

CONSTITUTION - PART 3, SCHEDULE 1

B. Functions relating to Licensing and Regulation

(20) Street Works Licence

(1) Power to grant a street works licence under Section 50 of the New Roads and Street Works Act 1991 (c.22) (41)

(2) To enter into agreements relating to placing etc of certain apparatus in or under a highway under Section 50 of the New Roads and Street Works Act 1991

(21) Services and, Amenities etc

(1) Power to grant permission for provision etc of services, amenities, recreation and refreshment facilities on highway, and related powers under Sections

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- | | | |
|-----|--|--|
| (2) | | 115E, 115F and 115K of the Highways Act 1980 (46A);
Duty to publish notice in respect of proposal to grant permission under Section 115E of Highways Act 1980 (47A) |
|-----|--|--|
- (3) To fix contributions to private street works and charges apportioned on flank and rear frontages in accordance with the Council's approved policy.
 - (4) Under Section 5 of the Berkshire Act 1986, to specify modifications to plans, sections and particulars submitted by a landowner in support of a private street works scheme (see also 19(3) above).
- (22) **New Roads and Street Works Act 1991**
- (1) To exercise the Council's powers. including the giving of formal notices, to exercise the Council's powers and duties under Part III of the New Roads and Street Works Act 1991 (other than the institution of legal proceedings).
 - (2) To implement a scheme under Section 74, to levy charges on undertakers of works in the publicly maintainable highway where the work had been unreasonably delayed, and authority to levy charges under the scheme.
(P&I Cttee, 09/07/01, Minute 25)
- (23) **Private Street Works - Orders**
To make orders under Section 305 of the Highways Act, 1980, as appropriate, where requests for payment of private street work expenses by instalment are received.
- (24) **Cables and Pipelines**
- (1) To authorise entry into agreements with telecommunications companies, licensed by the Department of Trade, for the laying of cables in the highway.
 - (2) To issue consents or give of approval:
 - (a) *To the Post Office and telecommunications companies* for overhead telegraphic lines, telephone kiosks and pillar boxes.
 - (b) In respect of cables over streets.
 - (c) Under Section 15 of the Pipelines Act 1962, subject to such conditions as he deems necessary, PROVIDED THAT power to refuse shall be reserved to the Committee.

STREET LIGHTING

- (25) **Telecommunications Lamp-Column Swap-Out Development**
Authority to enter into suitable lamp column swap-out agreements.
(Cabinet 22/09/20-3, Minute 83)

TRAFFIC MANAGEMENT AND REGULATION

- (26) **Highways: Traffic**
To post temporary notices for traffic management under Section 14(2) of the Road Traffic Regulation Act 1984.

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(27) Traffic Signs

To place and maintain traffic signs on or near a road under the following Sections of the Traffic Regulation Act 1984:

- (1) Section 65 - on or near a road;
 - (2) Section 68 - in connection with parking places, or any traffic regulation order made by the authority
 - (3) Section 71 - to enter land in connection with traffic signs
- (See also 19(4) above)

(28) Temporary Road Closures

Temporary road closures, temporary diversions or temporary one-way traffic systems under the provisions of the Road Traffic Regulation Act 1984.

IN CONSULTATION WITH THE HEAD OF DEVELOPMENT

(29) Experimental Traffic Regulation Orders - Consultations

- (1) To consider the responses received from the statutory consultees during an Experimental Traffic Regulation Order;
- (2) To make minor modifications to experimental schemes, before making any such Order

(30) Temporary Road or Footpath Closure for Events

- (1) To close temporarily, in accordance with the provisions of the Road Traffic Regulation Act 1984, any road or footpath insofar as such closure is required to enable an event to take place which has the approval of the Council (under delegated powers or otherwise)
- (2) Road closures for street parties
- (3) Temporary Road Closures (public highway) under Section 21 of the Town Police Clauses Act 1847 for civic events where there are security considerations

(31) Special Events - Prohibition of Vehicular and Pedestrian Movements

To exercise the Council's powers under the Road Traffic Regulation (Special Events) Act 1994 to restrict or prohibit vehicular and pedestrian movements as necessary to facilitate the holding of a "relevant event" when an order under the Town Police Clauses Act 1847 is considered inappropriate.

IN CONSULTATION WITH THE HEAD OF LEGAL & DEMOCRATIC SERVICES

(32) Erection of Road Signs/Street Name Plates

To issue consent or give approval for the erection of all road signs/street name plates except those requiring a resolution by Committee

(33) Minor Traffic Schemes

To implement minor traffic schemes / measures of a temporary or permanent nature, which have the support of the Lead Councillor and Ward Councillors, subject to no objections being received following any advertisements necessary as part of the implementation process.

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- (34) **Petitions**
To respond to petitions where a clear policy exists or where a similar petition has been considered by the Traffic Management Sub-Committee in the previous six months.
- (35) **Objections to Applications for Licences to Operate Heavy Goods Vehicles**
To make representations on behalf of the Council to the Licensing Authorities under Part V of the Transport Act 1968 in connection with applications for Goods Vehicles Operators Licences.
IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES
AND THE HEAD OF LEGAL & DEMOCRATIC SERVICES

WATER, SEWERAGE AND DRAINS

- (36) **Highways: Drainage**
To agree contributions to regional water authorities' surface water drainage schemes calculated on the proportion of highway "run-off" to that from other areas, including related matters such as contributions towards the cost of cleansing village ponds, and to make payments to any minor drainage scheme of any type where he is satisfied that highways will benefit.
- (37) **Sewers - Agreements with Owners**
The power to enter into agreements with the owners of buildings over sewers to safeguard the Council's legal position.
SUBJECT TO THE ADVICE OF THE HEAD OF ENVIRONMENT AND CONSUMER SERVICES
- (38) **Drains - Repair and Cleansing**
The acceptance, but not the refusal, of requests to cleanse or repair drains under the provisions of Section 22 of the Public Health Act 1961 and the recovery of expenses as provided under that Section
- (39) **Flood And Water Management Act 2010 - Lead Local Flood Authority Duties**
Authority to exercise the powers and duties of the Lead Local Flood Authority in the Flood and Water Management Act 2010, the Flood Risk Regulations 2009 and the Land Drainage Act 1991 as follows:
- (1) **Flood and Water Management Act 2010**
- (a) Section 9 - Duties with regard to the Local Flood Risk Management Strategy
 - (b) Section 14 - Power to request information
 - (c) Section 19 - Duty to investigate and report flood incidents
 - (d) Section 21 - Duty to establish and maintain a register and record of flood risk assets
 - (e) Section 30 and Schedule 1 - Power to designate structures and features that affect flooding
 - (f) Section 32 and Schedule 3 - Powers and duties relating to sustainable drainage

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- (2) Flood Risk Regulations 2009
Part 2 - Preparation of Preliminary Flood Risk Assessment Reports of past and potential future flooding
- (3) Land Drainage Act 1991
- (a) Section 14A as amended - Power to carry out works to manage flood risks from surface water runoff, groundwater and ordinary watercourses, where the work was desirable having regard to the 'local strategy for flood risk management'.
 - (b) Section 23 as amended - Regulations of Ordinary Watercourses:
 - Issuing of Consents for any works to ordinary watercourses that might obstruct or alter the flow of an ordinary watercourse;
 - Enforcement action to rectify unlawful and potentially damaging work to watercourse.

(Strategic Environment, Planning and Transport Committee, 9/07/13, Minute 10)

- (40) **Reservoirs Act 1975**
To exercise the Council's powers and duties under the Reservoirs Act 1975.
- (41) **Sustainable Adoption Drainage Board**
Authority to determine drainage applications related to the Sustainable Adoption Drainage Board.
(Council, 11/06/14, Minute 9)

PARKING

- (42) **Exempted Access Permit Scheme**
To undertake the day-to-day administration of the exempted access permit scheme for vehicles for the disabled and servicing vehicles.
- (43) **Contract Car Parking**
- (1) Authority to negotiate contracts on the top and fourth decks of Queen's Road multi-storey car park, as and when appropriate. (NB - 4TH DECK, QUEEN'S ROAD - MONDAY TO FRIDAY ONLY)
 - (2) Authority to negotiate contracts within other parts of car parks subject to agreement in principle from Cabinet.
- IN CONSULTATION WITH THE HEAD OF DEVELOPMENT
- (44) **Car Park Charges**
Authority to negotiate reduced rates for the bulk purchase of season tickets
- (45) **Non-Payment of Parking Penalties**
- (1) Discretion to waive an excess charge for parking in the Council's car parks where the Pay and Display Scheme is in operation, where circumstances are appropriate

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- (2) Discretion to cancel or waive Penalty Charge Notices in the light of representations made by the recipient, where circumstances are appropriate.

- (46) **Car Park Incentive Schemes**
Authority to introduce car park incentive schemes designed to increase income.

- (47) **Wheel Clamping**
To employ contractors to carry out wheel clamping as the need arises

- (48) **Discretionary Parking Permit Applications**
Authority to determine applications for and to issue discretionary parking permits in line with the Council's Permit Management Rules.
[Adopted by Cabinet on Cabinet, 9 July 2007 (Minute 25) – updated 16 July 2012].

- (49) **Applications For Discretionary Parking Permits – Appeals**
Discretion to refuse requests for appeals to be heard by the Discretionary Parking Permits Appeals Panel, where the application is from the same person at the same address for the same type of permit as a previous appeal, with no significant change in circumstances.
(Discretionary Parking Permits Appeals Panel 12/11/08, Minute 6)

- (50) **Car Park Management**
 - (1) That the Head of Planning and Transport, the Head of Legal & Democratic Services and the Head of Financial Services be authorised to ensure that the contractual arrangements with NCP for the management of car parks for a 15-year period, commencing in April 2006, facilitate the enablement of car parking continuing to be treated as a non-business activity for VAT purposes (in line with the Isle of Wight VAT tribunal ruling);
 - (2) That the Head of Planning and Transport, in consultation with the Head of Legal & Democratic Services, be authorised to carry out the process of advertising changes to car park tariffs, and to make those changes in line with the Council's Transport Strategy.
(Cabinet 18/04/2006, Minute 207)

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STREETCARE

(51) Vehicles: Illegal Parking

Power to take all necessary action in respect of vehicles parked illegally etc., including the recovery of charges in respect of the removal of such vehicles and to retain custody of vehicles until such charges have been paid, and to authorise officers to take such action, under Sections 99 to 103 of the Road Traffic Regulation Act 1984, the Removal and Disposal of Vehicles Regulations 1986, and Section 15 to 17 of the Clean Neighbourhood and Environment Act 2005.

(Cabinet 20/03/06, Minute 200)

(52) Nuisance Parking Offences

(1) To exercise powers under Sections 3 and 4 of the Clean Neighbourhoods and Environment Act 2005 in relation to offences of exposing vehicles for sale on a road and repairing vehicles on a road.

IN CONSULTATION WITH THE HEAD OF LEGAL & DEMOCRATIC SERVICES

(2) To exercise powers to ascertain whether an offence has been committed under Section 3 (exposing vehicles for sale on a road) or Section 4 (repairing vehicles on a road) of the Clean Neighbourhoods and Environment Act 2005, and whether any actions should be taken under those provisions, and the power to authorise officers and other suitable persons to act under the said provisions.

(Cabinet 29/10/07, Minute 90)

(53) Fixed Penalty Notices

Nuisance Parking

(1) Power to issue fixed penalty notices and take action ancillary thereto, for nuisance parking offences under Sections 3 and 4 of the Clean Neighbourhoods and Environment Act 2005, and power to authorise officers to issue such notices and take such action under section 6 of the Act.

(2) Power to require name and address in connection with fixed penalty notices for nuisance parking offences, and power to authorise officers to require such information under Section 7 of the Clean Neighbourhoods and Environment Act 2005.

(Cabinet 29/10/07, Minute 90)

Abandoned Vehicles

(3) Power to issue fixed penalty notices and take action ancillary thereto, for the offence of abandoning a vehicle under Section 2 of the Refuse Disposal (Amenity) Act 1978, and power to authorise officers to issue such notices and take such action under Section 10 of the Clean Neighbourhoods and Environment Act 2005.

(4) Power to require name and address in connection with fixed penalty notices for the offence of abandoning a vehicle, and power to authorise officers to require such information, under Section 2B of the Refuse Disposal (Amenity) Act 1978 and under Section 10 of the Clean Neighbourhoods and Environment Act 2005.

(Cabinet 29/10/07, Minute 90)

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(54) Abandoned Motor Vehicles

- (1) Service of notices re:
 - (a) Removal and disposal of abandoned motor vehicles under Sections 3 and 4 of the Refuse Disposal (Amenity) Act 1978
 - (b) Removal and disposal of other refuse under Section 6 of the Refuse Disposal (Amenity Act) 1978.
- (2) The removal and disposal of:
 - (a) Abandoned motor vehicles under Sections 3 and 4 of the above Act.
 - (b) Other refuse under Section 6 of the above Act.
- (3) The recovery of expenses under Sections 5 and 6 of the above Act.
- (4) The removal and disposal of vehicles under the powers contained in the Removal and Disposal of Vehicles Regulations 1986 including service of notices, as required.
- (5) The authorisation of officers employed in the Environmental Health Service, as appropriate, to carry out the above functions.

(55) Removal of Abandoned Vehicles

- (1) Duty to remove abandoned vehicle on land in the open air or any land forming part of a highway, under Section 3 of the Refuse Disposal (Amenity) Act 1978.
- (2) Power under Section 3 to decide not to carry out the above duty where it appears that the cost of removal to the nearest carriageway would be unreasonably high.
- (3) Power to remove abandoned vehicles where the above duty does not apply, under Regulation 5 of the Removal and Disposal of Vehicles Regulations 1986.
- (4) Power to remove abandoned vehicles by agreement with an occupier of land where the duty does not apply, and to recover costs.
- (5) Duty under s. 99(3) Road Traffic Regulation Act 1984 to serve prescribed notice on the occupier of land (other than a road) that the Council proposes to exercise its powers to remove an abandoned vehicle, such notice to be given as prescribed by Regulations 8 and 9 and Schedule 2 of the Removal and Disposal of Vehicles Regulations 1986.

(Cabinet 29/10/07, Minute 90)

(56) Disposal of Abandoned Vehicles

- (1) Power to dispose of abandoned vehicles and take action ancillary thereto under s.4 Refuse Disposal (Amenity) Act 1978, ss.100-101 Road Traffic Regulation Act 1984 and Part III Removal and Disposal of Vehicles Regulations 1986.
- (2) Duty under s.100 Road Traffic Regulation Act 1984 to deliver abandoned vehicles to relevant disposal authority.
- (3) Duty under s.100(4) Road Traffic Regulation Act 1984 to take such steps as are reasonably necessary for the safe custody of the vehicle, and under s.3(8) of the Refuse Disposal (Amenity) Act 1978.
- (4) Duty to take steps to trace owner of abandoned vehicle and give 7 days notice of disposal, under Regulation 12 of the Removal and Disposal of Vehicles Regulations 1986.

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- (5) Duty to serve notice on owner of vehicle requiring him to remove the vehicle from local authority custody, under s.4(1)(c)(ii) of Refuse Disposal (Amenity) Act 1978 and s.101(3)(c)(ii) of Road Traffic Regulation Act 1984.
- (6) Power to collect prescribed charges for removal and storage under s.5 Refuse Disposal (Amenity) Act 1978 and Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 1989 and s.102 Road Traffic Regulation Act 1984.
- (7) Duty to provide information to relevant authorities following disposal of a vehicle under Regulation 15 of the Removal and Disposal of Vehicles Regulations 1986.
- (8) Duty to permit the owner to remove the vehicle from local authority custody provided that the conditions in s.4(5) of the Refuse Disposal (Amenity) Act 1978 and s.101(4) of the Road Traffic Regulation Act 1984 are satisfied.
- (9) Duty to pay to the owner the sum by which the proceeds of sale of a vehicle exceed the prescribed sums in respect of removal, storage and disposal, under s.4(6) of the Refuse Disposal (Amenity) Act 1978 and s.101(5) of the Road Traffic Regulation Act 1984.

(Cabinet 29/10/07, Minute 90)

(57) Abandoned Vehicles - Miscellaneous

- (1) Power to enter land under s.8 of the Refuse Disposal (Amenity) Act 1978 for the purpose of investigating the need to carry out functions connected with the removal of abandoned vehicles.
- (2) Power to authorise officers to carry out the above functions relating to the removal and disposal of abandoned vehicles.

(Cabinet 29/10/07, Minute 90)

(58) Not Used

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HIGHWAYS - LICENSING

(See also (11) above - Sections 176, 177 of the Highways Act 1980 re. the construction of bridges and construction of buildings over the highway)

CONSTITUTION - PART 3, SCHEDULE 1

Part B. Functions relating to Licensing and Regulation

(59) Encroachment on Highway - Section 115 Highways Act 1980

Authority to amend the applicable hours of Licences for Encroachments onto the public highway by traders (condition 7) [paras 46A and 47A]

(60) Placement of Tables and Chairs and the Designation of Smoking Areas on the Highway

Authority, where there are no objections, to grant, renew and vary permissions for the placement of tables and chairs and the designation of smoking areas on the highway, for recreation and refreshment purposes, in accordance with Section 115(E) of the Highways Act 1980 and to exercise the powers and perform the duties under Section 115(F)(impose conditions), Section 115(G)(public notice of application for permission) and Section 115(K)(require the grantee to remedy the breach) of the Highways Act 1980.

IN CONJUNCTION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES
(Council 25 May 2010, Minute 9)

(61) Granting of Permissions

Granting of Permission under Part VIIA of the Highway Act 1980, to place objects or structures etc on, in or over the highway, subject to:

- (a) such conditions as may be appropriate in each case;
- (b) the object or structure concerned receiving planning consent, if required;
- (c) the authorised officer being satisfied that the object or structure will not adversely affect the highway and its use.

(62) Trade Displays and A-Board Policies

Authority to amend Trade Displays and A Board Policies.

IN CONSULTATION WITH THE LEAD COUNCILLOR FOR STRATEGIC ENVIRONMENT, PLANNING & TRANSPORT

(Cabinet 18 March 2013, Minute 144)

(63) Pavement Cafés Trade Displays and A Boards - Fees and Charges

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Authority to amend fees and charges annually.

IN CONJUNCTION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES
AND FOLLOWING CONSULTATION WITH THE LEAD COUNCILLOR FOR STRATEGIC
ENVIRONMENT, PLANNING & TRANSPORT
Cabinet 18 March 2013, Minute 144

(64) Placement of Tables and Chairs and the Designation of Smoking Areas on the Highway

Authority, where there are no objections, to grant, renew and vary permissions for the placement of tables and chairs and the designation of smoking areas on the highway, for recreation and refreshment purposes, in accordance with Section 115(E) of the Highways Act 1980 and to exercise the powers and perform the duties under Section 115(F)(impose conditions), Section 115(G)(public notice of application for permission) and Section 115(K)(require the grantee to remedy the breach) of the Highways Act 1980.

IN CONJUNCTION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES
(Council 25 May 2010, Minute 9)

(65) Pavement Café Policy

Authority to amend the Pavement Cafes Policy.

IN CONSULTATION WITH THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES
AND THE LEAD COUNCILLOR FOR STRATEGIC ENVIRONMENT, PLANNING & TRANSPORT
Cabinet 18 March 2013, Minute 144

CONSTITUTION - PART 3, SCHEDULE 1

Part B. Functions relating to Licensing and Regulation

(66) Builders' Skip

- (1) Power to permit deposit of builders skip on highway, under Section 139 of the Highways Act 1980 (para. 47)
- (2) The service of notices re. Builders' skips repositioning or removal under Section 140 of the Highways Act 1980
- (3) The removal and Disposal of Builders' skips under Section 140 of the above Act
- (4) The recovery of expenses under Section 140 of the above Act

(67) Trees etc.

- (1) Power to license planting, retention and maintenance of trees etc. in part of highway, under Section 142 of the Highways Act 1980 (para. 48)
- (2) Granting of Permission under Section 142 of the Highway Act 1980, by licence, to permit the occupier or owner of any premises adjoining the highway to plant and maintain or to retain and maintain trees, shrubs, plants or grass in such parts of the highway as may be specified in the licence, subject to:-

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- (a) such conditions as may be appropriate in each case;
- (b) the authorised officer being satisfied that the granting of a licence will not adversely affect the highway or its use.

(68) Stiles etc

Power to authorise erection of stiles etc. on footpaths or bridleways, under Section 147 of the Highways Act 1980 (para. 49)

(69) Buildings etc Which Obstruct the Highway

- (1) Power to license works in relation to buildings etc which obstruct the highway, under Section 169 of the Highways Act 1980 (para. 50).
- (2) Power to issue licences and fix and collect fees in relation to scaffolding under Section 169 of the Highways Act 1980:

(70) Temporary Deposits or Excavations in Street

- (1) Power to consent to temporary deposits or excavations in streets, under Section 171 of the Highways Act 1980 (para. 51).
- (2) Service of notices re:
 - (i) Unauthorised depositing of materials under Section 171 of the Highways Act 1980
 - (ii) Failure to fence off, light during darkness excavations under Section 171 of the above Act
- (3) Removal of materials under Section 171 of the above Act
- (4) Right to fill in excavations under Section 171 of the above Act
- (5) Recovery of expenses under Section 171 of the above Act

(71) Obligation to Erect Hoarding or Fence

Power to dispense with obligation to erect hoarding or fence, under Section 172 of the Highways Act 1980 (para. 52).

(72) Placing of Rails, Beams etc Over Highways

- (1) Power to restrict the placing of rails, beams etc over highways, under Section 178 of the Highways Act 1980 (para. 53).
- (2) Power to issue licences and fix and collect fees in relation to the placing of rails, beams etc on highways, under- Section 178 of the Highways Act 1980.

(73) Environmental Maintenance

To exercise all powers of the Council relating to Sections 169, 172, 173 and 178 of the Highways Act 1980 regarding licensing of hoardings and scaffolding, subject to the HEAD OF LEGAL & DEMOCRATIC SERVICES being responsible for the institution of all legal proceedings.
NB - The following are functions listed in Schedule 1, Part B:

- power to licence works in relation to buildings etc. which obstruct the highway (para. 50)
- power to dispense with obligation to erect hoarding or fence (para. 52)
- Power to restrict the placing of rails, beams etc over highways (para. 53)

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(74) Construction of Cellars

- (1) Power to consent to construction of cellars etc under street, under Section 179 of the Highways Act 1980[44] (para. 54).
- (2) Power to issue licences and fix and collect fees in relation to the construction of cellars under streets, under Section 179 of the Highways Act 1980.

(75) Openings into Cellars

- (1) Power to consent to the making of openings into cellars etc under streets, and pavement lights and ventilators, under Section 180 of the Highways Act 1980 (para. 55).
- (2) Power to issue licences and fix and collect fees in relation to the control of openings into cellars etc under street and pavement lights and ventilators under Section 180 of the Highways Act 1980.

MISCELLANEOUS

(76) Berkshire Local Transport Body

Authority to implement decisions taken by the Berkshire Local Transport Body insofar as they require the exercise of functions by Reading Borough Council, and subject to the decisions and actions being published in the Decision Book.

IN CONSULTATION WITH THE LEADER AND LEAD COUNCILLOR FOR STRATEGIC ENVIRONMENT,
PLANNING & TRANSPORT

Cabinet 18/02/13, Minute 127

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FUNCTIONS DELEGATED TO AND BY THE HOUSING, NEIGHBOURHOODS AND LEISURE COMMITTEE

STREETCARE

RECYCLING AND WASTE COLLECTION / DISPOSAL

- (1) Household Waste Collection and Disposal**
Duties to arrange for the collection and disposal of household waste in the authority's area under sections 45-48 of the Environmental Protection Act 1980.
- (2) Environmental Protection Act 1990**
Powers and duties under the Environment Protection Act 1990 as follows:

 - (1) Duty to arrange for collection of household waste under Section 45(1)(a);
 - (2) Duty to arrange for collection of commercial waste at the request of the occupier of premises under Section 45(1)(b);
 - (3) Power under Section 45(3) to recover a reasonable charge for the collection of waste on request in cases prescribed by the Collection of Waste Regulations 1988, or as subsequently amended or superseded;
 - (4) Duty under Section 45(4) to recover a reasonable charge for collection and disposal on request of waste other than household waste and power to waive such charge in the case of commercial waste where it was considered appropriate to do so;
 - (5) Duty under Section 45(5) to make appropriate arrangements for the emptying without charge of privies in private dwellings; and duty to remove such contents of cesspools serving private dwellings as the Council considers appropriate if requested to do so, on payment of a reasonable charge, and power to waive such charge;
 - (6) Power under Section 45(6) to empty privies other than those serving private dwellings or remove such contents of cesspools other than those serving private dwellings as the Council considers appropriate, on payment of a reasonable charge, and power to waive such charge;
 - (7) Power under Section 45(7) to construct, lay and maintain pipes and associated works for the purpose of collecting waste, and to contribute towards the cost incurred by another person in providing or maintaining pipes or associated works connecting with pipes provided by the Council under the above power;
 - (8) Power under Section 45(8) to contribute towards the cost incurred by another person in providing or maintaining plant or equipment intended to deal with commercial or industrial waste before it was collected under arrangements made by the Council under Section 45(1)(b);
 - (9) Duty under Section 45A(2) to make arrangements for the collection of recyclable waste in accordance with Section 45A(3) when such requirement applied;
 - (10) Power to serve a notice under Section 46(1) on an occupier requiring him or her to place household waste for collection in receptacles as specified;
 - (11) power under Section 46(3) to determine whether receptacles be provided free of charge or on payment; power to require the occupier to provide receptacles;
 - (12) power under Section 46(4) to make further provisions in any notice issued under Section 46(1) in relation to receptacles and the collection of waste.

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(Cabinet 30/10/06, Minute 90)

(3) Waste Enforcement

Power to:

- (1) Serve notices under Section 47 (2) of the Environmental Protection Act 1990 requiring the occupier of premises to provide receptacles for the storage of commercial and industrial waste likely to cause a nuisance or be detrimental to the amenities of the locality;
- (2) Serve notices in respect of the removal of controlled waste and/or the taking of steps to eliminate or reduce the consequences of the deposit of the waste under Section 59 (1) of The Act;
- (3) Remove controlled waste in default of compliance with a notice served under Section 59 (6) of The Act;
- (4) Remove waste deposited in or on land or take other steps in respect thereof without service of notice under Section 59 (7) of The Act;
- (5) Authorise members of staff to issue fixed penalty notices under Section 88 of The Act in respect of the depositing of litter;
- (6)-(8) Repealed by Anti-Social Behaviour, Crime & Policing Act 2014
(Cabinet, 14/07/03 Minute 49 - amended)

(4) Waste Regulation and Disposal

To exercise the powers and duties conferred and imposed upon the Council by Part I of the Control of Pollution Act 1974 and Part II of the Environmental Protection Act 1990 excluding the power to revoke or accept the surrender of existing waste management licences or waste disposal licences.

(5) Waste

- (1) Power to exercise the enforcement powers in section 108 of the Environment Act 1995 in connection with pollution control, and to authorise officers to exercise such powers under section 53 of the Clean Neighbourhoods and Environment Act 2005.
- (2) Power to take the following action under section 5 of the Control of Pollution (Amendment) Act 1989, and to authorise officers to take such action:
 - (i) require production of authority to transport controlled waste
 - (ii) search any vehicle which appears to be, to have been or to be about to be used for transporting controlled waste
 - (iii) carry out tests on anything found in any such vehicle including taking away samples of anything found)
 - (iv) Deleted
 - (v) stop any vehicle referred to in (ii) above anywhere except on a road
 - (vi) enter any premises for the purpose of (ii) or (iv) above
 - (vii) power to require the occupant of any vehicle stopped under (v) above to provide his name and address, and the name and address of the owner of the vehicle, and any other information that may reasonably be requested
- (3) Deleted

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- (4) Power to issue fixed penalty notices and take action ancillary thereto under section 5B of the Control of Pollution (Amendment) Act 1989, for failure to produce authority to transport controlled waste, and power to authorise officers to issue such notices and take such action under section 38 of the Clean Neighbourhoods and Environment Act 2005.
- (5) Power to take the following action under Section 34B of the Environmental Protection Act 1990, and to authorise officers to take such action, where it is believed that an offence under sections 33 or 34 of that Act has been, is being, or is about to be committed and that a vehicle was used, or is being or is about to be used, in the commission of the offence:
 - (i) search the vehicle
 - (ii) seize the vehicle and any of its contents
 - (iii) stop the vehicle anywhere except on a road
 - (iv) enter any premises for the purpose of searching or seizing the vehicle
 - (v) require the occupant of the vehicle to provide his name and address, the name and address of the owner of the vehicle, and any other information that may reasonably be requested
 - (vi) remove the vehicle and contents seized under (ii) above to any appropriate place, and deal with them in accordance with any regulations made under section 46 of the Clean Neighbourhoods and Environment Act 2005.
- (6) Power under section 34A of the Environmental Protection Act 1990 to issue fixed penalty notices and take action ancillary thereto for failure to furnish documentation in connection with the transportation of waste, and power to authorise officers to issue such notices and to take such action under section 45 of the Clean Neighbourhoods and Environment Act 2005.
- (7) Power to issue fixed penalty notices and take action ancillary thereto under section 47ZA of the Environmental Protection Act 1990 for offences relating to waste receptacles, and to authorise persons to issue such notices and to take such action under section 48 of the Clean Neighbourhoods and Environment Act 2005.

(Cabinet 20/03/06, Minute 200)

(6) Control of Pollution Act 1974 and the Public Health Act 1936

Authority to exercise the following functions:

- (1) Collection of Household Waste
- (2) Collection of Wastes other than Household Waste
- (3) Wet Wastes

(7) Waste Receptacles

To designate the appropriate kind and number of waste receptacles for any property under the provisions of Section 46 (1) of the Environmental Protection Act 1990.

(P&I committee, 25/06/01 Minute 5) / (Cabinet 29/10/07, Minute 90)

(8) Wheeled Bin Replacement Charges and Bulky Waste Collection Restrictions

- (a) To waive the administrative or delivery charge for replacement wheeled bins.
- (b) To waive the restrictions on the collection of bulky waste.

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(P&I committee, 25/06/01 Minute 5) / (Cabinet 29/10/07, Minute 90)

(9) Refuse / Noxious Substances

- (1) Power to impose conditions and consent to the closure or obstruction of a means by which refuse etc is removed from a building under Section 23 of the Building Act 1984
- (2) Power to serve notices and carry out works in default under the relevant statutory provisions, where appropriate, in respect of public health nuisance in accordance with:
 - (i) Section 23 of the Building Act 1984 relating to the provision of facilities for refuse
 - (ii) Section 79 of the Public Health Act 1936 relating to the removal of noxious materials.
 - (v) Section 80 of the Public Health Act 1936 requiring the periodical removal of manure etc from premises in an urban district.
 - (vii) Under Section 34 of the Public Health Act 1961 in respect of accumulations of rubbish.
- (3) To authorise members of staff, as appropriate, to serve the above notices

(10) Registration of Carriers and Seizure of Vehicles Regulations

To carry out all the powers and duties imposed on the Council by the Control of Pollution Amendment Act 1989 and the Controlled Waste (Registration of Carriers & Seizure of Vehicles) Regulations 1991 including:

- 1) the issuing of certificates of registration or renewal;
- 2) the refusal of registration or its renewal;
- 3) the revocation of a registration;
- 4) the service of notices in order to trace the person using a vehicle involved in the illegal deposit of waste;
- 5) the making of applications for a warrant to seize a vehicle;
- 6) delete; and,
- 7) the disposal of a seized vehicle and its contents.

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(11) Waste (England and Wales) Regulations 2011

- (1) Power to serve a compliance notice under Regulation 38
- (2) Power to serve a stop notice under Regulations 39

(12) Section 78 Public Health Act 1936

Power to cause common court, yard or passage to be swept and cleansed, and recover expenses from adjoining occupiers.

(13) Section 22 Control of Pollution Act 1974

Power to arrange for cleaning of relevant land and to enter agreement with owner or occupier of land for the payment by him of charges in respect of the cleaning

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- (14) **Section 59ZA Environmental Protection Act 1990**
Power to serve notice on owner of land requiring controlled waste to be removed.
- (15) **Section 6 Refuse Disposal Amenity Act 1978**
Power to remove, after notice where land is occupied, anything other than a motor vehicle which has been abandoned without lawful authority on any land in the open air or on a highway, and recovery of expenses.
- (16) **Shopping Trolleys**
(1) Removal of shopping trolleys and the making of charges in relation to storage under the provision of Section 13 of the Berkshire Act 1986.
(2) Power to exercise functions under Schedule 4 to the Environmental Protection Act 1990 in relation to abandoned shopping and luggage trolleys
(Cabinet, 16 April 2012)
- (17) **Common Courts - Sweeping**
(1) The carrying out of sweeping and cleansing of common courts and passages and recovery of any expenses reasonably incurred under the provisions of Section 78 of the Public Health Act 1936.
(2) To authorise officers employed by the Environmental Health Service to sweep and cleanse common courts and passageways under Section 78 of the Public Health Act 1936.
- (18) **Sanitary Conveniences - Temporary**
The loan of temporary sanitary conveniences and the making of reasonable charges and the recovery of expenses in connection with the loans as provided for in Section 67 of the Building Act 1984

LITTER

- (19) **Environmental Protection Act 1990**
Register of Notices
(1) Duty to maintain a register of copies of:
(i) Litter Control Notices issued and
(ii) Street Litter Control Notices issued,
and to include copies of any variations or additions to these.
(2) Duty to make these copies available to the public as described in Section 95 of the Environmental Protection Act 1990
- (20) **Litter**
(1)-(2) Repealed by Anti-Social Behaviour, Crime & Policing Act 2014
(3) Power to issue fixed penalty notices and take action ancillary thereto under section 88(10) of the Environmental Protection Act 1990 for litter offences, and to authorise persons to issue such notices and to take such action under section 19 of the Clean Neighbourhoods and Environment Act 2005.

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- (4) Power to require name and address in connection with fixed penalty notices, and to authorise officers or other persons as appropriate to require such information, under section 88 (8A) of the Environmental Protection Act 1990 in connection with a litter offence under section 19 of the Clean Neighbourhoods and Environment Act 2005.

IN CONSULTATION WITH THE HEAD OF HOUSING & NEIGHBOURHOOD SERVICES

(Cabinet 20/03/06, Minute 200 - amended)

(21) Free Distribution of Printed Matter

- (1) Power to designate land on which consent is required to distribute free printed matter, and power to revoke such designation, under section 94B and Schedule 3A of the Environmental Protection Act 1990 under section 23 of the Clean Neighbourhoods and Environment Act 2005.
- (2) Power to give consent, subject to any limitations and/or conditions considered appropriate, to the distribution of free printed matter on designated land under Schedule 3A of the Environmental Protection Act 1990, and to refuse or revoke consent, and power to charge a reasonable fee before giving such consent under section 23 of the Clean Neighbourhoods and Environment Act 2005.
- (3) Power to seize printed matter where it appears that such matter is being distributed without consent, under paragraph 6 of Schedule 3A of the Environmental Protection Act 1990, and power to dispose of or destroy such matter where it is not possible to return it to the person from whom it was seized in the circumstances in paragraph 6(5) of the Schedule, and power to authorise officers to take such action under section 23 of the Clean Neighbourhoods and Environment Act 2005.
- (4) Power to issue fixed penalty notices and take action ancillary thereto under Schedule 3A to the Environmental Protection Act 1990 for offences in relation to the distribution of free printed matter, and to authorise persons to issue such notices and to take such action under section 23 of the Clean Neighbourhoods and Environment Act 2005.
- (5) Power to require name and address in connection with fixed penalty notices, and to authorise officers or other persons as appropriate to require such information, under paragraph 7(7) of Schedule 3A to the Environmental Protection Act 1990 in connection with the distribution without consent of free printed matter on designated land under section 23 of the Clean Neighbourhoods and Environment Act 2005.

(Cabinet 20/03/06, Minute 200)

COMMUNITY PROTECTION / ANTI-SOCIAL BEHAVIOUR

Crime and Disorder

Power to vary or revoke a gating order under sections 129A to 129F of the Highways Act 1980 and under Section 2 of the Clean Neighbourhood and Environment Act 2005.

(Cabinet 20/03/06, Minute 200)

REVOKED BY ANTI-SOCIAL BEHAVIOUR, CRIME & POLICING ACT 2014

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(22) Graffiti, Fly-posting and other Defacement

Power to remove or obliterate placards and poster displayed in contravention of the Advertisement Regulations and to recover reasonable costs incurred in so doing, and power to authorise officers to take such action, under section 225 of the Town and Country Planning Act 1990 and under section 34 of the Clean Neighbourhood and Environment Act 2005.

Cabinet 20/03/06, Minute 200

ALSO DELEGATED TO THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

(23) Flyposting Etc.

- (1) Power under Section 132 Highways Act 1980 as amended by Section 29 of the Berkshire Act 1986 to remove any pictures, letters, signs or other marks which, without the authority's consent, have been painted, inscribed or affixed on:
 - (a) the surface of the highway or on any tree, structure or works on or in the highway
 - (b) the surface of streets which are not highways
 - (c) trees, structures or works on or in streets
 - (d) trees, structures and works adjoining highways and streets;and power to authorise officers to carry out such removal.

- (2) Power under section 29 of the Berkshire Act 1986 to recover expenses of such removal from persons contravening section 132 above.

- (3) Power under Section 29(4) of the Berkshire Act 1986 to remove or obliterate any picture, letter, sign or mark inscribed, affixed or painted on any wall, fence, post or other structure on premises which is visible from a street although not adjoining it, on agreement of terms and conditions with the owner or occupier of the premises;

- (4) Power to remove or obliterate placards and posters displayed in contravention of the Advertisement Regulations and to recover reasonable costs incurred in so doing, and power to authorise officers to take such action, under section 225 of the Town and Country Planning Act 1990 and under section 34 of the Clean Neighbourhood and Environment Act 2005.

ALSO DELEGATED TO THE HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES

(Cabinet 29/10/07, Minute 90 - modified)

(24) Anti-Social Behaviour Act 2003

Enforcement against Litter, Graffiti and Flyposting

Delegated authority to do the following:

- (1) Issue fixed penalty notices under Section 88 of the Environmental Protection Act 1990 in respect of the depositing of litter from any source;
- (2) Serve fixed penalty notices under Section 43 (1) of The Anti-Social Behaviour Act 2003 in respect of Relevant Offences, defined under Section 44 of that Act (graffiti and fly-posting);

(Cabinet 6/12/04 Minute 101 - amended)

(25) Graffiti, Fly-Posting and Other Defacement

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- (1) REVOKED BY ANTI-SOCIAL BEHAVIOUR, CRIME & POLICING ACT 2014
- (2) Power to issue fixed penalty notices and take action ancillary thereto under section 43 of the Anti-Social Behaviour Act 2003 for graffiti and fly-posting offences, and to authorise persons to issue such notices and to take such action under section 30 of the Clean Neighbourhoods and Environment Act 2005.
- (3) Power to require name and address in connection with fixed penalty notices, and to authorise officers or other persons as appropriate to require such information, under Section 43B of the Anti-Social Behaviour Act 2003 in connections with graffiti or fly-posting offences under Section 29 of the Clean Neighbourhoods and Environment Act 2005.

(Cabinet 20/03/06, Minute 200 - amended)

(26) Anti-Social Behaviour, Crime & Policing Act 2014

To exercise the functions of the Council under the Act in relation to services provided by the Service:

- (13) Section 43 - power to issue a Community Protection Notice
- (14) Section 47 - power to take action in default of compliance with a Community Protection Notice, and recover expenses
- (15) Section 49 - power to carry out works under a remedial order and recover expenses
- (16) Section 50 - duties in relation to forfeiture of items used in commission of offence under Section 48
- (17) Section 51 - power for designated person to seize item under warrant issued by justice of the peace
- (18) Section 52 - power for authorised person to issue a fixed penalty notice for an offence under Section 48
- (19) Section 53 - power to issue and to authorise officers to issue fixed penalty notices for offences under Section 48, and power to designate other person to issue fixed penalty notices (persons of a description specified in an Order made by the Secretary of State)
- (20) Section 68 - power to issue, and to authorise officers to issue fixed penalty notices for offences under Sections 63 and 67
- (21) Sections 76 to 79 - powers and duties in relation to closure notices
- (22) Sections 80 to 84 - powers and duties in relation to closure orders
- (23) Section 85 - powers in relation to enforcement of closure orders
- (24) Sections 101 and 104, and Schedule 4 - powers and duties in relation to the community remedy document and to anti-social behaviour case reviews

(Policy Committee, 1 December 2014, minute)

DELEGATION ALSO MADE TO HEAD OF HOUSING & NEIGHBOURHOODS AND HEAD OF PLANNING, DEVELOPMENT AND REGULATORY SERVICES

PARKS AND OPEN SPACES

(27) General Management and Use of Parks, Play Areas, Common Land and Woodland

To make general management arrangements for the upkeep and maintenance of the Council's public open spaces and recreation facilities.

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FUNCTIONS DELEGATED TO AND BY THE PLANNING APPLICATIONS COMMITTEE

PUBLIC RIGHTS OF WAY

Constitution - Part 3, Schedule 1 - Section I

Planning Applications Committee, 23 July 2014 (Minute 12)

Part I - Public Rights of Way

- (1) **Register**
Duty to keep register of information with respect to maps, statements and declarations under Section 31A of the Highways Act 1980 [Para. 3]
- (2) **Stop up Footpaths and Bridleways**
Power to stop up footpaths and bridleways under Section 118 of the Highways Act 1980 [Para. 4]
(Planning Applications Committee, 23 July 2014, Minute 12)
- (3) **Public Path Extinguishment Order**
Duty to determine applications for public path extinguishment orders under Sections 118Z and 118(C) of the Highways Act 1980 [Para. 5]
- (4) **Rail Crossing Extinguishment Order**
Power to make a rail crossing extinguishment order, under Section 118A of the Highways Act 1980 [Para. 6]
- (5) **Special Extinguishment Order**
Power to make a special extinguishment order, under Section 118B of the Highways Act 1980 [Para. 7].
- (6) **Divert Footpaths and Bridleways**
Power to divert footpaths and bridleways under Section 119 of the Highways Act 1980 [Para. 8]
(Planning Applications Committee, 23 July 2014, Minute 12)
- (7) **Public Path Diversion Order**
Power to make a public path diversion order under Sections 119Z and 119C(4) of the Highways Act 1980 [Para. 9]
- (8) **Rail Crossing Diversion Order**
Power to make a rail crossing diversion order, under Section 119A of the Highways Act 1980

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[Para. 10].

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| (9) | Special Diversion Order
Power to make a special diversion order, under Section 119B of the Highways Act 1980 [Para. 11]. |
| (10) | Applicant for Order
Power to require applicant for order to enter into agreement, under Section 119C of the Highways Act 1980 [Para. 12]. |
| (11) | SSI Diversion Order
Power to make an SSI diversion order, under Section 119D of the Highways Act 1980 [Para. 13]. |
| (12) | Register with Respect to Applications Under Sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.
Duty to keep register with respect to applications under Sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980, under Section 121B of the Highways Act 1980 [Para. 14]. |
| (13) | Determination of Certain Applications
Power to determine certain applications, under Section 121C of the Highways Act 1980 [Para. 15]. |
| (14) | Notice of Proposed Action in Relation to Obstruction
Duty to serve notice of proposed action in relation to obstruction, under Section 130A of the Highways Act 1980 [Para. 17]. |
| (15) | Variation of Order
Power to apply for variation of order under Section 130B of the Highways Act 1980, under Section 130B(7) of the Highways Act 1980 [Para. 18]. |
| (16) | Temporary Disturbance of Surface
Power to authorise temporary disturbance of surface of footpath or bridleway under Section 135 of the Highways Act 1980 [Para. 19] |
| (17) | Temporary Diversion
Power temporarily to divert footpath or bridleway under Section 135A of the Highways Act 1980 [Para. 20] |
| (18) | Making Good of Damage and Removal of Obstructions
Functions relating to the making good of damage and the removal of obstructions, under Section 135B of the Highways Act 1980 [Para. 21] |
| (19) | Removal of Things so Deposited on Highways as to be a Nuisance
Powers relating to the removal of things so deposited on highways as to be a nuisance, under |

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Section 149 of the Highways Act 1980 [Para. 22]

- (20) **Extinguish Certain Public Rights of Way**
Power to extinguish certain public rights of way under Section 32 of the Acquisition of Land Act 1981 [Para. 23]
(Planning Applications Committee, 23 July 2014, Minute 12)
- (21) **Definitive Map**
Duty to keep a definitive map and statement under review under Section 53 of the Wildlife and Countryside Act 1981 [Para. 24]
- (22) **Modifications in Other Orders**
Power to include modifications in other orders, under Section 53A of the Wildlife and Countryside Act 1981 [Para. 25]
- (23) **Register of Prescribed Information**
Duty to keep register of prescribed information with respect to applications under Section 53B of the Wildlife and Countryside Act 1981 [Para. 26].
- (24) **Reclassification of Roads Used as Public paths**
Duty to reclassify roads used as public paths, under Section 54 of the Wildlife and Countryside Act 1981 [Para. 27]
- (25) **Consolidation of Definitive Map**
Power to prepare map and statement by way of consolidation of definitive map and statement under Section 57A of the Wildlife and Countryside Act 1981 [Para. 28]
- (26) **Designation of Footpath as Cycle Track**
Power to designate footpath as cycle track under Section 3 of the Cycle Tracks Act 1984 [Para. 29]
To exercise the Council's powers in relation to cycle tracks under the Cycle Tracks Act 1984
- (27) **Extinguish Public Rights of Way**
Power to extinguish public rights of way over land acquired for clearance, under Section 294 of the Housing Act 1981 [Para. 30].
- (28) **Stopping Up**
 - (1) Power to authorise stopping up or diversion of highway under Section 247 of the Town & Country Planning Act 1990 [Para. 30A]
 - (2) Power to authorise stopping up or diversion of footpath or bridleway under Section 257 of the Town & Country Planning Act 1990 [Para. 31]

(Cabinet - 27 October 2003 - Minute 120)

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(3)	To respond to consultations from the Department of Transport and others pursuant to Sections 247, 248, 249, 251 and 253 of the Town and Country Planning Act 1990.								
(4)	Authority to proceed with the required legal process on future “stopping up of the public highway” applications under Section 116 of the Highways Act 1980, in consultation with the Lead Councillor for Strategic Planning and Transport and local ward councillors								
(29)	Land held for Planning Purposes Power to extinguish public rights of way over land held for planning purposes, under Section 258 of the Town & Country Planning Act 1990 [Para. 32]								
(30)	Means of Access Power to enter into agreements with respect to means of access, under Section 35 of the Countryside and Rights of Way Act 2000 [Para. 33]								
(31)	Provision of Access in Absence of Agreement Power to provide access in absence of agreement, under Section 37 of the Countryside and Rights of Way Act 2000 [Para. 34]								
(32)	Advertisement Control Power to exercise the following functions under Section 225 of the Town and Country Planning Act 1990 (as amended by Section 127 of the Localism Act 2011): <table data-bbox="245 1125 1476 1535"> <tr> <td data-bbox="245 1125 428 1152">Section 225A</td><td data-bbox="521 1125 1476 1220">Power to remove structures used for unauthorised display of advertisements, and to take remedial action: serve remedial notice; recover expenses;</td></tr> <tr> <td data-bbox="245 1230 415 1257">Section 225C</td><td data-bbox="521 1230 1476 1325">Power to serve action notice where there is a persistent problem with display of unauthorised advertisements and take ancillary action (carry out measures in default and recover expenses)</td></tr> <tr> <td data-bbox="245 1335 412 1362">Section 225F</td><td data-bbox="521 1335 1476 1461">Power to serve notice requiring owner of surface to remove or obliterate sign considered detrimental to amenity of area, or offensive, and to take ancillary action (remove or obliterate sign in default, and recover expenses)</td></tr> <tr> <td data-bbox="245 1472 415 1499">Section 225J</td><td data-bbox="521 1472 1476 1535">Power to remove or obliterate sign or unauthorised advertisement at owner’s request and recover expenses</td></tr> </table> <p data-bbox="245 1566 1476 1703">(Planning Applications Committee, 23 July 2014, Minute 12) FUNCTIONS TO BE EXERCISED BY HEAD OF PLANNING, DEVELOPMENT & REGULATORY SERVICES, OR HEAD OF TRANSPORTATION & STREETCARE, DEPENDING ON WHERE UNAUTHORISED ADVERTISEMENT OR DEFACEMENT IS OCCURRING</p>	Section 225A	Power to remove structures used for unauthorised display of advertisements, and to take remedial action: serve remedial notice; recover expenses;	Section 225C	Power to serve action notice where there is a persistent problem with display of unauthorised advertisements and take ancillary action (carry out measures in default and recover expenses)	Section 225F	Power to serve notice requiring owner of surface to remove or obliterate sign considered detrimental to amenity of area, or offensive, and to take ancillary action (remove or obliterate sign in default, and recover expenses)	Section 225J	Power to remove or obliterate sign or unauthorised advertisement at owner’s request and recover expenses
Section 225A	Power to remove structures used for unauthorised display of advertisements, and to take remedial action: serve remedial notice; recover expenses;								
Section 225C	Power to serve action notice where there is a persistent problem with display of unauthorised advertisements and take ancillary action (carry out measures in default and recover expenses)								
Section 225F	Power to serve notice requiring owner of surface to remove or obliterate sign considered detrimental to amenity of area, or offensive, and to take ancillary action (remove or obliterate sign in default, and recover expenses)								
Section 225J	Power to remove or obliterate sign or unauthorised advertisement at owner’s request and recover expenses								

Dangerous Trees

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- (33) **Dangerous Trees**
Power under Section 23 of the Local Government (Miscellaneous Provisions) Act 1982 to deal with dangerous trees on private land.
(Planning Applications Committee, 23 July 2014, Minute 12)