

MANAGEMENT COMMITTEE

Members of Management Committee are invited to attend this meeting at Commercial Road, Weymouth, Dorset in the to consider the items listed on the following page.



Matt Prosser
Chief Executive

Date: Tuesday, 17 April 2018
Time: 9.00 am
Venue: Council Chamber

Members of Committee:

J Cant (Chair), R Kosior (Vice-Chair), F Drake, J Farquharson, C Huckle, C James, R Nowak, A Reed, G Taylor and K Wheller

USEFUL INFORMATION

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Members of the public are welcome to attend this meeting with the exception of any items listed in the exempt part of this agenda.



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A G E N D A

Page No.

1 APOLOGIES

To receive apologies for absence.

2 MINUTES

To confirm the minutes of the meeting held on 6 March 2018.

3 CODE OF CONDUCT

Members are required to comply with the requirements of the Localism Act 2011 and the Council's Code of Conduct regarding disclosable pecuniary and other interests.

- Check if there is an item of business on this agenda in which the member or other relevant person has a disclosable pecuniary or the disclosable interest.
- Check that the interest has been notified to the Monitoring Officer (in writing) and entered in the Register (if not this must be done within 28 days).
- Disclose the interest at the meeting (in accordance with the Council's Code of Conduct) and in the absence of dispensation to speak and/or vote, withdraw from any consideration of the item where appropriate. If the interest is non-pecuniary you may be able to stay in the room, take part and vote.

4 PUBLIC PARTICIPATION

30 minutes will be set aside to allow members of the public to ask questions relating to the work of the Council. 3 minutes will be allowed per speaker. The order of speakers is at the discretion of the Chair and is normally taken in the order of agenda items, questions must relate to a report which is on the agenda for consideration. Notice is not required if you wish to speak at the meeting but if you require an answer to a question it is advisable to submit this in advance by contacting a member of the Democratic Services team or alternatively, by emailing kcritchell@dorset.gov.uk.

5 QUESTIONS BY COUNCILLORS

To receive questions from Councillors in accordance with procedure rule 12.

6 COMMUNITY SAFETY ACCREDITATION SCHEME 7 - 16

To detail the progress in establishing a Community Safety Accreditation Scheme for Weymouth and agree a funding contribution. The report also outlines other work to tackle anti-social behaviour in the town centre.

7 REVISED SCHEME OF OFFICER DELEGATIONS 17 - 128

To enable consideration of a proposed standardisation of the existing Officer Scheme of Delegations.

8 COMMUNITY INFRASTRUCTURE LEVY (CIL) - APPROVAL OF FURTHER REVISED REGULATION 123 LIST 129 - 140

To consider the representations made on the further revised CIL Regulation 123 List and approve the amended Regulation 123 List as modified.

9 DRAFT REVISED NATIONAL PLANNING POLICY FRAMEWORK AND GUIDANCE - RESPONSE TO CONSULTATION 141 - 178

To agree this council's response to the Government's consultation on the draft replacement National Planning Policy Framework (NPPF).

10 TOURISM: VISITOR OFFER AND PROMOTION 179 - 186

To clarify the offering to visitors and review the active promotion of tourism.

11 THE GRANT OF A LEASE TO SPARKS TRUST OF THE FORMER SOUTHILL PLAY GROUP PREMISES, WEYMOUTH 187 - 190

To receive a report from the Senior Estates Surveyor.

12 LEASE FOR MINERAL EXTRACTION - PORTLAND CEMETERY, WESTON ROAD, PORTLAND, DORSET, DT5 2BZ 191 - 194

To enable a lease between WPBC and Albion Stone for extraction of stone from beneath Portland Cemetery at Weston Road, Portland.

13 DISPOSAL OF LAND AND BUILDINGS FRONTING ONTO THE 195 - 200

HIGH STREET FORTUNESWELL PORTLAND

To update members on the outcome of the purchases of Nos 9 and 11 High Street Fortuneswell, to review and agree the parcelling of the above properties with additional land in Council ownership for future disposal and to agree the marketing proposals for the above property.

14 ACQUISITION OF OFFICERS FIELD PORTLAND 201 - 206

To obtain members authority to progress and complete the proposed purchase of Officers Field, Osprey Quay, Portland and to advise of a potential partial letting of Officers Field to Dorset County Council.

15 APPLICATION FOR A COUNCIL TAX DISCRETIONARY DISCOUNT 207 - 210

To consider the application received for Council Tax discretionary discount

16 MANAGEMENT COMMITTEE ACTION PLAN 211 - 230

To consider the Management Committee Action Plan

17 URGENT BUSINESS

To consider any items of business which the Chair has had prior notification and considers to be urgent pursuant to section 100B (4))b) of the Local Government Act 1972. The reason for the urgency shall be specified in the minutes.

18 4 MONTH FORWARD PLAN 231 - 242

To consider the 4 monthly Forward Plan.

19 MINUTES OF DORSET WASTE PARTNERSHIP

The agenda and reports for recent meetings of the Dorset Waste Partnership are also available on Dorsetforyou.com at the Council's website at <http://dorset.moderngov.co.uk/ieListMeetings.aspx?Committeeld=260>

20 EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12A to the Local Government Act 1972 (as amended)

21 THE GRANT OF A LEASE TO SPARKS TRUST OF THE FORMER SOUTHILL PLAY GROUP PREMISES, WEYMOUTH 243 - 252

To receive the exempt Appendix.

22 AGREE A LEASE FOR MINERAL EXTRACTION AND MAKING GOOD AT PORTLAND CEMETERY, WESTON ROAD, PORTLAND, DORSET, DT5 2BZ 253 - 254

To receive the exempt Appendix.

23 ACQUISITION OF OFFICERS FIELD PORTLAND 255 - 292

To receive Appendix 2 and 3 – exempt.

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Management Committee 17 April 2018 Community Safety Accreditation Scheme

For Decision

Briefholder

Cllr F Drake – Community Safety

Senior Leadership Team Contact:

S Hill, Strategic Director

Report Author:

G Duggan – Head of Community Protection

Statutory Authority

Anti-social Behaviour, Crime & Policing Act 2014

Purpose of Report

- 1 To detail the progress in establishing a Community Safety Accreditation Scheme for Weymouth and agree a funding contribution. The report also outlines other work to tackle anti-social behaviour in the town centre.

Recommendations

- 2 (i) Agree either option 1 or option 2 as detailed in the report, as the operating model for the Community Safety Accreditation Scheme and;

(ii) Agree the appropriate funding contribution from the council for 2018-19.

Reason for Decision

- 3 To demonstrate that the council is working with its partners to reduce anti-social behaviour and crime and improve community safety in Weymouth town centre.

Background and Reason Decision Needed

- 4 Councillors remain concerned about anti-social behaviour (ASB) including rough sleeping and begging, in the town centre. Information from the Dorset Community Safety Partnership where Melcombe Regis is a priority location, shows that recorded instances of ASB have decreased recently but that the area still has the highest rate of crime and ASB in the Community Safety Partnership area. The statistical picture is clouded by Home Office changes in how crime and ASB is recorded but the national backdrop is one of an increase in recorded crime and ASB.

- 5 Information about crime and ASB in Melcombe Regis (which includes most of the town centre) is given in Appendix 1. It is understandable that as the main resort in Dorset (outside of the conurbation) and with the most developed night time economy, levels of crime and ASB will be proportionally higher than elsewhere. However, effective action must be taken to protect visitors, residents and businesses from the effects of crime and ASB and safeguard the reputation of the town.
- 6 In conjunction with partner agencies, a number of initiatives are already in place and working to reduce crime and ASB. These are detailed later in this report. However, the Melcombe Regis Board which has an aim (amongst others) to reduce the number of victims of crime and ASB, proposed a Community Safety Accreditation Scheme (CSAS) for Weymouth town centre which was approved in principle by the council in 2017. The Home Office accredited scheme would allow the council to conduct uniformed patrols in a designated area with officers having some powers authorised by Dorset Police. For example;
- Require surrender of alcohol in a designated area
 - Issue fixed penalty notices for begging & other offences
 - Enforce the rough sleeper protocol and quickly engage agencies with new rough sleepers
 - Deter street drug use and intimidatory gatherings
 - Require names and addresses in relation to witnessed offences
 - Be ambassadors for the town centre and 'eyes & ears' for problems
 - Have excellent communication with Dorset Police; CCTV; Shop & Pub Watch & Street Pastors.
- 7 The application for accreditation has been submitted to Dorset Police and a positive outcome is expected by early May 2018. The application includes certain Network Rail land up to and including Upwey Station. The scheme would run for a pilot period of two years. Two options for the operation of the scheme have been developed informed by crime and ASB data; councillor considerations and those of potential funding partners;

Option 1

1 patrol consisting of 2 officers working flexible hours during daytime and early evenings with some cover of weekends and Bank Holidays – cost £60,000 pa.

Option 2

2 patrols consisting of 2 officers each. Patrol 1 working daytimes (1000 - 1800). Patrol 2 working evenings (1800 - 0200) with some flexibility and coverage of weekends and Bank Holidays – cost £110,000 pa.

- 8 Potential funding partners are the Office of the Police & Crime Commissioner; Dorset Police; Dorset County Council; British Transport Police and Weymouth BID who have all been consulted. A commitment of up to £30,000 - £40,000 pa may be achieved for the pilot scheme with further funding subject to evaluation. Working at the lower contribution, this would mean council funding commitments of;

Option 1 – £22,500 for 2018-19 and £30,000 for 2019-20
Option 2 - £60,000 for 2018-19 and £80,000 for 2019-20.

The lower amounts in 2018-19 reflect a commencement date of 1 June 2018. Because of Local Government Reorganisation your committee is only being asked to consider funding for 2018-19.

- 9 Evaluation criteria for the project will be agreed with funding partners before the scheme commences. The Melcombe Regis Board and council will receive reports on these in sufficient time to allow decisions to be taken on future funding arrangements and given Local Government Reorganisation.
- 10 The success of the scheme will largely be influenced by how effectively it dovetails with other crime and ASB town centre services and initiatives. Patrol officers will be trained by and work very closely with Dorset Police being based at Weymouth Police Station. Dorset Police continue to maintain policing the town centre as a high priority and welcome CSAS as contributing to the visible enforcement presence in the town centre. The force continues its focus on disrupting county drug lines and tackling public place violence. An update on town centre crime and ASB will be given at the meeting. The Street Pastors have expressed some concern about the scheme. Their experience and data shows an improvement in the town centre and they are concerned that uniformed officers may on occasion aggravate situations. Their feedback during the pilot project will be valuable.
- 11 By the time CSAS becomes operational, the ASB Public Space Protection Order will be in force and CSAS officers will be able to issue fixed penalty notices for offences including begging; feeding of gulls and unauthorised cycling on The Esplanade. They will be able to take action for problematic consumption of alcohol in public places. Officers will complement the environmental enforcement work currently being undertaken by 3GS Ltd whose main focus is littering and dog control (under the Dog Related Public Space Protection Order).. The 3GS service has been provided at no direct cost to the council.
- 12 The council's community safety officer and ASB caseworker continue to work with the Police and other partners to reduce crime and ASB and improve community safety in the Borough. The rough sleeper protocol; reducing drug related litter and tackling graffiti are all recent initiatives. Alongside this, they investigate serious cases of ASB with partners including registered social landlords and the Police. Officers are also instrumental in obtaining Criminal Behaviour Orders more usually to prohibit certain behaviours or ban individuals from entering Weymouth town centre. With cutbacks in youth and early intervention services at Dorset County Council, finding funding to help deliver projects to achieve more positive outcomes for vulnerable children and young people has become important. The Briefholders for Housing and Social Inclusion have been active in this area and may wish to update at the meeting.
- 13 The councils CCTV service maintains a watching eye on town centre activities. Staffed between 1600 and 0400 officers work closely with Dorset Police providing intelligence and **Page 9** to keep the town centre safer

Officers can often spot 'trouble before it starts' having a detailed knowledge of repeat offenders and observing body language. Later this year, the service is due to re-locate from Weymouth Peninsula to Dorset County Councils Colliton campus in Dorchester. All options are being explored to re-establish a 24-hour active monitoring service as part of the centre becoming a CCTV hub for Dorset. Members may wish to consider this within their future funding priorities.

- 14 Weymouth town centre has varied and attractive day and night time offers for residents and visitors alike with an exciting program of events throughout the year. In recognition of this, the council and its partners in the Night Time Economy Group are applying for Purple Flag accreditation. This accreditation sets a benchmark and guide for achieving a safe and vibrant economy and will raise the national profile of the resort. It will give valuable peer feedback on developing the night time economy in ways which support our ambitions. The Town Centre Manager is leading on this initiative.
- 15 Appendix 2 shows enforcement activity in the town centre assuming that CSAS proceeds.

Implications

Corporate Plan

Contributing to Corporate Plan objectives;

- Supporting vulnerable people so that they can live healthy and independent lives
- Enhancing the quality of life of people living and working in the borough
- Providing services that are shaped and focused by the needs of our customers

Financial

If funded from uncommitted reserves Members may need to re-prioritise other projects/initiatives.

A reserve is allocated to support the work of the Melcombe Regis Board and is currently being drawn upon to fund development of the potential housing selective licensing scheme. However, there is capacity in the reserve to contribute to the CSAS scheme.

The council is only being asked to consider funding for year 1 as with Local Government Reorganisation a commitment to year 2 cannot be given at this time.

Equalities

People with protected characteristics are often more likely to be affected by crime and ASB. Improving community safety in the town centre will have a beneficial effect. An Equalities Impact Assessment will be completed before

the operation of the scheme commences and agreed with the Briefholder for Social Inclusion.

Environmental

The town centre environment will be improved by the operation of the scheme and the service will complement that currently provided by 3GS Ltd. Patrol Officers will liaise with the town centre manager as 'eyes and ears' for issues.

Economic Development

Less crime and ASB is conducive to sustainable businesses and business growth.

Risk Management (including Health & Safety)

The scheme will be managed and delivered to enhance the reputation of the town centre and partners. The council and Dorset Police will ensure that Community Safety Patrol Officers are suitably trained and equipped.

Human Resources

Council recruitment policy will be adhered to and Dorset Police will undertake appropriate vetting of applicants. Appointed officers will form part of the councils Community Safety team.

Consultation and Engagement

Partners to the Melcombe Regis Board

Appendices

Appendix 1 – Crime & ASB information

Appendix 2 – Enforcement activity timeline

Background Papers

Melcombe Regis Board Strategic Plan 2017-21

Report to Management Committee 19 September 2017

Footnote

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

Report Author: Graham Duggan, Head of Community Protection

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Date: 3 April 2018

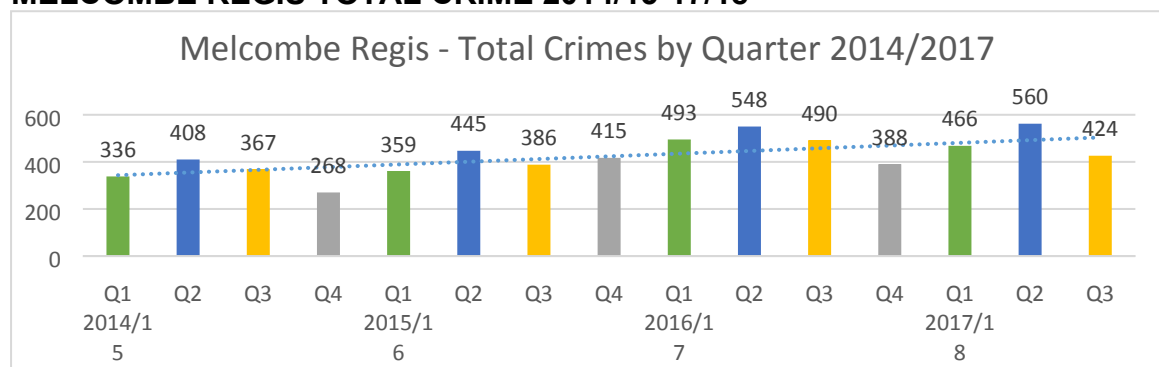
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APPENDIX 1

CRIME & ASB INFORMATION

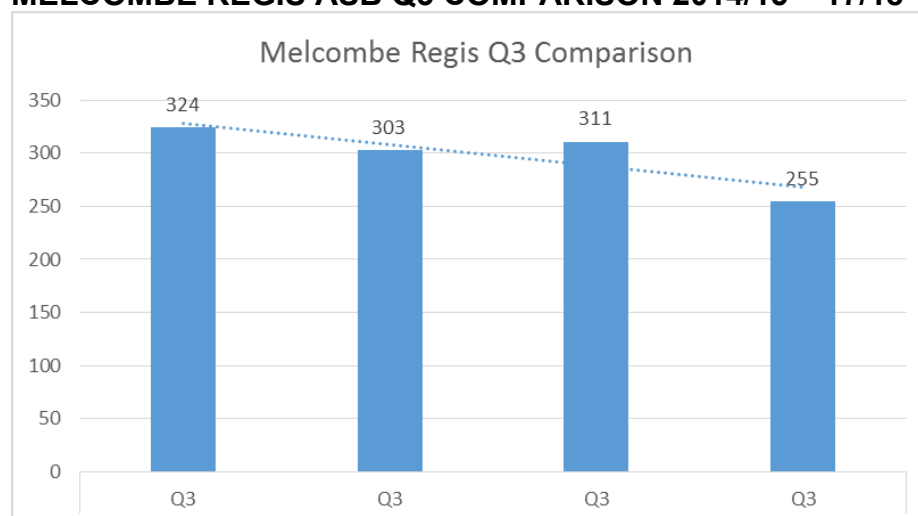
Crime and ASB recording has been affected by changes introduced by the Home Office making it more difficult to achieve comparisons over recent years. However, below is part of the most recent information provided to Dorset Community Safety Partnership with Melcombe Regis being a priority area.

MELCOMBE REGIS TOTAL CRIME 2014/15-17/18



Note: Recorded crime has decreased to Q3 2017-18 compared to the same period in 2016-17. However the comparison per 1000 population highlights that the area remains a concern for crime activity. There is an increasing trend both locally and nationally. Priorities for Dorset Police include disrupting county drug lines and reducing public place violence.

MELCOMBE REGIS ASB Q3 COMPARISON 2014/15 – 17/18



Note: Recorded ASB is decreasing when compared to previous quarter 3 data, it has decreased by 21% since 2014/15. Nuisance remains the highest type of ASB which is understandable given the resort and its night-time economy.

STREET PASTORS

The Street Pastors operate on Friday and Saturday evenings typically between 2200 and 0300 and carried out 500 patrol hours in 2017. They report on;

- type of engagement (general; unwell; safety; young person at risk)
- drug, alcohol and/or glass involved
- emergency services involvement

The report for 2017 shows that the Street Pastors did not have to intervene in any incidents of ASB. The number of alcohol related incidents that they have attended has fallen by 40% since 2012. The report comments that 'measures being put in place by Night Time Economy partners are having a positive effect in curbing alcohol consumption with door-staff, CCTV and venues playing their part to change drinking behaviours.'

COMMENT

Crime and ASB levels are not varying dramatically year on year and there is a downward trend in ASB. But ASB caused by groups of youths is a public concern and shapes perception of safety in the town centre. This can affect the attractiveness of the town centre during the daytime and evening to both residents and visitors alike.

APPENDIX 2

ENFORCEMENT ACTIVITY IN WEYMOUTH TOWN CENTRE

6am

Midday

6pm

Midnight

Police patrol/response

~~CSAS (option 1)~~

CSAS (option 2)

Street Pastors (Friday & Saturday)

Environmental Enforcement (3GS LTD)

CCTV

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Report for Management Committee

17 April 2018

Standardisation of the Officer Scheme of Delegation

FOR RECOMMENDATION TO FULL COUNCIL AND DECISION

Briefholder

Cllr Alison Reed

Senior Leadership Team Contact:

S Caundle, Assistant Chief Executive

Report Author:

Corporate Manager – Legal; Monitoring Officer

Statutory Authority

Local Government Act 1972; Local Government Act 2000

Purpose of Report

1. To enable consideration of a proposed standardisation of the existing Officer Scheme of Delegations.

Recommendations

2. That in so far as they have power so to do members:
 - (a) endorse the principles agreed by the informal member workshop as set out in appendix 1;
 - (b) recommend to Full Council:
 - (i) the adoption without alteration of the revised draft officer scheme of delegation as set out in appendix 2 to take effect on 1st June 2018, provided that any such adoption be subject to the draft scheme also being adopted without alteration by the other two Councils of the Dorset Councils Partnership; and
 - (ii) delegate to the Monitoring Officer power to make any amendment to the final scheme:
 - (a) that he considers to be of a typographical, procedural or clarifying nature identified during or subsequent to the adoption process and/or to better align any definitions in the proposed officer scheme of delegation with definitions used elsewhere in the Constitution; and /or

- (b) to reflect any change to any delegation which he considers relates to a planning function that arises out the views of any meeting held before 1st July 2018 to allow the planning chairs, vice-chairs and portfolio/brief holders of the Councils of the Dorset Councils Partnership to consider issues relating to such delegation.

Reason for Decision

- 3. To enable the adoption of a standardised Officer Scheme of delegations across the three Councils of the Dorset Councils Partnership provided that all three adopt the same version but to also provide a mechanism to allow for certain amendments that may be identified through the adoption process and/or relating to planning functions.

Background and Reason Decision Needed

- 4. The current officer scheme of delegations used by all three councils of the Dorset Councils Partnership (DCP) is a document that has been created in part by bolting together delegations previously used by each of the sovereign Councils. It therefore contains numerous delegations some of which overlap, some of which are available to just one Council and not others, and some which cover the same issue but which subtly deviate from each other.
- 5. It was originally anticipated that within a year or so of the creation of the Dorset Council Partnership the current Officer scheme would need to be revisited to make it more fit for purpose for a shared service arrangement with a single officer core. The need to progress other transformation work within the DCP and discussions over LGR have delayed any review exercise.
- 6. As a decision regarding LGR has now been taken, the shelf life of any revised Officer Scheme of Delegations will be limited; indeed, in practical terms, there is now simply insufficient time and resource remaining to facilitate a fundamental review of the existing Officer Scheme in advance of the new Council coming into being. The draft now before members is not therefore a fundamental review, but rather primarily seeks to bring together concepts covered by the existing delegations with the aim of producing one single standardised set applicable to all three Councils; however, inevitably in trying to bring together differently worded delegations an element of interpretation has necessarily had to have been applied.
- 7. In effect, at the present moment in time, Members have two options as to how to proceed in relation to the Officer scheme. One, to make do with the current version and the on-going risks associated with that. Two, to adopt a more standardised version that seeks to minimise some of the risks associated with maintaining the current scheme but without undertaking a fundamental review. The proposed draft standardised version is attached at appendix 2.
- 8. In order to secure an understanding of Member wishes as to how to proceed, an informal Member workshop was held, attended by representatives of all Councils of the DCP. Members at that workshop had the time and opportunity to consider and debate a series of principles to inform a decision on whether and how to progress with a revision. The

- principles considered are attached at Appendix 1 and all five principles were universally supported. Equally, the concept of seeking to secure a single combined scheme has also been considered by relevant preliminary committees/groups of each Council who have also all indicated support.
9. The workshop also gave Members the opportunity to consider a few particularly challenging delegation areas including in particular the use of emergency and urgency powers. The approach adopted in the draft scheme was again universally supported.
 10. Copies of the draft scheme now before members was provided to all members of the informal workshop and subsequent initial assessing committees /groups subject to some limited subsequent modifications primarily arising from Officer comments in response to the draft being circulated. It is not believed that any of these changes give rise to any new fundamental principles not previously addressed in whole or part by the proposed revised draft scheme save that a new power has been added to the Head of Community Protection (delegation 12) to help facilitate progressing new arrangements with the Police for the purposes of progressing accreditation schemes in relation to community safety.
 11. Of course, Members do have the absolute right to change any of the proposals identified; however, because of the timelines involved, there is no realistic prospect that any such change could be reviewed and considered by the other Councils in time for adoption by each annual council in May. Accordingly, it should be noted that as a primary purpose behind these proposals is to create a single set of officer delegations across all three Councils, then the new scheme will not take effect unless all three Councils agree to its adoption without alteration. If that does not occur then the existing scheme will remain in place across all three Councils.
 12. Inevitably, it is always possible that as part of a consolidation exercise such as this that drafting errors may be identified. It is therefore proposed to give delegated power to the Monitoring Officer to correct any such issues that may be identified following adoption. The proposed scheme also contains a number of updated definitions. To the extent he considers it necessary the recommendations give power to the Monitoring Officer to align these with overlapping definitions elsewhere in the Constitution. Further, during the member workshop an issue was raised regarding one planning delegation. The same delegation has been referred to subsequently by other members. Rather than hold up the current process it was agreed at the workshop that issues relating to that planning delegation would be considered by relevant planning chairs and vice-chairs at a subsequent meeting. That meeting has not taken place at the time of writing this report; however, the recommendations empower the Monitoring Officer to make any consequential changes to any officer planning delegations that arise from such a meeting or meetings.

Implications

Corporate Plan

13. The delivery of a single standardised Officer Scheme of Delegations would help meet the corporate objective of improving organisational effectiveness.

Financial

13. There are no specific financial costs other than officer time in producing an updated Officer Scheme of Delegations. However, there are financial risks inherent in any delegation which allows an officer to incur expenditure at his/her discretion. This is at its greatest in relation to emergency powers; an issue specifically considered by the Member workshop.

Environmental / Economic Development

14. An Officer scheme that provides a reasonably flexible approach to delegations provides a better opportunity to enable the Council to respond quickly to urgent situations.

Risk Management (including Health & Safety)

15. There are legal risks associated with the format and content of any Officer Scheme of Delegations. From a legal perspective, the more prescriptive and detailed the scheme, the less the risk of issues regarding interpretation and arguments before the courts as to adequacy; however, the greater the risk of it becoming rapidly out of date and the greater the need for increased resource to seek to keep it reasonably up to date. The revised draft seeks to strike an appropriate balance in this respect.
16. Having different delegations between three Councils served by one Officer core creates increased risk of Officer error. The draft scheme reduces to an absolute minimum the existence of any different delegations.
17. There is inevitably a risk with any delegation scheme that an Officer may opt to exercise a delegation contrary to the wishes of members. Nevertheless, because of the sheer volume of decisions made by the Council, operating without any Officer delegations would not be practical. Much like the existing scheme, the proposed scheme focuses most delegations on the first three Officer tiers, including the author of this report.

Human Resources

18. Similar to the existing scheme, the revised draft contains various delegations relating to the management of officers.

Consultation and Engagement

19. An informal member workshop has been held involving members from all three councils of the DCP to enable consideration of various principles and issues relating to the draft scheme. Issues relating to this report have also been considered by various preliminary committees/member consultation groups across the three councils.

Appendices

Appendix 1 – principles considered by informal member workshop

Background Papers

Existing officer scheme of delegations

Footnote

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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Date: 12th February 2018

Appendix 1

Principles agreed by informal Member workshop

1. Members support a scheme of delegations which strikes a balance between being absolutely prescriptive regarding each power and very high level / minimalist.

Key Issues considered:

- Differing legal risks with different approaches to format of officer scheme;
- Potential benefits of having more flexible scheme in delivering urgent services

2. At this stage members support a scheme that seeks to largely bring together existing delegations into one set applicable to all 3 councils rather than undertake a fundamental review.

Key Issues considered:

- current risks with existing scheme;
- barriers to fundamental review at this stage;

3. Members support an approach which broadly brings together existing delegations applying most flexible where applicable. In doing that Members endorse the position that critical to delivering an effective officer scheme is ensuring a sensible dialogue between members and senior officers which seek to agree “normal” informal approaches to matters going before members notwithstanding what delegations might in principle allow.

Key issues considered;

- legal risk of not having single set of delegations;
- advantages of trialling single scheme in advance of LGR;
- benefit of imbedding robust informal arrangements between officers and members at this stage;

4. Members support the principle of having one single set of delegations applicable to all 3 councils rather than different delegations for each council relating to the same matter.

Key issues considered:

- assessing impact on “sovereignty” as against benefits of single approach across the partnership

5. Overall, members endorse an approach of giving the scheme as drafted a go recognising that if it creates any issues there is always scope to change it and that it has a limited shelf life if LGR proceeds.

Key issues considered:

- perceived issues of progressing current draft scheme without alteration;
- inherent power to adjust scheme at any time to correct any issues;
- barriers to making changes in order to meet adoption by annual council.

Officer Scheme of Delegation

This section sets out the extent to which power has been delegated to Officers to exercise the functions of the Council over the longer term.

General Interpretation and definitions

1. Unless the context otherwise requires, and notwithstanding any other definition which may be contained in the Constitution, for the purposes of this Scheme the following terms shall have the meanings as set out below:

(a) "Appropriate Operational Decision" means:

- (i) to make any operational decision that the deciding Officer considers relevant; and/or
- (ii) to undertake all action including for the avoidance of doubt to authorise any Officer that the deciding Officer considers necessary to undertake any such action,

that relates to the performance and/or delivery of the whole or any part of a service and/or function of the Council, and/or for which the Council has any responsibility and/or any delegated management power / delegated power, including for the avoidance of doubt but without prejudice to the generality of the foregoing:

- (iii) the acquisition of any good, supply and/or service;
- (iv) the making of any bid for funding;
- (v) the making of any virement from one budget line within a Business Unit to another budget line of that Business Unit;
- (vi) to determine whether to close any building of the Council / access to any Council land for a period of time; and/or
- (vii) the disposal and/or acquisition of any non property asset,

but excluding power save to the extent that this is expressly provided for within any particular delegation:

- (viii) to authorise expenditure from working balances and/or reserves;
- (ix) to determine any permanent change to any part of the Officer structure;
- (x) to sign any document required to institute legal proceedings;
- (xi) to make the final determination as to whether to dispose of and/or acquire any building and/or land;
- (xii) to determine whether to take, defend and/or settle any legal proceedings; and
- (xiii) to take any action relating to any Employee Matters;

- (b) “Assistant Chief Executive” means the Officer holding the post or performing the functions of the Assistant Chief Executive of the Council, provided that for the avoidance of doubt this includes any person fulfilling the functions of such a post by way of arrangements entered into pursuant to section 113 Local Government Act 1972;
- (c) “Brief Holder” means a Member appointed by Weymouth and Portland Borough Council Management Committee to hold a brief for the Council;
- (d) “Business Unit” means any staffing unit of the Council and/or any similar unit for which the Council has responsibility that performs and/or supports any function and/or service of the Council and/or for which the Council has any responsibility and/or any delegated management power / delegated power;
- (e) “Chief Executive” means the Officer holding the post of Chief Executive and/or performing the statutory functions of the head of paid service of the Council;
- (f) “Constitution” means the constitution of the Council of which this Scheme forms part;
- (g) “Contrary to the Development Plan” means an application that in the opinion of the Head of Planning (Development Management and Building Control) is contrary to the Development Plan when assessed as a whole;
- (h) “Consultation Period” means the period of twenty one (21) calendar days beginning with the date on which in relation to an application, as the case may be, the Council first displays a site notice, or a press advert is first published, or a notification procedure for notifying a Member of an application to which the delegation incorporating this definition relates is commenced (whichever is the earliest);
- (i) “Corporate Manager” means any Officer holding the third tier post of a corporate manager (howsoever named);
- (j) “Council” means the councils of:
 - (i) North Dorset District Council;
 - (ii) West Dorset District Council; and
 - (iii) Weymouth and Portland Borough Council,or to the extent that the context may require any one or more of them;
- (k) “Development Plan” shall have the same meaning as that contained in section 38 Planning and Compulsory Purchase Act 2004;

- (l) “Employee Matters” includes all matters relating to the day to day management of any Officer or other person undertaking any task for or on behalf of the Council including for the avoidance of doubt but without prejudice to the generality of the foregoing:
- (i) all action relating to the recruitment, appointment, secondment, discipline and/or dismissal of any such Officer or person;
 - (ii) to determine any term and/or condition of employment and any change to any such term and/or condition but excluding in relation to any Officer power to change any term and/or condition agreed as applicable to every Officer as part of negotiated arrangements with any relevant unions;
 - (iii) to determine any pay allowance and/or expenses to be paid;
 - (iv) to determine whether to re-engage or reinstate any employee;
 - (v) to determine how and the terms to regularise the position of any person on a fixed term contract and bring their terms of employment into line with relevant legislative and regulatory provisions;
 - (vi) to determine all issues relating to contract termination (whether by agreement or otherwise); and
 - (vii) to determine all matters relating to issues of sickness; capability and grievance;
- but excluding power save to the extent that this is expressly provided for within any particular delegation:
- (viii) to authorise expenditure from working balances and/or reserves;
 - (ix) to determine whether to enter into and the terms of any settlement agreement relating to any cessation of employment; and
 - (x) to determine any change to any part of the Officer structure;
- (m) “Financial Regulations” means the adopted financial regulations including the contract procedure rules of the Council as set out in the Constitution;
- (n) “Food Provisions” shall be construed as including reference to all legislation relating to any function of the Council concerning food, feed and/or drink including for the avoidance of doubt but without prejudice to the generality of the foregoing any such function arising pursuant to any of the following:
- (i) the European Communities Act 1972;
 - (ii) the Food Safety Act 1990;
 - (iii) the General Food Regulations 2004;
 - (iv) the Contaminants in Food (England) Regulations 2009;
 - (v) the Food Safety and Hygiene (England) Regulations 2013;
 - (vi) the Official Feed and Food Controls (England) Regulations 2009;
 - (vii) the Official Controls (Animals, Feed and Food) (England) Regulations 2006;
 - (viii) the Trade in Animals and Related Products Regulations 2011;
 - (ix) European Regulation 178/2002 - Principles of Food Law;
 - (x) European Regulation 852/2004 - General Requirements;

- (xi) European Regulation 853/2004 - Products of Animal Origin;
 - (xii) European Regulation 854/2004 - Official Controls of POAO;
 - (xiii) European Regulation 882/2004 - Official Controls on Compliance;
 - (xiv) European Regulation 669/209 - Control of Imports non-animal origin;
 - (xv) Commission Regulation (EC) No 2073/2005;
 - (xvi) European Regulation 1069/2009 – Animal by-products;
 - (xvii) The Transmissible Spongiform Encephalopathies (England) Regulations 2010;
 - (xviii) European Regulation 206/2009 Personal imports of animal origin;
 - (xix) European Regulation 669/2009 Amendment;
 - (xx) European Regulation 1152/2009 Safeguarding controls concerning aflatoxins;
 - (xxi) The Animal By-Products (Enforcement) (England) Regulations 2011;
 - (xxii) European Regulation 1169/2011 Information to consumers;
 - (xxiii) European Regulation 272/2012 Imposing Special Import Conditions;
 - (xxiv) European Regulation 468/2012 Import of composite products;
 - (xxv) European Regulation 1152/2013 Amending 1152/2009 and 669/2009;
 - (xxvi) The Food Information Regulations 2014; and
 - (xxvii) any regulations, directions and/or orders made pursuant to any of the above;
- (o) “Head of Service” means any Officer holding the third tier post of a head of service (howsoever named);
 - (p) “Identified Member” means a Member elected to any part of the district / borough (as the case may be) of the Council within which an application has been received by the Council and/or any partner of such a Member who is identified in response to a question on an application form accompanying such an application as either making the application and/or as having had it made on behalf of that Member, partner or both of them (as the case may be);
 - (q) “Identified Employee” means an employee of the Council and/or any partner of such an employee, who is identified in response to a question on an application form accompanying an application that is received by the Council as either making the application and/or as having had it made on behalf that employee, partner or both of them (as the case may be);
 - (r) “Inspection” shall be construed so far as the context requires as including reference to undertaking any survey, inspection, investigation and any other activity similar to any of those actions;
 - (s) “Lead Member” means in the case of:
 - (i) North Dorset District Council a Portfolio Holder;
 - (ii) West Dorset District Council a Portfolio Holder; and

- (iii) Weymouth and Portland Borough Council a Brief Holder;
- (t) “Leader” means the Member appointed and/or designated as leader of the Council in accordance with the provisions of the Council’s Constitution;
- (u) “Managers” means the Officers holding any one or more of the posts of a Strategic Director; Assistant Chief Executive; Monitoring Officer; Section 151 Officer, a Head of Service and/or a Corporate Manager;
- (v) “Managing Committee” means in the case of:
 - (i) North Dorset District Council – Cabinet;
 - (ii) West Dorset District Council – Strategy Committee; and
 - (iii) Weymouth and Portland Borough Council – Management Committee;
- (w) “Member” means a person who is an elected councillor of the Council;
- (x) “Monitoring Officer” means the Officer designated as monitoring officer for the purposes of section 5 Local Government and Housing Act 1989 or if absent or unavailable any Officer nominated to act as the monitoring officer’s deputy, provided that for the avoidance of doubt this includes any person fulfilling the functions of such post by way of arrangements entered into pursuant to section 113 Local Government Act 1972;
- (y) “Officer” means an employee of the Council or such other person who by way of an appropriate agreement with the Council is intended to perform an officer role and for the avoidance of doubt includes the Officer post for which the employee/person has been engaged;
- (z) “Portfolio Holder” means
 - (i) in the case of North Dorset District Council a Member appointed by the Leader and/or Cabinet to hold a portfolio for the Council; and
 - (ii) in the case of West Dorset District Council a Member appointed by Strategy Committee to hold a portfolio for the Council;
- (aa) “PGN” means any planning guidance note whether formal or informal and howsoever named produced by the Council;
- (bb) “Scheme” means this officer scheme of delegations as set out in the Constitution (as amended from time to time);
- (cc) “Section 151 Officer” means the Officer appointed to have responsibility for the proper administration of the Council’s financial affairs pursuant to section 151 of the Local Government Act 1972, or if absent or unavailable any Officer available to act as a deputy to the Section 151 Officer, provided that for the avoidance of doubt this includes any person fulfilling the functions of such post by way of arrangements entered into pursuant to section 113 Local Government Act 1972;

- (dd) “Senior Leadership Team” means the Chief Executive, Assistant Chief Executive, all the Strategic Directors and to the extent that they are not performed by the same persons occupying any of those posts, the Monitoring Officer and the Section 151 Officer;
- (ee) “Senior Member” includes the Leader and any Lead Member;
- (ff) “Significant Development” means an application for:
- (i) a residential development comprising over 10 dwellings or a residential site equal to or in excess of 0.5 hectares; and/or
 - (ii) the erection of a building or more than 10,000 square meters;
- (gg) “Strategic Body” means in the case of:
- (i) North Dorset District Council, Cabinet and/or the Leader;
 - (ii) West Dorset District Council, Strategy Committee; and
 - (iii) Weymouth and Portland Borough Council, Management Committee.
- (hh) “Strategic Director” means any Officer appointed to an officer post of strategic director save in the context of a delegation given to a specifically identified strategic director post in which case it shall be construed as referring to that strategic director post / the Officer occupying that post, provided that for the avoidance of doubt this definition also includes any person fulfilling the functions of any such post by way of arrangements entered into pursuant to section 113 Local Government Act 1972;
- (ii) “Town and Country Planning Legislation” shall be construed as including reference to all legislation relating to any function of the Council concerning town and country planning including for the avoidance of doubt but without prejudice to the generality of the foregoing any such function arising pursuant to any of the following:
- (i) the Town and Country Planning Act 1990;
 - (ii) the Planning (Hazardous Substances) Act 1990;
 - (iii) the Planning (Listed Buildings and Conservation Areas) Act 1990;
 - (iv) the Planning (Control of Advertisement) Regulations 1992;
 - (v) the Hedgerows Regulations 1997;
 - (vi) the Anti-Social Behaviour Act 2003 (in so far as it relates to high hedges);
 - (vii) the Planning and Compulsory Purchase Act 2004;
 - (viii) Department of the Environmental Circular 18/84;
 - (ix) Planning Act 2008;

- (x) all of the Town and Country Planning (General Permitted Development) (England) Orders including for the avoidance of doubt the Town and Country Planning (General Permitted Development) (England) Orders of 2015;
 - (xi) all of the Town and Country Planning (Development Management Procedure) (England) Orders including for the avoidance of doubt the Town and Country Planning (Development Management Procedure) (England) Orders of 2015;
 - (xii) the Town and Country Planning Act 1971;
 - (xiii) all the Housing and Planning Acts; and
 - (xiv) any regulations, directions and/or other orders made pursuant to any of the above.
- (jj) “undertake all action” includes, without prejudice to the generality of the term, as necessary:
- (i) the undertaking of any Inspection and/or examination;
 - (ii) to enter land, any premises and/or vehicle for the purposes of exercising any service and/or function;
 - (iii) the giving of authority including in relation to determining and authorising the attendance of any person whether an Officer or otherwise;
 - (iv) the preparation, signing, issuing and/or serving of any document (including any notice, license, order, permission, permit, consent, approval, registration and/or certificate);
 - (v) the making of any determination including for the avoidance of doubt a decision to approve, cancel, confirm, grant, make, modify, review, refuse, renew, replace, revoke, suspend, transfer, vary and/or withdraw any such documentation as referred to above together with the determination of any condition, obligation, limitation, restriction and/ or requirement considered necessary in respect thereof;
 - (vi) conducting any review and/or appeal and/or any assessment of a similar nature;
 - (vii) the exercise of any relevant power relating to analysis, certification, checking (including checking of records whether electronic or otherwise), destruction, detention, purchasing, retention, sampling and/or seizure;
 - (viii) the recording of information through whatever medium including photographic and/or digitally;
 - (ix) the managing of any assessment process including without prejudice to the generality of that term the determination of the appropriate assessment to use and the scoring of any such assessment; and
 - (x) the exercise of any decision and/or discretion regarding determining the level of and/or whether to recover any cost incurred in relation to any action; and
- (kk) “Written Material Representation” means a representation received by the Council that is in writing and in the opinion of the Head of Planning (Development Management and Building Control) contains one or more planning considerations of material planning relevance to the application to which it relates.

2. This Scheme supersedes and replaces all previous schemes of delegation but for the avoidance of doubt does not invalidate any action taken pursuant to or for the purposes of any previous scheme of delegation.
3. Unless the context otherwise requires, reference in the Scheme to the singular shall include the plural and vice versa and reference to the masculine shall include the feminine and vice versa.
4. For the avoidance of doubt, nothing in this Scheme shall prevent:
- (a) the exercise of any power identified in this Scheme by any committee, body or Member (as the case may be) where it / s/he has also has been given such power by the Council and/or via legislation (further details of which can be found in this Constitution); however, for the avoidance of doubt, unless expressly provided for elsewhere in this Constitution or legislation otherwise expressly provides, any such exercise of power by such committee, body or Member will not invalidate any decision already taken; or
 - (b) an Officer opting not to exercise a power delegated / nominated to him/her pursuant to this Scheme.
5. Any Officer may nominate any other Officer(s) to exercise on his/her behalf any power that s/he may exercise pursuant to this Scheme (and for the avoidance of doubt reference to power includes any requirement to having to consult with that Officer).
- (b) Any nomination may be cancelled in writing at any time and may in any event be subject to any condition or other restriction as specified in the nomination.
 - (c) Any nomination or cancellation (as the case may be) will unless otherwise expressly stated, take effect on the date when the nomination or cancellation is made.
 - (d) Details of any nomination or cancelation of a nomination should normally be registered with the Monitoring Officer within seven (7) working days of the nomination or cancellation being made; provided for the avoidance of doubt, that failure to provide such registration will not be deemed to negate the application or that nomination or cancellation (as the case may be).
 - (e) For the avoidance of doubt, where an Officer nominates any other Officer to exercise any of his/her powers, the Officer making the nomination retains the capacity to exercise any power so nominated.
6. Unless otherwise expressly provided, references in this Scheme to any specific legislation or any other document issued by or on behalf of the UK central government (or any European body with power to issue documentation which is binding upon the Council), including without prejudice to the generality of the foregoing regulations, orders, directions, directives, circulars, guidance and statements, shall be deemed to include:

- (a) any other legislation or other document of such nature made pursuant to it;
- (b) any existing or future amendment to such legislation or other document; and
- (c) any re-enactment or replacement (as the case may be) to such legislation or other document with or without modification,

provided for the avoidance of doubt, that where reference is made in the Scheme to an exercise of a power under specific legislation or other document, then that delegation shall continue to apply where the legislation or document is modified, replaced or re-enacted.

7. For the avoidance of doubt:

- (a) where an Officer is delegated a power in this Scheme which in any way overlaps, conflicts with or duplicates any other delegation contained in this Scheme (whether delegated to the same or a different Officer) then each such delegation shall be read as separate from the other and each delegation can therefore be exercised independently of any other delegation and in accordance with that delegation's own individual terms, free from any limitation, condition or other restriction or requirement that might apply to the alternative delegation; and
- (b) notwithstanding any other provision set out in any part of this Constitution in the event of any confusion or conflict between any delegation the principle set out in (a) above for the purposes of interpretation and application shall be given priority.

8. In the event of any apparent conflict or confusion regarding the interpretation of any part of this Scheme including the application of any definition then both the Assistant Chief Executive and the Corporate Manager – Legal independently of each other have the power at his/her absolute discretion to determine the appropriate resolution to any such conflict, confusion or application (as the case may be).

9. For the avoidance of doubt, unless there is express identification to the contrary, the provisions set out in this Scheme apply to each Council, in the case of the exercise of powers by Weymouth and Portland Borough Council apply to all the services/ functions that have been delegated to it by North Dorset District Council and West Dorset District Council and also apply to any similar arrangements entered into between any of the Councils as may be the case from time to time.

10. For the avoidance of doubt, where a power in this Scheme is delegated to more than one Officer, then all Officers to whom that power is delegated shall be able to exercise that power independently of each other.

11. In addition to any specific power of an Officer identified in this Scheme the Financial Regulations also identifies various powers and duties of Officers. Where such additional powers and duties are identified then for the purposes of the Constitution they shall be interpreted as being included in and forming part of this Scheme. As with all the other powers and duties identified in the Constitution these powers and duties are exercisable independent of any other powers or duties unless the Constitution otherwise expressly provides.

12. For the avoidance of doubt, reference in any delegation to:

- (a) the need for consultation with and/or approval of any Officer shall be deemed to include any other Officer:
 - (i) nominated to exercise all of the powers of that Officer and/or those consultation powers on behalf of the Officer;
 - (ii) acting on behalf of that Officer whether formally so nominated or otherwise who forms part of a unit for which the named Officer has whole or partial management responsibility and who normally supplies professional advice and assistance to the unit seeking such consultation; and/or
 - (iii) with management responsibility for that Officer,

and in the event of all other relevant Officers being unavailable or absent any Officer forming part of the Senior Leadership Team,

provided that this provision may in whole and/or part be expressly excluded from applying by the nominating Officer giving notice in writing to the Monitoring Officer which has not been withdrawn;

- (b) the need for consultation with a chairman of any body shall if that person is unavailable, absent and/or the post is vacant be deemed to include the vice-chairman of that body and/or if also unavailable, absent and/or the post is vacant any other Member appointed to that body;
- (c) any decision being within or not exceeding any budget and/or overall budget shall be construed as meaning any such budget taking account of any relevant virement (whether made pursuant to this Scheme or otherwise), saving and/or income; and
- (d) any relevant policy, plan, procedure and/or strategy of the Council means any extant (at the time when the delegated power is being exercised) policy, plan, procedure and/or strategy of the Council as may have been amended at any time and from time to time (as the case may be) but does not therefore include any superseded, expired, out of date, withdrawn or draft of any such document.

13. Where in relation to any specific Officer / Officer post referred to in this Scheme:

- (a) the Officer post for which that Officer has been engaged ceases to exist;
- (b) has its title changed; and/or
- (c) the Officer ceases to be employed / engaged by the Council,

then pending any relevant revision to the Scheme, reference in the Scheme to that Officer shall in relation to the delegations attributable to that Officer be construed as referring to the Officer(s) that for the time being take on the responsibilities of that Officer.

14. For the avoidance of doubt, nothing contained in this Scheme purports to delegate a power that is not available to the Council and/or that cannot lawfully be delegated to an Officer and accordingly every delegation howsoever worded should be read as only applying to the extent that the Council has the relevant power and the law allows such a delegation to be given; in the case of doubt legal advice should always be sought.

DELEGATIONS

15. Delegations to all Officers

Ref	Delegation	If the delegation is not applicable to all the Councils
1 Page 33	To act as a witness: (a) on behalf of the Council in any proceedings in which the Council is directly involved; and/or (b) where so directed by a court, tribunal, hearing or other inquiry with power so to do; and/or (c) in any other circumstance with the prior written approval of the Monitoring Officer or the Corporate Manager – Legal.	
2.	To undertake all action relevant to that Officer that is required by or identified in Financial Regulations and/or Contract Procedural Rules as applicable to that Officer.	
3.	To undertake all action relevant to any matter to which an Officer is given a role, power or activity pursuant to any provision set out in the Constitution.	

16. Delegations to the Chief Executive

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	<p>In any situation that s/he considers to be an emergency to take any Appropriate Operational Decision including power:</p> <ul style="list-style-type: none"> (a) to incur expenditure from working balances and /or reserves and/or to acquire; (b) to determine whether to take, defend and/or settle any legal proceedings; and/or (c) to make a final determination as to whether to acquire and/or dispose of any building and/or land; <p>provided that in all cases:</p> <ul style="list-style-type: none"> (d) to the extent that s/he considers it appropriate and feasible so to do and solely to the extent that any decision would incur expenditure from working balances and/or reserves there is consultation with the Section 151 Officer; and (e) following the taking of any such emergency action the matter is notified as soon as reasonably practicable thereafter to a Senior Member and /or a Strategic Body. 	
2.	<p>To take any Appropriate Operational Decision including power to incur expenditure from working balances and/or reserves provided that;</p> <ul style="list-style-type: none"> (a) it will not result in any overall Business Unit budget of the Council being exceeded unless: <ul style="list-style-type: none"> (i) in the opinion of the Section 151 Officer any identified overspend is likely to be able to be met from working balances and/or offset against any likely underspend / reasonably factored in to any compensatory income increase in the current or future years; and (ii) the Section 151 Officer gives his approval and/or the reason for any budget overspend is being monitored and reported as part of the Council's budget monitoring processes, and (b) solely to the extent that s/he considers it appropriate and feasible so to do to there is prior consultation with any Officer forming part of the Senior Leadership Team with responsibility for any service / function directly affected by any such decision (if any). 	

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 35</p>	<p>3. To undertake all action relating to any Employee Matters including power:</p> <ul style="list-style-type: none"> (a) to incur expenditure from working balances and/or reserves; (b) to determine whether to enter into and the terms of any settlement agreement relating to any cessation of employment; (c) to determine whether to engage any person on a temporary contract of employment; and/or (d) to nominate any other Officer for any purpose relating to appointment, disciplining and/or dismissal, <p>but subject to the following:</p> <ul style="list-style-type: none"> (e) except where s/he considers that the action is urgent and it is not feasible so to do to prior consultation: <ul style="list-style-type: none"> (i) with the Corporate Manager – Human Resources and Organisational Development relating to any proposed settlement agreement concerning any cessation of employment; (ii) with the Monitoring Officer and the Corporate Manager – Human Resources and Organisational Development relating to any proposed contract termination (whether by agreement or otherwise) of any Officer (including any settlement arrangements) excluding in cases of permanent ill health; (iii) with the Monitoring Officer, the Corporate Manager – Human Resources and Organisational Development and the Council’s medical advisor to determine all issues relating to the contract termination (whether by agreement or otherwise) of any Officer in the case of permanent ill health; (e) except where s/he considers that the action is urgent and it is not feasible so to do any action being in accordance with any relevant Council policy and procedure; and (f) the approval of the Section 151 Officer solely to the extent that any action would result in expenditure from working balances and/or reserves. 	
	<p>4. To determine any change to the whole or any part of the employee / Officer establishment / structure of the Council (including regrading and/or the size of the overall establishment) including power to incur expenditure from working balances and/or reserves provided that where this would result in the overall budget of a Business Unit increasing then subject to prior consultation with the Section 151 Officer.</p>	
	<p>5. In accordance with relevant approved policies, practices and procedures to undertake all action in connection with the day to day management of any Business Unit of the Council including management of all related budgets provided that this does not include power to incur expenditure from working balances and/or reserves.</p>	

6.	To determine all matters relating to whether to enter into and the terms or any agreement pursuant to section 113 Local Government Act 1972 and any other relevant enabling powers, including in particular but without prejudice to the generality of the foregoing, agreements relating to the functions / duties performed by the Monitoring Officer and/or the Section 151 Officer including power to incur expenditure from working balances and/or reserves provided that where this would result in the overall budget of a Business Unit increasing and/or expenditure from working balances and /or reserves then subject to the prior approval of the Section 151 Officer.	
7.	To carry out all the statutory duties of the head of paid service.	
8.	To undertake all action that s/he considers necessary to secure the effective delivery of any issue relating to Council's emergency planning function provided for the avoidance of doubt that this delegation includes power to incur expenditure from working balances and /or reserves subject solely in that respect to prior consultation with the Section 151 Officer.	
9.	To undertake all action to ensure compliance with all health and safety legislation relevant to the Council provided for the avoidance of doubt that this delegation includes power to incur expenditure from working balances and /or reserves subject solely in that respect to prior consultation with the Section 151 Officer including for the avoidance of doubt but without prejudice to the generality of the foregoing power to determine to close any office of the Council for any period of time.	
10.	To exercise the delegated power of any Officer and/or group of Officers (whether set out in this Scheme or otherwise) provided that this does not include exercising the statutory powers of the Monitoring Officer and the Section 151 Officer.	
11.	To summon a meeting of the Council provided that the circumstances necessitating the calling of the meeting are identified on the summons/agenda for that meeting.	
12.	To sign any Council document not otherwise covered by this Scheme.	
13.	<p>To resolve a complaint, including the approval of compensation in respect of:</p> <ul style="list-style-type: none"> (a) any complaint made through the Council's complaint procedure; and/or (b) any finding of maladministration by the Local Government Ombudsman, <p>provided for the avoidance of doubt that this delegation includes power to incur expenditure from working balances and /or reserves subject solely in that respect to prior consultation with the Section 151 Officer.</p>	
14.	(a) Subject to prior consultation with:	

	<ul style="list-style-type: none"> (i) the Leader or if unavailable / absent or no such appointment exists then such Lead Member as the Chief Executive considers appropriate; (ii) the Section 151 Officer; (iii) the Lead Member whose portfolio / brief includes finance and assets unless unavailable / absent or no member has been appointed such a portfolio/brief; and (iv) any such other Member as s/he considers appropriate (if any), to make all decisions s/he considers necessary or expedient to acquire land and/or property on behalf of the Council so long as there are funds available from a budget within the control of a Strategic Body. <p>(b) In the event of the above power being exercised, the decision shall be reported as soon as reasonably practicable thereafter to the Strategic Body that the Chief Executive considers most appropriate.</p>	
15.	To determine the content and be responsible for any publication scheme (including determining any charges in relation to the same) relevant to freedom of information and/or data protection legislation.	
16.	To undertake all action in connection with the arrangement of civic and ceremonial functions.	
17. Page 37	<p>To the extent it is not otherwise covered by this Scheme or any other part of the Constitution to be the proper officer and the person authorised to carry out any function or action (other than where such authorisation is a particular named category of Officer) detailed in:</p> <ul style="list-style-type: none"> (a) any regulations relating to referendums, petitions and/or directions; (b) the Criminal Procedure and Investigations Act 1996 relating to the appointment of Disclosure Officers; (c) any other legislative provision; and/or (d) the Constitution not otherwise specifically delegated to another Officer, <p>including for the avoidance of doubt and in so far as the law allows to have power to appoint or nominate (as the case may be) any other Officer to so act.</p>	
18.	Subject to prior consultation with at least one Senior Member as s/he considers appropriate to determine whether to close any of the Council offices for reasons of efficiency around the Christmas and New Year bank holiday period.	
19.	<p>To determine whether to grant a dispensation:</p> <ul style="list-style-type: none"> (a) under the Localism Act 2011 and/or any Member code of conduct adopted by the Council; and/or (b) in relation to any actual or perceived conflict of interest. 	

20.	To consider and determine whether to proceed with an investigation in relation to any complaint against a Member and/or any town /parish councillor.	
21.	To consider and undertake all action in relation to any investigation relating to a complaint against a Member and/or a town/parish councillor, including determining (but without prejudice to the generality of the foregoing): (a) the extent and nature of any initial information gathering; (b) whether to proceed with a formal investigation; (c) the format that any investigation should take; (d) who should undertake any initial information gathering / investigation; (e) the consultation to undertake in relation to any investigation; (f) whether there has been any breach of any Council policy; (g) whether to adopt any different process to that normally followed; and/or (h) the appropriate action to take in relation to the outcome of any investigation / determination that a breach exists.	
22.	To approve Member attendance at any conference and the payment of any expense / allowance in accordance with the adopted scheme of member allowances as set out in the Constitution.	

17. Delegations to every Officer who forms part of the Senior Leadership Team

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	In any situation that s/he considers to be urgent to take any Appropriate Operational Decision including power: (a) to incur expenditure from working balances and /or reserves; and/or	

	<p>(b) to determine whether to take, defend and/or settle any legal proceedings, but subject in both cases to the following:</p> <p>(c) to prior consultation with the Monitoring Officer;</p> <p>(d) to the extent that s/he considers it appropriate and feasible so to do:</p> <p>(i) to prior consultation with any other Officer forming part of Senior Leadership Team with responsibility for any service / function directly affected by any such decision (if any); and</p> <p>(ii) to any decision being in accordance with any relevant Council policy and procedure; and</p> <p>(e) solely to the extent that any decision would incur expenditure from working balances and/or reserves to the prior approval of the Section 151 Officer.</p>	
2.	<p>To attest the Council seal, provided that in the case of the Assistant Chief Executive and any Strategic Director this power is only available in the absence / unavailability of all of:</p> <p>(a) the Chief Executive;</p> <p>(b) the Monitoring Officer; and</p> <p>(c) the Corporate Manager – Legal.</p>	
3.	<p>To determine whether to authorise the release of information or other documentation to the press, any member of the public or external body.</p>	
4.	<p>To sign off and/ or approve a report or item to go to any body of the Council and/or any other body of which the Council is part for whatever purpose.</p>	
5.	<p>To determine any review / appeal arising in connection with the Council's powers and duties in relation to assets of community value pursuant to the Localism Act 2011.</p>	
6.	<p>To undertake all action in relation to any blight notice including without prejudice to the generality of the foregoing power to:</p> <p>(a) determine whether to issue a counter notice; and/or</p> <p>(b) incur expenditure from working balances and /or reserves subject solely in that respect to prior consultation with the Section 151 Officer.</p>	

7.	<p>To undertake all action in connection with the receipt of any expression of interest arising in relation to the community right to challenge pursuant to the Localism Act 2011, such power to include without prejudice to the generality of the foregoing, power to receive and validate any such expression of interest, provided that:</p> <p>(a) in relation to the making of an actual decision as to whether to accept or reject an expression of interest there has been prior consultation with such Members as s/he considers appropriate; and</p> <p>(b) within three months of a receipt of an expression of interest s/he reports to such appropriate body as s/he considers appropriate on the interest received.</p>	
8.	<p>To undertake all action in connection with the entering into of an agreement with any voluntary agency, charity or public sector organisation in circumstances where the Council has or is proposing to offer financial and/or other assistance to that body provided that no such agreement shall commit the Council to the utilisation of any resources that not been authorised for such a purpose (whether pursuant to this Scheme or otherwise) and s/he is satisfied that there is relevant insurance provision is in place (if any)</p>	
9.	<p>To undertake all action in connection with any request for radio, television and/or other coverage or recording of any meeting of the Council.</p>	
10.	<p>To determine whether to write off any debt of up to £10,000 or such higher sum as may be identified in the Financial Regulations subject to the prior approval of the Section 151 Officer.</p>	
11.	<p>To authorise any Officer and/or any other person that s/he considers appropriate:</p> <p>(a) to carry out any Inspection and/or examination;</p> <p>(b) to carry out such further action arising during and/or out of any Inspection and/or examination as may be considered expedient by the person carrying out the Inspection and/or examination (including without prejudice to the generality of the foregoing the exercise of any relevant powers of analysis, certification, checking (including checking of records whether electronic or otherwise), destruction, detention, measurement, purchasing, sampling, seizure and/or, testing;</p> <p>(c) to exercise any power of entry available to the Council;</p> <p>(d) to issue any document relating to any such Inspection and/or examination including for the avoidance of doubt any notice (including any fixed penalty notice);</p> <p>(e) to serve any document;</p> <p>(f) to undertake any work in default and/or the supervision/management of the same;</p>	

	<p>(g) to undertake any enforcement activity; and/or</p> <p>(h) to seek a warrant;</p> <p>provided that in all cases:</p> <p>(i) the appointment / authorisation relates wholly or partly to any service and/or function for which s/he has any responsibility and/or any delegated management power; and</p> <p>(j) s/he reasonably believes that any cost associated with any such authorisation can be met from within a relevant existing budget and/or the prior approval of the Section 151 Officer is obtained.</p>	
12.	To authorise the issue of and/or sign the identify card of any Officer.	
13.	In consultation with the Monitoring Officer and/or the Corporate Manager – Legal to agree to the taking, defending and/or settling of any legal action.	
14.	To undertake all action in connection with the provision of reasons and responses to representations in relation to the holding of private meetings.	North Dorset District Council only

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10. Delegations to the Assistant Chief Executive and each of the Strategic Directors		
Ref	Delegation	If the delegation is not applicable to all the Councils
1.	<p>To take any Appropriate Operational Decision including power:</p> <p>(a) to incur expenditure from working balances and/or reserves; and/or</p> <p>(b) to determine whether to take, defend and/or settle any legal proceedings;</p> <p>provided that:</p> <p>(a) it will not result in any overall Business Unit budget of the Council being exceeded unless:</p>	

	<ul style="list-style-type: none"> (i) the Section 151 Officer gives his approval and/or the reason for any budget overspend is being monitored and reported as part of the Council's budget monitoring processes; and (ii) in the opinion of the Section 151 Officer any identified overspend is likely to be able to be met from working balances and/or offset against any likely underspend / reasonably factored in to any compensatory income increase in the current or future years; and (c) solely to the extent that any decision would result in expenditure from reserves to prior consultation with a Senior Member; (d) solely to the extent that it involves a determination whether to take, defend and/or settle any legal proceedings to consultation with the Corporate Manager – Legal and/or the Monitoring Officer; (e) subject as provided for in this delegation any decision is in accordance with any relevant Council policy and procedure; and (f) to the extent that s/he considers it feasible so to do to prior consultation with any Officer forming part of Senior Leadership Team with responsibility for any service / function directly affected by any such decision (if any). 	
Page 42	<p>To undertake all action relating to any Employee Matters including power:</p> <ul style="list-style-type: none"> (a) to incur expenditure from working balances and/or reserves; (b) to determine whether to enter into and the terms of any settlement agreement relating to any cessation of employment, and/or (c) to determine whether to engage any person on a temporary contract of employment; <p>but subject to the following:</p> <ul style="list-style-type: none"> (d) solely in relation to the appointment, disciplining and/or dismissal of any Officer and only to the extent that the law requires having been nominated by the Chief Executive for such purposes; (e) except where s/he considers that the action is urgent and it is not feasible so to do to prior consultation: <ul style="list-style-type: none"> (i) with the Corporate Manager – Human Resources and Organisational Development relating to any proposed settlement agreement concerning any cessation of employment; (ii) with the Monitoring Officer and the Corporate Manager – Human Resources and Organisational Development relating to any proposed contract termination (whether by agreement or otherwise) of any Officer (including any settlement arrangements) excluding in cases of permanent ill health; 	

	<ul style="list-style-type: none"> (iii) with the Monitoring Officer, the Corporate Manager – Human Resources and Organisational Development and the Council’s medical advisor to determine all issues relating to the contract termination (whether by agreement or otherwise) of any Officer in the case of permanent ill health; and (f) except where s/he considers that the action is urgent and it is not feasible so to do any action being in accordance with any relevant Council policy and procedure; and (g) solely to the extent that the exercise of this delegation would result in expenditure from working balances and/or reserves: <ul style="list-style-type: none"> (i) the Section 151 Officer being of the opinion that any expenditure resulting in any Business Unit budget being exceeded can be met from working balances and/or any likely underspend elsewhere within the Council; and (ii) the prior approval of the Section 151 Officer. 	
3.	In accordance with relevant approved policies, practices and procedures to undertake all action in connection with the day to day management of any Business Unit of the Council for which s/he has responsibility including management of all related budgets but excluding power to exceed the overall Business Unit budgets for which s/he is responsible.	
Page 43	<p>To exercise any delegated power of:</p> <ul style="list-style-type: none"> (a) the Chief Executive; and/or (b) any other Officer, <p>provided that:</p> <ul style="list-style-type: none"> (c) with regard to any delegated power of the Chief Executive this only applies where the Chief Executive is absent, unavailable or the post is vacant; and (d) this delegation does not extend to the statutory powers of the Monitoring Officer or the Section 151 Officer. 	
5.	Subject to prior consultation with the Corporate Manager – Legal, to settle any claim or potential claim made by or against the Council in a sum not exceeding £20,000 or such higher amount as may be provided for in the Financial Regulations provided that for the avoidance of doubt this includes power to authorise expenditure from working balances and/or reserves subject solely in relation to any such expenditure to the prior approval of the Section 151 Officer.	

6.	To resolve how to deal with a complaint, including the approval of compensation, that is made through the Council's formal complaints procedure or the Ombudsman, provided that any expenditure will not result in the overall budgets for which s/he has responsibility (whether direct or indirect) being exceeded.	
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19. Delegations to the Assistant Chief Executive

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	To act as a person specified as a scheme employer under any relevant Local Government Pension Scheme legislation to consider disputes and first instance decisions on pension matters	
2.	To exercise all formal discretions relating to the local government pension scheme in consultation with any pensions administration authority.	
3.	To determine all matters relating to whether to enter into and the terms or any agreement pursuant to section 113 Local Government Act 1972 and any other relevant enabling powers, including in particular but without prejudice to the generality of the foregoing, agreements relating to the functions / duties performed by the Monitoring Officer and/or the Section 151 Officer.	

20. Delegations to the Strategic Director with responsibility for the finance unit

Ref	Delegation	If the delegation is not applicable to all the Councils

1.	To act, make all determinations and sign proxies on behalf the Council in respect of bankruptcies, liquidations and/or receiverships.	
2.	To authorise and make any payment to any parish and/or town council who provide support to customers in relation to any Council matter.	

21. Delegations to Strategic Director(s) with responsibility for development management and/or planning policy and/or environmental health

Ref	Delegation	If the delegation is not applicable to all the Councils
P Page 45	To undertake all action relating to whether to make and the making of any application pursuant to any Town and Country Planning Legislation including for the avoidance of doubt but without prejudice to the generality of the foregoing any application for planning permission, listed building consent or any other application that s/he considers to be of a similar nature.	
2.	To exercise all powers of the Council under section 23 Local Government (Miscellaneous Provisions) Act 1976.	
3.	Subject so far as s/he considers it feasible and practicable to prior consultation with the Corporate Manager – Legal to authorise: <ul style="list-style-type: none"> (a) the service of directions under section 77 Criminal Justice and Public Order Act 1994 on any person residing on land in vehicles to leave the land; and (b) the removal of any vehicle from such land. 	
4.	To review and determine in relation to any high hedges legislation: <ul style="list-style-type: none"> (a) the process for dealing with any complaint; and 	

	(b) any fee to be charged.	
5.	<p>To determine whether to delegate authority to a neighbouring planning authority the ability to determine an application submitted pursuant to any of the Town and Country Planning Legislation that crosses an administrative boundary subject to prior consultation with:</p> <p>(a) the chairman of the Council's Planning Committee or if unavailable, absent or there is none the vice-chairman of Planning Committee or if also unavailable, absent or there is none then any Senior Member; and</p> <p>(b) any ward Member whose ward includes any part of the application site.</p>	
6.	To undertake all action relating to the allocation and distribution of funding (including for the avoidance of doubt the authorising of payment) secured in connection with any permission (including any related planning obligation or CIL payment), consent or other approval granted pursuant to any Town and Country Planning Legislation subject to the same being in accordance with any strategy and/or policy adopted by the Council for such purposes.	
7. Page 46	<p>To determine and amend at any time the distribution of any contribution received by the Council pursuant to any PGN including in particular but without prejudice to the generality of the foregoing power to determine:</p> <p>(a) the specific project(s) identified within the PGN (whether an updated PGN or any previous or future amended PGN) to which any contribution shall be applied / expended;</p> <p>(b) the total contribution amount to be spent in respect of any such project;</p> <p>(c) the amount of contribution to any such project to be taken from any payment received;</p> <p>(d) the actual project(s) any payment received should contribute towards; and/or</p> <p>(e) whether or not to require an (and the extent of any) indemnity in relation to any expenditure of PGN monies provided that in the exercise of this power it shall be subject to consultation with such members as s/he considers appropriate.</p>	
8.	<p>To consider and determine any neighbourhood forum area where:</p> <p>(a) no other competing application has been received;</p> <p>(b) it is set up for the express purpose of promoting or improving the social, economic and/or environmental well-being of the neighbourhood;</p> <p>(c) the neighbourhood area to which the application relates has been agreed by or on behalf of the Council and it relates to an area where there is no town or parish council;</p>	

	<p>(d) its membership includes a minimum of twenty one (21) individuals each of whom lives or works in the district or is an elected member of the Council, or county council within the neighbourhood area and has secured membership from at least one representative from each of these categories;</p> <p>(e) its membership is drawn from different places in the neighbourhood area and in the opinion of s/he represents a good cross-section of the community as a whole;</p> <p>(f) it has a written Constitution agreed by the Corporate Manager – Legal; and</p> <p>(g) in his/her opinion there are no significant issues raised as a result of the consultation,</p> <p>provided that no final determination of any such area is made without prior consultation with any ward Member who area includes the whole and/or part of the proposed area.</p>	
9.	<p>To undertake all action in connection with the allocation of any capital programme grant for any social/affordable housing purpose, provided that:</p> <p>(a) such power does not extend to approving any grant in excess of the budget available for such purposes;</p> <p>(b) the determination is in accordance with any relevant Council plan and/or strategy relevant to the grant;</p> <p>(c) prior to any determination to award a grant, there is consultation with the Head of Financial Services; and</p> <p>(d) in any financial year that a determination is made to award a grant, prior to the end of that financial year a report is taken to such a body as s/he considers appropriate identifying all determinations to award a capital programme grant, including the amount of each grant that has been or has yet to be paid during that financial year.</p>	
10.	<p>To consider and determine whether or not to support a bid by a Registered Social Landlord for social housing investment programme funding provided that such a determination will not in itself result in the Council having to commit any resource as a consequence of the outcome of any such bid.</p>	
11.	<p>To undertake all action in connection with the management and implementation of procedures for the sale / re-sale of low cost market housing including, but without prejudice to the generality of the foregoing, determining whether a person is eligible for consideration for the provision of a low cost home.</p>	

22. Delegations to the Strategic Director(s) with responsibility for parking and/or property

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	To determine whether to grant free parking to any honorary towns person to the extent that such free parking is permitted pursuant to any parking order adopted by the Council.	
2.	Subject to prior consultation with the Leader and such Lead Member as s/he considers appropriate to consider and determine all issues relating to a request for the provision of any war memorial including for the avoidance of doubt but without prejudice to the generality of the foregoing, its siting, content and relevance provided that to the extent this includes arrangements for future maintenance then subject solely in relation to any future maintenance costs to prior consultation with the Section 151 Officer.	

23. Delegations to the Monitoring Officer

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Ref	Delegation	If the delegation is not applicable to all the Councils
1.	<p>To undertake all action relating to the investigation, reporting and determination of any complaint against a Member and/or any parish and/or town councillor including without prejudice to the generality of the foregoing power to determine:</p> <ul style="list-style-type: none"> (a) the extent and nature of any initial information gathering; (b) whether to proceed with a formal investigation; (c) who should undertake any initial information gathering / investigation; (d) the format that any investigation should take; (e) any consultation to undertake in relation to any investigation; and/or (f) whether to adopt any different process to that normally followed. 	

2.	To determine such changes to the Constitution as s/he considers necessary and/or expedient provided that it is for such purpose and accords with such consultation as is set out in the Article of the Constitution relating to Review and Revision to the Constitution (if any).	
3.	To determine all matters relating to whether to enter into and the terms or any agreement pursuant to section 113 Local Government Act 1972 and any other relevant enabling powers, including in particular but without prejudice to the generality of the foregoing, agreements relating to the functions / duties performed by the Chief Executive and/or Section 151 Officer including power to incur expenditure from working balances and/or reserves provided that where this would result in the overall budget of a Business Unit increasing then subject to prior consultation with a Senior Member.	
4.	<p>To:</p> <ul style="list-style-type: none"> (a) undertake all action s/he considers appropriate to give effect to any decision taken by or on behalf of the Council (including a decision made pursuant to a delegation in this Scheme), (b) commence, defend, settle or take part in any legal proceedings in any case where such action is necessary to give effect to any decision of the Council and/or or in any case where he/she considers that such action is necessary to protect the Council's interests; (c) sign and/or authorise the service of any legal document including any notice and/or contract; (d) to instruct any legal representative (including counsel) and any other experts in relation to any legal proceeding, public inquiry and/or other matter involving the Council or any other person / body on whose behalf the Council is acting; and/or (e) to enter any representation including for the avoidance of doubt any objection to any proposal affecting the Council or any resident within the Council's district. 	
5.	To attest the Council seal.	

24. Delegations to the Section 151 Officer

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	To determine all matters relating to whether to enter into and the terms of any agreement pursuant to section 113 Local Government Act 1972 and any other relevant enabling powers, including in particular but without prejudice to the generality of the foregoing, agreements relating to the functions / duties performed by the Chief Executive and/or Monitoring Officer including power to incur expenditure from working balances and/or reserves provided that where this would result in the overall budget of a Business Unit increasing then subject to prior consultation with a Senior Member.	
2.	<p>To authorise the overspend of any approved Business Unit budget by up to but not exceeding £150,000 (one hundred and fifty thousand pounds) in any one instance (including the use of expenditure from reserves or working balances if necessary for such purpose) provided that:</p> <p>(a) the same is reported as soon as reasonably practicable to the next available meeting of such Member(s) and/or body as s/he considers appropriate; and</p> <p>(b) the total amount of any approved overspend across the Council pursuant to this delegation does not exceed £150,000 in any one financial year without there having been prior consultation with a Lead Member responsible for finance and/or such other Member(s) as s/he considers appropriate.</p>	
3.	To determine whether to waive any provision within the Financial Regulations in any circumstance that in his/her opinion is sufficiently urgent to justify such a waiver provided that a written record is kept of such a decision.	
4.	To undertake all action in connection with an application for the Council to grant a mortgage subject to prior consultation with a Senior Member with responsibility for finance.	
5.	Subject to prior consultation with a Senior Member with responsibility for finance, to approve any virement within the capital programme of up to £10,000 in any one transaction or any higher sum as may be provided for in the Financial Regulations.	
6.	To consider and make any recommendation in respect of the strategic and annual audit plans.	
7.	<p>For the purposes of any data protection legislation / directives to undertake all action:</p> <p>(a) in connection with any variation application;</p>	

	<p>(b) regarding the setting and/or waiver of any inspection charges; and</p> <p>(c) in connection with any issue relating to security standards and procedures including the managing and/or deletion of any information held on any computer storage system holding data of the Council.</p>	
8.	To determine and undertake all calculations necessary for the purposes of determining the council tax base for the Council for any year.	
9.	<p>To:</p> <p>(a) determine and undertake all calculations necessary to determine any amounts which a Secretary of State requires to be notified to him in relation to non-domestic rating income;</p> <p>(b) determine and undertake all calculations necessary to determine any other amounts which s/he at his absolute discretion considers to be related to any such requirements of any Secretary of State as are identified in (a) above which for the avoidance of doubt but without prejudice to the generality of the foregoing includes the amount of authorities' shares calculated for purposes related to shale oil and gas; and/or</p> <p>(c) complete any related form and provide appropriate notification to the relevant Secretary of State and any other parties required to be notified.</p>	
10	To authorise any virement to facilitate the outcome of any consultation with and /or decision by him/her pursuant to any delegation in this Scheme provided that s/he considers that any such virement is not financially imprudent having regard to the Council's overall financial circumstances or there are exceptional circumstances which warrant such action.	
11	<p>To authorise any virement:</p> <p>(a) between any one or more budget lines within the same Business Unit;</p> <p>(b) between any one or more budget lines (excluding reserves) of different Business Units of up to £30,000 in any one transaction; and/or</p> <p>(c) subject to consultation with a Lead Member with financial responsibilities and only where s/he considers it urgent from reserves of up to £10,000 in any one transaction.</p>	
12.	<p>To:</p> <p>(a) act as a co-signatory for any cheque drawn on the Council's accounts; and/or</p> <p>(b) sign any amendment to any cheque drawn on the Council's accounts.</p>	

13.	To determine whether to write off any debt provided that it is in accordance with any relevant provisions in the Financial Regulations.	
14.	To undertake all action in respect of arranging insurance cover for any Member and/or Officer for the purpose of any indemnity provided by the Council to any such Member and/or Officer together with insurance to protect the Council against any liabilities provided that s/he considers any such arrangement to be financially prudent.	

25. Delegations to any Manager whilst acting in the capacity as an on-call emergency officer

Ref	Delegation	If the delegation is not applicable to all the Councils
Page 52	<p>In any situation that s/he considers to be an emergency to take any Appropriate Operational Decision including power:</p> <p>(a) to incur expenditure from working balances and /or reserves; and/or</p> <p>(b) to undertake all action relating to any Employee Matters,</p> <p>provided that in any case where the exercise of this power results in the incurring of expenditure from working balances and/or reserves the matter is referred within a reasonably practicable time thereafter to a Senior Member.</p>	

26. Delegations to each of the Chief Executive and the Managers

Ref	Delegation	If the delegation is not applicable to all the Councils

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 53</p>	<p>1. To appoint /authorise any Officer and any other person undertaking any task for or on behalf of the Council to be:</p> <ul style="list-style-type: none"> (a) an inspector; (b) an authorised officer; and/or (c) an enforcement officer, <p>including power to authorise any such Officer /person to undertake all action relevant to the performance of such a role in relation to any service and/or function of the Council including in particular but without prejudice to the generality of the foregoing any service / function of the Council arising in connection with:</p> <ul style="list-style-type: none"> (d) the Health and Safety at Work etc Act 1974; (e) the European Communities Act 1972 and any provisions made thereunder; (f) the Licensing Act 2003; (g) the Gambling Act 2005; (h) the Public Health (Control of Disease) Act 1984; (i) any of the Food Provisions; and (j) any of the Town and Country Planning Legislation, <p>provided that in all cases the appointment / authorisation relates wholly or partly to any service and/or function which for which s/he has any responsibility and/or any delegated management power.</p>	
<p>2.</p>	<p>To authorise and sign any identity card on behalf of any Officer (including any inspector, authorised officer and/or enforcement officer) and/or any other person undertaking work for or on behalf of the Council as s/he considers may be necessary for the proper performance of that person's duties provided that in all cases the appointment / authorisation relates wholly or partly to any service and/or function which for which s/he has any responsibility and/or any delegated management power.</p>	
<p>3.</p>	<p>To undertake all action in connection with the entering into of any contract/agreement for works, services and/ or supplies for the purpose of facilitating in whole or part the provision of any service and/or function for which s/he has any responsibility and/or any delegated management power including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (a) to determine any terms relating to the same, <p>provided that in all cases:</p> <ul style="list-style-type: none"> (b) any expenditure incurred can be met from a relevant budget available for such a purpose; and 	

	(c) the process relating to the same accords with the Contract Procedure Rules.	
4.	To determine whether and how to respond on behalf of the Council to any local, county, sub-regional, regional or national consultation on matters affecting the Council subject: (a) to prior consultation with such Lead Member as s/he considers appropriate; and (b) to the extent that s/he considers it appropriate to prior consultation with an Overview and Scrutiny Committee.	
5.	To sign any document including any contract on behalf of the Council save those required to commence legal proceedings, provided that this power does not extend to: (a) the signing of a contract in excess of any value as may be prescribed in the contract procedure rules; and (b) attesting the Council seal.	
6.	To act as a nominated officer under any contract for works, supplies and/or services provided such a contract relates wholly or partly to the work undertaken by any Business Unit for which s/he has any responsibility and/or any delegated management power and/or to which s/he is providing support.	
Page 54	To undertake all action in connection with any decision of the Council (including any decision pursuant to this scheme) where the subject matter of that decision is wholly or partly within the work of any Business Unit for which s/he has any responsibility and/or any delegated management power and/ or s/he has been authorised by the Council and/or any Officer possessing relevant authority.	
8.	To approve (with or without modification) or refuse any draft plan and/or strategy for public consultation subject to: (a) consultation with such Lead Member as s/he considers appropriate; (b) the extent that s/he considers it appropriate to prior consultation with an Overview and Scrutiny Committee.	
9.	To undertake all action in connection with any application to the Council for a grant in respect of which s/he been given a budget provided that: (a) such power does not extend to approving any grant for a sum in excess of £2,500; (b) the grant is determined in accordance with any relevant Council policy; and (c) any expenditure incurred can be met from a relevant budget within his/her control.	

10.	<p>To authorise, initiate, defend and/or appeal in any legal proceedings (including any tribunal, hearing and inquiry) including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to undertake all action in respect thereof as s/he considers appropriate;</p> <p>provided that in all cases:</p> <p>(b) the prior written approval of the Corporate Manager – Legal has been obtained, such approval at the absolute discretion of the Corporate Manager – Legal being either specific to an individual matter or of a more general nature; and</p> <p>(c) the subject matter of the proceedings is wholly or partly within the work undertaken by any Business Unit for which s/he has any responsibility and/or any delegated management power.</p>	
11.	<p>Subject to prior consultation with the Corporate Manager - Legal, to determine whether to issue a caution of whatever nature as an alternative to undertaking criminal proceedings provided the caution relates wholly or partly to any service and/or function which for which s/he has any responsibility and/or any delegated management power and/or to which s/he is providing support.</p>	
Page 55	<p>To undertake all action in connection with the investigation and/or enforcement of:</p> <p>(a) any actual, perceived or potential breach of any statutory provision; and/or</p> <p>(b) any consent, authorisation, permit, registration, certificate, license, notice, order or other document of a similar nature (including any condition, obligation, restriction, limitation or any other provision contained therein) given, issued or made by the Council (whether pursuant to a delegated power or otherwise),</p> <p>provided that the subject matter of that statutory provision and/or document relates wholly or partly to the work undertaken by any Business Unit for which s/he has any responsibility and/or any delegated management power and/or to which s/he is providing support.</p>	
13.	<p>To undertake all action in connection with the enforcement of the terms of any agreement, contract, licence, lease or any other legal instrument issued by or to which the Council is a party provided that the subject matter of that instrument relates wholly or partly to the work undertaken by any Business Unit for which s/he has any responsibility and/or any delegated management power and/or to which s/he is providing support.</p>	
14.	<p>To undertake any Inspection of land and/or buildings and/or exercise any related powers of entry that s/he considers is necessary and/or appropriate for the proper performance of any work of any Business Unit for which s/he is wholly</p>	

	or partly responsible and/or to which s/he is providing support together with the power to undertake all action arising as a consequence of any such Inspection (but for the avoidance of doubt excluding authorising the initiation of any formal court proceedings).	
15.	To undertake all action in connection with any fixed penalty notice, including for the avoidance of doubt but without prejudice to the generality of the foregoing: (a) to determine any relevant content; and/or (b) to determine whether or not to issue any such notice; provided that in all cases the fixed penalty notice relates wholly or partly to any service and/or function which for which s/he has any responsibility and/or any delegated management power (but for the avoidance of doubt excluding authorising the initiation of any formal court proceedings).	
16.	To monitor, store, archive and/or destroy Council documentation relating wholly or partly to the work undertaken by any Business Unit for which s/he has any responsibility and/or any delegated management power provided that it is in accordance with relevant Council policies (if any).	
Page 56	To set any fee, charge and/or any method of charge for any matter relating wholly and/or partly to any service / function of the Council provided that: (a) the Council has not already formally determined the fee and/or charge for that work for the proposed period of time to be covered; (b) the amount of the fee and/or charge is not expressly set by legislation; and (c) the fee, charge and/or method of charge relates wholly or partly to a service and/or function undertaken by any Business Unit for which s/he has any responsibility and/or any delegated management power and/or to which s/he is providing support.	
18.	To authorise and undertake all action in connection with the securing of a warrant where in his/her opinion this is necessary in relation to any work being undertaken by any Business Unit for which s/he has any responsibility and/or any delegated management power and/or to which s/he is providing support.	
19.	To instruct / appoint and/or authorise any external person (including any consultant) or body to undertake work and/ or act for and/or on behalf of the Council in respect of any matter (including at any legal proceedings, tribunal, hearing,	

	inquiry or similar body) relating to work undertaken by any Business Unit for which s/he has any responsibility and/or any delegated management power and/or to which s/he is providing support.	
20.	To act for and/or on behalf of the Council or any part thereof including the exercise of any of their delegated powers (provided there is no legal restriction preventing the same), when instructed and/or nominated (as the case may be) to do so in connection with any matter for which the Council any Business Unit or Officer has power, including engaging in correspondence, negotiations and generally to undertake all action that is necessary to fulfil that instruction and/or nomination.	
21.	To undertake all action in connection with the preparation and issuing of any response to a complaint against the Council made pursuant to the Council's formal complaints procedure or an Ombudsman complaint.	
22.	To apply for any grant (including any lottery grant) or subsidy to which the Council is, or may be, entitled including for the avoidance of doubt the signing of any grant claim, supporting documentation and/or confirmation on behalf of the Council but excluding any expressly requiring the consent of the Section 151 Officer.	
23.	To undertake all action in connection with a request for the release of information pursuant to: <ul style="list-style-type: none"> (a) any freedom of information legislation; (b) any environmental information legislation; and/or (c) any other legislation. 	

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26. Delegations to each Head of Service and Corporate Manager

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	In accordance with relevant approved policies, practices and procedures (including, for the avoidance of doubt and to the extent it is relevant, the contract procedure rules), to take any Appropriate Operational Decision including power: <ul style="list-style-type: none"> (a) to incur expenditure from working balances and/or reserves; and/or 	

<p>(b) to determine whether to take, defend and/or settle any legal proceedings subject to prior consultation with the Corporate Manager - Legal;</p> <p>provided that it will not result:</p> <p>(c) in any budget line relating to employee salaries or overheads being exceeded; and</p> <p>(d) in any Business Unit budget of the Council being exceeded,</p> <p>unless in either case:</p> <p>(e) the Section 151 Officer gives his approval and/or the reason for any budget overspend is being monitored and reported as part of the Council's budget monitoring processes;</p> <p>(f) in the opinion of the Section 151 Officer any identified overspend is likely to be able to be met from working balances and/or offset against any likely underspend / reasonably factored in to any compensatory income increase in the current or future years; and</p> <p>(g) there is prior consultation with the Officer forming part of Senior Leadership Team with overarching responsibility for the service / function whose budget line / overall budget will be exceeded.</p>	
<p>To authorise any Officer and/or any other person that the authorising Officer considers appropriate:</p> <p>(a) to carry out any Inspection and/or examination;</p> <p>(b) to carry out such further action arising during and/or out of any Inspection and/or examination as may be considered expedient by the person carrying out the Inspection and/or examination (including without prejudice to the generality of the foregoing the exercise of any relevant powers of analysis, certification, checking (including checking of records whether electronic or otherwise), destruction, detention, measurement, purchasing, sampling, seizure and/or, testing;</p> <p>(c) to exercise any power of entry available to the Council;</p> <p>(d) to issue any document relating to any such Inspection and/or examination (including for the avoidance of doubt any notice including any fixed penalty notice (but excluding any document for the purpose of commencing formal legal proceedings);</p> <p>(e) to serve any document;;</p> <p>(f) to undertake any work in default and/or the supervision/management of the same;</p> <p>(g) to undertake any enforcement activity; and/or</p>	

	<p>(h) to seek a warrant;</p> <p>provided that in all cases:</p> <p>(i) the appointment / authorisation relates wholly or partly to any service and/or function for which s/he has any responsibility and/or any delegated management power; and</p> <p>(j) s/he reasonably believes that any cost associated with any such authorisation can be met from within a relevant existing budget and/or the prior approval of the Section 151 Officer is obtained.</p>	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 59</p>	<p>3. In accordance with relevant approved policies, practices and procedures to undertake all action relating to any Employee Matters including power to incur expenditure from working balances and/or reserves but subject to the following:</p> <p>(a) solely in relation to the appointment, disciplining and/or dismissal of any Officer and only to the extent that the law requires having been nominated by the Chief Executive for such purposes;</p> <p>(b) to prior consultation:</p> <p>(i) with the Monitoring Officer and the Corporate Manager – Human Resources and Development relating to any proposed contract termination (whether by agreement or otherwise) of any Officer (including any settlement arrangements) excluding in cases of permanent ill health;</p> <p>(ii) with the Monitoring Officer, the Corporate Manager – Human Resources and Development and the Council’s medical advisor to determine all issues relating to the contract termination (whether by agreement or otherwise) of any Officer in the case of permanent ill health; and</p> <p>(c) solely to the extent that the exercise of this delegation would result in expenditure from working balances and/or reserves:</p> <p>(i) the Section 151 Officer being of the opinion that any expenditure resulting in any Business Unit budget being exceeded can be met from working balances and/or any likely underspend elsewhere within the Council; and</p> <p>(ii) the prior approval of the Section 151 Officer.</p>	
	<p>4. In accordance with relevant approved policies, practices and procedures to undertake all action in connection with the day to day management of any Business Unit for which s/he has responsibility including management of all related budgets but excluding power to exceed any overall Business Unit budget without the prior approval of the Section 151 Officer.</p>	

5.	Subject to the prior approval of the Monitoring Officer and/or the Corporate Manager – Legal to agree to the taking, defending and/or settling of any legal action provided further that subject to the prior approval of the Section 151 Officer this includes power to incur expenditure from working balances and/or reserves.	
6.	For the purpose of any Business Unit for which s/he is responsible to sign off and/ or approve a report or item to go to any body of the Council and/or any other body of which the Council is part for whatever purpose.	
7.	To exercise any of the power held by any Officer below the level of Strategic Director / Assistant Chief Executive in the event of that Officer being unavailable, absent and/or that Officer post being vacant.	
8.	To exercise all of the powers of the Assistant Chief Executive and each of the Strategic Directors but only if all the Officers forming part of the Senior Leadership Team are unavailable, absent and/or all those Officer posts are vacant.	

27. Delegations to the Corporate Manager (Community and Policy Development)

ID	Delegation	If the delegation is not applicable to all the Councils
1.	<p>To undertake all action relating to the development and/or maintenance of a process for dealing with and determining any application to the Council for a grant relating to:</p> <ul style="list-style-type: none"> (a) any affordable housing; (b) any community partnership; and/or (c) any conservation and/or countryside grant scheme, <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing power to determine whether to award any such grant provided that in all cases:</p> <ul style="list-style-type: none"> (d) any such process and determination is in accordance with any relevant approved policy and/or strategy of the Council; and 	

	(e) the grant will not result in any relevant budget being exceeded.	
2.	<p>To undertake all action in respect of any matter arising in relation to any actual or potential asset of community value whether pursuant to the Localism Act 2011 or otherwise including in particular but without prejudice to the generality of the foregoing:</p> <p>(a) to determine any application including for the avoidance of doubt any claim for compensation; and/or</p> <p>(b) to maintain any relevant register including to determine whether any asset should be registered and/or removed;</p> <p>provided that:</p> <p>(c) such power does not include to make any final determination of any review arising in relation to the same; and</p> <p>(d) in the case of any determination relating to a claim for compensation, there has been prior consultation with the Head of Financial Services.</p>	
3. Page 61	<p>To undertake all action in relation to the creation and maintenance of a register of previously development land (Brownfield Land Register) including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) all determinations associated with whether to enter land on to Part 1 of the Brownfield Land Register including for the avoidance of doubt all relevant assessments as to whether land meets all the criteria for the purposes of being so entered;</p> <p>(b) all necessary actions for the purpose of reviewing, amending, adding and/or removing any entry from the Brownfield Land Register;</p> <p>(c) to determine:</p> <p>(i) the nature and extent of any consultation, publicity and/or procedure to be undertaken in relation to the entering and/or maintaining land on Part 1 of the Brownfield Land Register; and/or</p> <p>(ii) how to proceed having regard to any representation received in relation in any such consultation, publicity and/or procedure; and/or</p> <p>(d) to determine whether or not to propose land for residential development for a purpose (in whole or part) of enabling such land to be entered on to Part 2 of the Brownfield Land Register.</p>	
4.	To determine and maintain a process for the allocation of any money received by the Council from any car boot sale including for the avoidance of doubt:	

	<p>(a) to determine any final allocation,</p> <p>provided that for the purposes of determining a suitable process there has been prior consultation with at least one Senior Member.</p>	
5.	<p>To undertake all action in relation to the preparation of a local plan, action plan and/or any supplementary planning document pursuant to any of the Town and Country Planning Legislation including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine whether to enter into any service level agreement and/ or contract for any purpose associated with the same provided that any associated cost can be met from an existing relevant budget and/or the prior approval of the Section 151 Officer has been obtained;</p> <p>(b) the drafting of any such plan and/or document including any preferred option relating thereto; and/or</p> <p>(c) to determine whether to undertake any consultation process, any procedural issue relating to any such consultation and to consider and determine any action to take in response to any representation received in respect of any such consultation;</p> <p>provided that such power does not include:</p> <p>(d) making a final determination as to whether to submit any plan for independent examination;</p> <p>(e) making a final determination as to whether to accept any recommendation arising from any independent examination; and</p> <p>(f) making a final determination as to whether to adopt any such plan and/or supplementary planning document.</p>	
6.	<p>To determine whether or not any plan or programme should have an environmental assessment and/or whether a plan or programme might or would have significant environmental effects including the preparation and determination of reasons in respect thereof.</p>	
7.	<p>To undertake all action in connection with the review and setting of a price for the sale of any low cost housing in order to meet any requirement provided for in any planning obligation and/or section 52 agreement.</p>	
8.	<p>To undertake all action in respect of any matter arising in relation to the designation of any nature reserve including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p>	

	<p>(a) to determine any application,</p> <p>provided that this does not include power to make a final determination to approve the designation of any nature reserve unless there has been prior consultation with at least one Senior Member and any ward Member in whose ward any such nature reserve would be situated whether in whole or part.</p>	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 63</p>	<p>9. To undertake all action in respect of any matter arising in relation to any function of the Council concerning neighbourhood planning (including all functions relating to the making and approval of any neighbourhood development plan, neighbourhood development order and/or community right to build order) whether pursuant to the Town and Country Planning Act 1990 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to enter any building, structure (including any moveable structure) and/or on any land;</p> <p>(b) to provide appropriate advice and assistance;</p> <p>(c) to undertake all relevant procedural functions;</p> <p>(d) subject as provided below to make a final determination as to whether to designate a neighbourhood plan area and/or make such an area a business area;</p> <p>(e) to determine whether to submit any matter to independent examination; and/or</p> <p>(f) to determine whether to appoint and the appointment of any examiner provided that any costs associated with the same can be met from an existing relevant budget and/or the prior approval of the Section 151 Officer is obtained;</p> <p>provided that this does not include power :</p> <p>(g) to make a final determination as to whether to designate a neighbourhood plan area unless in his/her opinion:</p> <p>(i) there is insufficient time to have the matter considered by the relevant committee as part of the normal committee cycle;</p> <p>(ii) the Council is legally obliged to approve the designation; and/or</p> <p>(iii) there has been no objection to the proposal submitted to the Council within any relevant time for the submission of representations which has not been withdrawn;</p> <p>(h) to make the final determination as to whether to submit any document to a referendum;</p> <p>(i) to make the final determination as to whether to make a neighbourhood development order /community right to build order and the terms of any planning permission granted pursuant to a neighbourhood development order /community right to build order;</p>	

	(j) the final determination as to whether to make a neighbourhood development plan; and (k) the power to make arrangements in relation to a referendum arising pursuant to the exercise of a neighbourhood planning function without the prior approval of the Corporate Manager – Democratic and Electoral Services.	
10.	To undertake all action in respect of any determination that is required for the purpose of deciding whether to support any bid from any registered social landlord to the Homes and Communities Agency or any other body.	

28. Delegations to the Corporate Manager – Democratic and Electoral Services

Ref	Delegation	If the delegation is not applicable to all the Councils
Page 64	In accordance with any relevant Council scheme and/or policy (if any) to determine whether to authorise Member allowances and expenses and undertake all action relating to the administration of the same including in particular but without prejudice to the generality of the foregoing to determine any increase to Member travel and subsistence allowances.	
2.	Subject to consultation with such Member as s/he considers appropriate (if any) to determine whether to approve any expenditure on civic hospitality.	
3.	To undertake all action in connection with Member attendance at any conference, session and workshop provided that s/he considers such attendance could be of benefit to any such Member.	
4.	Subject to prior consultation with such Senior Member as s/he considers appropriate (if any) to undertake all action for the purposes of organising and conducting a review of any principal area internal ward, polling district boundary, polling place and/or any parish electoral arrangement including for the avoidance of doubt but without prejudice to the generality of the foregoing, undertaking any consultation and formulating any draft proposal that s/he considers appropriate.	
5.	In circumstances provided for in the Constitution (if any), to determine the appropriate membership of any committee or sub-committee (as the case may be) to hear any matter identified in the Constitution as requiring a determination by	

	such a body including power to organise the setting up of the same.	
6.	Subject to such prior consultation with any chairman as s/he considers appropriate, to undertake all action in connection with the arrangements of any site visit for Members.	
7.	To undertake all action in connection with making arrangements for (including the holding of) any referendum.	

29. Delegations to the Corporate Manager – Human Resources and Organisational Development

Ref	Delegation	If the delegation is not applicable to all the Councils
1	To issue a certificate as to whether a particular employee's duties render his/her post politically sensitive according to any relevant statutory criteria.	
2	To implement any award of a joint negotiating body so far as it concerns rates of salary, wages, car allowances or other allowances payable to Officers and other employees of the Council except where the terms thereof involve the exercise of a discretion by the Council.	
3.	To undertake all action as may be necessary in relation to superannuation and the payment of pensions on behalf of the Council as employing authority in relation to its employees, former employees and to Dorset County Council as administering authority; except where the Council is entitled to exercise discretion.	
4.	To pay gratuities and injury awards to employees, former employees and their widows/widowers and dependants in accordance with any relevant approved policy and/or strategy of the Council.	
5.	For the purposes of any pension scheme legislation to act as a person specified by the Council as a scheme employer to consider disputes and first instance decisions on pension matters.	
6.	To consult and negotiate on behalf of the Council with any trade union recognised by the Council and /or any Officer and/or	

	<p>any other appointed body in relation to:</p> <p>(a) the formulation, adoption and/or implementation of any policy, strategy and/or procedure of the Council; and/or</p> <p>(b) employee / Officer terms and conditions of employment including power to make recommendations to the Council in respect of such negotiations but excluding the power to bind the Council in respect of any such negotiations.</p>	
7.	<p>Power to negotiate, agree and implement on behalf of the Council with any trade union recognised by the Council and /or any Officer and/or any other appointed body:</p> <p>(a) any change to an Officer job description to incorporate provision for such Officer to work for any external body approved by the Council in relation to the same; and/or</p> <p>(b) to any Officer's terms and conditions of employment to incorporate any relevant indemnity provisions as may from time to time be adopted by the Council in relation to any Officer.</p>	
8.	To undertake all action in relation to the training and development of Officers.	
Page 66	To instruct / appoint and/or authorise any person (including any consultant) or body to undertake work and/ or act for and/or on behalf of the Council in respect of any employment issue including the provision of training.	

30. Delegations to the Corporate Manager – Legal

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	To undertake all action in connection with authorising, instituting, prosecuting, defending, appearing in and settling any legal proceedings (including any appeal, review or similar proceedings against any action and any proceedings in any tribunal, inquiry, hearing or any other forum involved in the consideration of legal proceedings) by or behalf of the Council (whether in the name of the Council or his/her name) together with the undertaking of such preliminary or further work in	

relation to the same as the s/he deems appropriate, including for the avoidance of doubt but without prejudice to the generality of the foregoing:

- (a) any action in respect of any caravan, tent or other structure (whether of a permanent or temporary nature) and/or any vehicle (whether pursuant to the Criminal Justice and Public Order Act 1994 or otherwise) that in the opinion of the Corporate Manager – Legal is unlawfully placed on land, including:
 - (i) the issue and service of any direction in relation to; and/or
 - (ii) authorising the taking of action to secure the removal of, any such structure and/or vehicle;
- (b) any action in respect of the enforcement of the Council's Parking Places Order and/or any other order and/or byelaw made, confirmed or obtained by the Council and/or which the Council is otherwise entitled to enforce;
- (c) any action relating to any perceived or actual breach of any provision or document arising and/or issued pursuant to any:
 - (i) Food Provisions; and/or
 - (ii) Town and Country Planning Legislation;
- (d) to determine whether to commence and/ or withdraw any such proceedings;
- (e) any determination associated with seeking and/or securing any order in connection with:
 - (j) any matter which in the opinion of the Corporate Manager – Legal relates to anti-social behaviour; and/or
 - (ii) rent repayment and/or a banning order;
- (f) the determination as to whether to issue any type of caution and/or other warning subject in the case of the issue of any formal caution to consultation with such Head of Service and/or Corporate Manager as the s/he deems appropriate (if any);
- (g) any determination associated with the securing and/or enforcement of any injunction (including in connection with anti-social behaviour);
- (h) determining whether to contest or settle any claim for repayment of a developer contribution however secured and in the case of any settlement, the terms relating to the same,
- (i) the obtaining of any warrant;
- (j) any action to secure the recovery of any debt; and/or
- (k) the giving of any undertaking that the Corporate Manager-Legal considers appropriate in relation to any of the above,

	but provided that in the case of a final determination as to whether to commence formal litigation action to seek to recover outstanding monies in excess of £10,000 secured pursuant to a planning obligation then subject to such consultation with such a Senior Member as s/he considers appropriate.	
2.	Subject to consultation with the Head of Assets and Infrastructure to undertake all action in respect of any trespass on Council owned land including for the avoidance of doubt action to secure the cessation of any such trespass and/or to seek to prevent it recurrence.	
3.	To authenticate any document whether pursuant to and/or for the purposes of the Local Government Act 1972, the Public Health Act 1936 and/or any other legislation requiring and/or enabling an Officer to have authentication power.	
4.	To investigate any issue relating to and undertake all action (including for the avoidance of doubt the drafting of any relevant documentation), in connection with the enforcement of any actual or perceived breach of any legislative provision, license, authorisation, consent, approval, notice, order or other document (including any condition, restriction, limitation, obligation or other requirement relating thereto) given, issued or made by or on behalf of the Council in such a manner as Corporate Manager-Legal considers appropriate including, but without prejudice to the generality of the foregoing any issue arising pursuant to: (a) any Food Provisions; and/or (b) any Town and Country Planning Legislation.	
5.	To investigate any issue relating to and undertake all action (including for the avoidance of doubt the drafting of any relevant documentation) in connection with the enforcement of the terms of any agreement, contract, lease and/or any other legal instrument to which the Council is a party (including any condition, restriction, limitation, obligation or other requirements relating thereto), in such a manner as the Corporate Manager – Legal considers appropriate including, but without prejudice to the generality of the foregoing, the taking of proceedings in any court, tribunal or other body.	
6.	To undertake all action in connection with the terms, preparation and issuing of any: (a) licence, lease, transfer, conveyance concerned with the acquisition and/or disposal of any interest in land or property (including without prejudice to the generality of the foregoing rental levels and fees); and/or (b) easement and/or wayleave, together with any other associated documentation that the Corporate Manager – Legal considers appropriate in relation to the same.	

7.	<p>To undertake all action in connection with determining the terms/content, preparation and issuing of any contract, notice, order, permit, certificate, requisition or other document including without prejudice to the generality of the foregoing any:</p> <ul style="list-style-type: none"> (a) byelaw; (b) contract relating to the supply of any good and/or service; (c) order for the control of drinking in public places and/or a public spaces protection order; (d) notices and/or order relating to any vehicle; (e) stop notice; (f) temporary stop notice; (g) road closure; and (h) application for late night shopping, <p>provided that in all cases there has been approval to progress such a matter whether via the exercise of a delegated power pursuant to this Scheme or otherwise.</p>	
8.	<p>To determine whether to issue or withhold any consent or approval under the terms of any lease, conveyance or other document including but without prejudice to the generality of the foregoing, power to determine whether or not to issue any certificate or other document in relation to the provisions of any planning obligation together with power to undertake all actions to give effect to and as a consequence of any such determination.</p>	
9.	<p>To instruct / appoint and/or authorise any person (including counsel and/ or any consultant) or body to undertake work and/ or act for and/or on behalf of the Council in respect of any legal issue (including legal proceedings, tribunals, hearings and inquiries) relating to the Council including, without prejudice to the generality of the foregoing, determining whether to outsource any legal work.</p>	
10.	<p>To determine whether to authorise the release of information or other documentation to the press or any member of the public or external body.</p>	
11.	<p>To:</p> <ul style="list-style-type: none"> (a) attest the Council seal; and/or (b) sign and/or authorise the service of any legal document including any notice and/or contract. 	
12.	<p>To authorise in writing any Officer:</p> <ul style="list-style-type: none"> (a) to act as a witness; and/or 	

	<p>(b) to represent / appear on behalf of the Council whether pursuant to section 223 Local Government Act 1972 and/or any other relevant enabling legislation,</p> <p>in any actual or potential legal proceedings (including any tribunal, hearing and inquiry or similar forum) whether or not instigated by or on behalf of the Council and whether or not the Council is involved in the same.</p>	
13.	<p>In connection with any actual or perceived proceeds of crime and whether pursuant to the Proceed of Crime Act 2002 or otherwise:</p> <p>(a) subject to such consultation with a Senior Member as s/he considers appropriate, to determine whether or not to pursue any application on behalf of the Council relating to same; and</p> <p>(b) power to undertake all action including such preliminary and subsequent action as s/he considers necessary in order to secure and then progress the outcome of any such determination.</p>	
14.	<p>In consultation with such Head of Service and/or Corporate Manager as s/he considers appropriate (if any) to determine whether to accept or reject (and whether or not subject to conditions) any purchase notice served on the Council pursuant to any Town and Country Planning Legislation if a decision is required before the next normal meeting of the relevant Committee.</p>	
Page 70	<p>To undertake all action in connection with the Council's functions relating to land charges and any search relating to property including in particular but without prejudice to the generality of the foregoing:</p> <p>(a) responding to any enquiry concerning a search relating to any land/property;</p> <p>(b) responding to any enquiry relating to environmental information;</p> <p>(c) issuing any local land charges certificate;</p> <p>(d) providing a reply to any CON29 and/or CON29(O) enquiry (or any document of a similar nature and/or any document replacing any of the same) including any question relating to and/or in addition to such an enquiry; and</p> <p>(e) determining any fee (including whether to waive any fee) in relation to any of the above.</p>	
16.	<p>To consider and determine whether to seek to secure a closure order pursuant to the Scrap Metal Dealers Act 2013.</p>	

31. Delegations to the Head of Assets and Infrastructure

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	<p>To undertake all action in respect of any matter relating to administrative arrangements for the seasonal hire, regulation and/or use of any hut /shed (including any beach hut), beach tent and/or concession (including any beach concession) owned and/or operated by the Council including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine any application and/or the terms of any licence relating thereto; and/or</p> <p>(b) to determine any fee and/or charge relating to the same including for the avoidance of doubt whether to waive any such fee and/or charge.</p>	
2.	<p>To undertake all action in respect of any matter relating to:</p> <p>(a) land drainage and/or coastal protection whether pursuant to the Coast Protection Act 1949, the Land Drainage Act 1991 or otherwise; and/or</p> <p>(b) public health arising pursuant to the Public Health Act 1936,</p> <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(c) to determine whether to issue any notice; and/or</p> <p>(d) to appoint/authorise any other person for any such purpose relating thereto,</p> <p>provided that in all cases this does not include power to borrow any money and/or raise any rate.</p>	
3.	<p>To undertake all action in respect of determining any application in connection with a scheme for any village and/or community hall, recreational and sports facility for which a grant has already been approved provided that this power does not include the determination of any statutory consent, approval, permission and/or any other authorisation that may be required from the Council in respect of any scheme.</p>	
4.	<p>To undertake all action in respect of the management and maintenance of the council's offices, furniture and equipment.</p>	

5.	<p>On behalf of the Council to act as the nominated “Engineer” and/or “Contract Administrator” and/or CDM Coordinator, or any equivalent designation in relation to any contract entered into by the Council in connection with any land and/or building together with power to undertake all action arising in relation to such a nomination including, for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to require the undertaking of further work; and/or (b) to negotiate and agree any variation to any such contract,</p> <p>provided that in all cases,</p> <p>(c) no action that is undertaken results in the amount of money both allocated and still available for use in respect of the contract being exceeded unless the prior approval of the Section 151 Officer has been obtained; and (d) no action will result in the Council securing substantially less from the contract than was originally agreed without the prior approval of an Officer forming part of the Senior Leadership Team.</p>	
6.	<p>To undertake all action in relation to securing the services /appointing any engineer for the purposes of any Council related work provided that any cost associated with the same can be met from an existing budget available for such purposes and/or the prior approval of the Section 151 Officer has been obtained.</p>	
Page 72	<p>To undertake all action in respect of the preparation and submission of any grant application on behalf of the Council in connection with any function of the Council relating to flooding, coastal management and/or water including for the avoidance of doubt but without prejudice to the generality of the foregoing any provision of the Coast Protection Act 1949 and/or the Land Drainage Act 1991.</p>	
8.	<p>To undertake all action in connection with the entering into of any agreement for the maintenance of any grave including for the avoidance of doubt but without prejudice to the generality of the foregoing to determine any terms.</p>	
9.	<p>In any situation that s/he considers to be an emergency in relation to the safeguarding of any property and/or the public whether pursuant to the section 138 Local Government Act 1972 or otherwise to take any Appropriate Operational Decision including power:</p> <p>(a) to incur expenditure from working balances and /or reserves; and/or (b) to determine whether to acquire / dispose of any land and/or building;</p> <p>provided that:</p>	

	<p>(c) to the extent that any costs associated with the same cannot be met from any relevant budget available for such purposes;</p> <p>(i) no final determination to acquire / dispose of any land and/or property; and /or</p> <p>(ii) no determination that will result in expenditure from working balances and/or reserves, shall be made without the prior approval of the Section 151 Officer; and</p> <p>(d) following the taking of any such emergency action the matter is notified as soon as reasonably practicable thereafter to an Officer forming part of the Senior Leadership Team and/or a Senior Member.</p>	
10.	To undertake all action in relation to the exercise of every power and/or function provided to the Council pursuant to any agency agreement relating to any highway including any parking thereon provided that this does not extend to any power expressly given to any body of the Council to perform whether in any such agency agreement and/or in the Constitution.	
11. Page 73	<p>To undertake all action in respect of determining any application in connection with:</p> <p>(a) any allotment;</p> <p>(b) the use of any car park owned and/or operated by the Council for any other purpose provided that this does not include any use for the sale of food;</p> <p>(c) the erection of any headstone, memorial, and/or monument;</p> <p>(d) any market and/or any adjoining area associated therewith including for the avoidance of doubt a licence to any market operator and/or any licence relating to the use of such land whether as a market or otherwise;</p> <p>(e) the use of open space owned and/or under the control of the Council provided that this does not include power to make any determination arising pursuant to any Town and Country Planning Legislation; and</p> <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(f) to determine any relevant fee and/or charge, and/or</p> <p>(g) to determine the terms;</p>	

	provided that in all cases the terms and/or arrangements associated with any such application and/or licence are in accordance with any relevant criteria, policy and/or scheme agreed by or on behalf of the Council or any relevant body concerned with the same on which the Council is formally represented.	
12.	<p>To undertake all action in connection with the granting, taking and/or renewing of any:</p> <ul style="list-style-type: none"> (a) licence, lease and/or tenancy for a term not exceeding twelve (12) months; (b) covenant; (c) easement; (d) deed of rectification or exchange provided that in his/her opinion the issue to which it relates is of a minor nature; and/or (e) wayleave, <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (f) to determine the terms; <p>provided that in all cases:</p> <ul style="list-style-type: none"> (g) any costs associated with any such transaction can be met from within relevant existing budgets and/or the prior approval of the Section 151 Officer is obtained. 	
13.	<p>To undertake all action in relation to any existing:</p> <ul style="list-style-type: none"> (a) lease, licence and/or tenancy; (b) covenant, (c) easement, (d) deed of rectification or exchange, (e) transfer and/or conveyance of land; and/or (f) wayleave, <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (g) to determine whether or not to agree to assign any such matter; (h) to determine whether or not to grant any consent and/or approval under any terms; (i) to determine whether or not to agree to any subletting; (j) to determine whether or not to approve any alteration to any premises leased and/or licenced by the Council; (k) to determine whether or not to agree to modify and/or release any covenant (including for the avoidance of doubt any 	

	<p>restrictive covenant);</p> <p>(l) to determine whether to agree any rent review, and/or</p> <p>(m) to determine any terms relating to any of the above;</p> <p>provided that in all cases this does not include power:</p> <p>(n) to make a final determination whether or not to renew any such matter;</p> <p>(o) to make any final determination whether or not to agree to assign any lease, licence and/or tenancy for a period where at the date of the assignment the term has more than twelve (12) months left to run;</p> <p>(p) to make a final determination of any rent review for a rent in excess of £50,000 per annum and/or for a review period in excess of ten (10) years; and</p> <p>(q) to make any determination other than in accordance with any relevant policy and/or strategy of the Council adopted in relation to such purposes; and</p> <p>(r) to make any final determination the cost of which cannot be met from within existing relevant budgets and/or for which the prior approval of the Section 151 Officer has been obtained.</p>	
<p>14.</p> <p>Page 75</p>	<p>To undertake all action in connection with:</p> <p>(a) the granting, taking, assigning and/or renewing of any lease, licence and/or tenancy in relation to any land and/or property for a term in excess of twelve (12) months; and/or</p> <p>(b) any other acquisition or disposal of any interest in land and/or property ,</p> <p>whether pursuant to the Local Government Act 1972, the Localism Act 2011 and/or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing to determine the terms provided that in every case:</p> <p>(c) in relation to a disposal (which for the purpose of this delegation shall include any assignment) of any interest in land and/or any building (whether by way of freehold, leasehold, licence or otherwise):</p> <p>(i) the open market disposal and/or assignment value does not exceed £99,999;</p> <p>(ii) it accords with the provisions (if any) relating specifically to the disposal of any land and/or premises set out in the Contract Procedural Rules; and either</p> <p>(iii) any disposal price (including any relevant rent) has been previously recommended by a valuer that s/he considers to be suitably qualified for such a purpose and in the opinion of that valuer that price represents a consideration which is the best that can reasonably be obtained; or</p> <p>(iv) (A) it consists of the grant of a term (including any renewal) not exceeding seven (7) years or is an assignment of a term, that at the date of assignment, has not more than seven (7) years to run;</p>	

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 76</p>	<p>(B) in relation to any renewal the new rent does not exceed £50,000 per annum; and</p> <p>(C) in his/her opinion is in the interests of good estate management and/or is consistent with the effective economic and efficient discharge of the Council's property functions, and</p> <p>(d) in relation to an acquisition of any interest in land and/or any building (whether by way of freehold, leasehold, licence or otherwise):</p> <p>(i) (A) the open market acquisition value does not exceed £50,000 and this can be met from an existing budget available for such purposes and/or the prior approval of the Section 151 Officer has been obtained; or</p> <p>(B) a specific budgetary provision has been made by a body of the Council for the purpose of the acquisition; and in either case</p> <p>(ii) in the case of any lease, licence, tenancy or any other non-freehold acquisition the term of years / term of years left to run does not exceed ten (10) years;</p> <p>(iii) any rent, service charge and/or any other periodic payment required pursuant to any such acquisition does not exceed £5,000 in total per annum; and</p> <p>(iv) in his/her opinion the acquisition is in the interests of good estate management and/or is consistent with the effective economic and efficient discharge of the authority's property functions.</p>	
<p>16</p>	<p>To undertake all action in relation to the variation, surrender, termination and/or variation of any lease, licence and/or tenancy including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine any terms relating to the same,</p> <p>provided that in all cases any costs associated with any such action can be met from within existing relevant budgets and/or the prior approval of the Section 151 Officer has been obtained.</p>	
<p>16</p>	<p>To undertake all action in connection with the management and maintenance of any public convenience owned and/or operated by the Council including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine any arrangement in relation to the maintenance and/or cleaning of any such convenience; and/or</p> <p>(b) to determine any fee and/or charge relating to the same including for the avoidance of doubt whether to waive any such fee and/or charge.</p>	
<p>17.</p>	<p>To undertake all action to maintain a register of all land and buildings owned by the Council.</p>	

18.	To undertake all action associated with the letting of any recreation facility (including any sport pitch) and the use of any park and/or open space for any special event including for the avoidance of doubt to determine the terms of any such letting provided that this power does not include the power to make any determination that at the time of making the determination will result in expenditure that results in existing budget levels being exceeded.	
19..	<p>To undertake all action in respect of any matter in relation to the making and/or varying of any on and/or off street road traffic order within the power of the Council so to do including any order relating to parking whether pursuant to the Road Traffic Regulation Act 1984 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine the content of any draft order; and/or</p> <p>(b) to determine whether to undertake any consultation process, any procedural issue relating to any such consultation and to consider and determine any action to take in response to any representation received in respect of any such consultation;</p> <p>provided that such power does not include:</p> <p>(c) making a final determination as to whether to make / adopt any such order if any written objection has been received by him/her to the making/ adopting of such an order or any part thereof prior to the making / adopting of the order unless that objection is withdrawn; and</p> <p>(d) making a final determination as to the setting of any fee and/or charge payable pursuant to any such order.</p>	
20	<p>To undertake all action in relation to:</p> <p>(a) the operation and/or control of any on and/or off street parking in respect of which the Council has any operational responsibility and/or control; and/or</p> <p>(b) any action whether relating to parking whether pursuant to any road traffic order made/adopted by the Council or for which arrangements are in place for the Council to operate the same,</p> <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(c) to determine any issue arising pursuant to any such order including for the avoidance of doubt any application relating to the same;</p> <p>(d) to determine any maintenance arrangement in relation to the same;</p> <p>(e) to determine whether or not to permit the temporary closure of any car park and/or any part thereof;</p> <p>(f) to determine whether to vary and/or waive any fee and/or charge;</p> <p>(g) to determine whether to issue any notice including for the avoidance of doubt any penalty charge notice;</p> <p>(h) to determine whether to cancel any notice including for the avoidance of doubt any penalty charge notice;</p>	

	<p>(i) to determine whether to institute any proceedings arising in connection with any non-payment of a penalty notice and/or any investigation relating thereto including in the case of non-payment of a penalty notice power to institute proceedings in any civil court;</p> <p>(j) to investigate and determine whether to initiate any proceedings in relation to any actual or perceived breach of any such order; and/or</p> <p>(k) to appoint/authorise any other person for any purpose relating to the above,</p> <p>provided that in all cases any costs associated with such action can be met from an existing budget available for such purposes.</p>	
21.	To act on behalf of the Council in respect of any contract entered into by the Council with any water company and/or any other statutory undertaker including for the avoidance of doubt to undertake all action arising in relation to any matter arising under any such contract.	
22..	To determine whether to write off any debt of up to £500 or such other sum as may be identified in the Financial Regulations provided that it is in accordance with any relevant provisions in the Financial Regulations.	

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37 Delegations to the Head of Business Improvement

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	To undertake all action in connection with all matters relating to the naming and re-naming of highways and naming / numbering and re-naming / re-numbering of properties.	
2.	<p>Subject to consultation with such Officer as s/he considers appropriate (if any) to undertake all action in connection with a request for the release of information pursuant to:</p> <p>(a) any freedom of information legislation;</p> <p>(b) any environmental information legislation; and</p>	

	(c) any other legislation.	
3.	Subject to consultation with such Officer as s/he considers appropriate (if any) to undertake all action in connection with any application pursuant to any data protection legislation.	
4.	To determine the amount of any charge including any waiver in respect of any: (a) request for disclosure of information; and/or (b) matter relating to data protection legislation.	
5.	To undertake all action in connection with the design and operation of any procedure for dealing with any complaint relating to the Council whether submitted pursuant to any formal internal procedure, an Ombudsman complaint and/or otherwise.	
6.	To undertake all action in connection with the design and operation of a register for recording and processing information identifying circumstances relating to Officers at risk.	

Delegations to the Head of Community Protection

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	To undertake all action in connection with the operation and/or enforcement of any accreditation scheme of the Council, including for the avoidance of doubt but without prejudice to the generality of the foregoing, the determination of: (a) any action in relation to any landlord accreditation scheme; and/or (b) to operate and determine any appeal and/or review including to determine whether a request for an appeal and/or review has been validly made, provided that in any case the scheme provides for an Officer to be able to make any such determination and/or is silent on the issue.	

2.	<p>To undertake all action in connection with securing appropriate provision and checking of any smoke and/or carbon monoxide alarm whether pursuant to the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (a) to carry out any inspection; (b) to determine whether to issue any notice including for the avoidance of doubt any remedial notice; (c) to determine whether to issue any penalty charge including for the avoidance of doubt the amount of any such charge; (d) to undertake a review in relation to any remedial notice and/or penalty charge; (e) to the extent that such power exists to determine whether to withdraw any remedial notice and/or penalty charge; (f) to determine whether to carry out any work; and/or (g) to appoint/authorise any other person for any purpose relating to any of the above. 	
3.	<p>To undertake all action in connection with the prevention and/or control of the use of any land and/or premises that are, appear to be or may be being used for the unlawful sale and/or supply of alcohol including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (a) to determine whether to issue a closure notice whether pursuant to section 19 Criminal Justice and Police Act 2001 or otherwise. 	
4	<p>To undertake all action in relation to any function of the Council relating to animal health whether pursuant to the Animal Health Act 1981 or otherwise but excluding any power to acquire land.</p>	
5.	<p>To undertake all action in connection with the control of anti-social behaviour whether pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (a) to determine whether to issue any written warning; (b) to determine whether to issue a Community Protection Notice; (c) to determine whether to issue a Public Spaces Protection Order; (d) to determine whether to issue any notice including for the avoidance of doubt a fixed penalty notice; and/or (e) subject to prior consultation with the Corporate Manager – Legal, to determine whether to seek an injunction and the terms thereof. 	

6.	<p>To undertake all action in respect of any matter concerning air pollution and/or seeking to maintain clean air and/or the free circulation of air whether pursuant to the Clean Air Act 1993, the Building Act 1984 or otherwise, including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (a) any matter relating to any furnace and/or chimney, smoke (including dark smoke), fumes, grit and dust and/or the burning of any cable; (b) all action relating to any proposal for work that might give rise to any issue of atmospheric pollution; (c) to determine any application including for the avoidance of doubt to determine whether to give a consent in relation to the free circulation of air in connection with any entrance to a court and/or yard; and/or (d) to determine whether to issue any notice. 	
7.	<p>To undertake all action in respect of any matter relating to the abatement and/or mitigation of any nuisance, annoyance and/or damage caused by birds in any built up area whether pursuant to the Public Health Act 1961 or otherwise.</p>	
8.	<p>To undertake all action in respect of any matter relating to:</p> <ul style="list-style-type: none"> (a) the state and/or condition of any building (including any hazard identified in relation to it); and/or (b) any structure (including any yard and/or passage) and/or article (including any drain and/or sewer) whether directly and/or indirectly provided and/or associated with the transport, disposal and/or removal of any waste product (including water) which is or may be defective, insufficient and/or in any other way unsuitable and/or detrimental, <p>whether pursuant to the Public Health Act 1936, the Public Health Act 1961, the Local Government (Miscellaneous Provisions) Act 1976, the Building Act 1984 and/or otherwise including for the avoidance of doubt but without prejudice to the generality of foregoing:</p> <ul style="list-style-type: none"> (a) any action relating to any cesspool, private sewer, drain, pipe (whether a soil pipe, rain water pipe or otherwise), sanitary convenience, spout, sink or other appliance provided for a similar and/or associated purpose and whether in use or otherwise; (b) any action relating to any closet including any water and/or earth closet; (c) any action relating to the alteration, construction, discontinuation, provision, repair and/or sufficiency of the same; (d) to determine whether to issue any notice including for the avoidance of doubt any closure order, demolition order and/or notice to quit; 	

	<ul style="list-style-type: none"> (e) to determine whether to accept and/or cancel any undertaking; and/or (f) to authenticate any document produced in relation to any of the above. 	
Page 82	<p>9. To undertake all action relating to the development and/or maintenance of any process for dealing with and determining any application to the Council for a grant in relation to:</p> <ul style="list-style-type: none"> (a) community safety; and/or (b) sport, <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing power to determine any grant application provided that:</p> <ul style="list-style-type: none"> (c) such power does not extend to approving: <ul style="list-style-type: none"> (i) any mandatory grant in excess of £10,000; and/or (ii) in the event of the approval of any grant in excess of £2,500 there is prior consultation with a Senior Member, and (d) the procedure for securing any such grant and the determination of any grant is in accordance with any relevant approved Council policy and/or strategy. 	
	<p>10. To undertake all action in respect of:</p> <ul style="list-style-type: none"> (a) any function of the Council as a burial authority; (b) the management, regulation and/or control of any crematorium/cemetery within the area of the Council over which the Council has any operational and/or management control; (c) any issue relating to the determination of burial rights; and/or (d) any matter relating to securing the burial or cremation of the dead where in his/her opinion no suitable arrangements would otherwise be made, <p>whether pursuant to any Burial Act, Cremation Act, the Local Authorities Cemeteries Order 1977, any Cremation Regulations, the Public Health (Control of Disease) Act 1984 and/or otherwise.</p>	
	<p>11. To undertake all action in respect of any matter relating to any dog including for the avoidance of doubt but without prejudice</p>	

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 88</p>	<p>to the generality of the foregoing:</p> <ul style="list-style-type: none"> (a) to determine any application in connection with: <ul style="list-style-type: none"> (i) any breeding establishment for any dog whether pursuant to the Breeding of Dogs Act 1973 or otherwise; and/or (ii) any guard dog kennel / establishment whether pursuant to the Guard Dog Act 1975 or otherwise; (b) to investigate and determine whether there has been any offence and/or breach of any legislative provision relating to dog faeces / fouling whether pursuant to any designated land for the purposes of the Dogs (Fouling of Land) Act 1996, any control provision pursuant to the Clean Neighbourhoods and Environment Act 2005, any order pursuant to the Anti-social Behaviour, Crime and Policing Act 2014 and/or otherwise; (c) to investigate and determine whether there has been any offence and/or breach of any legislative provision relating to the sale of any dog whether pursuant to the Breeding and Sale of Dogs (Welfare) Act 1999 or otherwise; (d) to determine whether and how to deal with any perceived / actual stray dog whether pursuant to the Environmental Protection Act 1990 or otherwise; (e) any action relating to any actual and/or perceived dangerous dog whether pursuant to the Dangerous Dogs Act 1991 or otherwise; (f) any action relating to the control of any dog; (g) to determine whether to issue any fixed penalty notice (and/or any other notice); (h) to determine any relevant fee and/or charge and/or whether to waive the whole or any part of the same; and/or (i) to determine whether to enter into any arrangement on behalf of the Council for any person and/or body to exercise any such function including the undertaking of any relevant inspection. 	
	<p>To undertake all action relating to the entering into arrangements with the police in respect of the carrying out of community safety functions for the purposes of any community safety accreditation scheme whether pursuant to the Police Reform Act 2002 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (a) to agree the terms of any such arrangement; and/or (b) to identify any person for the purposes of accreditation including for the avoidance of doubt to the extent that it is necessary authorising any such person for the purposes of such accreditation; <p>provided that in all cases:</p> <ul style="list-style-type: none"> (c) any expenditure relating to such matters can be met from an existing relevant budget and/or the prior approval of the Section 151 Officer has been obtained; and 	

	(d) to the extent that any such accreditation may impact upon an Officer then there has been consultation with the Corporate Manager – Human Resources and Organisational Development.	
13.	To undertake all action in respect of any matter relating to any activity on a construction site whether pursuant to the Control of Pollution Act 1974 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing: (a) any issue relating to actual or potential noise emanating from such a site; and/or (b) to determine whether to issue any notice.	
14.	To undertake all action in respect of any matter arising in relation to food, feed or drink whether originating from the United Kingdom or otherwise and whether imported, to be exported or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing: (a) the exercise of all powers under the Food Provisions; (b) the exercise all powers of investigation and/or enforcement; (c) to determine any application; (d) to determine whether to issue any notice; (e) to enter any building, structure (including any moveable structure) and/or on any land including for the avoidance of doubt power to carrying out any inspection, purchase, take any sample, seize, detain and/or destroy any food, feed and/or drink; (f) to seek to recover any cost incurred; (g) to be an inspector, enforcement officer and authorised officer for all such purposes; and/or (h) to appoint/authorise any other person to be an inspector, enforcement officer and/or authorised officer for any purpose relating to any of the above including determining the content of any written provisions relating thereto.	
15.	To undertake all action in respect of: (e) any application for a licence, certificate and/or statement; (f) any notice made or given to the Council; (g) any other application; and/or (h) all other matters,	

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 85</p>	<p>in connection with the Gambling Act 2005 including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (i) to determine whether a representation is a relevant representation; (j) to determine whether to cancel, revoke or suspend a licence subject to any decision to cancel, revoke or suspend (as the case may be) being notified to a body with power to determine such a licence as soon as reasonably practicable following any such decision being made; (k) any decision and/or other action relating to any scheme, detail or other matter submitted pursuant to or for the purposes of any licence, certificate, statement, notice or other document; and/or (l) to prepare and issue a report on behalf of the Licensing Committee (howsoever named) where this is considered necessary to facilitate the exercise of another function of the Council, <p>provided that the delegation does not include the following:</p> <ul style="list-style-type: none"> (m) the final determination of any matter in respect of which a hearing before Members must be, and is, held; (n) the final determination of any application for a transfer following representations by the Gambling Commission; (o) the determination as to whether a hearing should be held where a discretion exists as to whether to hold the same; (p) the making of the final determination where discretion exists as to whether or not to hold a hearing and a decision is made not to hold a hearing; (q) the determination as to whether the Council should make a representation and, if so, the content of the representation where an application under the Gambling Act 2005 has been received by another local authority for which the Council is consultee; and (r) the final determination in relation to the approval of any policy (provided for the avoidance of doubt that the term policy in the context of this delegation does not include internal procedures operated by the Council).* <p>* delegations relating to the Licensing Act 2003 rest with the Licensing Committee.</p>	
<p>16.</p>	<p>To undertake all action in respect of any matter relating to any hackney carriage and/or private hire licence which for the avoidance of doubt but without prejudice to the generality of the foregoing includes any application for a licence relating to any driver, vehicle, operator and/or proprietor provided that:</p> <ul style="list-style-type: none"> (a) such power does not extend to refusing any application contrary to any relevant policy of the Council; and 	

	(b) in the case of a decision to revoke or suspend a licence any such decision is notified to a body with power to determine such a licence as soon as reasonably practicable following any such decision being made.	
17.	To undertake all action relating to the determination as to whether to grant an exemption for displaying a private hire plate.	
18.	<p>To undertake all action in respect of any matter relating to health and safety at any place of work whether pursuant to the Health and Safety at Work etc Act 1974 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) any issue arising in relation to health and/or safety at any fairground;</p> <p>(b) to determine any application;</p> <p>(c) to determine whether to issue any notice (including for the avoidance of doubt any improvement notice and/or prohibition notice);</p> <p>(d) to enter any building, structure (including any moveable structure) and/or on any land;</p> <p>(e) to undertake all action to render harmless any article and/or substance that s/he considers gives rise to an imminent danger of serious personal injury;</p> <p>(f) in his/her capacity as an inspector to institute any criminal proceedings relating to any such issue;</p> <p>(g) to seek to recover any cost incurred;</p> <p>(h) to be an inspector for all such purposes; and/or</p> <p>(i) to appoint/authorise any other person to be an inspector for any such purpose including determining the content of any written provisions relating thereto.</p>	
19.	To determine whether to endorse and to endorse any assignment or transfer of enforcement responsibility relating to health and safety whether pursuant to the Health and Safety (Enforcing Authority) Regulations 1989, the Health and Safety (Enforcing Authority) Regulations 1998 or otherwise.	
20.	<p>To undertake all action in relation to any matter arising in connection with any building, dwelling house and/or house in multiple occupation (whether those possessing any category 1 and/or category 2 hazard for the purposes of the Housing Act 2004 or otherwise), including for the avoidance of doubt, but without prejudice to the generality of the foregoing:</p> <p>(a) action to secure the execution of any works for whatever purpose including providing amenities and/or remedying neglect of management;</p> <p>(b) action to secure the provision of adequate means of escape in case of fire;</p> <p>(c) action to prevent and/or reduce overcrowding;</p>	

	<p>(d) to issue any notice and/or order including an emergency prohibition order; and/or</p> <p>(e) to determine whether emergency remedial action should be undertaken provided that any cost associated with the same can be met from any existing budget available for such a purpose and/or the prior approval of the Section 151 Officer is obtained.</p>	
21.	<p>To undertake all action in connection with all aspects of any grant relating to house renovation, housing assistance and/or disabled facilities, including for the avoidance of doubt but without prejudice to the generality of the foregoing the determination of any application provided that:</p> <p>(a) such power does not extend to approving:</p> <p>(i) any mandatory grant in excess of any relevant statutory maximum; and</p> <p>(ii) any discretionary grant available for such purposes in excess of £15,000, and</p> <p>(b) the procedure for securing any such grant and the determination of any grant is in accordance with any relevant approved Council policy and/or strategy.</p>	
22.	<p>To undertake all action in connection with the provision of financial assistance for housing improvement, including for the avoidance of doubt without prejudice to the generality of the foregoing, certifying that relevant works have been completed, provided that:</p> <p>(a) the financial assistance given to any one household does not exceed £15,000;</p> <p>(b) the total financial assistance given in any one year does not exceed the budget allocated for such a purpose;</p> <p>(c) any financial assistance is in accordance with any relevant approved Council policy and/or Strategy; and</p> <p>(d) such power does not extend to the determination of any application for an equity mortgage unless prior to any such determination there has been the prior agreement by the Head of Financial Services.</p>	
23.	<p>To undertake all action in respect of any matter relating to the control of infectious disease and/or contamination whether pursuant to the Health Protection (Local Authority) Powers Regulations 2010 or otherwise, including for the avoid of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine whether to issue any notice; and/or</p> <p>(b) to determine whether to disinfect and/or decontaminate any thing including any premises and/or whether to cause any thing and/or premises to be disinfected and/or decontaminated,</p> <p>provided that in relation to any action that would give rise to compensation being payable by the Council then any such compensation can be met from an existing budget available for such purpose and/or the prior approval of the Section 151</p>	

	Officer has been obtained.	
24.	<p>To undertake all action in respect of:</p> <ul style="list-style-type: none"> (a) any application for a licence, certificate and/or statement; (b) any notice made or given to the Council; (c) any other application; and/or (d) all other matters, <p>in connection with the Licensing Act 2003 including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (e) to determine whether a representation is a relevant representation; (f) to determine whether to cancel, revoke or suspend a licence subject to any decision to cancel, revoke or suspend (as the case may be) being notified to a body with power to determine such a licence as soon as reasonably practicable following any such decision being made; (g) any decision and/or other action relating to any scheme, detail or other matter submitted pursuant to or for the purposes of any licence, certificate, statement, notice or other document; and (h) to prepare and issue a report on behalf of the Licensing Committee (howsoever named) where this is considered necessary to facilitate the exercise of another function of the Council, <p>provided that the delegation does not include the following:</p> <ul style="list-style-type: none"> (i) the final determination of any matter in respect of which a hearing before Members must be, and is, held; (j) the determination as to whether a hearing should be held where a discretion exists as to whether to hold the same; (k) the making of the final determination where a decision has been made not to hold a hearing as a result of all parties (as identified in the Licensing Act 2003) being in agreement that a hearing is not required; (l) the determination as to whether the Council should make a representation and, if so, the content of the representation where an application under the Licensing Act 2003 has been received by another local authority for which the Council is consultee; and (m) the final determination in relation to the approval of any policy (provided for the avoidance of doubt that the term policy in the context of this delegation does not include internal procedures operated by the Council).* 	

	* delegations relating to the Licensing Act 2003 rest with the Licensing Committee.	
25.	In respect of any part of the licensing functions of the Council to determine if any representation and/or request for review is irrelevant, frivolous and/or vexatious.	
26.	In respect of part of the licensing functions of the Council to determine whether to and the content of any representation and/or request for review where the Council is a responsible authority and not the licensing authority.	
27.	To undertake all action in respect of any licence relating to controlling the use and/or keeping of any moveable dwelling whether pursuant to the Public Health Act 1936 or otherwise, including for the avoidance of doubt but without prejudice to the generality of the foregoing: (a) to determine any application; (b) to investigate any actual / or perceived breach arising from the failure to have a licence and/or the use and/or keeping of any such moveable dwelling and/or (c) to authenticate any document produced as part of any such action.	
28.	To undertake all action in respect of any matter relating to any actual and/or alleged nuisance whether statutory or otherwise, whether currently occurring or otherwise and whether pursuant to the Environmental Protection Act 1990 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing: (a) to determine any application; (b) to determine whether to issue any notice including for the avoidance of doubt any abatement notice; (c) to enter any building, structure (including any moveable structure) and/or on any land whether pursuant to the Environmental Protection Act 1990, the Noise and Statutory Nuisance Act 1993 and/or otherwise; (d) to determine whether to take any direct action (including where relevant the seizure of equipment) and any action necessary pursuant to any such determination; (e) to seek to recover any cost incurred; and/or (f) to appoint/authorise any other person for any purpose relating to any of the above.	
29.	Subject to such prior consultation with such Senior Member as s/he considers it reasonable and feasible to do, to determine whether to and to submit any representation/objection to: (a) any application for the grant of a goods vehicle operator's licence provided that there has also been prior consultation with the Head of Planning (Development Management and Building Control); and/or	

	(b) any proposal for the variation to any bus or rail service including any fare.	
Page 90	<p>30. To undertake all action in respect of any matter relating to:</p> <ul style="list-style-type: none"> (a) seeking any order where s/he considers this necessary to protect a person from harm whether pursuant to the Public Health (Control of Disease) Act 1984 or otherwise; (b) any matter which in his/her opinion is noxious; (c) addressing any danger of damage and/or loss to any moveable property by reason of a person's inability to protect and/or deal with it whether pursuant to the National Assistance Act 1948 or otherwise; and/or (d) any verminous and/or filthy and/or unclean person and/or premises (including any court, yard and/or passage) whether pursuant to the Public Health Act 1936, the Public Health Act 1961 and/or otherwise, <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (e) to enter any building, structure (including any moveable structure) and/or on any land and/or to require the vacating of the same; (f) to determine whether to issue any notice; (g) to authenticate any document produced as part of any such action; (h) to clean and/or destroy any verminous and/or filthy article including act as the proper officer of the Council for the purpose of issuing any certificate relating to any such an action; (i) to secure the recovery of any cost incurred; and/or (j) to appoint/authorise any other person to be an inspector, enforcement officer and/or authorised officer for any purpose relating to any of the above including determining the content of any written provisions relating thereto. 	
	<p>31. To undertake all action in respect of any matter relating to any plant protection product including its marketing and use whether pursuant to the Plant Protection Products Regulations 2011, the Plant Protection Products (Sustainable Use) Regulations 2012 or otherwise, including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (a) to be an enforcement officer for all such purposes provided that it accords with any requirement that may be imposed by any relevant Secretary of State; and/or 	

	(b) to appoint/authorise any other person to be an enforcement officer for any purpose relating to any of the above including determining the content of any written provisions relating thereto.	
32.	<p>To undertake all action in respect of any matter relating to environmental protection and/or pollution prevention and/or control including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) any issue relating to contaminated land whether pursuant to the Environmental Protection Act 1990 or otherwise;</p> <p>(b) any issue relating to any actual and/or possible unauthorised and/or harmful depositing, treatment and/or disposal of waste whether pursuant to the Environmental Protection Act 1990 or otherwise;</p> <p>(c) any issue relating to dealing with any abandoned item including any abandoned shopping and/or luggage trolley whether pursuant to the Refuse Disposal (Amenity) Act 1978, the Environmental Protection Act 1990 and/or otherwise;</p> <p>(d) any issue relating to the removal of rubbish whether pursuant to the Public Health Act 1961 or otherwise including for the avoidance of doubt power to require a person to provide and maintain a suitable receptacle for the storage of house refuse;</p> <p>(e) to undertake all action to render harmless any article and/or substance that s/he considers gives rise to an imminent danger of serious pollution and/or serious harm to health whether pursuant to the Environment Act 1995 or otherwise;</p> <p>(f) to determine any application including for the avoidance of doubt any application for any authorisation and/or permit in relation to any process or installation;</p> <p>(g) to determine whether to issue any notice; and/or</p> <p>(h) to appoint/authorise any other person for any purpose relating to any of the above including for the avoidance of doubt determining how any such function should be exercised and/or performed whether pursuant to the Environment Act 1995, the Environmental Protection Act 1990 or otherwise.</p>	
33.	To undertake all action in respect of any matter relating to any pest including for the avoidance of doubt but without prejudice to the generality of the foregoing to determine whether to issue any notice whether pursuant to the Prevention of Damage by Pests Act 1949 or otherwise.	
34.	To undertake all action in connection with any proposal for a change/modification in any common land and/or public right of way provided that this power does not extend to confirming any such change unless in his/her opinion no objection that was submitted during any relevant consultation period remains.	

35.	To undertake all action in relation to the making of any order for the purpose of controlling the use of any route and/or preventing any obstruction pursuant to section 21 Town Police Clauses Act 1847 including for the avoidance of doubt but without prejudice to the generality of the foregoing to determine whether to make any order in relation to the same.	
36.	To undertake all action in respect of any matter relating to the provision, maintenance, cleanliness, supply to and use of any sanitary facility including for the avoidance of doubt but without prejudice to the generality of the foregoing to determine any fee relating to the same whether pursuant to the Local Government (Miscellaneous Provisions) Act 1976 or otherwise.	
37.	<p>To undertake all action in respect of any matter relating to scrap metal whether pursuant to the Scrap Metal Dealers Act 2013 or otherwise, including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (a) any action relating to any application to issue, transfer, renew, vary and/or revoke a collectors licence and/or scrap metal licence (including any transitional licence whether pursuant to the Scrap Metal Dealers Act 2013 or otherwise); (b) to determine the review of any such licence; (c) to provide any advice and/or mediation where s/he considers it appropriate; and/or (d) any action relating to any closure notice and/or closure order including whether to issue or cancel the same (as the case may be), whether pursuant to the Scrap Metal Dealers Act 2013 or otherwise, <p>provided that this delegation does not include power:</p> <ul style="list-style-type: none"> (e) to determine any scrap metal licensing policy and/or statement for the purposes of the Scrap Metal Dealers Act 2013 and/or determine any review thereof; (f) to determine whether to issue and to issue a closure notice unless in his/her opinion the situation is urgent; and (g) to determine to seek to secure a closure order unless in his/her opinion the situation is urgent. 	
38.	To undertake all action in respect of any issue relating to hours and/or days of shop trading whether pursuant to the Sunday Trading Act 1994 or otherwise and/or conditions of employment in any shop but excluding for the avoidance of doubt power to designate an area as a loading control area for the purposes of the Sunday Trading Act 1994.	
39.	To undertake all action in respect of any matter relating to the control of smoking (including all functions of the Council relating to smoke free places and/or vehicles) whether pursuant to the Health Act 2006 or otherwise including for the avoidance of doubt but without prejudice to generality of the foregoing:	

	<ul style="list-style-type: none"> (a) to be an inspector, enforcement officer and/or an authorised officer for the purposes of performing any such action; (b) to determine whether to issue any fixed penalty notice and/or any other notice; (c) to determine whether to approve the use of any equipment and/or attendance by others, to require production of any substance and/or product and/or to take and/or retain any such substance and/or product; (d) to enter into any premises, vehicle and/or onto any land; (e) to require any person to give such information and provide such facilities and assistance as s/he considers necessary for such purposes and/or (f) to appoint/authorise any other person to be an inspector, enforcement officer and/or authorized officer for any purpose relating to any of the above including determining the content of any written provisions relating thereto. 	
40.	To undertake all action in relation to any matter arising in connection with the control and/or disposal of any stray animal.	
41.	<p>To undertake all action in respect of any matter relating to street trading whether pursuant to the Local Government (Miscellaneous Provisions) Act 1982 or otherwise, including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (a) to determine any application for any consent provided that there has been no objection to the same which has not been withdrawn; and/or (b) to determine any relevant fee and/or charge. 	
42.	To undertake all action in relation to any matter arising in connection with the regulation of sunbeds.	
43.	To undertake all action in respect of any matter relating to the provision, maintenance, cleanliness, supply to and use of any sanitary facility (including any fee relating to the same) whether pursuant to the Local Government (Miscellaneous Provisions) Act 1976 or otherwise.	
44.	To undertake all action in respect of any matter relating to securing the restoration of the supply of water, gas and/or electricity whether pursuant to the Local Government (Miscellaneous Provisions) Act 1976 or otherwise including for the avoidance of doubt but without prejudice to the generality of the same to determine the amount of any cost to be recovered in relation to the same.	
45.	<p>To undertake all action in respect of any matter relating to water quality and supply whether pursuant to the Water Industry Act 1988 or otherwise including for the avoidance of doubt but without prejudice to the generality of the same:</p> <ul style="list-style-type: none"> (a) any action relating to the wholesomeness and/or sufficiency of the same and whether in connection with a private supply or otherwise; and/or 	

	(b) to determine whether to issue any notice.	
46.	<p>To undertake all action in respect of any matter relating to:</p> <p>(a) any vehicle perceived to be / causing a nuisance (whether by being advertised for sale on a road, repaired on a road, abandonment, illegally parked or otherwise);</p> <p>(b) any actual / perceived littering, graffiti, fly-posting and/or unlawful display of advertisements; and/or</p> <p>(c) any issue relating to any audible intruder alarm and/or any relevant keyholder,</p> <p>whether pursuant to the Clean Neighbourhood and Environment Act 2005, the Environmental Protection Act 1990 and/or otherwise and including for the avoidance of doubt but without prejudice to the generality of the foregoing;</p> <p>(d) to determine whether to issue any fixed penalty notice and/or any other notice;</p> <p>(e) to undertake any investigation;</p> <p>(f) to enter into any premises, vehicle and/or upon any land for any purpose relating to the above including to silence any alarm and/or to secure the removal on anything unlawfully placed /put there on; and/or</p> <p>(g) to appoint/authorise any other person for any purpose relating to any of the above.</p>	
47.	<p>To undertake all action in respect of any in respect of any matter relating to any of the following:</p> <p>(a) acupuncture, body/skin piercing including ear piercing, electrolysis, skin colouring (including semi permanent skin colouring) and/or tattooing whether pursuant to the Local Government (Miscellaneous Provisions) Act 1982 or otherwise;</p> <p>(b) any allotment including any tenancy issued in respect thereof;</p> <p>(c) any boarding establishment for animals (whether pursuant to the Animal Boarding Establishments Act 1963 or otherwise);</p> <p>(d) any caravan site;</p> <p>(e) any dangerous wild animal (whether pursuant to the Dangerous Wild Animals Act 1976 or otherwise) including for the avoidance of doubt power to determine whether to seize, retain and/or destroy any such animal;</p> <p>(f) any food and/or drink business;</p> <p>(g) any game dealer;</p> <p>(h) any proposed / actual killing of game or any other living organism;</p> <p>(i) any headstone, memorial and/or monument;</p> <p>(j) any house-to-house collection, street collection and/or any other collector;</p> <p>(k) hypnosis;</p> <p>(l) any house in multiple occupation whether for the purposes of the Housing Act 2004 or otherwise;</p>	

	<p>(m) any motor salvage operator and/or operation; (n) any trade that s/he considers to be of an offensive nature; (o) any pet shop and/or pet animal whether pursuant to the Pet Animals Act 1951 or otherwise; (p) any poultry cutting premises and/or wild game store; (q) any riding establishment whether pursuant to the Riding Establishments Acts of 1964 and 1970 and/or otherwise; (r) any salvage operation; and/or (s) any zoo whether pursuant to the Zoo Licensing Act 1981 or otherwise,</p> <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(t) to determine any application; and/or (u) to the extent that the law allows: (i) to undertake any inspection; (ii) to enter any building, structure (including any moveable structure) and/or on any land; (iii) to determine any relevant fee and/or charge, and/or (iv) to appoint/authorise any other person for any purpose relating to any of the above.</p>	
48. Page 95	<p>Subject so far as s/he considers it appropriate and feasible so to do in consultation with:</p> <p>(a) the Head of Planning: and (b) any ward Member s/he considers relevant (if any), to undertake all action in connection with securing the removal of any tree where s/he considers it to be unsafe and /or causing damage.</p>	

34. Delegations to the Head of Economy, Leisure and Tourism

Ref	Delegation	If the delegation is not applicable to all the Councils
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1.	<p>To undertake all action relating to the management, development, promotion and delivery of the leisure and tourism functions of the Council in accordance with any relevant approved policy and/or strategy of the Council including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine any relevant fee and/or charge.</p>	
2.	<p>To undertake all action in relation to the operation of any harbour within the district of the Council for which the Council is harbour authority and/or arrangements in place for it to operate the same, including for the avoidance of doubt but without prejudice to the generality of the forgoing:</p> <p>(a) to determine any harbour regulation, fee and/or charge including whether to waive any such fee and/or charge;</p> <p>(b) to determine any licence application relating to:</p> <p>(i) any user of the harbour; and/or</p> <p>(ii) any associated function of such a harbour; and/or</p> <p>(c) to determine whether to approve (including any terms relating thereto) any concession at any such harbour.</p>	
Page 96	<p>Provide advice to private and voluntary sector organisations and/or external partnerships provided that:</p> <p>(a) it in accordance with any relevant approved policy and/or strategy of the Council; and</p> <p>(b) s/he is satisfied as to arrangements in place to facilitate this by way of a relevant agreement and insurance.</p>	
4.	<p>To manage any capital contract of the Council including design, budget and negotiating grant aid relating to the economy, tourism and/or leisure.</p>	
5.	<p>To undertake all action relating to the development and/or maintenance of a process for dealing with and determining any application to the Council for a grant and/or rate relief relating to:</p> <p>(a) art;</p> <p>(b) economic development;</p> <p>(c) any museum;</p> <p>(d) sport; and /or</p> <p>(e) any village hall,</p>	

	<p>including for the avoidance of doubt but without prejudice to the generality of the foregoing power to determine any grant application provided that:</p> <p>(f) any such process and determination is in accordance with any relevant approved policy and/or strategy of the Council; and</p> <p>(g) no determination will result in any relevant budget being exceeded.</p>	
6.	<p>To undertake all action relating to the development and maintenance of a process for dealing with and determining any application for a grant by any business and/or voluntary organisation including for the avoidance of doubt but without prejudice to the generality of the foregoing to determine any application provided that:</p> <p>(a) such power does not extend to approving any grant for a sum in excess of £5,000;</p> <p>(b) any such process and determination is in accordance with any relevant approved policy and/or strategy of the Council; and</p> <p>(c) no determination will result in any relevant budget being exceeded.</p>	

Page 97	Delegations to the Head of Financial Services	
Ref	Delegation	If the delegation is not applicable to all the Councils
1.	<p>Subject to:</p> <p>(a) every action being in accordance with the Financial Regulations and any other relevant policy and/or strategy adopted by the Council; and</p> <p>(b) that no decision will result in the overall borrowing limits approved by the Council (if any) being exceeded;</p> <p>to undertake all action in connection with the Council's treasury management function including, but without prejudice to the generality of the foregoing:</p> <p>(c) determining the interest rate for any loan made by the Council, except those fixed by any employee's contract of</p>	

	<p>service and/or the Government;</p> <p>(d) in the name of the Council, determining the investment and re-investment of Council monies;</p> <p>(e) opening, closing and operating accounts in the name of the Council;</p> <p>(f) ordering, signing, endorsing and managing the general control of every cheque drawn on the Council's accounts;</p> <p>(g) acting as authorised signatory, authorising the transfer and/or giving instructions to transfer money by CHAPS, BACS or other transfer system (whether electronically or otherwise), from, between and/or to any account held by or on behalf of the Council in respect of sum properly payable and/or held by the Council; and</p> <p>(h) acting as the Council's registrar of stocks, bonds and mortgages.</p>	
2.	Subject to prior consultation with a Senior Member to undertake all action in connection with an application for the Council to grant a mortgage provided such action is in accordance with the Financial Regulations and any relevant policy and strategy of the Council.	
3.	Subject to consultation with a Senior Member to determine whether the Council should give consent as mortgagee in respect of any issue arising in relation to a mortgage provided such a determination does not affect the Council's security under the mortgage.	
4.	To determine whether to transfer a mortgage given by the Council to the spouse or other member of the family of a current mortgagor.	
5.	To pay any allowance to a Member (including any person co-opted to sit on a body of the Council) to which that Member (or person as the case may be) is entitled in accordance with any scheme and/or other relevant policy adopted by the Council.	
6.	To undertake all action in connection with the negotiation and agreement of any financing arrangement for any matter in the capital programme that has been approved by the Council.	
7.	To pay any invoice to the Council for work done, goods supplied and/or service rendered.	
8.	To undertake all action in connection with any arrangement for the collection of income.	
9..	To determine whether to write off any debt of up to £10,000 or such other sum as may be identified in the Financial Regulations provided that it is in accordance with any relevant provisions in the Financial Regulations.	
10.	To undertake all action in connection with establishing and securing the recovery of any debt owed to the Council.	

11.	<p>To undertake all action in connection with the design and approval of the format of any official order form and/or receipt used by the Council together with any operation associated with the use thereof including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) any procedure for its supply and control;</p> <p>(b) any terms and conditions associated therewith; and</p> <p>(c) where payments are made to the Council to determine whether a receipt should be issued.</p>	
12.	<p>To undertake all action in connection with the design and implementation of the accounting systems, forms of accounts and supporting financial records used by the Council.</p>	
13.	<p>To undertake all action in connection with the establishment of arrangements for the audit of the Council's financial affairs.</p>	
14.	<p>To undertake all action in connection with the arrangement and approval of insurance cover for the Council and, in consultation with such other Officer as the Head of Financial Service deems appropriate, to arrange for the negotiation of, and to approve the payment of, and claim.</p>	
15.	<p>To maintain an asset register for all fixed assets.</p>	
16.	<p>To undertake all action in connection with the payment of salaries, wages, honoraria, compensation, professional subscriptions and any other emoluments provided such action is in accordance with national and local agreements and any relevant policy and strategy of the Council.</p>	
17.	<p>To determine any variation to any strategic audit plans and annual audit plan provided that:</p> <p>(a) the prior approval of the Section 151 Officer is obtained for any variation; and</p> <p>(b) the Head of Financial Services takes a report following the variation to the next available meeting of the Council body that approved the strategic or annual audit plan which has been varied.</p>	

36. Delegations to the Head of Housing

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	<p>To undertake all action in connection with:</p> <ul style="list-style-type: none"> (a) any banning order; and/or (b) maintaining a database associated with any such order, <p>whether pursuant to the Housing Act 2004 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (c) to determine whether to make, vary and/or remove any entry on a database; (d) to determine the consequence of any written representation made in relation to any proposed and/or actual banning order and/or database; and/or (e) the requiring of any information in relation to any of the above; <p>provided that this power does not extend to a final determination as to whether to apply for a banning order without the prior approval of the Corporate Manager - Legal.</p>	
2.	<p>To undertake all action in respect of any matter concerning the free circulation of air whether pursuant to the Building Act 1984 or otherwise, including for the avoidance of doubt but without prejudice to the generality of the foregoing to determine whether to give a consent in relation to the free circulation of air in connection with any entrance to a court and/or yard.</p>	
3.	<p>To undertake all action in respect of any matter arising in relation to undertaking any work to any building for the purpose of preventing any unauthorised entry to it and/or preventing to from becoming a danger to the public including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (a) to determine whether to undertake any work; (b) to determine whether to issue any notice; (c) to enter any building, structure (including any moveable structure) and/or on any land; and/or (d) to appoint/authorise any other person for any such purpose, 	

	provided that any such work will not result in any relevant budget being exceeded.	
4.	<p>To undertake all action in relation to any actual and/or perceived unauthorised camping and/or occupation of any land and/or premises whether pursuant to the Criminal Justice and Public Order Act 1994 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine whether to issue any direction, notice and/or order;</p> <p>(b) to determine whether to seek any injunction;</p> <p>(c) to enter any building, structure (including any moveable structure) and/or on any land; and/or</p> <p>(d) to appoint/authorise any other person for any such purpose.</p>	
5.	<p>To undertake all action in respect of any matter arising in relation to the licence of any caravan site whether pursuant to the Caravan Sites and Control of Development Act 1960 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine any application for a licence including for the avoidance of doubt any condition relating to any licence;</p> <p>(b) to determine whether to vary, add and/or cancel any condition imposed on a licence;</p> <p>(c) to enter any building, structure (including any moveable structure) and/or on any land; and/or</p> <p>(d) to appoint/authorise any other person for any such purpose.</p>	
Page 101	<p>To undertake all action in connection with securing appropriate provision and checking of any smoke and/or carbon monoxide alarm whether pursuant to the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to carry out any inspection;</p> <p>(b) to determine whether to issue any notice including for the avoidance of doubt any remedial notice;</p> <p>(c) to determine whether to issue any penalty charge including for the avoidance of doubt the amount of any such charge;</p> <p>(d) to undertake a review in relation to any remedial notice and/or penalty charge;</p> <p>(e) to the extent that such power exists to determine whether to withdraw any remedial notice and/or penalty charge;</p> <p>(f) to determine whether to carry out any work; and/or</p> <p>(g) to appoint/authorise any other person for any purpose relating to any of the above.</p>	

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 102</p>	<p>7. To undertake all action in respect of any matter relating to any structure (including any yard and/or passage) and/or article (including any drain and/or sewer) whether directly and/or indirectly provided and/or associated with the transport, disposal and/or removal of any waste product (including water) which is or may be defective, insufficient and/or in any other way unsuitable and/or detrimental, whether pursuant to the Public Health Act 1936, the Public Health Act 1961, the Local Government (Miscellaneous Provisions) Act 1976, the Building Act 1984 and/or otherwise including for the avoidance of doubt but without prejudice to the generality of foregoing:</p> <ul style="list-style-type: none"> (a) any action relating to any cesspool, private sewer, drain, pipe (whether a soil pipe, rain water pipe or otherwise), sanitary convenience, spout, sink or other appliance provided for a similar and/or associated purpose and whether in use or otherwise; (b) any action relating to any closet including any water and/or earth closet; (c) any action relating to alteration, construction, discontinuation, provision, repair and/or sufficiency of the same; (d) to determine whether to issue any notice including for the avoidance of doubt any closure order, demolition order and/or notice to quit; (e) to determine whether to accept and/or cancel any undertaking; and/or (f) to authenticate any document produced in relation to any of the above. 	
	<p>To undertake all action in respect of any matter arising in relation to protection from eviction and/or harassment whether pursuant to the Protection from Eviction Act 1977, Protection from Harassment Act 1997 and/or otherwise.</p>	
<p>9.</p>	<p>To undertake all action in respect of the preparation and/or production of any report setting out energy conservation measures relating to any residential accommodation in the area of the Council whether pursuant to the Home Energy Conservation Act 1995 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing approving the content of any such report.</p>	
<p>10.</p>	<p>Subject to prior consultation with:</p> <ul style="list-style-type: none"> (a) the Corporate Manager – Legal; and (b) the Head of Assets and Infrastructure, <p>to undertake all action in relation to any property whether by way of a lease for a term of less than seven (7) years and/or any other short term non-secure arrangement for the purpose of securing temporary accommodation in relation to any</p>	

	<p>homeless issue including any situation arising due to an emergency including power without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (c) to agree the terms of any such lease and/or arrangement; (d) to agree arrangements with any other Council in the relation to any such acquisition including any terms relating to future use and/or occupation whether pursuant to the Local Government Act 1972 or otherwise; (e) to determine any relevant fee and/or charge in relation to any such leased property and/or in non-secure arrangement; (f) to enter into any arrangement and/or undertake appropriate activities to ensure the effective management of any property secured for such a purpose; and/or (g) to determine whether to offer any person and/or household an occupation agreement in relation to any such property including for the avoidance of doubt to determine the terms of any such agreement. 	
<p>11.</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 103</p>	<p>In relation to any property acquired by the Council on whatever term:</p> <ul style="list-style-type: none"> (a) subject to the prior agreement of the Head of Assets and Infrastructure, to make such property available for the purposes of occupation by any homeless person and/or household and/or in housing need due to an emergency; (b) subject to prior consultation with the Head of Assets and Infrastructure and the Corporate Manager – Legal, to determine arrangements with any person and/or body for the purposes of facilitating and/or securing the availability of any such property for the purpose of occupation by any homeless person and/or household and/or to meet needs arising from an emergency whether acquired specifically for the purposes of providing accommodation for any homeless person/household or made available pursuant to (a) above including for the avoidance of doubt any relevant management arrangement; (c) to determine any relevant fee and/or charge in relation to the use and/or occupation of any such property; and/or (d) to determine whether to offer any person and/or household an occupation agreement in relation to any such property including for the avoidance of doubt to determine the terms of any such agreement. 	
<p>12.</p>	<p>To undertake all action in relation to any matter arising In connection with any building, dwelling house and/or house in multiple occupation (whether those possessing any category 1 and/or category 2 hazard for the purposes of the Housing Act 2004 or otherwise), including for the avoidance of doubt, but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (a) action to secure the execution of any works for whatever purpose including providing amenities and/or remedying 	

	<p>neglect of management;</p> <p>(b) action to secure the provision of adequate means of escape in case of fire;</p> <p>(c) action to prevent and/or reduce overcrowding;</p> <p>(d) to issue any notice and/or order including an emergency prohibition order and/or</p> <p>(e) to determine whether emergency remedial action should be undertaken provided that any cost associated with the same can be met from any existing budget available for such a purpose and/or the prior approval of the Section 151 Officer is obtained.</p>	
13.	<p>To undertake all action in respect of any matter arising in relation to the licence of any house in multiple occupation and/or housing situated in an area designated by the Council for licensing for the purposes of the Housing Act 2004 including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine any application;</p> <p>(b) to determine whether to issue any notice and/or order including for the avoidance of doubt any management order (whether interim and/or final);</p> <p>(c) to enter any building, structure (including any moveable structure) and/or on any land;</p> <p>(d) to determine whether to vary and/or revoke any licence; and/or</p> <p>(e) to appoint/authorise any other person for any such purpose.</p>	
Page 104	<p>To undertake all action in respect of any issue relating to the imposition of a financial penalty where such an option is available pursuant to any housing offence, whether being a housing offence for the purposes of the Housing Act 2004 or otherwise, including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine whether or not the circumstances are such as to justify the imposition of a financial penalty;</p> <p>(b) to determine the appropriate amount of any such financial penalty;</p> <p>(c) to consider and determine the consequence of any written representation made in relation to any proposed or actual financial penalty;</p> <p>(d) to determine whether at any time to vary and/or withdraw a financial penalty;</p> <p>(e) to determine whether to seek recovery of any financial penalty; and/or</p> <p>(f) to issue any notice and/or other documentation in relation to the above,</p> <p>provided that in all cases no final decision shall be taken to impose any such financial penalty and/ or seek the recovery of any such financial penalty without the prior approval of the Corporate Manager – Legal.</p>	

15.	To develop and maintain a process for dealing with and determining any application to the Council for any grant relating to housing including for the purposes of supporting any housing solution in the community whether pursuant to the Housing Construction and Regeneration Act 1996 or otherwise provided any such process and determination is in accordance with any relevant approved policy and/or strategy of the Council and will not result in any relevant budget being exceeded.	
16.	<p>To undertake all action in respect of any matter relating to the allocation of housing accommodation and/or homelessness including threatened homelessness whether pursuant to the Housing Act 1996 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (a) to determine any application for housing accommodation including for the avoidance of doubt to determine the award of points / determination of category/ application of priorities in relation to any person under any relevant scheme of the Council; (b) to determine any allocation including for the avoidance of doubt any nomination of any residential property; (c) to determine any application relating to homelessness; (d) to determine any matter relating to the provision of any temporary accommodation; (e) to determine whether any person should be removed from any waiting list; (f) to provide any relevant advice, assistance and information relating to any of the above; (g) to determine any review; (h) to determine whether to issue any notice; (i) to enter any building, structure (including any moveable structure) and/or on any land; (j) to seek to recover any cost incurred; and/or (k) to appoint/authorise any other person for any such purpose. 	
17.	<p>To undertake all action in respect of maintaining and operating any:</p> <ul style="list-style-type: none"> (a) housing allocation scheme; and/or (b) housing register, <p>of the Council whether pursuant to the Housing Act 1996 or otherwise provided that this does not include power to determine whether to change the content of any housing allocation scheme save to the extent that s/he considers such change to be minor in nature and/or is necessary to give effect to a change in legislation.</p>	

18.	<p>To undertake all action relating to any nomination and/or determining individual eligibility to the use and/or occupation of any affordable housing controlled by any planning obligation and/or section 52 agreement (whether pursuant to the Town and Country Planning Act 1990, the Town and Country Planning Act 1971 or otherwise) relating to the Council's area including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to determine any nomination and/or eligibility issue; and/or (b) to determine the terms of any nomination scheme and/or guidance relevant any such matter.</p>	
19.	<p>To undertake all action of the Council in respect of any matter arising in relation to:</p> <p>(a) the making of a demolition order in respect of any property considered to have a category 1 and/or a category 2 hazard for the purposes of the Housing Act 1985; and/or (b) overcrowding whether pursuant to the Housing Act 1985 or otherwise,</p> <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(c) to determine whether to make an order; (d) to determine whether to grant any licence; (e) to determine whether to issue any notice; (f) to determine whether to require any information; (g) to enter any building, structure (including any moveable structure) and/or on any land; and/or (h) to appoint/authorise any other person for any such purpose.</p>	
20.	<p>Power to undertake all action to secure that every relevant person engaging in lettings agency work and/or property management work is a member of an appropriate redress scheme for dealing with complaints whether pursuant to the Redress Schemes for Lettings Agency Work and Property Management Work (Approval and Designation of Schemes) (England) Order 2013, the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 and/or otherwise including for the avoidance of doubt but without prejudice to the generality of foregoing:</p> <p>(a) to determine any issue relating to compliance; (b) to determine the amount of, and whether to issue, a monetary penalty; (c) to determine whether to issue any notice, including for the avoidance of doubt, any notice of intent; (d) to consider any representation against any monetary penalty; and (e) to the extent that such power exists, to determine whether to withdraw any monetary penalty.</p>	

21.	<p>To undertake all action in respect of any matter relating to any actual and/or alleged nuisance whether statutory or otherwise, whether currently occurring or otherwise and whether pursuant to the Environmental Protection Act 1990 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (a) to determine any application; (b) to determine whether to issue any notice including for the avoidance of doubt any abatement notice; (c) to enter any building, structure (including any moveable structure) and/or on any land whether pursuant to the Environmental Protection Act 1990, the Noise and Statutory Nuisance Act 1993 and/or otherwise; (d) to determine whether to take any direct action (including where relevant the seizure of equipment) and any action necessary pursuant to any such determination; (e) to seek to recover any cost incurred; and/or (f) to appoint/authorise any other person for any purpose relating to any of the above. 	
22.	<p>To undertake all action in respect of any matter relating to any pest including for the avoidance of doubt but without prejudice to the generality of the foregoing to determine whether to issue any notice whether pursuant to the Prevention of Damage by Pests Act 1949 or otherwise</p>	
23.	<p>To undertake all action in respect of any matter relating to any rent deposit scheme, any rent in advance loan and/or any deposit bond including for the avoidance of doubt but without prejudice to the generality of the foregoing to determine any application relating to any such matter provided that:</p> <ul style="list-style-type: none"> (a) the determination of any application will not result in any budget allocated for such purpose being exceeded or the approval of the Head of Financial Services has been obtained; and (b) any such action is in accordance with any relevant policy and/or scheme of the Council. 	
24.	<p>To undertake all action in relation to the obtaining and/or enforcement of any rent repayment order whether pursuant to the Housing Act 2004 or otherwise provided that such power does not extend to making a final determination as to whether to:</p> <ul style="list-style-type: none"> (a) make an application to enforce the order; and/or (b) to enforce such an order, <p>without the prior approval of the Corporate Manager – Legal.</p>	

25.	To undertake all action in respect of any matter relating to the provision, maintenance, cleanliness, supply to and use of any sanitary facility including for the avoidance of doubt but without prejudice to the generality of the foregoing any fee relating to the same whether pursuant to the Local Government (Miscellaneous Provisions) Act 1976 or otherwise.	
26.	<p>To undertake all action for the purposes of:</p> <p>(a) registering the Council as a provider of social housing to the extent that this may be required at any time and from time to time; and/or</p> <p>(b) ensuring compliance with all terms and requirements arising as a consequence of any such registration,</p> <p>whether for the purposes of the Housing and Regeneration Act 2008 or otherwise.</p>	
27.	To undertake all action in respect of securing and/or providing tenancy deposit information to the extent that such information can be secured whether pursuant to the Housing Act 2004 or otherwise.	
28.	<p>To undertake all action in respect of any matter relating to:</p> <p>(a) any verminous and/or filthy and/or unclean person and/or premises (including any court, yard and/or passage) whether pursuant to the Public Health Act 1936, the Public Health Act 1961 and/or otherwise;</p> <p>(b) controlling the use and/or keeping of any moveable dwelling whether pursuant to the Public Health Act 1936 or otherwise; and/or</p> <p>(c) any overflowing and/or leaking cesspool whether pursuant to the Public Health Act 1936 or otherwise,</p> <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(d) to determine any licence;</p> <p>(e) to enter any building, structure (including any moveable structure) and/or on any land and/or to require the vacating of the same;</p> <p>(f) to determine whether to issue any notice;</p> <p>(g) to undertake any investigation;</p> <p>(h) to clean and/or destroy any verminous and/or filthy article including act as the proper officer of the Council for the purpose of issuing any certificate relating to any such an action;</p> <p>(i) to authenticate any document produced as part of any such action;</p> <p>(j) to secure the recovery of any cost incurred and/or</p> <p>(k) to appoint/authorise any other person to be an inspector, enforcement officer and/or authorised officer for any</p>	

	purpose relating to any of the above including determining the content of any written provisions relating thereto.	
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37. Delegations to the Head of Planning (Development Management and Building Control)

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	<p>To undertake all action relating to any matter arising in respect of any appeal, call-in and/or other inquiry and/or hearing of whatever nature arising pursuant to any Town and Country Planning Legislation including for the avoidance of doubt but without prejudice to generality of the foregoing:</p> <ul style="list-style-type: none"> (a) to determine any response required in relation to any procedural issue relating to any such matter including for the avoidance of doubt whether any such matter should be dealt with by means of written representation, hearing or public inquiry; (b) to determine any procedural issue relating to any such matter including the venue for the holding on any hearing and/or appeal; and/or (c) to determine whether or not to defend any reason for refusal. 	
2.	<p>To undertake all action relating to any matter arising in respect of any building control function of the Council whether pursuant to the Building Act 1984, the Building Regulations 2010, The Building (Approved Inspectors etc) Regulations 2010 and/or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (a) to enter any building, structure (including any moveable structure) and/or on any land; (b) to determine any application including for the avoidance of doubt whether to pass (whether with or without any condition) and/or refuse any plan and/or other document deposited with the Council for determination; (c) to determine whether to issue any notice; (d) to determine whether to vary and/or revoke any licence; (e) to undertake any investigation; and/or (f) to appoint/authorise any other person for any such purpose. 	

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 110</p>	<p>3. To undertake all action relating to any matter arising in respect of any actual and/or perceived dangerous, defective, dilapidated neglected and/or ruinous building, structure and/or site whether pursuant to the Building Act 1984 or otherwise including for the avoidance of doubt but without prejudice the generality of the foregoing:</p> <ul style="list-style-type: none"> (a) to enter any building, structure (including any moveable structure) and/or on any land; (b) to determine whether to issue any notice; (c) to determine whether to undertake any direct work including for avoidance of doubt whether to demolish any building and/or structure; (d) to seek to recover any cost incurred; and/or (e) to appoint/authorise any other person for any purpose relating to any of the above, <p>provided that this power does not include the power to make a final determination whether to undertake any direct work and/or demolish any building and/or structure unless:</p> <ul style="list-style-type: none"> (f) in his/her opinion the need for such work and/or action is urgent; (g) there is the prior approval of the Corporate Manager – Legal; and (h) any cost associated with the issue of the stop notice can be met from a budget available for such a purpose and/or the prior approval of the Section 151 Officer is obtained. 	
	<p>4. To determine whether or not to vary any fee scale set by the Council in accordance with any Local Government Association model scheme relating to any building control function provided that any such variation does not exceed plus or minus ten (10) per cent.</p>	
	<p>5. Subject to such prior consultation with:</p> <ul style="list-style-type: none"> (a) the Head of Community Protection; and (b) such Senior Member as s/he considers it reasonable and feasible to do, <p>to determine whether to and to submit any representation / objection to any application for the grant of a goods vehicle operator's licence.</p>	
	<p>6. To undertake all action in order to regulate any actual, perceived or potential breach of any of the Town and Country Planning Legislation including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (a) to enter any building, structure (including any moveable structure) and/or on any land; 	

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 111</p>	<p>(b) any action to seek to regulate any actual or perceived breach of any notice, order, agreement, obligation and/or other document, condition, restriction and/or other limitation issued or provided for pursuant to such Town and Country Planning Legislation;</p> <p>(c) to determine whether to issue any notice including for the avoidance of doubt:</p> <ul style="list-style-type: none"> (i) any requisition for information; (iii) any planning contravention notice; (iv) any enforcement notice; (v) any breach of condition notice; (vi) any notice pursuant to section 215 Town and Country Planning Act 1990; (vii) any temporary stop notice; (viii) any advertisement discontinuance notice; and/or (ix) any replacement tree notice; <p>(d) to determine whether or not to amend and/or withdraw any notice;</p> <p>(e) to determine whether to seek any injunction and/or pursue any action arising therefrom; and/or</p> <p>(f) to determine whether or not to take and/or to cease action whether because in his/her opinion the breach is trivial, there is insufficient demonstrable harm and/or, it is not expedient to take / continue to take action,</p> <p>provided that this power does not include the power to make a final determination whether to issue a stop notice which is not a temporary stop notice and/ or to determine whether to seek any injunction and/or any make any application for contempt whether pursuant to the Town and Country Planning Act 1990 or otherwise, unless:</p> <ul style="list-style-type: none"> (g) in his/her opinion the need to issue a stop notice is urgent; (h) there is the prior approval of the Corporate Manager – Legal; and (i) any cost associated with the issue of the stop notice can be met from a budget available for such a purpose and/or the prior approval of the Section 151 Officer is obtained. 	
<p>7.</p>	<p>To undertake all action in respect of any matter arising under any Town and Country Planning Legislation relating to any hedge and/or hedgerow including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (a) to determine whether or not to uphold a formal complaint regarding a high hedge; (b) to determine whether or not to issue any notice including any Remedial Notice; and/or (c) to determine whether or not to vary and/or revoke any such notice; <p>provided that where that matter specifically is an application to undertake work to that hedge or hedgerow (as the case may be) then prior to any final determination in relation to that application notification of it has been sent at least</p>	

	<p>seven calendar days before a determination is made to:</p> <p>(a) any Member in whose ward the hedge or hedgerow is situated; and</p> <p>(b) the Parish or Town Council of the area to which the application relates (if any).</p>	
8.	<p>To undertake all action relating to the development and maintenance of a process for dealing with and determining any application to the Council for a grant relating to:</p> <p>(a) any heritage asset including for the avoidance of doubt any listed building that s/he considers to be at risk; and/or</p> <p>(b) the repair of any chest and/or table tomb,</p> <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing power to determine any grant application provided that in all cases:</p> <p>(c) no individual award exceeds £5,000;</p> <p>(d) any such process and determination is in accordance with any relevant approved policy and/or strategy of the Council; and</p> <p>(e) the grant will not result in any relevant budget being exceeded.</p>	
9.	<p>To undertake all action for the purposes of preparing and/or submitting any request to the relevant central government department to spot list any building that in his/her opinion is of architectural and/or historic interest and is or may be under threat including for the avoidance of doubt but without prejudice to the generality of the foregoing to determine whether to make such a submission.</p>	
10.	<p>To undertake all action in relation to a grant of a permission in principle for the purposes of determining whether to issue and the content of any direction as to when such permission in principle should take effect.</p>	
11.	<p>To undertake all action in respect of any application (including for the avoidance of doubt any planning application, reserved matters application, application for listed building consent, application for a permission in principle and/or an application for technical details consent) pursuant to any of the Town and Country Planning Legislation that s/he considers can reasonably be regarded as part of any activity required to process and progress the same (including any activity required to progress any such application through to a point where it is ready to be finally determined together with all procedural activity necessary as a result of any such determination) including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to enter any building, structure (including any moveable structure) and/or on any land;</p> <p>(b) to determine whether any application has been validly made and/or whether to decline to register and/or determine</p>	

	<p>any application for whatever reason including for the avoidance of doubt to decline to determine any application which s/he considers to be a repeat application, relating to an extant enforcement action and/or as a result of the submission of inadequate/insufficient information;</p> <p>(c) to determine what, and the extent of, information required in respect of any application, including for the avoidance of doubt any environmental impact assessment and/or any other assessment and/or report;</p> <p>(d) to determine any scoping and/or screening opinion in relation to any environmental impact assessment including for the avoidance of doubt whether any such opinion is required;</p> <p>(e) to make any arrangement for a site visit;</p> <p>(f) to determine whether any matter which would normally be a reserved matter should be required as part of an outline application;</p> <p>(g) to determine whether to allow any amendment / variation to any application and/or any document submitted in relation to any such application;</p> <p>(h) to determine when and where to place any application on any agenda;</p> <p>(i) to determine whether to refer any application to the relevant Secretary of State as a departure from the Development Plan;</p> <p>(j) to determine the method and extent of consultation in respect of the notification and advertisement of any application;</p> <p>(k) to determine whether to seek to secure the withdrawal of any application outstanding for a period in excess of six (6) calendar months and/or to determine whether any such application should be treated as withdrawn;</p> <p>(l) to authorise any change to any register or other record of the Council as a consequence of any matter that is being dealt with including for the avoidance of doubt any addition, deletion and/or other modification;</p> <p>(m) to determine any request for any deferment and/or withdrawal by any party in relation to any application;</p> <p>(n) to determine whether any change constitutes a minor amendment; and/or</p> <p>(o) to appoint/authorise any other person for any purpose relating to the above,</p> <p>provided that in all cases:</p> <p>(p) for the avoidance of doubt this delegation does not include power to make a final determination (whether to approve, refuse or otherwise) in relation to any such application; and</p> <p>(q) there shall be consultation with the Chairman of Planning in relation to the organization of any site visit for the purposes of enabling Members of the Planning Committee to assess an application in advance of its determination.</p>	
12.	To undertake all action for the purposes of assessing and determining whether any exception, condition, limitation and/or other restriction has been met in connection with any prescribed permitted development whether pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 or otherwise including for the avoidance of	

	doubt but without prejudice to the generality of the foregoing assessing whether any application relating to any such permitted development provision might be outside the scope of any such permitted development provision.	
13.	<p>To undertake all action in respect of any matter relating to any actual and/or perceived fly posting whether currently occurring or otherwise and whether pursuant to the Town and Country Planning Act 1990 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (a) to determine whether to issue any notice; (b) to enter any building, structure (including any moveable structure) and/or on any land; (c) to determine whether to take any direct action and any action necessary pursuant to any such determination; (d) to seek to recover any cost incurred; and/or (e) to appoint/authorise any other person for any purpose relating to any of the above. 	
14. Page 114	<p>To determine any application submitted pursuant to any of the Town and Country Planning Legislation including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (a) any application submitted wholly or partly pursuant to section 73 and/or section 73A of the Town and Country Planning Act 1990; (b) any application for listed building consent; (c) any application for permission in principle and/or technical detail consent; (d) any reserved matter application; and/or (e) to determine whether to require / impose any condition, obligation, limitation and/or any other restriction and/or any other requirement in respect thereof, <p>provided that the power to make a final determination of an application does not apply to any application:</p> <ul style="list-style-type: none"> (f) in respect of which: <ul style="list-style-type: none"> (i) a Written Material Representation has been received by the Head of Planning (Development Management and Building Control) and that Written Material Representation: <ul style="list-style-type: none"> (A) has been made by a Member(s) and received by the Head of Planning (Development Management and Building Control) within the Consultation Period; and/or (B) (1) has been made by a town or parish council in whose area the application is situated, and received by the Head of Planning (Development Management and Building 	

	<p>Control) within the Consultation Period or such other period as the Head of Planning (Development Management and Building Control) otherwise agrees in writing (such extension to the Consultation Period not to be unreasonably refused); and</p> <p>(2) contains a recommendation that is contrary to the proposed decision; and in either case</p> <p>(ii) the Head of Planning (Development Management and Building Control) at his/her absolute discretion after consultation with the Chairman of the Planning Committee, the Vice Chairman of the Planning Committee and the Ward Member(s) of the area in which the site of the application is situated considers is a matter which ought to be referred to the Planning Committee for determination; and/or</p> <p>(g) which the Head of Planning (Development Management and Building Control) considers at any time when assessing the application (prior to any determination) for the purpose of this delegation:</p> <p>(i) would be Contrary to the Development Plan (and the anticipated decision would be to approve);</p> <p>(ii) is on land owned by the Council;</p> <p>(iii) is from an Identified Member;</p> <p>(iv) is from an Identified Employee;</p> <p>(v) would conflict with a decision previously made by the Planning Committee in relation to same type of application which is also of the same description, and on the same or largely the same site; and/or</p> <p>(vi) requires an Environmental Impact Assessment.</p> <p>Note as Regards the above consultation provision</p> <p>The Chairman, Vice Chairman and Ward Member(s) can all be substituted by the Vice Chairman and both can be substituted by any other Member(s) of the Planning Committee if any are unavailable / absent at the time that the consultation is being undertaken. The Head of Planning (Development Management and Building Control) can be substituted by any planning Officer(s) nominated by the Head of Planning (Development Management and Building Control) for such a purpose.</p>	
15.	<p>To undertake all action in respect of any application relating to any of the following:</p> <p>(a) any certificate of lawfulness of existing use or development and/or any certificate of lawfulness of proposed use or development whether pursuant to the Town and Country Planning Act 1990 or otherwise;</p> <p>(b) any certificate of proposed works to a listed building whether pursuant to the Planning (Listed Building and Conservation Areas) Act 1990 or otherwise;</p>	

Page 116	<ul style="list-style-type: none"> (c) any prior notification and/or prior approval relating to any permitted development provision whether pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 or otherwise including for the avoidance of doubt whether any such matter is required; (d) any non-material amendment whether pursuant to the Town and Country Planning Act 1990 or otherwise; (e) any application for confirmation of compliance with any condition; (f) any advertisement whether pursuant to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 or otherwise including for the avoidance of doubt any banner that is or may be visible from any highway; and/or (g) any street furniture including for the avoidance of doubt the siting of any communication apparatus, police box, bus shelter, post box, fire alarm and/or any similar structure, <p>including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (h) to determine any such application; and/or (i) to appoint/authorise any other person for any purpose relating to any of the above. 	
	<p>To undertake all action in connection with:</p> <ul style="list-style-type: none"> (a) the exercise of any function of the Council as local planning authority pursuant to any Pastoral Measure whether the Pastoral Measure 1983 No 1 or otherwise; and (b) the provision of any response to any consultation to faculty procedure and pastoral measures relating to any alteration to of any ecclesiastical building including any scheme for redundancy. 	
17.	<p>To determine whether and how to respond on behalf of the Council to any application pursuant to any of the Town and Country Planning Legislation submitted to any other local authority provided that:</p> <ul style="list-style-type: none"> (a) in his/her opinion there is not sufficient time and/or it is not appropriate to take such a matter to the next scheduled Planning Committee; (b) so far as s/he considers to feasible so to do there is prior consultation with at least one Lead Member and the Chairman of Planning Committee; and (c) the application is not one falling wholly or partly within the district of any one or more of the Councils. 	
18.	<p>To undertake all action in connection with any proposal / application for the cancellation, revocation, deletion, modification and/or variation to any agreement, deed, undertaking and/or any other document entered into wholly or partly pursuant to any Town and Country Planning Legislation including for the avoidance of doubt but without prejudice to the generality</p>	

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 147</p>	<p>of the foregoing:</p> <p>(a) any agreement made pursuant to section 52 of the Town and Country Planning Act 1971; and /or (b) any planning obligation pursuant to section 106 of the Town and Country Planning Act 1990;</p> <p>provided that such power does not extend to the approval of an application to modify, vary or revoke an agreement or planning obligation:</p> <p>(c) imposed by an express decision of Planning Committee; and (d) where in his/her opinion such approval would result in a material reduction of benefit to the community secured pursuant to such agreement or obligation (as the case may be).</p> <p>North Dorset District Council only:</p> <p>The proviso above does not apply if the modification of the planning agreement / obligation concerns a low cost dwelling(s) and will in the opinion of the in the opinion of the Head of Planning (Development Management and Building Control):</p> <p>(a) facilitate its use, in whatever form, by a registered social landlord, or (b) result in the release of the low cost dwelling(s) from future ties as a low cost market dwelling.</p>	<p>Solely in relation to one aspect of the proviso North Dorset District Council but otherwise applicable to all</p>
<p>147</p>	<p>To undertake all action in respect of the submission of any matter relating to any permission, consent, approval and/or other determination made pursuant to any Town and Country Planning Legislation including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <p>(a) to develop and maintain a process for the submission of any application relation to any money secured pursuant to any planning obligation; (b) the submission of any scheme, detail and/or plan; and/or (c) to make any determination in relation to any such submission including for the avoidance of doubt any such submission to comply with any condition and/or obligation.</p>	
<p>20.</p>	<p>To undertake all action in respect of:</p>	

	<ul style="list-style-type: none"> (a) determining whether to issue any completion notice pursuant to any Town and Country Planning Legislation including for the avoidance of doubt any further action arising as a consequence of determining to issue such a notice; and/or (b) making any modification to and/or the revocation of any planning permission and/or permission in principle issued pursuant to any Town and Country Planning Legislation provided that this does not include power to modify and/or revoke any such permission: <ul style="list-style-type: none"> (i) that was expressly granted by the Planning Committee unless in his/her opinion the matter is urgent; (ii) without the prior approval of the Corporate Manager – Legal; and (iii) unless any cost associated with any such action can be met from a budget available for such a purpose and/or the prior approval of the Section 151 Officer is obtained. 	
21.	To undertake all action in connection with any proposal for a change/modification in any common land and/or public right of way provided that this power does not extend to confirming any such change unless in his/her opinion no objection that was submitted during any relevant consultation period remains.	
22	To undertake all action for the purpose of issuing a refusal of an application submitted pursuant to any Town and Country Planning Legislation where there exists statutory power for another body or person to direct that a refusal should be issued by the Council, and that direction is exercised.	
23	<p>To undertake all action relating to making and/or confirming any type of Tree Preservation Order including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (a) to amend, vary, modify and/or revoke the same, <p>provided that the ward Member in whose ward the Tree Preservation Order is situated being notified as soon as reasonably practicable after any such making, confirming, amending, varying, modifying and /or revoking (as the case may be).</p>	
24.	<p>To undertake all action pursuant to any Town and Country Planning Legislation in connection with:</p> <ul style="list-style-type: none"> (a) any tree which in his/her opinion are, or may be, dangerous; and/or (b) an application for work to, including the felling of, a tree: <ul style="list-style-type: none"> (i) that is subject to any type of tree preservation order; (ii) within a conservation area; and/or (iii) otherwise requires approval by the Council for work and/or felling to be undertaken, 	

	<p>provided that:</p> <ul style="list-style-type: none"> (iv) unless in his/her opinion the need to determine such an application is urgent then notice of the application has been sent to any Member in whose ward the tree is situated at least seven (7) calendar days before a determination is made; and (v) the power to make any final determination in respect of any such application does not include an application made by or on behalf the Council, from an Identified Member and/or from Identified Employee . 	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 119</p>	<p>25. To undertake all action in respect of any matter arising in relation to:</p> <ul style="list-style-type: none"> (a) the issue of any building preservation notice; and/or (b) any urgent work that may be required in respect of any listed building, <p>whether pursuant to the Planning (Listed Building and Conservation Areas) Act 1990 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:</p> <ul style="list-style-type: none"> (c) to enter any building, structure (including any moveable structure) and/or on any land; (d) to determine whether to issue any notice; (e) to determine in relation to any such urgent work the extent of any work that may be required and to authorise the undertaking of any such work; and/or (f) to appoint/authorise any other person for any purpose relating to any of the above, <p>provided that in all cases:</p> <ul style="list-style-type: none"> (g) this power does not extend to making any final determination as to whether to issue a notice unless in his/her opinion the delay in taking the matter through the normal committee cycle of the Council could be materially disadvantageous to any reason for issuing the notice; and (h) any cost associated with any such action can be met from a budget available for such a purpose and/or the prior approval of the Section 151 Officer is obtained. 	

38. Delegations to the Head of Revenues and Benefits

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	To issue a completion notice in respect of any new property.	
2.	To determine any application for: (a) any discretionary housing payment; (b) discretionary rate relief; and/or (c) hardship rate relief.	
Page 120	To decide whether to offer an administrative penalty and/or to prosecute in any case of fraudulent claiming of any benefit paid by the Council, including for the avoidance of doubt but without prejudice to the generality of the foregoing, any housing benefit and/or council tax benefit.	
4	To determine whether to prosecute and/or appear on behalf of the Council in any proceedings before a Magistrates' Court relating to housing benefit, council tax benefit and/or non-payment of council tax and/or business rates.	
5.	To authorise any Officer of the Council to appear on behalf of the Council in any proceedings before a Magistrates' Court under Section 223 Local Government Act 1972.	
6.	To determine whether to write off any debt of up to £1,000 or such other sum as may be identified in the Financial Regulations provided that it is in accordance with any relevant provisions in the Financial Regulations.	

39. Delegations to the Weymouth Harbour Master

Ref	Delegation	If the delegation is not applicable to all the Councils
1.	The exercise of all powers granted by statute to a harbour master as applicable to Weymouth Harbour.	Weymouth and Portland Borough Council only
2.	<p>To undertake all action in relation to:</p> <ul style="list-style-type: none"> (a) any application for the grant of any pleasure boat licence; (b) any application for a waterman's licence; (c) any application for a mooring licence; and/or (d) securing the removal of any wreck and/or hull from Weymouth harbour. 	Weymouth and Portland Borough Council only
3.	<p>To determine whether to vary any charge relating to Weymouth harbour to the extent that this has been identified in any relevant schedule of charges approved in relation to the same, provided that:</p> <ul style="list-style-type: none"> (a) any variation does not exceed fifty per cent (50%) of the identified charge; (b) it is reasonable to believe that the variation will not have an adverse effect on meeting any relevant target income budget; (c) it is considered that the variation would be of some benefit to Weymouth harbor; and (d) any such variation is not in conflict with any relevant provision in any local Act and/or Harbour Revision Order relating to Weymouth Harbour. 	Weymouth and Portland Borough Council only
4.	To undertake all action necessary to meet the requirements of any relevant business plan and/or budget relating to Weymouth harbour including to such extent as may be required acting on behalf of the Harbour Management Board but subject to such approval of the Head of Economy, Leisure and Tourism as s/he considers practicable and feasible to do and/or that the Head of Economy, Leisure and Tourism may from time to time and/or at any time specify.	Weymouth and Portland Borough Council only

Appointment of RIPA Personnel

- (a) The Council (whether solely or in combination with other partners forming the Dorset Councils Partnership) will maintain a RIPA policy (which may be amended at any time and from time to time) that will include identification of Officers employed within the Dorset Councils Partnership appointed to roles

identified with that policy. Officers appointed to such roles have power to undertake all action ascribed to those roles in any relevant legislation and the policies adopted by the Council in relation to RIPA (if any).

- (b) Any Officer employed by any of the partners of the Dorset Council Partnership who is appointed to undertake the role of RIPA Officer on behalf of the Council and/or the Dorset Councils Partnership as a whole shall have power to undertake all action to update the RIPA policy at any time to reflect changes to Officers appointed to roles within the RIPA policy.

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Proper Officer Provisions

The following Officers have been appointed as 'Proper Officers' for the purposes of the legal provisions set out in the table below and any future changes. Where the legislation refers to the need to make proper arrangements the Officer identified shall have primary responsibility for seeking to secure such arrangements. Where more than one Officer is identified in relation to any particular provision the intention is that the first named Officer will have primary responsibility to act as the relevant Proper Officer but the further named Officers may still act for and on behalf of that person and in particular shall be regarded as having primary responsibility in the event of the first Officer being unavailable or absent.

The Chief Executive shall be the Proper Officer for all purposes not listed below as provided for in the delegations to the Chief Executive above.

In the event of the exercise of any nomination rights pursuant to this Officer Scheme of Delegations that relate to the exercise of any power of a Proper Officer then any Officer so nominated shall also be deemed to be appointed a Proper Officer subject as may be provided for in any such nomination.

Legislative Provision	Function	Proper Officer
Public Health Act 1936		
ATD Page	For all proper officer purposes identified in the legislation	Head of Community Protection; Head of Housing; Strategic Director with responsibility for environmental health functions;
Public Health (Control of Disease) Act 1984		
ATD CS	For all proper officer purposes identified in the legislation	Head of Community Protection; Strategic Director with responsibility for environmental health functions;
Local Government Act 1972		
S13	Parish Meeting	Chief Executive
S.83	Witness and receipt of Declaration of Acceptance of Office	Chief Executive; Monitoring Officer; Corporate Manager – Democratic and Electoral Services
S.84	Receipt of notice of resignation of elected member	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services

S.88	Arranging a Council meeting to appoint the Mayor	Chief Executive; Assistant Chief Executive
S.89	Notice of casual vacancy in office of councillor	Chief Executive Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services
S.100(B)(2)	Designation of reports 'not for publication' to the press and public	Chief Executive and the Managers
S.100(B)(7)	Supply of copies of documents	Corporate Manager – Democratic and Electoral Services Assistant Chief Executive
S.100(C)	Written summary of the proceedings at Committees and sub-Committees	Corporate Manager – Democratic and Electoral Services Assistant Chief Executive
S.100(D)	Background papers	Chief Executive and the Managers
S.100(F)	Exempt information	Chief Executive and the Managers
S.100(G)(1)	Register of Elected Members	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services
S.100(G)(2)	List of delegated powers of Officers	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services
S.100(G)(3)	Written summary of rights to attend meetings and to inspect and copy documents	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services
S.115)	Receipt of money due from Officers	Strategic Director with responsibility for finance function; Head of Financial Services
S137A	Deposit of accounts	Strategic Director with responsibility for finance function; Head of Financial Services
S.146	Declarations and certificates with regard to transfer of securities	Strategic Director with responsibility for finance function; Head of Financial Services

S.191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Assistant Chief Executive; Chief Executive
S.210	Charities	Assistant Chief Executive; Chief Executive
S.224	Custodian of documents	Chief Executive and all the Managers
S.225	Deposit of documents	Chief Executive; all the Managers
S.229	Certification of photographic copies of documents	Chief Executive and all the Managers
S.234	Signing /authentication of documents	Chief Executive and all the Managers
S236	Sending of copies of byelaws to the County Council	Assistant Chief Executive; Corporate Manager - Legal
S.238	Certification of byelaws	Assistant Chief Executive; Corporate Manager - Legal
S.248	The Roll of Freemen	Chief Executive; Corporate Manager – Democratic and Electoral Services
Schedule 12	Signing of summons to Council meeting	Chief Executive; Corporate Manager – Democratic and Electoral Services; any other person identified for such purpose in the procedural rule of the Constitution
Schedule 14	Certification of resolution for legal proceedings.	Assistant Chief Executive; Corporate Manager - Legal
Local Government and Housing Act 1989		
S. 2	Deposit list of politically restricted posts with Proper Officer	Assistant Chief Executive; Corporate Manager – Human Resources and Organisational Development
S. 37	Statement of accounts from a voluntary body	Strategic Director with responsibility for finance function; Head of Financial Services
Local Government (Miscellaneous Provisions) Act 1976		
S.41(1)	Certify copies of evidence of resolutions and minutes of proceedings	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services; Corporate Manager - Legal

Representation of the People Act 1983		
All	For all proper officer purposes identified in the legislation	Chief Executive; Assistant Chief Executive
Local Government (Committees and Political Groups) Regulations 1990		
All	For all proper officer purposes identified in the regulations	Chief Executive; Corporate Manager – Democratic and Electoral Services; Assistant Chief Executive
Local Government Act 2000		
All	For all proper officer purposes identified in the legislation and all subordinate legislation	Chief Executive; Assistant Chief Executive
Local Authorities (Standing Orders) (England) Regulations 2001		
All	For all proper officer purposes identified in the regulations	Chief Executive; Assistant Chief Executive; Corporate Manager –Human Resources and Organisational Development;
Local (Principal Area) (England and Wales) Rules 2006		
Schedule 2 Rule 54	Retention Officer - public inspection of documents after an election	Chief Executive; Corporate Manager – Democratic and Electoral Services; Assistant Chief Executive
Localism Act 2011		
All	For all proper officer purposes identified in the legislation	Chief Executive; Assistant Chief Executive

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Management Committee

17th April 2018

Community Infrastructure Levy (CIL) – Approval of Further Revised Regulation 123 List

For Decision

Briefholder

Cllr R Nowak – Environment and Sustainability

Senior Leadership Team Contact:

S Hill, Strategic Director

Report Author:

Andrew Galpin, Implementation Team Leader

Statutory Authority

The Community Infrastructure Levy Regulations 2010 (as amended)

Purpose of Report

- 1 To consider the representations made on the further revised CIL Regulation 123 List and approve the amended Regulation 123 List as modified.

Recommendations

- 2 (a) to approve the final revised Regulation 123 List as set out in Appendix C.

(b) that the Regulation 123 List approved under recommendation (a) supersedes any previously published version of the Weymouth & Portland Regulation 123 List.

Reason for Decision

- 3 (a) to put in place a list which clarifies the Council's position in relation to the interaction between column A and B of the Regulation 123 List in order to enable the authority to collect contributions towards all necessary infrastructure.

Background and Reason Decision Needed

- 4 On the 18 July 2016, Weymouth & Portland Borough Council implemented the Community Infrastructure Levy (CIL), which means that liable development proposals now pay a financial charge related to the proposed scale of development. In time, the levy will help deliver additional funding

to carry out a wide range of infrastructure projects that support growth and benefit the local community.

- 5 The Regulation 123 List accompanies the CIL charging schedules. It sets out the types of infrastructure the council will seek to use CIL contributions towards and the council's priorities for spending the levy and is required by Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended).
- 6 In February 2018, officers brought to members' attention a challenge to the interpretation of the currently published list in relation to the provision of infrastructure to support secondary school education. A case had been put forward by a third party that as secondary education infrastructure was not referred explicitly in column B of the Regulation 123 List, a planning obligation to provide capital funding towards secondary education would be prohibited by Regulation 123(2) of the Community Infrastructure Regulations. Furthermore, it was argued that the list, as then drafted, provided for the funding of secondary education through CIL under the education theme. Members of this committee were asked to approve for consultation an amended Regulation 123 List which clarified the intention that all key sites which were nil-rated for CIL, would be required to make contributions towards all infrastructure requirements via s106 planning obligations and having nil rated the strategic sites from a CIL charge; it was not intended that s106 obligations would be restricted by the Regulation 123 List or otherwise.
- 7 The amended list (Appendix A) was subject to a focused consultation with statutory consultees, local developers, landowners and planning agents. Consultation took place for a period of four weeks between 14th February and 14th March 2018. A copy of the amended regulation 123 List was published on www.dorsetforyou.com. The consultees were notified by email with links to the consultation material online. It was agreed in the February report that the findings of the consultation, together with any necessary modifications would be reported back to this committee.
- 8 There were a total of seven responses to the consultation. A summary of the representations can be found in Appendix B and in full online at www.dorsetforyou.com.
- 9 Representations from Dorset Clinical Commissioning Group, Dorset County Council and Sport England offered minor clarifications to add flexibility to the choice of infrastructure project. Representations from the Environment Agency and South Somerset raised no substantive issues. Representations from Betterment Properties were not relevant to the consultation.
- 10 The most extensive representation and therefore the focus of this report were the comments submitted by WYG on behalf of CG Fry & Son Ltd. The representation can be split into three distinct elements:
 - (a) WYG on behalf of CG Fry & Son Ltd consider that the extent of the proposed changes to the Regulation 123 List could not be considered 'minor' and could *potentially significantly affect the balance and viability of planned growth*' from the need to hold an Examination in Public

of the CIL charging schedule, the Regulation 123 list and supporting evidence including the council's Infrastructure Delivery Plan. In response, officers accept that the consultation raised a number of changes, but on the whole, these changes clarified rather than introduced new infrastructure projects. No other developer raised these issues and without evidence to demonstrate the threat to viability supporting the response, officers consider that it should not be necessary to undertake a re-examination of the CIL charging schedules to address this matter.

- (b) That the council's Infrastructure Delivery Plan (IDP) (2014) should have been updated as part of the consultation to inform viability as it contains items that have been '*scoped out of S106 negotiations*'. WYG suggest going forward that the IDP is updated every 12 months. In response, officers consider that S106 negotiations naturally evolve and therefore an element of flexibility should be used to take account of new infrastructure requirements as reflected in the wording of the list. Notwithstanding this, the IDP is scheduled for an update as part of the Local Plan Review.
- (c) That column B of the list does not specify delivery or contribution of the infrastructure listed. In response, officers consider that where necessary and appropriate the list does specify this, e.g. education. Secondly, not specifying one or the other allows flexibility for the council and developer in choosing the best option for the particular site. In any event, any delivery or contribution would have to be regulation 122 compliant.

11 Officers have considered all the representations and amended the Regulation 123 List accordingly. A summary of the representations are set out in Appendix B and changes to the list in Appendix C include:

- Inclusion of the term 'community' under the provision of health infrastructure in Column B to allow greater flexibility and choice.
- Deletion of the words 'wholly and partly' from the introductory paragraphs
- Phrasing strategic sites as 'nil-rated' for CIL rather than 'zero-rated' to ensure consistency with the terminology used in the adopted charging schedule.
- Inclusion of reference to 'Policy COM1 and other identified policies' in the heading of Column B to provide clarity over the relevant Local Plan policies.
- Inclusion of reference to a maintenance sum alongside relevant sports infrastructure.

12 Should members support the recommendation, the list as shown in Appendix C will be published online at www.dorsetforyou.com superseding any previous versions published.

Implications

- 13 **Corporate Plan** Building a Stronger Local Economy - *Secure the delivery of the infrastructure that is needed to support people and employers to work in the borough*
- 14 **Financial** Failure to further amend the Regulation 123 list could inhibit the ability to seek developer contributions towards the provision of secondary education infrastructure. There were no abnormal costs associated with the consultation as consultees were notified by email and consultation material was hosted by Dorsetforyou.
- 15 **Equalities** There are not considered to be any equalities issues as a result of this report and its recommendations.
- 16 **Environmental** The provision and enhancement of community infrastructure can have environmental benefits, both in terms of the living environment for local people and the natural environment, where green infrastructure is provided.
- 17 **Economic Development** The provision and enhancement of community infrastructure can have economic benefits, both in terms of employment and tourist attraction.
- 18 **Risk Management (including Health & Safety)**
Legal advice sought by the council prior to consultation considered that it was not necessary to revise the adopted CIL charging schedule or await any review of the charging schedule prior to updating the regulation 123 list. While there is a risk of challenge, it is considered that the risk has been reduced by the legal advice, the consultation process and the nature and substance of other consultee responses.
- 19 **Human Resources** The Community Infrastructure Levy is administered by the Community Infrastructure Levy Officer, part of the Implementation Team.

Consultation and Engagement

- 20 Planning Practice Guidance requires that any proposed changes to the regulation 123 list are to be 'clearly explained' and subject to 'appropriate local consultation' when updating the regulation 123 list.
- 21 The amended Regulation 123 List as set out in Appendix A was subject to a focused consultation, i.e. consultation with statutory consultees, local developers, landowners and planning agents for a period of four weeks. A copy of the list was placed on www.dorsetforyou.com, each consultee was notified by email with links to the consultation material. This focused approach is consistent with the approach taken in the development of the original regulation 123 list.

Appendices

- 22 Appendix A – Further Revised Regulation 123 List (subject of consultation)
- 23 Appendix B – Summary of consultation responses
- 24 Appendix C – Final Revised Regulation 123 List incorporating changes from consultation.

Background Papers

- 25 Inspector's Report into Community Infrastructure Levy Examination (August 2015)

Footnote

- 26 Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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Date: 26/03/2018

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APPENDIX A – WEYMOUTH & PORTLAND REVISED REGULATION 123 LIST CONSULTATION – February 2018

The Regulation 123 list provides details of infrastructure to be funded wholly or partly through the Community Infrastructure Levy (CIL)

Column A lists the types of infrastructure themes which will be funded wholly or partly through CIL.

Column B lists the infrastructure projects that which will be funded solely wholly or partly funded through S106/S278 in order to enable the grant of planning permission on strategic sites. Strategic sites which are zero rated in the adopted charging schedule will contribute towards the funding of these projects solely through S106/278, in order to enable the grant of planning permission.

The items listed in column B are the current up-to-date projects intended to meet the specific infrastructure needs arising wholly or partly from the CIL exempt strategic sites. The precise specification of these projects may be subject to change.

COLUMN A – CIL THEME TYPES OF INFRASTRUCTURE	COLUMN B - S106 INFRASTRUCTURE PROJECTS
Green Infrastructure and recreation provision serving the needs of the wider area, <u>except for site-specific items projects identified in column B.</u>	<u>On/off-site green infrastructure and recreation initiatives projects relating to a specific development, currently intended to be:</u> <ul style="list-style-type: none"> • New cemetery provision, Littlemoor (LITT1) • <u>Provision of enhancements to Lorton Valley Nature Park (LITT1)</u> • <u>Provision of children’s play and recreation (LITT1)</u>
Culture & Leisure Facilities – including provision for community and public buildings, youth centres and children’s facilities <u>except for site-specific items projects identified in column B.</u>	<u>On/off-site culture and leisure initiatives projects relating to a specific development, currently intended to be:</u> <ul style="list-style-type: none"> • Enhancements to Weymouth Museum (LITT1) • <u>Provision of enhancements to Weymouth Swimming Pool (changing facilities) (LITT1)</u> • <u>Provision of new or replacement Community Hall (new/replacement), Littlemoor (LITT1)</u> • Enhancements to Redlands Sports Hub (replacement ATP, improved access and changing areas, increased parking facilities) (LITT1) • <u>Provision of enhancements to Littlemoor Library (LITT1)</u>
Waste Management Facilities <u>except for site-specific items projects identified in column B.</u>	<u>On/off-site waste management facility infrastructure relating to a specific development</u>
Transport, including highway improvements, bus services, walking and cycle improvements <u>except for site-specific items projects identified in column B.</u>	other than those required for facilitate direct development access such as those secured through a s278 agreement <u>On/off-site highway and transport initiatives relating to a specific development, for example:</u>

COLUMN A – CIL THEME TYPES OF INFRASTRUCTURE	COLUMN B - S106 INFRASTRUCTURE PROJECTS
<p>Education and Training Facilities – provision for which the Local Education Authority has a statutory responsibility including early years, primary and secondary <u>except for site-specific items projects identified in column B.</u></p>	<p><u>On/off-site education and training facility initiatives projects relating to a specific development, currently intended to be:</u></p> <ul style="list-style-type: none"> • <u>Provision of land for a new Primary School, Littlemoor (LITT1)</u> • <u>Provision of developer contributions for the construction of a new Primary School, Littlemoor (LITT1)</u> • <u>Provision of developer contributions towards enhancements to Bincombe Valley Primary School, Littlemoor (1FE expansion) (LITT1)</u> • <u>Provision of developer contributions towards enhancements to secondary school provision in Weymouth (LITT1) – specifically Wey Valley Secondary School.</u> • <u>Provision of land for extension of St Augustine’s School (up to 1FE expansion) (WEY10)</u> • <u>Provision of developer contributions for the construction of an extension to St Augustine’s School (WEY10)</u>
<p>Healthcare facilities <u>except for site-specific items projects identified in column B.</u></p>	<p><u>On/off-site primary healthcare initiatives relating to a specific development, currently intended to be:</u></p> <ul style="list-style-type: none"> • <u>Provision of enhancements to primary healthcare within the Littlemoor area (LITT1).</u>
<p>Emergency Service Facilities <u>except for site-specific items projects identified in column B.</u></p>	<p><u>On/off-site emergency service facilities relating to a specific development</u></p>
<p>Flood Mitigation and Coast Protection schemes <u>except for site-specific items projects identified in column B.</u></p>	<p>Replacement Harbour Walls, Weymouth (Quayside Structures) Replacement Harbour Walls (Ref: B) Replacement Harbour Walls (Ref: 7) Replacement Harbour Walls (Ref: 7i) Esplanade Wall <u>On/off-site flood mitigation and coast protection scheme relating to a specific development</u></p>
<p>Utilities <u>except for site-specific items projects identified in column B.</u></p>	<p><u>On/off-site utilities provision relating to a specific development</u></p>
<p>Public Realm including offsite provision / enhancements <u>except for site-specific items projects identified in column B.</u></p>	<p><u>On/off-site public realm provision relating to a specific development</u></p>

APPENDIX B – CONSULTATION RESPONSES ON WEST DORSET/WEYMOUTH & PORTLAND REVISED REGULATION 123 LISTS

Consultation on the amended regulation 123 Lists took place between 14th February and 14th March 2018. A total of 8 representations received from 7 respondents. Full details of each representation can be found online at www.dorsetforyou.gov.uk

RESPONDENT	SUMMARY	RESPONSE
Betterment Properties Ltd	<p>Query over the use of CIL money for repairs and maintenance to parks and play areas in Weymouth and Portland. (Comments not relevant to consultation).</p> <p>Further query raised over the CIL liability of a development proposal on Portland. (Comments not relevant to consultation).</p>	<p>For clarification, the Borough Council does not use CIL income for the maintenance of play areas and gardens. The areas of expenditure cited in the representation are done so through S106 payments.</p>
Dorset Clinical Commissioning Group	<p>Inclusion of the term 'community' under the provision of health infrastructure in Column B to allow greater flexibility and choice.</p>	<p>Term 'community' added where relevant under Column B.</p>
WYG on behalf of CH Fry & Son Ltd	<p>The changes proposed through the consultation are note considered to be 'minor', and justification is needed for removal of infrastructure from column A to column B – query whether an EiP is legally required to make such changes.</p> <p>The council should remove infrastructure items which were not part of the existing EiP.</p> <p>An update of the Infrastructure Delivery Plan is necessary. The update should be subject to consultation to allow viability appraisal. Current iteration of IDP out of date, in particular schedule 2c.</p> <p>Clarity needed over whether obligations are financial or not for each allocation.</p>	<p>Officers accept that the consultation raised a number of changes, but on the whole, these changes clarified rather than introduced new infrastructure projects. No other developer raised these issues and without evidence to demonstrate the threat to viability supporting the response, officers consider that it should not be necessary to undertake a re-examination of the CIL charging schedules to address this matter.</p> <p>Officers consider that S106 negotiations naturally evolve and therefore an element of flexibility should be used to take account of new infrastructure requirements as reflected in the wording of the list. Notwithstanding this, the IDP is scheduled for an update as part of the Local Plan Review.</p> <p>Officers consider that where necessary and appropriate the list does specify</p>

		between financial and non-financial obligations, e.g. education. Secondly, not specifying one or the other allows flexibility for the council and developer in choosing the best option for the particular site. In any event, any delivery or contribution would have to be regulation 122 compliant.
Dorset County Council.	<p>Deletion of the words 'wholly or partly' from the introductory paragraphs.</p> <p>Refer to strategic sites as 'nil-rated' for CIL rather than 'zero-rated' to ensure consistency with the terminology used in the adopted charging schedule.</p> <p>Include reference to 'Policy COM1 and other identified policies' in the heading of Column B to provide clarity over the relevant Local Plan policies.</p>	Changes incorporated.
Environment Agency	Support for the councils ongoing commitment to flood risk management across WPBC and WDDC through the apportionment of CIL monies as well as the inclusion of nutrient management matters within the West Dorset list.	No changes necessary.
South Somerset DC	No comments.	No changes necessary.
Sport England	Include reference to a maintenance sum alongside relevant sports infrastructure.	Term 'maintenance sum' added alongside relevant sports and play provision.

APPENDIX C – WEYMOUTH & PORTLAND REVISED REGULATION 123 LIST FOR PUBLICATION – April 2018

Column A lists the types of infrastructure which will be funded through CIL.

Column B lists the infrastructure projects that will be funded through S106/S278. Strategic sites which are nil-rated in the adopted charging schedule will contribute towards the funding of these projects solely through S106/278, in order to enable the grant of planning permission.

The items listed in column B are the current up-to-date projects intended to meet the specific infrastructure needs arising wholly or partly from the CIL exempt strategic sites. The precise specification of these projects may be subject to change.

COLUMN A – CIL TYPES OF INFRASTRUCTURE	COLUMN B - S106 INFRASTRUCTURE PROJECTS (POLICY COM1 AND OTHER IDENTIFIED POLICIES)
Green Infrastructure and recreation provision serving the needs of the wider area, except for site-specific projects identified in column B.	On/off-site green infrastructure and recreation projects relating to a specific development, currently intended to be: <ul style="list-style-type: none"> • New cemetery provision, Littlemoor (LITT1) • Provision of enhancements to Lorton Valley Nature Park (LITT1) • Provision and maintenance of children’s play and recreation (LITT1)
Culture & Leisure Facilities – including provision for community and public buildings, youth centres and children’s facilities except for site-specific projects identified in column B.	On/off-site culture and leisure projects relating to a specific development, currently intended to be: <ul style="list-style-type: none"> • Provision of enhancements to Weymouth Swimming Pool (changing facilities) (LITT1) • Provision of new or replacement Community Hall, Littlemoor (LITT1) • Enhancements to Redlands Sports Hub (replacement ATP, improved access and changing areas, increased parking facilities) (LITT1) • Provision of enhancements to Littlemoor Library (LITT1)
Waste Management Facilities except for site-specific projects identified in column B.	On/off-site waste management facility infrastructure relating to a specific development
Transport, including highway improvements, bus services, walking and cycle improvements except for site-specific projects identified in column B.	On/off-site highway and transport initiatives relating to a specific development, for example:
Education and Training Facilities – provision for which the Local Education Authority has a statutory responsibility including early years, primary and secondary except for site-specific projects identified in column B.	On/off-site education and training facility projects relating to a specific development, currently intended to be: <ul style="list-style-type: none"> • Provision of land for a new Primary School, Littlemoor (LITT1) • Provision of developer contributions for the construction of a new Primary School, Littlemoor (LITT1) • Provision of developer contributions towards enhancements to Bincombe Valley Primary School, Littlemoor (1FE expansion) (LITT1)

COLUMN A – CIL TYPES OF INFRASTRUCTURE	COLUMN B - S106 INFRASTRUCTURE PROJECTS (POLICY COM1 AND OTHER IDENTIFIED POLICIES)
	<ul style="list-style-type: none"> • Provision of developer contributions towards enhancements to secondary school provision in Weymouth (LITT1) – specifically Wey Valley Secondary School. • Provision of land for extension of St Augustine’s School (up to 1FE expansion) (WEY10) • Provision of developer contributions for the construction of an extension to St Augustine’s School (WEY10)
Healthcare facilities except for site-specific projects identified in column B.	<p>On/off-site primary/community healthcare initiatives relating to a specific development, currently intended to be:</p> <ul style="list-style-type: none"> • Provision of enhancements to primary/community healthcare within the Littlemoor area (LITT1).
Emergency Service Facilities except for site-specific projects identified in column B.	On/off-site emergency service facilities relating to a specific development
Flood Mitigation and Coast Protection schemes except for site-specific projects identified in column B.	On/off-site flood mitigation and coast protection scheme relating to a specific development
Utilities except for site-specific projects identified in column B.	On/off-site utilities provision relating to a specific development
Public Realm including offsite provision / enhancements except for site-specific projects identified in column B.	On/off-site public realm provision relating to a specific development

Management Committee

17 April 2018

Response to consultation on draft revised National Planning Policy Framework

For Decision

Briefholder

Cllr Ray Nowak, Environment & Sustainability

Senior Leadership Team Contact:

S Hill, Strategic Director

Report Author:

Hilary Jordan, Corporate Manager, Planning (Community & Policy Development)

Statutory Authority

Planning & Compulsory Purchase Act 2004

Town & Country Planning Act 1990

Localism Act 2011

Purpose of Report

- 1 To agree this council's response to the Government's consultation on the draft replacement National Planning Policy Framework (NPPF).

Recommendations

- 2 That the responses set out in Appendices 1 and 2 be submitted as this council's response to the Government's consultation.

Reason for Decision

- 3 To ensure that this council's views on the proposed changes are taken into account.

Background and Reason Decision Needed

- 4 A draft revised National Planning Policy Framework (NPPF) was published for consultation on 5 March 2018, with comments requested by 10 May. This draft document takes forward proposals that have been subject to consultation previously, through the Housing White Paper, 'Fixing the Broken Housing Market' (February 2017) and the subsequent 'Planning for the Right Homes in the Right Places: Consultation Proposals' (September 2017). This committee agreed the council's responses to both of those consultations, in April and October 2017. The reports on those consultations set out the main issues in considerable detail and members may wish to refer back to them, particularly the October report that focused on the planning changes.

- 5 The NPPF sets out national planning policy. Local planning policies must accord with the NPPF and it is a material consideration in decisions on planning applications. The current NPPF was published in 2012, replacing a series of detailed Planning Policy Statements, and this is the first major revision.
- 6 The aim of the changes in the NPPF, and outlined in the earlier consultations, is to increase the number of new homes, of all tenures, built across the country. The planning system has a role to play in this, including allocating sufficient land in local plans and working proactively with developers to facilitate its implementation. A wide range of other factors however influence the rate of development, including market factors and the economics of the development process. This council through its 'Opening Doors' programme is taking a proactive approach to working on all of these issues in order to boost the rate of development locally.
- 7 Proposals included in the draft revised NPPF, carried forward from the previous consultations, include: the introduction of a standard methodology for the calculation of housing requirements in local plans; the introduction of a housing 'delivery test' in addition to the requirement for a five-year supply of land for housing; and changes to national policy relating to the assessment of viability on development schemes.
- 8 The new standard methodology currently results in a figure of 780 homes per annum for the local plan area of West Dorset, Weymouth & Portland, very similar to the adopted local plan figure of 775 per annum, and the local plan review is currently progressing on the basis of these new figures.
- 9 Some of the comments made in our previous responses have been taken into account in the draft paper, which is welcomed. However there are still significant concerns about the undermining of the plan-led system due to local policies only carrying their full weight when there is a demonstrable five-year supply of land for housing and sufficient evidence of delivery over recent years. The introduction of the 'delivery test' means that there are now two tests that have to be met in order for policies to be regarded as up to date, and the proposed process for demonstrating the five-year land supply appears to be increasingly onerous.
- 10 The consultation includes an online questionnaire with 43 questions. Proposed responses are set out in Appendix 1. Answers have not been proposed for every single question as the response has instead focused on the areas of particular interest or concern.
- 11 The Government is also consulting on proposed changes to the national Planning Practice Guidance some of which is consequential to the proposed changes to national policy. Appendix 2 sets out proposed responses to the questions asked in relation to the issue of viability and plan-making.

Implications

Corporate Plan

- 12 The aim of increasing housing development relates to our Corporate Plan aim of increasing the number of new homes built in the area, under the heading of contributing to a stronger local economy.

Financial

- 13 There are no direct financial implications of the changes, though some of the additional requirements will have resourcing implications for the planning policy service.

Equalities

- 14 There are no equalities implications of the response to the consultation.

Environmental

- 15 The draft NPPF recognises the economic, social and environmental dimensions to its overall purpose of sustainable development, and includes national policy on the protection and enhancement of the natural and built environment.

Economic Development

- 16 The draft NPPF recognises the economic, social and environmental dimensions to its overall purpose of sustainable development, and includes changes intended to enable more housing development to come forward in order to support economic growth.

Risk Management (including Health & Safety)

- 17 Failure to respond to the consultation would mean that the opportunity to comment on the draft national policy framework and influence its final content would be lost.

Human Resources

- 18 There are no significant implications to responding to the consultation, but there are resource implications of the requirements set out in the proposed changes. The need to review plans at least every five years, the proposed processes for demonstrating five-year land supply, the introduction of 'statements of community involvement' between adjoining councils and the need to establish viability at earlier stages in the planning process will all mean that resourcing of the planning policy service will be increasingly important.

Consultation and Engagement

- 19 The consultation on the draft document is taking place across the country and all are welcome to respond to it. Consultation began on 5 March and concludes on 10 May.

Appendices

Appendix 1 – Proposed Responses to the Consultation Questions on Proposed Revisions to the NPPF

Appendix 2 – Proposed Responses to the Consultation Questions on Proposed Revisions to National Planning Guidance Relating to Viability and Plan-making

Background Papers

National Planning Policy Framework: draft text for consultation, MHCLG, March 2018 <https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

Planning for the Right Homes in the Right Places: Consultation Proposals, DCLG September 2017 <https://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals>

Fixing the Broken Housing Market: Housing White Paper, DCLG, February 2017 <https://www.gov.uk/government/publications/fixing-our-broken-housing-market>

Footnote

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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Date: 21 March 2018

Appendix 1: Response of Weymouth & Portland Borough Council to Consultation on the Revision of the NPPF

Chapter 1: Introduction

Question 1: Do you have any comments on the text of Chapter 1?

Response: No comment

Chapter 2: Achieving Sustainable Development

Question 2: Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

Response: The differences in the text are not significant, but the proposed changes to paragraphs 8-10, including in respect of the reference to the three sustainability objectives (economic, social and environmental), help to clarify the role of the objectives and how they relate to the presumption in favour of sustainable development. The reference to the need for the objectives 'to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across the different objectives)' is considered useful.

With regards to the expectation that objectively assessed needs for development (including any unmet needs from neighbouring houses) need to be accommodated, unless there are strong reasons not to, the Statement of Common Ground that will be drawn up by the Councils in Dorset will have an important role to play.

Under the proposed standardised methodology for assessing housing need there will be a significant housing need arising from Bournemouth, Christchurch and Poole (which will form a new unitary Council, covering a largely urban area, under a proposal approved by the Secretary of State), which it is unlikely will be able to be met in full within this area. In a circumstance where the objectively assessed need for housing cannot be met, careful consideration will have to be given to whether such needs can be met in other parts of Dorset especially given the constraints, including environmental constraints, that are applicable to large parts of Dorset including North Dorset, West Dorset and Weymouth and Portland (which will form part of a new unitary Council, covering a largely rural area, under a proposal approved by the Secretary of State). North Dorset is likely to be particularly vulnerable to possible development pressures relating to

Bournemouth, Christchurch and Poole given that it is located within the same housing market area.

In terms of the proposed changes to the 'presumption in favour of sustainable development', the reordering of paragraph 11 to reflect the way that plan and decision-making are approached in practice is considered a sensible change. In addition the proposed change to the decision making part of the presumption so that it refers to circumstances where 'there are no relevant development policies, or the policies most important to determining the application are out of date'; and to 'refusing' rather than 'restricting' development are supported for the purposes of clarity.

It is noted that a further change relates to the policies which provide a specific reason for refusing proposed development (at footnote 7). The footnote refers to a specific list of policies within the revised draft NPPF whilst the current NPPF provides examples of policies that indicate that development should be restricted. Furthermore, footnote 7 makes it explicit that it is referring to policies in the draft revised NPPF and it is not referring to policies in development plans.

Although it is understandable that the Government is seeking to provide clarity, and avoid confusion, in relation to the application of the presumption in favour of sustainable development the proposed approach undermines instances where there may be a particular local circumstance (e.g. a valued landscape) that would justify refusing planning permission for a proposed development.

Finally, the reference to the application of policies providing a 'clear reason' for restricting development in b(i) and d(i), in terms of the presumption in favour of sustainable development, is potentially ambiguous. Is it intended that harm to these listed interests would be regarded as a clear reason, or that it would have to be a strong degree of harm to justify the restriction on development?

Question 3: Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

Response: The 'core planning principles' section in the existing NPPF is an important and useful reference point for both plan-makers and decision-takers. By moving the principles into the most appropriate parts of the draft revised NPPF, and not repeating them in a specific 'core planning principles' section, an unintended consequence is that the principles may not be used as often as they currently are particularly in terms of decision-taking.

Question 4: Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

Response: Given the amount of time and resources it takes communities / Qualifying Bodies to produce a neighbourhood plan (especially one that allocates sites for development) it is considered that the definition of 'recently brought into force' should be amended so that it covers a longer time period than the 'two years or less' referred to in the definition. This would give communities / Qualifying bodies more incentive to progress a neighbourhood plan in instances where local planning authorities are unable to demonstrate a five year supply of deliverable housing sites and / or where they are unable to meet the requirements of the proposed Housing Delivery Test.

Further to the above, with regard to neighbourhood plans, it is important that the draft revised NPPF is written in a way that allows communities / Qualifying Bodies to fully understand its content and implications. With this point in mind consideration should be given to whether it is possible make any changes to paragraph 14 in order to simplify its content.

Chapter 3: Plan-making

Question 5: Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

Response: It is considered that the expectation, in paragraph 21, that 'strategic policies' should be distinguished clearly in plans is sensible. Such an approach will help to provide clarity regarding the need and scope for local policies.

In terms of the tests of soundness, the current tests already establish the principles that local plans should be based on: a strategy that meets needs (including unmet needs from neighbouring authorities, where it is reasonable to do so) and; effective joint working. The draft revised NPPF could include supporting guidance on the evidence likely to be needed to test the soundness of a local plan, but the need for statements of common ground are primarily procedural matters that should not form part of the tests of soundness themselves.

Question 6: Do you have any other comments on the text of Chapter 3?

Response: Paragraph 15 states, amongst other things, that the planning system should be genuinely plan-led. There are other references within the draft revised NPPF to the importance of the plan-led system. However, it is considered that the proposed changes to the NPPF, and the associated Planning Practice Guidance, especially in respect of the requirements relating to demonstrating a five year supply of deliverable housing sites and the Housing Delivery Test will result in an increased number of planning applications being determined against part (d) of the 'presumption in favour of sustainable development' set out in paragraph 11 of the draft revised NPPF. Consequently, the proposed changes to the NPPF will significantly undermine the plan-led system.

Chapter 4: Decision-making

Question 7: The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

Response: The Council supports the proposed approach. It does not consider that there are any circumstances where this would be problematic. However, there could be very limited circumstances where specific viability information contained within an assessment should remain confidential. The Council agrees with the text in the draft Planning Practice Guidance that 'circumstances where it is deemed that specific details of an assessment should be redacted or withheld should be clearly set out to the satisfaction of the decision maker.'

Question 8: Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompanying planning applications would be acceptable?

Response: Yes. Although it is acknowledged that the draft Planning Practice Guidance provides some illustrative examples of circumstances which plan makers could identify as requiring viability assessment at the decision-making stage it is considered that such circumstances should be clearly set out in national planning guidance. This would help to ensure a consistent approach across the country and provide clarity for all those involved with viability work including decision-makers.

Question 9: What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

Response: One of the main benefits would be to help ensure that the level of infrastructure that accompanies any development is maximised. Given the resource pressures on local authority planning departments, especially in terms of staffing, there is no guarantee that review mechanisms would be used in all the circumstances where it would be appropriate to do so without a mandatory requirement regarding the use of such a mechanism.

One of the main concerns that is often raised by communities in respect of new development relates to the pressure that would result on existing infrastructure and services. Therefore, for this reason, amongst others, it is vitally important that every opportunity is taken to maximise the level of infrastructure that is provided with any new development.

Question 10: Do you have any comments on the text of Chapter 4?

Response: It is noted that paragraph 58 of the draft revised NPPF states that 'Where a viability assessment is needed, it should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.' With regards to the recommended approach to assessing existing use value in the draft Planning Practice Guidance, the Council supports the approach that is set out. It is outlined under the heading 'What is meant by existing use value in viability assessment?' that existing use value is not the price paid for land and should disregard hope value. The Council is particularly supportive of this statement. Viability assessments are often skewed on the basis of the land value which often reflects the price paid for the land rather than a realistic value based upon its existing use.

Chapter 5: Delivering a wide choice of high quality homes

Question 11: What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

Response: The proposed requirement for at least 20% of housing sites in local plans to be small sites is considered to be too prescriptive. A more general requirement for a broad mix of housing sites would be more appropriate for national policy. The definition in paragraph 69a of a 'small site' at half a hectare or less, which would on average deliver about 15 to 20 dwellings, is too small.

The Government aims to diversify the housing market by enabling small and medium-sized developers to grow and deliver more homes. The approach of national policy should be to encourage local planning authorities to have a

supply of housing sites in an area that facilitates diversification, rather than focussing narrowly on the inclusion of prescriptive targets for small sites in local plans.

In the West Dorset and Weymouth & Portland plan area, almost 40% of all new dwellings built over the last 6 years were on sites of 20 dwellings or less with a similar proportion being built on sites of more than 70 dwellings. In this area, small sites are clearly delivering and perhaps the provision of more sites in the 30 to 70 dwelling range would be more likely to facilitate market diversification. The situation will vary in different areas with different housing market characteristics highlighting the need for a more general requirement in national policy for local planning authorities to plan for a broad mix of housing sites.

It is unclear what 'at least 20% of the sites identified for housing in their plans' means. The explanation that the requirement relates to 'sites' rather than to 'housing numbers' is welcomed, however the meaning of 'identified site' and exactly to what the percentage relates, is unclear.

The identification of 20% of all sites in a local plan as small sites would require a significant amount of additional work for local planning authorities, slowing down local plan production. For West Dorset and Weymouth & Portland, there are approximately 470 sites with planning permission of varying sizes within the identified supply. Identifying 20% of these in a local plan as small sites would involve additional site evaluation and Sustainability Appraisal work for around 50 individual sites and could involve lengthy discussions at examination.

The preferred approach would be to move away from prescriptive requirements to a more general requirement. The requirement could be for local planning authorities to ensure their plans make provision for a range of sites to provide opportunities for small and medium sized home builders to bring greater competition into the market and to increase the delivery of homes. This would require an assessment of the profile of site sizes that make up supply and for any 'gaps' to be filled through site allocations.

If a detailed prescriptive approach is to be included in the final NPPF, it should take full account of the additional work that may be required. It is suggested that any prescriptive (20%) requirement should relate to the wider range of sites that may be attractive to small and medium-sized builders (for example sites of up to 70 dwellings). The definition of the terms 'identified' and 'allocated' in a local or neighbourhood plan in the practice guidance would be helpful, especially if it is intended that the two terms should have different meanings.

Question 12: Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

Response: Section 5 of the draft revised NPPF establishes the principle of the Housing Delivery Test. For the majority of areas, the delivery of housing is in the hands of the commercial development industry rather than local authorities. Local authorities are therefore not responsible for delivery and have limited tools to influence the delivery on housing sites once permission is granted but are penalised for under delivery through the housing delivery test.

The application of the presumption in favour of sustainable development when delivery of housing falls to 75% of the target rate is not a proportionate response to a situation that is often out of the control of a local planning authority. In addition, the suggestion that New Homes Bonus could be linked to the Housing Delivery Test results would seem counter intuitive. Councils who are not managing to meet their targets are in need of additional resources to help deliver more homes. Removing finance will therefore restrict further their ability to influence the delivery of homes to meet the target.

It is accepted that it is good practice to produce an annual action plan to identify barriers to housing delivery and suggested actions to remove these barriers. The suggestion of actions that could be taken is helpful.

Question 13: Do you agree with the new policy on exception sites for entry-level homes?

Response: Paragraph 79 continues with the long established 'rural exception sites' for affordable housing. Paragraph 72 introduces Entry Level Exception Sites as a new type of rural housing site outside of settlements delivering homes for first time buyers. In addition paragraph 79 suggests that market housing on rural exception sites should be considered. Both of these measures undermine the efficacy of the long established rural exceptions policy by raising the expectations of land owners by offering increased receipts from development. This will reduce the proportion of truly affordable homes delivered for those in genuine affordable housing need and increase the cost of delivery overall.

Question 14: Do you have any other comments on the text of Chapter 5?

Response: Yes. A wide range of comments have been made in relation to a number of different issues in Chapter 5, as detailed below.

Response: *Emphasis on Housing Delivery*

The whole emphasis of the draft revised NPPF has shifted greatly towards the delivery of additional housing at the expense of other planning considerations and the development plan. Currently, it can be very difficult to resist inappropriate development proposals, even where a local planning authority is able to demonstrate a five-year supply with a small margin.

It is accepted that measures can be and often are, taken to increase housing delivery, such as: amassing an increasing stock of planning permissions; commencing a review of the local plan immediately upon adoption; diversifying the range of sites available for development etc. However local planning authorities are not ultimately responsible for the delivery of houses. With the increasing emphasis being placed on delivery, the plan-led system is being undermined and the clarity offered by such a system (to both the public and the development industry) is being eroded. The balance should be placed back towards the plan-led system.

Response: Local Housing Need

Paragraph 61 of the draft revised NPPF indicates that the minimum number of homes required in an area should be based upon a local housing needs assessment plus needs not met by neighbouring areas unless exceptional circumstances suggest an alternative approach. However the accompanying guidance sets out what is meant by this ‘minimum starting point’ and gives examples of where an uplift may be applied. It should be made clear that the application of an uplift is discretionary upon the local planning authority to prevent lengthy discussions at examinations over the level of uplift that may be required to reflect the example situations cited in the guidance.

The introduction of a standard approach to calculating Local Housing Need is welcomed as it removes the need for a full SHMA to establish the Objectively Assessed Need and removes the lengthy discussion at local plan examinations. However the requirement to ‘split’ the Local Housing Need number into the needs of different groups in the community will still require a detailed analysis of the target figure. This is then likely to be the subject of significant debate during the examination of any local plan.

Response: On / Off-Site Provision of Affordable Housing

The support given in paragraph 63a to local plan policies that require on-site affordable housing provision by requiring robust justification for off-site affordable housing provision is welcomed. Similarly, support is given to the additional clarity in paragraph 64 enabling affordable housing to be delivered on sites for developments of more than 5 dwellings in designated rural areas.

Response: Starter Homes as Affordable Housing

The 10% of homes on major sites to be provided as affordable home ownership products in paragraph 65 is supported however there is concern if this 10% level is intended to include starter homes. If an individual can afford a starter home (at 80% of market value), then they are not generally considered priority for housing need. The requirement would therefore reduce the total number of homes available for those in genuine housing need. In a similar way, starter homes are not held at an affordable value in perpetuity further eroding the opportunities to meet genuine affordable housing need in the area.

Response: Establishing the Five-year Land Supply Position

The emphasis placed on five-year supply needs to be reduced. There is a need for the short term supply to be fixed for a longer period of time especially as local plans are subject to review every five years. The draft revised NPPF suggests three routes to assessing five-year supply:

- Fixed through Local Plan Examination (10% buffer to supply requirement): This route is the most robust with the five-year supply being examined by a Planning Inspector in public. At this point the five-year supply should be fixed and not challengeable for a longer period (even up to five years). For this five-year period, the presumption in favour of sustainable development should not apply unless housing delivery falls significantly below the target rate as assessed by the proposed housing delivery test.
- Fixed through an Annual Position Statement (10% buffer to supply requirement): The supply would first need to be assessed through a local plan examination to enable an annual position statement to be produced. However the amount of work required establishing on an annual basis, that a five-year supply could be demonstrated is overly onerous. Within West Dorset and Weymouth & Portland, there are over 470 individual sites within the supply. For each of these, discussions would be necessary to establish deliverability and this information would need to be included within the annual position statement. Once the annual position statement has been produced and fixed by the Planning Inspectorate, new information on supply and delivery would be a material consideration in planning decisions effectively undermining this 'fixed' supply assessment. This would result in the fixed supply lasting for approximately 5 months rather than the suggested 12 month period.
- Not fixed (5% buffer to supply requirement): It is not clear how this approach would work. Further detail is needed to explain how a supply would be taken into account in planning decisions which were contrary to the development plan. Having regard to the draft guidance, it is suggested that the appeal process is not as robust as an examination

and therefore is it of sufficient robustness for a conclusion to be drawn on the five-year supply.

Response: Counting Student / Older People's Accommodation in the Housing Supply

When counting student accommodation and older people's accommodation the guidance suggests that 'published ratios' are used to assess contribution to meeting housing needs. As these ratios are not available, it is not possible to comment on their appropriateness to the local situation.

Response: Over Delivery

Where an area over delivers against plan or local housing need targets in any one year, the guidance suggests that this oversupply can only be used to reduce the shortfall from previous years. Any over delivery should also count towards reducing subsequent years' requirements and this should be mentioned within the guidance.

Response: Neighbourhood Plan Housing Figures

Assigning housing figures to designated neighbourhood areas would be of little value due to the difference in timeframes for local plan and neighbourhood plan production. If a neighbourhood plan is made, and a higher or longer term housing number is subsequently assigned to that neighbourhood area in a local plan (or local plan review), the neighbourhood plan would immediately be out of date and in need of review.

It may not be appropriate or desirable to encourage housing growth in certain areas (for example, areas that are very rural or subject to significant environmental constraints) other than to meet an identified local need. In such areas, it would be more appropriate for any local need to be derived from a 'bottom up' process, rather than handed down through a local plan.

It is likely that the housing figures identified for neighbourhood areas in a local plan would be set out in a strategic policy, which neighbourhood plans would then need to be in general conformity with in order to meet the basic conditions. This could be a serious problem if a neighbourhood plan wished to promote a higher level of housing development than set out in a strategic policy.

Where a housing number is assigned to a neighbourhood plan area, there is no certainty of delivery because neighbourhood plan production is optional. This could be a particular problem if a local plan assigns a housing figure to a designated neighbourhood area, but the neighbourhood plan does not then come forward. This could potentially result in a Local Housing Need target not

being met, especially if the neighbourhood plan related to one of the larger settlements in the local plan area.

Response: Glossary Definition of ‘Deliverable’

In relation to the deliverability of sites for inclusion in the housing supply, sites with detailed planning permission and small sites are considered to be ‘deliverable’. However sites with outline permission, permission in principle and allocated sites are considered to be less ‘deliverable’. Under this approach it appears that national policy would consider a small site without planning permission to be more deliverable than a site with outline permission or a local plan allocation. In housing land supply calculations, outline permissions and allocations should be considered deliverable, alongside detailed permissions.

Response: Discounting in Five-Year Housing Land Supply Calculations

For all sites within the supply, realistic and robust assumptions should be made about the number of units that can be delivered within the five year period and these realistic assumptions should then not be subject to discounting.

Response: Commencement Conditions

Although the use of conditions to require commencement on a development site within a short timeframe would help to deliver additional housing on some sites, caution is needed as the withdrawal of planning permission would not help to deliver additional homes. Such an approach would also require robust enforcement if it were to make a difference.

Response: Windfall Allowances

It is often not possible to identify all individual small sites that will contribute to housing supply over a plan period and it would be overly onerous to have to do so. However such sites deliver a significant proportion of additional housing within an area. The support for the inclusion of a windfall allowance is therefore welcomed.

Response: New Green Belts

Large scale developments do make a significant contribution to meeting housing need. They are often in areas where planning constraints are limited and where development opportunities are greatest. Establishing new Green Belt around new development of significant size as suggested in paragraph 73 will restrict the delivery of housing in the longer term shifting pressure to land that is often of greater environmental value. New Green Belt would then be a barrier to meeting housing need and therefore to the timely review of local plans.

Chapter 6: Building a strong, competitive economy

Question 15: Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

Response: Paragraph 85 makes the case for local business and community needs in rural areas outside of settlements. This need is recognised however, such uses should be focused towards existing settlements or allocated sites in rural areas unless there is clear justification why a rural location is necessary and it can be clearly demonstrated that preferable locations (in accordance with an up-to-date local plan) are not suitable or available. The approach currently advocated in the draft revised NPPF does little to help and support planning decisions in accordance with Chapter 9 of the draft revised NPPF.

Question 16: Do you have any other comments on the text of chapter 6?

Response: Paragraph 82 states that ‘Significant weight should be placed on the need to support economic growth and productivity’. This should not be at the expense of the natural environment which is often a contributor to economic success of an area. This paragraph should be amended to recognise the importance of the natural environment to economic prosperity.

Paragraph 83 mentions the need for policies to seek to address barriers to investment such as inadequate infrastructure. Although contributions can be secured from developments to address infrastructure requirements arising from a scheme, it is difficult for local planning authorities to address infrastructure barriers to development without significant external funding.

Chapter 7: Ensuring the Vitality of Town Centres

Question 17: Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

Response: Yes, these policy changes are broadly supported subject to the points made below in relation to:

- planning to meet retail needs;
- town centre boundaries;
- town centres in decline;
- the sequential approach; and
- the retail impact test.

Response: *Planning to Meet Retail Needs*

The Government's intention to clarify the site allocation requirements to meet the need for town centre uses (paragraph 86d) is welcomed, provided that this means that the requirement in paragraph 23 of the current NPPF to meet the needs for retail, leisure, office and other town centre uses 'in full' is removed.

It is recognised that the long term forecasting of retail trends is uncertain even beyond five years and that this uncertainty could potentially result in an over allocation of town centre sites for a retail need that may never materialise over the longer term as a result of factors such as the growth in on-line sales. The option to plan for needs at least ten years ahead rather than for 15 years, as promoted in paragraph 157 of the current NPPF is preferred as it will allow local planning authorities greater flexibility to plan for the needs of their town centres through the five-yearly review of local plans.

Response: Town Centre Boundaries

The proposed wording in Paragraph 86d to keep town centre boundaries under regular review is supported.

Response: Town Centres in Decline

The expanded text in Paragraph 86(g) explaining what to do in circumstances where town centres are in decline is supported. Many town centres are under threat and supporting a diversification of uses may go some way in maintaining the service offer in town centres. The Council considers this issue to be particularly important for medium-sized towns in places like Dorset and is keen to see the Government undertake further research to understand the current and future threats to town centres and to develop a wider range of measures to protect the vitality and viability of our town centres, which are the focus of many local communities.

Response: Sequential Approach and the Availability of Sites

The Government's proposal to amend the 'sequential approach' to consider sites that may not be immediately available (Paragraph 87) is supported. This change is considered helpful in offering local planning authorities greater flexibility to refuse sequentially unfavourable applications when town centre or edge of centre sites maybe shortly made available. Further clarification through planning practice guidance on the length of time considered appropriate would be welcomed.

It is however noted that the proposed wording of Paragraph 87 reads that sites 'expected to become available within a reasonable period' should be considered unavailable and consequently sites imminently available justify out of centre provision. It is not thought this is the intention of national policy. The

wording used to explain the revision in the 'consultation proposals' is considered clearer.

Response: Impact Test

The Council agree that office development should be removed from the impact test (as reflected in Paragraph 90 of the draft revised NPPF), due to the lack of an accepted method for assessing office impact. However, office development should still remain subject to the sequential test.

Question 18: Do you have any other comments on the text of Chapter 7?

Response: Yes, in relation to the issues of:

- whether national retail policy remains fit for purpose;
- the role and function of Primary Shopping Areas: and
- the need for national guidance on the preparation of retail and leisure assessments.

Response: Does National Retail Policy Remain Fit for Purpose?

The recent 'Joint Retail and Commercial Leisure Study' for North Dorset, West Dorset and Weymouth & Portland indicates that the retail sector has experienced unprecedented changes over the last decade and that further change is set to continue at an unparalleled rate. The economic downturn, the growth in internet shopping and the continued demand for out-of-centre shopping has resulted in national retailers reviewing and rapidly adapting their business strategies, requirements and store formats to keep pace with the dynamic changes in the sector and consumer demand.

The Council fears that medium-sized towns, such as those in Dorset, that occupy the 'middle ground' are increasingly being squeezed by the dynamic shifts in retailer demand and investment. Historically, such towns have had a reasonably large comparison shopping function, but this is beginning to shrink back because the demand from multiples is slowing and the space offered is often of the wrong size and configuration, and in the wrong location to meet today's retailer requirements. The challenge for local planning authorities will therefore be how to revitalise and regenerate these centres, looking beyond retail as a key driver for growth.

With this in mind, it is considered that the Government should undertake a national review of retail trends to inform a radical new approach to national retail policy, which is increasingly becoming out-of-date. For example, within the Dorset Councils Partnership area, there will be a need to build in resilience to the changes in shopping habits, which are likely to move away from solely being retail-led locations to those which offer a wider range of

retail, leisure, cultural and other amenities. This is to encourage increased dwell times and to create more purpose in frequenting centres.

Response: Primary Shopping Areas

Paragraph 87 of the draft revised NPPF should include specific reference to the role and function of Primary Shopping Areas through the application of the sequential test of retail development reflecting the glossary of terms for 'town centres' and 'edge of centres'. The direction of retail development towards primary shopping areas is a regularly used approach in the assessment of retail planning applications and if national policy was more explicit, it would be helpful in decision making and for the wider public who may not read the glossary.

Response: Planning Practice Guidance

Retail planners are routinely relying on (the cancelled) Planning Policy Statement 4: Planning for Sustainable Economic Growth and its companion guide in the preparation of retail and leisure assessments to clarify key retail terms not defined in the current NPPF's glossary or in national planning practice guidance. The planning practice guidance should be expanded to provide guidance on the preparation of retail and leisure assessments and to define commonly used terms including: district centre; local centre; small parade of shops; convenience goods; and comparison goods.

Chapter 8: Promoting healthy and safe communities

Question 19: Do you have any comments on the new policies in Chapter 8 that have not already been consulted?

Response: The aim of achieving healthy places which enable and support healthy lifestyles, including access to healthier food, is supported. However, national policy should also recognise that it may also be appropriate to restrict access to less healthy foods (such as A5 hot food takeaways).

Question 20: Do you have any other comments the text of Chapter 8?

Response: It is felt that a stronger emphasis of the role of the planning system in tackling obesity (particularly childhood obesity) through restricting access to less healthy foods (such as A5 hot food takeaways) would be helpful.

Chapter 9: Promoting sustainable transport

Question 21: Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

Response: It is concerning that (as set out in para 109) only a 'severe' road safety issue would be a reason for refusing a planning application. The approach seems to suggest that a worsening of road safety would be an acceptable consequence of development, which should not be the case.

It would be useful if the degree of severity of residual cumulative impacts could be qualified with examples or further explanation in the glossary.

Question 22: Do you agree with the policy change that recognises the importance of general aviation facilities?

Response: No comment

Question 23: Do you have any other comments on the text of Chapter 9?

Response: No comment

Chapter 10: Supporting high quality communications

Question 24: Do you have any comments on the text of Chapter 10?

Response: No comment

Chapter 11: Making Effective Use of Land

Question 25: Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

Response: The Council is broadly supportive of the proposed approach in respect of under-utilised land. However, it has concerns regarding the approach to reallocating land for other uses and making it easier to convert land which is in existing use.

Paragraph 120 concerns reallocating land for other uses. It outlines that 'Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:' it should (a) reallocate the land for a more deliverable use (or, if appropriate,

deallocate a site which is undeveloped); and (b) in the interim, prior to reviewing the plan, it should support applications for alternative uses on the land where the proposed use would contribute to meeting an unmet need for development in the area.'

The likelihood of an application coming forward for a particular use is often dependent on the intentions of the landowner. For example, in North Dorset there is an area of land allocated for employment use which is currently owned by a national housebuilder. Although the land is ideally suited for employment uses, and it is the only employment allocation at this particular main town within the District, the landowner has no intention of submitting an application for employment uses.

Consequently, it is considered that the first part of paragraph 120 should be amended as follows: 'Where the local planning authority considers there to be no reasonable prospect of an application that the land could be developed coming forward for the use allocated in a plan:'

With regards to paragraph 121, and in particular part (a), which concerns converting land which is in existing use, it is considered that an unintended consequence of the proposed changes is that it could result in the loss of important areas of retail and employment land. This could have significant implications in terms of the vitality and viability of town centres and it could also undermine key economic sectors or sites. Therefore, it is considered that stronger safeguards need to be put in place to prevent the loss of retail and employment land. Consequently, the wording of part (a) of paragraph 121 should be amended so that it also refers to the fact that retail and employment land should only be lost if it can be demonstrated, through detailed marketing evidence (covering a minimum period of 12 months), that there is no demand for the existing use(s).

Question 26: Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

Response: The Council agrees that it is important to optimise the use of previously developed and well situated sites in the most sustainable locations, but building at high density can have negative impacts on the character and appearance of areas, as well as on local infrastructure. Open space within developments is also important to local character, amenity and recreation and this needs to be recognised. Therefore, any change in national policy should retain flexibility to reflect local circumstances.

It is considered that paragraph 124a of the revised draft NPPF, which refers to the use of minimum density standards for city and town centres and other locations that are well served by public transport, is currently inflexible as it sets out that the minimum standards should 'seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;'. As a result, based on the revised draft NPPF a significant uplift in density would be allowed in town centres and other locations well served by public transport, within the Council's administrative area, unless the Council is able to demonstrate and evidence strong reasons why this would be inappropriate.

Finally, no information is provided regarding what could be considered a 'strong reason'. Therefore, if the Government does not change the wording of paragraph 124a to make it more flexible as suggested above, it should clarify what is meant by 'strong reasons' by providing examples of what it considers would constitute 'strong reasons'.

Question 27: Do you have any other comments on the text of Chapter 11?

Response: No comment

Chapter 12: Achieving Well-designed Places

Question 28: Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

Response: Paragraph 124 of the draft revised NPPF sets out the expectation that 'design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics.' In terms of a local planning authority producing a local plan, the draft revised NPPF should provide more detail regarding what local planning authorities should do to meet this expectation. E.g. What level of engagement should take place with local communities? How should this engagement take place?

Question 29: Do you have any other comments on the text of Chapter 12?

Response: The suggestion, in paragraph 129, that design should not be a valid reason to object to development where it accords with the design expectations set out in a statutory plan has some merit, but may be difficult to operate in practice unless the design expectations were very prescriptive.

Chapter 13: Protecting the Green Belt

Question 30: Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?

Response: National policy seeks to protect the Green Belt from inappropriate development, including the construction of new buildings, subject to certain exceptions. In the draft revised NPPF the list of exceptions has been amended so that affordable housing developments on brownfield land, which would not cause substantial harm to openness and would meet an identified local need, would not be considered inappropriate development. This is a change to the previous proposal, which referred to starter homes only.

This proposal is welcomed as it should better enable communities in Green Belts to meet their local affordable housing needs.

Question 31: Do you have any other comments on the text of Chapter 13?

Response: Once a Green Belt has been established, current national policy indicates that it should only be amended in exceptional circumstances. When local plans are reviewed one way of meeting future housing need can be to amend the Green Belt boundary, often on the edge of large conurbations, to accommodate housing growth. Such boundary reviews have been undertaken recently in parts of South East Dorset to accommodate housing growth, most notably in the adopted Christchurch and East Dorset Local Plan and in the review of the Poole Local Plan, which is currently at examination.

The draft revised NPPF appears to tighten current national policy to make it more difficult to justify the amendment of Green Belt boundaries. It states that before a local planning authority concludes that 'exceptional circumstances' justify the amendment of Green Belt boundaries, it should have examined fully all other reasonable options for meeting its identified need for development. 'Reasonable options' include consideration of: whether as much use as possible is being made of suitable brownfield sites and underutilised land; whether the density of development in urban areas has been maximised; and whether there is any potential for neighbouring authorities to meet any unmet housing needs, which should be established through a Duty to Co-operate statement of common ground.

The draft revised NPPF indicates that when 'exceptional circumstances' to amend Green Belt boundaries can be demonstrated, local plans should firstly consider releasing brownfield land and / or land which is well-served by public transport, whilst also considering offsetting measures to improve the environmental quality and accessibility of remaining Green Belt land.

Although the need to promote sustainable patterns of development is a matter that the draft revised NPPF says should still be taken into account, this seems to be a less important consideration, in the light of draft revisions to national policy which effectively make the spatial option of amending Green Belt boundaries a 'last resort'.

If this proposed change to national policy has the effect of directing development to locations beyond outer Green Belt boundaries, rather than to sites on the edge of major conurbations, there may be adverse effects. Housing sites beyond Green Belts may be less sustainable both in terms of the facilities to serve them and in terms of transport links. They may also be less attractive to developers, particularly if they are in areas of lower housing demand. This is certainly the case in Dorset, where locations beyond the outer boundary of the South East Dorset Green Belt, such as Blandford Forum, Wool and Crossways, are less sustainable and have lower housing demand than locations on the edges of the Bournemouth / Poole conurbation.

Revised national policy should not effectively make the approach of amending Green Belt boundaries to accommodate growth a 'last resort'. A more balanced approach is required in relation to the amendment of Green Belt boundaries through the revision of local plans, where the promotion of sustainable patterns of development and the deliverability of housing should be more important considerations.

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Question 32: Do you have any comments on the text of Chapter 14: Meeting the challenge of climate change, flooding and coastal change?

Response: The section of the current NPPF on climate change, flooding and coastal change has been extensively re-ordered, but there are few changes to the content. It makes clear that planning policies should support measures to ensure the future resilience of communities and infrastructure to climate change. It also incorporates a Written Ministerial Statement which indicates that proposals for wind energy developments would only be acceptable if they are in an area identified as being suitable in a development plan and if,

following consultation with the local community, the scheme has their backing. Other changes relate to how national policy on flooding should be applied setting out that regard should be had to the cumulative impacts of flood risk in decision-making.

The incorporation of the Written Ministerial Statement on wind energy developments into the NPPF, which should ensure that any such scheme has the backing of the local community affected by it, is welcomed.

Question 33: Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from building?

Response: Paragraph 149b states that any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. This is set out in national practice guidance and allows a very limited range of (nationally prescribed) higher standards to be set locally, if justified by local evidence.

The Clean Growth Strategy sets out the Government's ambition to reduce emissions from both commercial and residential buildings. It intends to do this by strengthening energy performance standards for commercial buildings and homes through Building Regulations and will consult on this once the current independent review of Building Regulations and fire safety has reported.

Further amendment to Paragraph 149b of the draft revised NPPF is not required, since it is likely that the Government's ambition to reduce emissions from buildings will be delivered primarily through Building Regulations, rather than through planning policy.

Chapter 15: Conserving and enhancing the natural environment

Question 34: Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

Response: The draft revised NPPF proposes a higher level of protection for irreplaceable habitats, including ancient woodlands and veteran trees on ancient woodland sites. Previously national policy sought to resist development affecting such sites, unless the need for, and benefits of, the

development clearly outweighed the loss. It is now proposed to resist development on such sites unless there are wholly exceptional reasons and a suitable mitigation strategy exists.

This proposal is welcomed as it would give greater protection to irreplaceable habitats, including ancient woodlands and veteran trees on ancient woodland sites.

Question 35: Do you have any other comments on the text of Chapter 15?

Response: Yes, in relation to three issues, which are:

- Development, including major development, within AONBs;
- Development affecting the setting of AONBs;
- Development, including major development, within Heritage Coasts.

Response: Development within AONBs

The draft revised NPPF includes new text stating that ‘the scale and extent of development within’ AONBs (and National Parks) should be limited. The text indicating that major development should only be permitted within AONBs in exceptional circumstances and where it can be demonstrated to be in the public interest, has been retained. The glossary also includes, for the first time, a definition of major development, which is the standard development management definition (i.e. 10 or more homes, or sites of 0.5 hectares or more etc.).

As a result of the current NPPF not including a definition of ‘major development’, it has been established through case law that within AONBs, the phrase does not have the standard development management meaning. Instead case law establishes that the meaning of ‘major development’ within AONBs is a ‘matter of planning judgement’, which should be based on the ‘natural meaning in the English language’ of ‘major’, which is ‘not one that is precise’.

In practice, this means that local planning authorities have to make a judgement whether any development proposed in an AONB is ‘major’ and that judgement is likely to be heavily influenced by the context. For example, it might be appropriate to judge that a scheme for 50 dwellings on the edge of a town in an AONB was not major development, but it might be appropriate to judge that a similar scheme adjacent to a small village in the AONB was major development, due to the impacts in that location.

As a result of the proposed change, it appears that ‘major development’ within AONBs would mean all sites of 10 or more homes, or sites of 0.5 hectares or

more etc. This change, together with the inclusion of the statement that the scale and extent of development within AONBs should be limited, seems to suggest a tightening up of policy in relation to development within AONBs, but this is not entirely clear.

The Government needs to clarify whether the proposed changes to the NPPF mean that 'major development' within AONBs means sites of 10 or more homes, or sites of 0.5 hectares or more etc. or whether the meaning established in current case law should continue to be used.

National guidance is required on how the statement that 'the scale and extent of development within AONBs should be limited', should be applied. Firstly, this could be interpreted as meaning that the scale and extent of development should be limited to that which would not harm the landscape and scenic beauty of the AONB. Secondly, it could be interpreted to have a stricter meaning (i.e. that the scale and extent of development should be limited as a general principle, irrespective of the implications for the landscape and scenic beauty of the AONB). Thirdly, it could be interpreted as an introductory sentence to the subsequent text relating to major development (i.e. that national policy on major development effectively limits the scale and extent of development in AONBs). Clarification on this key point is required.

Response: Development Affecting the Setting of AONBs

Paragraph 113 of the current NPPF states that local planning authorities should set criteria-based policies against which proposals for any development 'on or affecting' protected landscape areas will be judged. This paragraph provides a national policy basis for seeking to protect the setting of AONBs in local plans. However, it is omitted from the draft revised NPPF.

The draft revised NPPF should be amended to retain the national policy basis for the protection of the setting of AONBs.

Response: Development within Heritage Coasts

The draft revised NPPF provides clearer policy guidance on how proposals for development within heritage coasts should be assessed. It states 'within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 170), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character'. This proposed change to national policy is supported.

Chapter 16: Conserving and enhancing the historic environment

Question 36: Do you have any comments on the text of Chapter 16?

Response: No. The approach to conserving and enhancing the historic environment is unchanged apart from minor amendments to improve clarity and some additional text to explain the importance of World Heritage Sites.

Chapter 17: Facilitating the sustainable use of minerals

Question 37: Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text in this chapter?

Response: No comment

Question 38: Do you think that planning policy in minerals would be better contained in a separate document?

Response: No comment

Question 39: Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

Response: No comment

Transitional arrangements and consequential changes

Question 40: Do you agree with the proposed transitional arrangements?

Response: The transitional arrangements are set out in Annex 1 of the draft revised NPPF and deal with:

- How the new NPPF should be taken into account in local plans at or close to examination; and
- How the Housing Delivery Test will be applied initially in years 2018 to 2020 before taking full effect.

Any local plan submitted within six months of the final publication of the revised NPPF will not be required to take it into account during the subsequent examination. This arrangement is welcomed although it is unlikely to apply in West Dorset / Weymouth & Portland on the assumption that the

revised NPPF is published in summer 2018. In any event the joint local plan review is being prepared to take account of the draft NPPF.

Once the Housing Delivery Test takes full effect, the presumption in favour of sustainable development will be engaged if the delivery of housing falls below 75% of a local planning authority's housing requirement over the previous three years. However, for the first two years of operation 'the presumption' will only be engaged if the delivery of housing falls below 25% of the requirement as calculated in November 2018 and 45% of the requirement as calculated in November 2019. This arrangement is welcomed as it will give local planning authorities time to adjust to the new test.

Question 41: Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

Response: No. The Planning Policy for Traveller Sites changed the definition of Travellers, resulting in a need for new accommodation need assessments to be carried out across the country. The need to do this work inevitably delayed the taking forward of planning policy at the district level for the provision and allocation of sites. It would be more helpful to leave national policy unchanged to avoid the need for further assessments, undermining the work currently being undertaken at the district level to allocate sites.

Question 42: Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

Response: No comment

Glossary

Question 43: Do you have any comments on the glossary?

Response: Yes. Starter homes should be excluded from the definition of affordable housing for two main reasons.

Firstly, starter homes only remain as affordable housing for a limited period of time, after which they can be sold, effectively becoming open market homes. This is different to most other forms of affordable housing which either remain as affordable, or if sold, have any grant-funding or the capital recycled.

Secondly, if defined as affordable housing, starter homes (where eligibility to purchase is having a household income of £80,000 or less), could potentially be proposed on rural (or entry level) exception sites. In rural areas, it is very unlikely that such homes would address local housing needs, as households with that level of income would be able to participate in the local housing market. Consequently, rural (or entry level) exception sites including starter homes are unlikely to be supported by local communities.

Appendix 2: Response of Weymouth & Portland Borough Council to Consultation on Draft Planning Practice Guidance on Viability and Plan-making

Response to the Overall Approach Suggested

The process for assessing viability at planning application stage can result in lengthy negotiations with landowners / developers. The draft revised guidance is now suggesting that all the relevant policy requirements for any allocated site should be set out in a local plan, so that further viability assessment at the decision-making (i.e. planning application) stage should not be necessary.

This proposed approach is likely to be unworkable for a number of reasons. Requiring detailed site-based viability evidence to be available when a site is allocated in a local plan is unduly onerous and the amount of viability information required to justify the allocation of a site at the plan-making stage is excessive.

The draft revised guidance states that 'in the absence of this (viability) evidence the site should not be allocated'. This statement strongly suggests that the allocation of a site in a local plan without site-based viability evidence would not be supported by a local plan inspector. However, gathering all the necessary viability evidence on all potential allocations, including sites that may not be allocated in the long run, would be likely to significantly hold up the preparation of local plans.

Under this proposed approach developers, local authorities, highway authorities and other statutory consultees would need to have a much fuller understanding of the cost implications of developments at a much earlier stage in the process, which would be highly time consuming for everyone involved and, due to the need to assess potential options, would involve a significant amount of abortive work.

In terms of costs implications for this process, many local authorities do not pay for site specific viability assessments (West Dorset and Weymouth and Portland included), with developers currently paying for site specific assessments at the planning application stage. If a site specific approach is taken prior to allocation in the local plan the cost of undertaking viability assessments on 'option sites' would then fall to the local authority. This would involve either the local authority carrying out the assessment themselves or additional costs for consultants to carry out the work. This additional cost to carry out the viability work is likely to be significant and would have to be budgeted for if this guidance was to be adopted.

The draft revised guidance states that 'a masterplan approach can be helpful in creating sustainable locations, identifying cumulative infrastructure requirements of development across the area and assessing the impact on scheme viability'. At present, generally only the largest allocations would have masterplans carried out by a local authority and usually this would only occur

after an allocation is made or a 'preferred option' selected. The proposed approach suggests that local authorities would need to masterplan multiple 'option sites' to test viability which would be highly labour intensive and would be likely to result in a significant amount of abortive work, when some of those larger sites are not allocated or selected as a 'preferred option'.

A detailed viability assessment carried out at an early stage in the plan-making process is likely to have become out-of-date when the site comes forward for development several years later. In that time lapse, it is highly likely that major parameters affecting viability will have changed. It seems likely that this would require renegotiation by local authorities and developers at the planning application stage, despite the Government's aspiration that this will not be necessary.

The current approach is to prepare a 'whole plan viability assessment', which takes a broader-brush approach to assessing the overall viability of a local plan, usually at the examination stage. It would be more appropriate to build on this current approach, but maybe for national guidance to require the assessment process and any standardised figures for assessing viability to be negotiated with developers / landowners. The aim of national guidance could be for a local authority to try and agree a whole plan viability assessment (and the standard figures used in any assessment) with local developers. If developers / landowners were unable to agree with the assessment and / or standardised figures used, then they would be able to submit detailed evidence to the local plan examination, explaining their position.

The Government's intention to standardise the approach to assessing viability and to set this out in the national practice guidance is welcomed. The intention that viability assessments should be proportionate, simple, transparent and publicly available is also welcomed.

Responses to Specific Questions

Question: Should every site be assessed for viability in plan making?

Text from the consultation: average costs and values can be used to make assumptions about how the viability of each type of site would be affected by all relevant policies. Comparing data from comparable case study sites will help ensure that the assumptions of costs and values are realistic and broadly accurate. In using comparable data having regard to outliers (very high or very low values that skew the average) is important to provide an accurate base from which to apply typologies.

A masterplan approach can be helpful in creating sustainable locations, identifying cumulative infrastructure requirements of development across the area and assessing the impact on scheme viability.

Response: The draft revised guidance proposes that most sites should be assessed based on average data across similar sites. Whilst this approach may be acceptable in a whole plan viability assessment at the local plan

stage, it would not give a realistic assessment of the viability for individual sites, which is a major concern if the aim is not to re-visit viability at the planning application stage. To get an accurate assessment of the viability of an individual site, its individual attributes, such as: site geology; potential contamination; specific infrastructure requirements; specific health / education requirements; and any wildlife / biodiversity mitigation measures required, would need to be known. A basic assessment using averages and case studies at local plan stage would not take these more detailed factors into account. If the issue of viability should not be revisited at planning application stage unless absolutely necessary, there will be pressure for viability to be fully assessed at the plan-making stage, requiring much more information much earlier in the development process.

The text from the consultation also states that a masterplan approach can be helpful in identifying specific requirements for sites. However master planning sites is a very labour intensive process. A major issue would be if a site was master planned out and then not allocated through the local plan due to viability issues or lack of community support. This would result in a significant amount of abortive master planning and viability work potentially making the plan-making process even longer.

Question: How should site promoters engage in viability assessment in plan making?

Text from the consultation: Plan makers should engage with landowners, developers, infrastructure and affordable housing providers to secure evidence on costs and values to inform viability assessment at the plan making stage. In the absence of this evidence the site should not be allocated. Plan makers should indicate in plans where further evidence and viability assessment may be required.

Response: Engaging with developers, landowners etc. during plan making to secure evidence on costs and values is a positive suggestion. However, if as stated in the guidance: a site should not be allocated in the absence of such information; and viability should not generally be revisited at planning application stage, the effect is likely to be that viability will be discussed in much more detail at local plan examinations.

Gathering and then testing viability evidence during plan-making would be likely to significantly slow down the production of local plans, especially where a local plan includes larger site allocations. To get an accurate assessment of the viability of a larger site, details such as: housing mixes; tenures; road layouts; and other community requirements; would need to be determined at an early stage. If multiple potential allocations needed to be master-planned and then tested for viability prior to allocation this is likely to involve a significant amount of abortive master planning and viability work, which would be both time consuming and expensive, especially if consultants were employed.

Question: Should viability be assessed in decision making?

Text from the consultation: Plans should identify circumstances where further viability assessment may be required at the decision making stage. Where viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then. Any viability assessment should reflect the Government's recommended approach to defining key inputs as set out in National Planning Guidance.

Response: It would not be practical for a viability assessment submitted to accompany a planning application to be based upon and refer back to the viability assessment that informed the local plan, if that original assessment was based on average site values and comparable case studies. This is because any assessment at application stage would be prepared in a different way (i.e. based on site-specific information) and would not be directly comparable with the assessment produced at the plan-making stage.

If a developer has no option but to use a viability assessment produced at the plan-making stage as a basis for a subsequent assessment, they may decide to undertake a more detailed site-based assessment at the plan-making stage, to ensure that it would be directly comparable with any subsequent assessment.

It is likely that this will put additional pressure on local plan production, but would be unlikely to reduce the length of viability discussions at planning application stage. The time lapse between the allocation of a site and the submission of a planning application may be a matter of years, rather than months, when site-based parameters and the financial climate could change, resulting in the need for re-negotiation.

Question: How should land value be defined for the purpose of viability assessment?

Text from the consultation: In all cases, benchmark land value should:

- fully reflect the total cost of all relevant policy requirements including planning obligations and, where applicable, any Community Infrastructure Levy charge;
- fully reflect the total cost of abnormal costs; site-specific infrastructure costs; and professional site fees;
- allow for a premium to landowners (including equity resulting from those building their own homes); and
- be informed by comparable market evidence of current uses, costs and values wherever possible. Where recent market transactions are used to inform assessment of benchmark land value there should be evidence that these transactions were based on policy compliant development. This is so that previous prices based on non-policy compliant developments are not used to inflate values over time.

Response: Land values are normally a key part of viability negotiations and basing land values on schemes that have been policy compliant, rather than non-compliant, is a positive step. However, finding sound, up-to-date comparable market evidence of current uses, costs and values on policy complaint sites may be an issue.

Question: What is meant by existing use value in viability assessment?

Text from the consultation: Existing use value is not the price paid and should disregard hope value.

Response: This is a positive statement, which makes the point that existing use value should reflect the value of land in its current use together with the value associated with the right to implement any extant planning consent. It should help to quicken land value discussions by making it clear in national guidance that for viability assessment purposes the existing land value is not the price paid for a site / hope value of a site (which may be achievable after planning permission is granted).

Question: How should the premium to the landowner be defined for viability assessment?

Text from the consultation: An appropriate premium to the landowner above existing use value (EUV) should be determined by plan makers in consultation with developers and landowners for the purpose of assessing the viability of plans.

Response: It is a positive step to try and agree EUVs, but it would result in local authorities needing to undertake this type of assessment early in the plan-making process and would be labour intensive. This process, in addition to master planning and viability testing sites prior to allocation, would increase the timescale and cost of plan-making considerably (especially if consultants were employed to do the work). Early engagement with landowners and developers to try and agree EUVs and other parameters could be more beneficial than carrying out master planning and viability assessments on sites prior to allocation, which could potentially result in less negotiation at the planning application stage.

Question: How should the premium to the landowner be defined for viability assessment?

Text from the consultation: Proposed development that accords with all the relevant policies in an up-to-date plan should be assumed to be viable, without need for adjustment to benchmark land values established in the plan making viability assessment. Where a viability assessment does accompany a planning application the price paid for land is not relevant justification for failing to accord with relevant policies in the plan.

Response: This helpfully re-iterates the point that the price paid for land will not be an acceptable argument for a developer to run in seeking not to comply with relevant policies in an up-to-date plan.

Question: How should a return to developers be defined for the purpose of viability assessment?

***Text from the consultation:** For the purpose of plan making an assumption of 20% of Gross Development Value (GDV) may be considered a suitable return to developers in order to establish viability of the plan policies. A lower figure of 6% of GDV may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end sale at a known value and reduces the risk. Alternative figures may be appropriate for different development types e.g. build to rent. Plan makers may choose to apply alternative figures where there is evidence to support this according to the type, scale and risk profile of planned development.*

Where proposals for development accord with all the relevant policies in an up-to-date development plan no viability assessment should be required to accompany the application. Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then. Potential risk is accounted for in the assumed return for developers at the plan making stage. It is the role of developers, not plan makers or decision makers, to mitigate these risks. The cost of complying with policy requirements should be accounted for in benchmark land value.

Response: The guidance suggests a profit level of 20%, although a number of recent appeals have supported a profit level closer to 17.5% (for example, appeal reference: APP/R4408/W/17/3170851 at Land off Lowfield Road, Bolton upon Dearne, Barnsley). The draft revised guidance indicates that a different figure (to the 20%) can be applied if there is the evidence to support it, however 20% profit levels in the current climate is quite high, especially if a site is allocated which lowers the risk level.

The text from the consultation re-iterates that any viability assessment at the planning application stage should refer back to the viability assessment which informed the local plan. As mentioned above, there is normally a time lapse of several years between sites being allocated and planning applications being submitted. Assumptions used in assessing viability (for example build costs etc.) can change rapidly and assessments undertaken at the plan-making stage can quickly become out-of-date. This may result in developers needing to submit large amounts of viability evidence at the planning application stage to explain the reasons for any changes that have occurred since the original assessment was undertaken, which may not speed up or simplify the process.

Question: Should a viability assessment be publicly available?

Text from the consultation: Any viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. Circumstances where it is deemed that specific details of an assessment should be redacted or withheld should be clearly set out to the satisfaction of the decision maker. Information used in viability assessment is not usually specific to that developer and thereby need not contain commercially sensitive data.

The proposal in draft revised national guidance to make viability assessments publically available is supported. It is important that national guidance provides advice on how viability assessments should be prepared to ensure consistency. A standard approach nationally will reduce the need for local authorities to provide their own guidance on how assessments should be prepared. It would also increase transparency so that the public would be better able to understand the assumptions used and the evidence behind them.

A more open approach to assessing viability may result in more challenges to the results, both from members of the public and other developers. If local authorities need to prepare their own guidance on how viability assessments should be prepared, it would need to be supported by a strong evidence base. This would require considerable resources, and could result in inconsistency between districts leading to challenges to the results. For these reasons, the more open approach now being suggested should be supported by a national standardised approach to preparing viability assessments.

Text from the consultation: As a minimum, the Government recommends that the executive summary sets out the gross development value, benchmark land value, costs and return to developer. Where a viability assessment is submitted to accompany a planning application, the executive summary should refer back to the viability assessment that informed the plan and summarise what has changed since then. It should also set out the proposed developer contributions and how this compares with policy requirements.

Response: Setting out in the guidance how viability reports should be presented is a positive step towards standardising the structure of viability reports, making it easier for the public and planning officers to understand them.

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MANAGEMENT COMMITTEE

17th April 2018

Tourism: Visitor Offer and Promotion

Portfolio Holder(s)/ Briefholder

Cllr Kosior

Senior Leadership Team Contact:

M Hamilton, Strategic Director

Report Author:

Trevor Hedger

Statutory Authority

Local Government Act 2000 – Promotion of economic and social wellbeing

Purpose of Report

- 1 This report is to clarify the offering to visitors and review the active promotion of tourism.

Recommendations

- 2 Members are asked to note the report.

Reason for Decision

- 3 This report is in response to an item in the Management Committee Action Plan to “Clarify the offering to visitors and review the active promotion of tourism”.

Background and Reason Decision Needed

Background

- 4 The value of tourism to Weymouth and Portland in Dorset is set out below. The data is taken from the 2016 Value of Tourism Report 2016, produced by SW Research Company, and published January 2018.

	Weymouth and Portland	Dorset
Value to the economy	£212m	£1,810m
Employment FTE	3660	34223
Employment %	19	13
Staying Visitor trips	486k	3.72m
Bed nights	1.78m	14.9m

Day Visitors	2.1m	26.2m
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5 The tourism industry is supported and promoted at international, national and local levels by:

VisitEngland/VisitBritain – Government funded organisations delivering domestic and overseas promotion, managing Discover England Grant Fund, developing the product.

Dorset Tourism Association – a CIC and Dorset LEP sub group, recently formed, to improve the overall awareness, effectiveness and quality of tourism provision, in Dorset.

Visit Dorset – a Partnership of Dorset local authorities, including the Borough Council, collaborating and funding tourism promotion (www.visit-dorset.com, social media) and development projects in partnership with the private sector.

Weymouth Area Tourism Association – currently an informal body, supported by officers from the Borough Council seeking to share and coordinate activity and share information from across the diverse sections of the sector within the Borough. Members of the Association report positively on the performance of some segments of the local tourism economy.

Weymouth BID – promotion of the town through a website, staging of events, and support for town centre initiatives.

Individual local tourism businesses and commercial marketing agencies through their own activities and publications

6 The Borough Council plays a significant role in supporting the sector through its management of:

- Harbour
- Beach
- Toilets
- Town Centre management
- Support for TIC/TIP network
- Public Realm and open spaces
- Ownership and management of the Hotel property portfolio
- Car parks
- Events
- Museum support

7 The Borough Council changed its approach to TICs in 2013, supporting the establishment of a new TIC at the Heights Hotel on Portland, and a network of Tourist Information Points in Weymouth. Recent plans by the BID to set up a new TIC for Weymouth have been supported but are not yet concluded.

Tourism Promotion

8 Since 2012, and excluding private sector activities led and funded by others including Weymouth BID, tourism promotion for the Borough has been carried out through the Visit Dorset Partnership work of local

authorities (Christchurch and Weymouth and Portland Borough Councils, East Dorset Purbeck and West Dorset District Councils). This partnership is supported financially by approximately 500 businesses and is recognised as a lead tourism body by Visit England. Each council contributes to the core system (the Destination Management System), the visit-Dorset website and to collective marketing activities.

- 8 Visit Dorset activity is funded through advertising income and through contributions from each of the participating local authorities. The Destination Management System (DMS) is similarly funded by contributions from each of the participating local authorities.
- 9 The DMS holds information about accommodation, attractions, activities, retail and events and feeds these through to the visit Dorset website. The website allows consumer searches against a variety of selection criteria including geography, type and date or availability.
- 10 With the increasing rise in popularity of online travel agencies, OTA's, the website has the ability to link an accommodation provider's entry with its choice of OTA including Booking.com, Late Rooms, Expedia, Eviivo and Guestlink (which in turn links to many other OTAs). It also includes its own Visit Dorset booking channel.
- 11 The website is supported by extensive social media activity including Facebook, Instagram and Twitter and a search engine optimisation strategy to ensure a good performance in search engine rankings. The website receives over 2m visits pa, and the social media work attracts 57k followers across all platforms.
- 12 The Visit Dorset team also engage in other activities to support the sector and promote the area including:
 - A regular feature in Dorset magazine
 - Responding to local national and international media enquiries (>1 per week)
 - Production and distribution of 140k Explore Dorset and 57k Explore Weymouth and Portland leaflets encouraging visitors to explore the area and visit events, local attractions etc.
 - Organise and coordinate Residents' Week (encouraging local people to visit local attractions out of season for subsequent word-of-mouth promotion to guests).
 - Consumer "e" newsletter sent monthly to 65k contacts
 - Maximise opportunities from TV and film productions to support area promotion including Dunkirk 2017
 - Run many competitions with Visit Dorset members throughout the year to encourage visitors and promote the area
 - Work in partnership with VisitEngland and VisitBritain on arranging media (press, travel writers, bloggers etc.) trips to the area
 - Support and work in partnership with local area/town groups and forums across the Visit Dorset area

- Commission videos for use on websites and to share on social media to promote various themes including coast/activities, food and drink, rural Dorset and an overarching video Love Dorset (viewed over 160k times via social media)
- Industry channel site off from the main website to act as a hub for training, research and industry news
- Business development events – focus on digital marketing/social media in 2017
- Business Twitter account and “e” newsletter
- Participate in appropriate VisitEngland challenge fund projects including South West Coast Path –“Discover England’s Walking Trails” and the National Coastal Tourism Academy’s “England’s Coast” £1m projects.
- Sponsor an award at the annual Dorset Tourism Awards
- Support and promote the Dorset Ambassador scheme
- Fund industry research to monitor the economic value and relative performance of tourism locally

13 In addition to the contribution to the Visit Dorset promotion, there is a small budget (c£6k) available for promotion of the Borough.

Offer to Visitors

14 During 2016, and following a successful application to Dorset LEP for Growth Deal 2 funding, the Borough Council was awarded £600k to complete studies required in order to deliver the Weymouth Town Centre Masterplan. This included a sum to complete a tourism study for the Portland-Weymouth-Dorchester corridor.

The scope of the study was to “to identify the changes required in the tourism offer across the area to attract new and repeat visits through increasing more out of season and shoulder month visitors with a higher spending profile.” The study was to:

- 1 Review the current tourism accommodation provision across the area and identify improvements to the current tourism product mix, service and quality standards in order to increase share of existing and identified markets and local distinctiveness.
- 2 Recommend any diversification required of the accommodation offer to support the development of attracting new visitor markets, improving the quality of service provision and standards of the current stock and encouraging the development of new accommodation.
- 3 Identify opportunities to be realised through the regeneration of Weymouth Town Centre with the aim to attract new visitor markets with a higher spend i.e. recommending type of services, facilities and activities that would/may appeal to these new markets,

including cultural visitors, for consideration as part of the Weymouth Town Centre Redevelopment and Western Dorset Growth Corridor.

- 4 Assess where the Western Dorset Growth Corridor currently sits within the market place and the future potential change required to access other growth and sustainable visitor markets, including conference markets suitable for current and proposed facilities.

Through a competitive tendering process, Blue Sail, a leading national tourism consultancy, was appointed. Their report, delivered in July 2016, included a Destination Audit of the visitor offer for Weymouth and Portland, undertaken in April and May 2016.

The report and its actions has been shared with the current and previous Tourism Brief Holders.

- 15 The audit was complimentary about:

Weymouth

Road access, amount of car parking, attractive vibrant quayside (north and south), the beach and activities for young children, busy private attractions

Portland

Good road signage to key attractions, well signed car parks, well maintained toilets, the importance of the natural environment as Portland's greatest asset

And noted room for improvement:

Weymouth

Sense of arrival at the Rail Station, feeling of cleanliness (despite absence of litter), beach activity for older children, signage and wayfinding, appearance of the Pavilion, physical quality of some of the accommodation stock, absence of key retail brands, conflict of the NTE offer with the family and more mature markets, absence of street animation

Portland

Public realm, reason to stop and look, accommodation offer, retail offer, NTE offer, supporting tourism in the borough through its potential as an activity hub

- 16 The report noted that Weymouth and Portland

- Are both a traditional seaside resort and a sailing port attracting 1.87m day visitors, many staying elsewhere in Dorset
- attracts a very wide range of markets and that visitors use the town as a base to explore the wider area as well as a destination

- Holidays to the seaside last longer than the average trip length but spend is slightly lower than the average
- Seaside holidays ... tend to be popular with families and also with people in the less affluent social grades
- Seaside trips are more likely than average to involve visitor attractions and outdoor activities but less likely to involve activities related to history and heritage or arts

17 The report identifies four priority market segments to support growth in the tourism market through gradual evolution of the market:

Weymouth:

ASPIRING FUN FAMILIES - Families, parents 25-50, with children up to age 13; socio-demographic C1– aspirational - for themselves and kids; Living within 4 hours travel – mainly north and east of Dorset

GET-AWAY BREAKERS - Aged 60 plus; Couples and groups of friends; Socio-demographic C1; Living within 3 hours travel – mainly north and east of Dorset

SAILING FRATERNITY - Couples, groups, families, friends into sailing and coming specifically for events (Participants and Spectators): Socio-demographic groups AB

Portland:

ACTIVITY SEEKERS - All ages, socio-demographic groups ABC1C2 – families, friends, couples; All levels of expertise - enthusiasts, accommodation and dabblers, learners and tasters; Range from those passionate about their sport/activity to those who want to try things out or have some fun while on holiday; Living within 5 hours – prepared to travel if the place offers what they want; Variable spend depending on activity

18 Since the publication of the report there have been a number of developments that start to address the Blue Sail identified areas for improvement

- A new visitor attraction (Castletown D Day museum)
- Appointment of Town Centre Manager and delivery of town centre improvements programme including signage scheme (Spring 18)
- Progression with the Peninsula redevelopment, focussing on accommodation and new attractions (informed by Blue Sail report)
- Coastal Community Funded esplanade lighting in development
- Targeted social media campaigns specifically focused on visiting Weymouth and Portland in shoulder months and towards the target markets
- Funds awarded for works at the Pavilion
- A new hotel asset management policy (Sept 17) to facilitate leaseholder investment product quality

Implications

Corporate Plan

Building a Stronger Local Economy

Financial

None associated with this report

Equalities

None associated with this report

Environmental

None associated with this report

Economic Development

Tourism is identified as a sector of local importance in the Councils Western Dorset Economic Growth Strategy

Risk Management (including Health & Safety)

No implications

Human Resources

No implications

Consultation and Engagement

None

Appendices

None

Background Papers

None

Footnote

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

Report Author: Trevor Hedger

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Date: 26th March 2018

Management Committee

17th April 2018

Lease to Sparks Trust of the former Southill Play Group premises, Weymouth

Appendix -Not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12a of the Local Government Act 1972, as amended. The public interest in maintaining the exemption outweighs the public interest in disclosing it.

For Decision

Portfolio Holder(s)/ Briefholder

Councillor Jeff Cant – Finance and Assets
Councillor Kate Wheller – Community Facilities

Senior Leadership Team Contact:

M Hamilton, Strategic Director

Report Author: Jon Morgan, Senior Estates Surveyor

Statutory Authority

Section 123 of the Local Government Act 1972

Purpose of Report

- 1 To instruct officers to grant a lease to Sparks Trust on terms described in the report.

Recommendations

- 2 That member's delegate authority to the Strategic Director to complete Lease negotiations and to undertake works for the sums specified.

Reason for Decision

- 3 To let a vacant building to a local community trust.

Background and Reason Decision Needed

- 4 The property is vacant, the proposed tenant leases the adjacent Community Centre from Dorset County Council who lease from WPBC. They seek a lease from the Council and a contribution towards repairs. A copy of the site is outlined in red in the attached Appendix.

- 5 In the Confidential Appendix, the applicant's business case details their match funding aspirations, the service proposed and the works likely to be required to the premises. These will be thoroughly investigated by officers before any lease or expenditure commitments are made.

Implications

- 6 A Lease from the Council dated 22nd October 1998 for the Play Area ended on 30th April 2017 because the tenants were not prepared to continue with a play area use. The premises were offered to the County Council for a continuation of a Play Area use but there was no requirement.
- 7 The Sparks Trust, a Registered Charity occupies the neighbouring Community Hall by way of a Tenancy at Will from Dorset County Council. Those premises are used as a Wellbeing Centre (Dance School, etc). The Trust will manage and fund a new Youth Centre in the former play group premises. Their principle costs being the employment of a full time Youth Worker. The Sparks Trust had hoped to secure additional funding of £18,000 in January 2018 from the Council but were unsuccessful potentially due to the size of the request. In consequence the Trust are seeking a rent free period and a contribution towards works as detailed in the Confidential Appendix.
- 8 The premises are vacant and being a combination of pre fabricated buildings they are in a poor state. The premises are subject to vandalism and deterioration due to the weather. Within the last two months the Council Building Surveyors attended for water damage and for replacing windows. We have considered demolishing the building and seeking alternative uses such as residential in addition to other Community uses such as a chemist or other Hall type uses. A residential use may be possible but the plot is small and within the community area for Southill. Other hall type users such as the Scouts or Cadets have larger requirements. There will be ongoing costs for the Council if left vacant including repairs, insurance, business rates and Officer Management of vacant premises. The premises may be demolished at a cost or refurbished for very little gain in terms of income. A refurbished / redecorated building with landscaped grounds will allow the premises to be utilised and provide a Youth Club, to the benefit of the local community.

Corporate Plan

- 9 Building strong inclusive and sustainable communities that empower local people to influence and provide the services that matter most to them
- 10 Enhancing the quality of life of people living and working in the Borough.

Financial

- 11 The Trust will provide a service to the local community and utilise a building that is currently vacant. After 3 years the Council will receive an income as detailed in the Confidential Appendix which also identifies the financial contribution sought towards works.

Equalities

- 12 The letting is in accordance with Council policies.

Environmental

- 13 The proposed letting will allow an existing building to be improved together with the fenced garden area.

Economic Development

- 14 The proposed works may allow income generation and bring jobs in to the area on a longer term basis.

Risk Management (including Health & Safety)

- 15 The Council will work with the proposed tenant to improve the buildings and the fenced in garden area.

Human Resources

- 16 The Council currently pays business rates and manages the vacant building. The new tenant will take on these responsibilities.

Consultation and Engagement

- 17 The proposed letting consultation is limited to relevant portfolio holders.

Appendices

- 18 Confidential Appendix - The Business Case Report and the proposed Heads of Terms from the proposed tenant is commercially sensitive.

Background Papers

WPBC Asset Management Plan **2016-2019**

Footnote

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

Report Author: Jon Morgan, Senior Estates Surveyor

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Date: 27/03/2018

Management Committee

17th April 2018

Lease for Mineral extraction - Portland Cemetery

Appendix -Not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12a of the Local Government Act 1972, as amended. The public interest in maintaining the exemption outweighs the public interest in disclosing it.

For Decision

Portfolio Holder(s)/ Briefholder

Councillor Jeff Cant – Finance and Assets
Councillor Kate Wheller – Community Facilities
Councillor Ray Nowak - Environment and Sustainability

Senior Leadership Team Contact:

M Hamilton, Strategic Director

Report Author:

Jon Morgan, Senior Estate Surveyor

Statutory Authority

Section 123 of the Local Government Act 1972

Purpose of Report

- 1 To enable a lease between WPBC and Albion Stone for extraction of stone from beneath Portland Cemetery at Weston Road, Portland.

Recommendations

- 2 (a) Authority is delegated to the Strategic Director to grant a lease to Albion Stone for extraction of stone under Portland Cemetery
(b) Officers obtain all necessary consents prior to the lease being signed

Reason for Decision

- 3 To permit Albion Stone to progress mineral extraction beneath Portland Cemetery in accordance with their planning consent.

Background and Reason Decision Needed

- 4 Albion Stone obtained planning consent in February 2018 for extracting minerals in the immediate area including beneath the Council owned Portland Cemetery. Workings are likely to take place from 2023 as Albion

Stone plan to carry out mineral extraction in the neighbouring churchyard first.

- 5 To carry out the extraction Albion Stone require access through existing Crown Estate land. This necessitates modification or release of a covenant imposed by the Crown Estate when the land for the Portland cemetery was acquired in the early 1950's that prevents its use other than as a cemetery and open space.
- 6 The Confidential Appendix contains a brief commentary on the likely value of the minerals, the Church Commissioners view, the Crown Estate position and the future use of the worked site.

Implications

Corporate Plan

- 7 To maximise income through effective asset management and trading activities
- 8 Helping to stimulate economic growth so that the borough offers better jobs and prospects for local people.

Financial

- 9 The Council will receive an income from the lease and a resultant facility for longer term use that could be let out or used for its own occupation.

Equalities

- 10 The letting is in accordance with Council policies.

Environmental

- 11 Albion Stone has a history of working minerals on Portland, is a significant land holder and is required to operate in accordance with the detailed conditions of the Planning consents. This includes land support requirements for the cemeteries and aftercare agreements.

Economic Development

- 12 The proposed works may allow income generation and bring jobs in to the area on a longer term basis.

Risk Management (including Health & Safety)

- 13 Albion Stone will be required to work with the Minerals Authority to ensure that any works are carried out in accordance with the Planning consent and to the highest standards.
- 14 Following completion of the negotiations regarding the terms on which the Crown Estate will be prepared to grant the right of way and modify the

covenant referred to above the Legal Services Department will complete the necessary deed with the Crown Estate. Officers will enter discussions with the Diocesan Bishop (Church of England) to determine whether it will exercise its jurisdiction to insist on the grant of a faculty in advance of work being done that involves the part of the cemetery that is consecrated.

Human Resources

- 15 The Council Cemetery management should not be affected by the proposal.

Consultation and Engagement

- 16 The proposed use has obtained planning consent. The letting is commercially sensitive and is under land used for a cemetery so consultation has been limited to relevant portfolio holders.

Appendices

Confidential Appendix - Commentary on the Planning, Proposed Lease and third party matters.

Background Papers

WPBC Asset Management Plan **2016-2019**

Footnote

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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Date: 27/03/2018

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Management Committee

17th April 2018

Disposal of land and buildings fronting onto the High Street Fortuneswell Portland

For Decision

Portfolio Holder(s)/ Briefholder

Finance and Assets – Cllr Jeff Cant
Housing – Cllr Gill Taylor

Senior Leadership Team Contact:

M Hamilton, Strategic Director

Report Author:

Greg Northcote, Estate Manager

Statutory Authority

Legal Power to dispose of the land – s 111 and 123 (2) and s 128 (1) Local Government Act 1972 and Circular 06/03 Local Government Act 1972 General Disposal Consent (England) 2003. Legal power to acquire land

Purpose of Report

- 1 To update members on the outcome of the purchases of Nos 9 and 11 High Street Fortuneswell.
- 2 To review and agree the parcelling of the above properties with additional land in Council ownership for future disposal.
- 3 To agree the marketing proposals for the above property.

Recommendations

- 4 That members approve the marketing and sale of the land and buildings fronting onto the High Street Fortuneswell Portland and that authority to manage the disposal process be delegated to the Strategic Director (Martin Hamilton) in conjunction with the Briefholder for Finance and Assets and the Briefholder for Housing.

Reason for Decision

- 5 To enable the redevelopment of land and buildings that should improve the locality, provide new housing and generate a capital receipt for the Council to recover its previous expenditure.

Background and Reason Decision Needed

- 6 The Council acquired No 11 High Street Fortuneswell a semi-detached three storey house using compulsory purchase powers on 18th October 2016 by means of a General Vesting Declaration. The title was finally registered in December 2016.
- 7 The Council commissioned a valuation by the District Valuer prior to acquiring No 11 High Street. The valuation reported a value less than the cost already expended by the Council in shoring up and making safe No 11 High Street an action taken when the Building Control Section identified the building to be a dangerous structure. The Council have a registered charge over No 11 High Street and this may be discharged when monies are received on sale.
- 8 A Notice of Motion was presented at Full Council on 25th February 2016. Full Council set aside up to £250,000 to support housing provision in the locality. The Council subsequently acquired No 9 High Street Fortuneswell the adjacent semi-detached house by agreement from a lender in possession on 23rd January 2018. The Council acquired no 9 High Street because refurbishment of No 11 alone is not a viable option, confirmed in earlier reports by the District Valuer. The Council obtained a valuation prior to acquisition.
- 9 There after officers approached a local developer who owned adjacent property to investigate the possibility of a wider locality residential development and land assembly opportunity. The outcome of that approach was presented to members of the Regeneration and Asset Management Group in January 2018 and the Report is available as a Background Document.
- 10 Members of the Regeneration and Asset Management Group agreed with officers that the development of the High Street properties should be readily progressed and that doing so now does not prejudice any future proposal for development elsewhere on the Council's adjacent land.
- 11 Officers now recommend that the site (outlined in red on the attached Site Plan in the Appendix potentially subject to boundary changes) is openly marketed as a whole with rights granted for unallocated parking provision in the Hambro Car Park. The purchaser can be required to develop out the site as a whole within 2-3 years of purchase and be required to retain and enhance the adjacent pedestrian access and landscaped open space as a condition of the purchase.
- 12 Officers will if required commission an independent valuation to verify that the sale price represents market value. The sale maybe unconditional or subject to planning consent and is likely to take the form of a sale by informal tender or auction.

Implications

Corporate Plan

- 13 Increasing the number of new homes built within the borough.
- 14 Safeguarding and providing opportunities to enjoy the natural and built environment now and in the future.

Financial

- 15 The Council approved a Notice of Motion for £250,000 for this specific site. The price paid for No 9 High Street was £122,000. The proposed disposal will enable the Council to recover costs expended to date in respect of the acquisitions of both Nos 9 and 11 High Street and the recovery of costs of shoring No 11 High Street since 2009.

Equalities

- 16 Any future change of use will require planning consent.

Environmental

- 17 The development of the site will allow the removal of a dilapidated building.

Economic Development

- 18 N/A

Risk Management (including Health & Safety)

- 19 A continuation of the existing arrangements in place whereby No 11 High Street is kept secure and buttressed. Inspections to continue to ensure no unauthorised access.

Human Resources

- 20 There will be some officers' time utilised in progressing the proposed disposal of these properties.

Consultation and Engagement

- 21 Detailed in the Report.

Appendices

Appendix - Site Plan

Background Papers

Delegated Decision Report 9 High Street, Fortuneswell, Portland, Dorset. 12th December 2017.

Report to Regeneration and Asset Management Group 22nd Jan 2018. 7 – 9 High Street and Hambro Car Park, Fortuneswell

Footnote

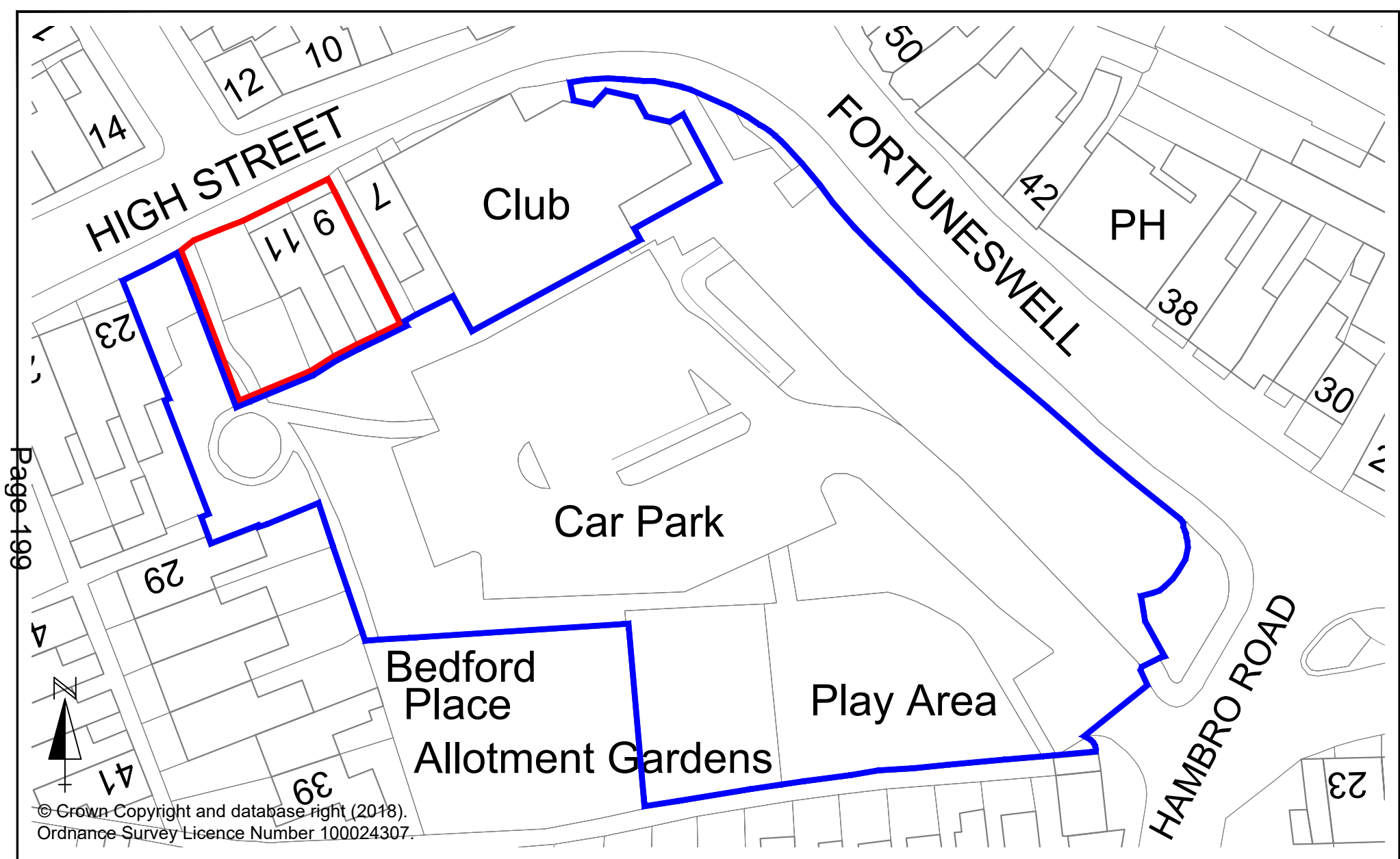
Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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Date: 23 March 2018



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South Walks House,
 South Walks Road,
 DORCHESTER,
 Dorset.
 DT1 1UZ
 Tel: 01305 251010 Fax: 01305 251481

No.s 9 and 11 High Street &
 adjacent land,
 Fortuneswell, Portland

Date : 27-03-18
 Scale 1 : 500 @ A4

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Management Committee

17th April 2018

Acquisition and Leasing of Officers Field Portland

Appendices 2 and 3 are not for publication by virtue of paragraph 3 of Schedule 12A, Part 1 of The Local Government Act 1972, as amended. The public interest in maintaining the exemption outweighs the public interest in disclosing it

For Decision

Portfolio Holder(s)/ Briefholder

Finance and Assets – Jeff Cant
Community Facilities – Kate Wheller

Senior Leadership Team Contact:

M Hamilton, Strategic Director

Report Author:

Greg Northcote, Estate Manager

Statutory Authority

Legal Power to acquire and dispose of the land – s 120, 123 (2) and s 128 (1)
Local Government Act 1972 and Circular 06/03 Local Government Act 1972
General Disposal Consent (England) 2003.

Purpose of Report

- 1 To obtain members authority to progress and complete the proposed purchase of Officers Field, Osprey Quay, Portland.
- 2 To advise of a potential partial letting of Officers Field to Dorset County Council.

Recommendations

- 3 That members approve the acquisition of Officers Field from the Homes and Communities Agency on the terms detailed in the report and the subsequent leasing of the playing field area to Dorset County Council permitting use of the facilities by the adjacent school.

Reason for Decision

- 4 To complete the delivery of a development and the related Section 106 conditions imposed by the Planning Committee. To set up a sustainable management arrangement for this area of public open space.

Background and Reason Decision Needed

- 5 The Council as Local Planning Authority granted planning permission (09/00266/FULMAJ) for the construction of a development of 69 houses and 8 flats on 29th July 2009. A Section 106 Agreement of the same date contracted the then land owner, the South Western Regional Development Agency (SWRDA) now the Homes and Communities Agency (HCA) to transfer their freehold interest in the open space known now as Officers Field to the Council. A Site Plan showing the extent of Officers Field outlined in red is reproduced in Appendix 1. The land is situated between the adjacent primary school and the Officers Field Development.
- 6 The Section 106 Agreement is reproduced in Confidential Appendix 2. In the intervening years SWRDA and more recently the HCA have formed the open space known as Officers Field and in accordance with clause 3.8.6 are now seeking to transfer the freehold interest to the Council. Terms have been agreed for the transfer for nil consideration and payment by the HCA of an increased commuted sum to cover future costs of management and maintenance. These terms are satisfactory to our Parks and Open Spaces Team who have recently accepted that the grounds are now satisfactorily completed sufficient to accept them in their current condition.
- 7 Some time ago the Council and SWRDA were jointly approached by Dorset County Council (DCC) who planned to develop a school on adjacent land. They sought occasional use of the open space as a playing field. All parties agreed in principle that following formation of the open space part of it should be formed as a playing field, fenced and gated and that the school could through DCC enter into an agreement that permitted their use of the playing field.
- 8 Due to the passage of time this agreement has been side lined pending the formation and handover of the open space. So officers have recently supplied a draft Heads of Terms (reproduced in Confidential Appendix 3) documenting a lease between the Council and DCC that would permit underletting to the school. Although the HCA have held the land for several years longer than originally envisaged, the school has not sought to use the land. Officers are now waiting on their response. If terms are agreed then the Council will grant the requisite lease but otherwise the Council will take on the management of the whole area.

Implications

Corporate Plan

- 9 Enhancing the quality of life of people living and working in the borough
- 10 Safeguarding and providing opportunities to enjoy the natural and built environment now and in the future

Financial

- 11 The Council will receive a sum of £55,000 by way of a commuted future management contribution from the HCA when the land is transferred for nil consideration.

Equalities

- 12 N/A

Environmental

- 13 The provision of long term management arrangements will be settled and the potential leasing will share future responsibilities in respect of the playing field in return for the joint access arrangements described in the draft lease.

Economic Development

- 14 N/A

Risk Management (including Health & Safety)

- 15 N/A

Human Resources

- 16 There will be some officers' time utilised in progressing the proposed transfer and management time thereafter for the Parks and Open Spaces Section.

Consultation and Engagement

- 17 Consultation as described in the report and leading up to the grant of planning consent.

Appendices

Appendix 1 - Site Plan
Confidential Appendix 2 – Section 106 Agreement
Confidential Appendix 3 – Draft Heads of Terms of lease to DCC

Background Papers

N/A

Footnote

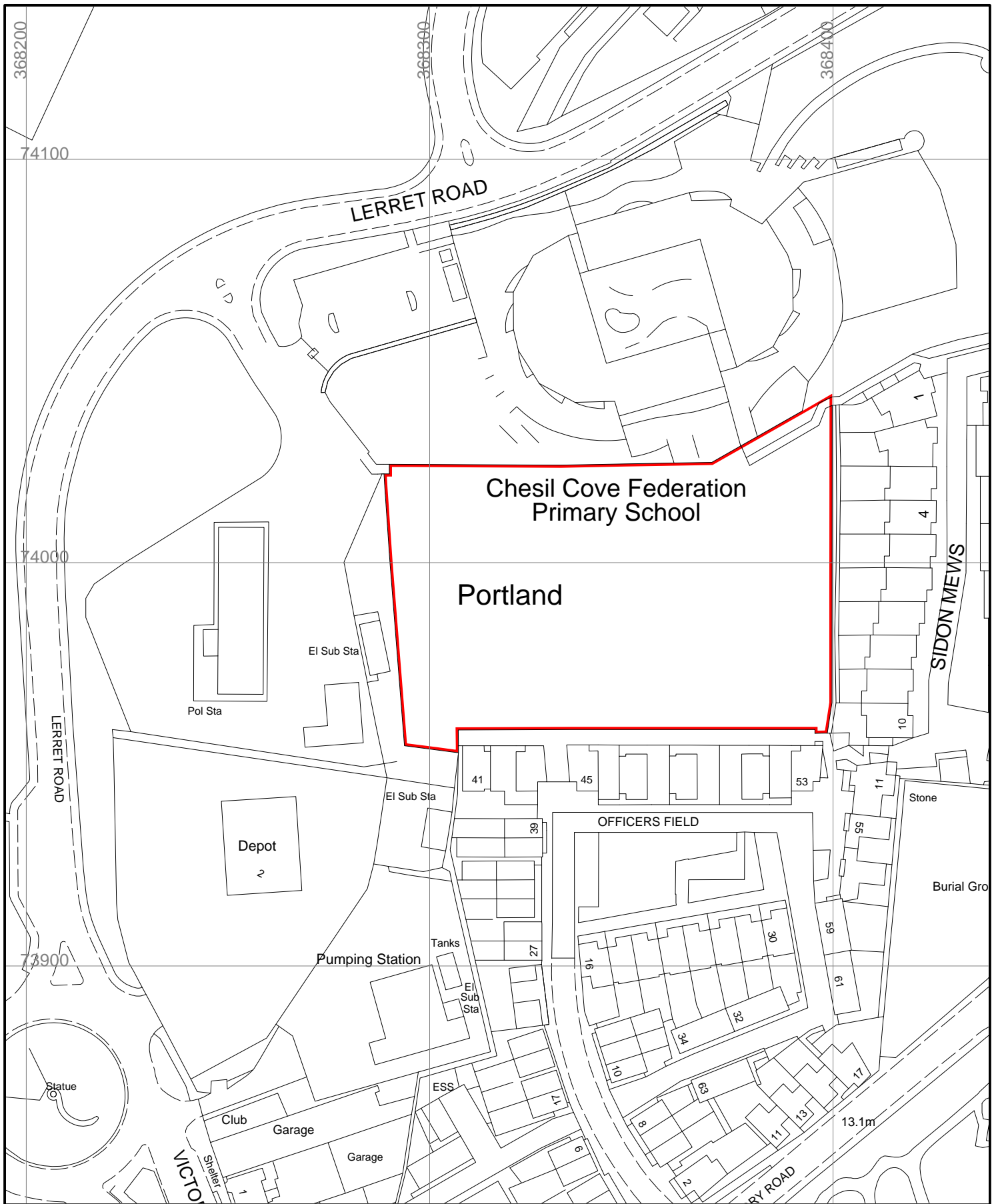
Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

Report Author: Greg Northcote Estates Manager

Telephone: 01305-838268

Email: gnorthcote@dorset.gov.uk

Date: 23 March 2018



TITLE
 Officer's Field Recreation Ground
 Osprey Quay
 Portland

Area: 0.7494 ha

ITP NO.
 SOWT/HDBP/420

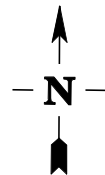
ASSET REF
 3316

DRG NO.
 APH1394_420

DATE
 28/07/2015

SCALE
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Page 205
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Homes &
 Communities
 Agency

Spatial and Market
 Intelligence

Tel: 0300 1234500
 Email - spatial.intelligence@hca.gsi.gov.uk
 www.homesandcommunities.co.uk

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Management Committee 17 April 2018 Council Tax Discretionary Discount

For Decision

Briefholder(s)

Cllr J Cant – Finance & Assets

Senior Leadership Team Contact:

J Vaughan, Strategic Director

Report Author:

S Dawson, Head of Revenues & Benefits

Statutory Authority

L Local Government Finance Act 1992 (as amended)

Purpose of Report

- 1 For Committee to consider the application received for Council Tax discretionary discount.

Recommendations

- 2 That Committee considers the application for Council Tax discretionary discount listed at Appendix 1.

Reason for Decision

- 3 To ensure that the application is properly considered having regard to the individual merits of the case.

Background and Reason Decision Needed

- 4 Under Section 13A of the Local Government Finance Act 1992, Councils have the discretion to award Council Tax discounts of up to 100% of the amount due. Discounts can be awarded on an individual basis or in respect of a specific class of property or Council Taxpayer.
- 5 Any application for discretionary discount must be considered on its individual merits. The costs of any such discount awarded are met from the Council's General Fund.
- 6 Where a Council grants a discretionary discount it can be made for a specific period or can be for a period where the end date is not specified.

- 7 Committee is asked to consider the application for Council Tax discretionary discount which is listed at Appendix 1.

Implications

Appendices

Appendix 1: Council Tax discretionary discount application

Footnote

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

Report Author: Stuart Dawson

Telephone: 01305 211925

Email: s.c.dawson@westwey.gov.uk

Date: 12 March 2018

Application for Council Tax discretionary discount

1. XX, Ullswater Crescent, Weymouth

An application for Council Tax discretionary discount has been received from the owner of a property at XX Ullswater Crescent, Weymouth.

The property is 50 years and is let out to tenants. The last tenant vacated the property on 3 September 2017 and was left completely unfurnished. The Council has determined that a 100% Council Tax discount should be awarded (up to a maximum period of three months) where a dwelling becomes substantially unfurnished. In line with this, the owner was awarded a 100% discount for the period 03/09/17 to 03/12/17 but then became liable to the full Council Tax charge from 3 December 2017.

The owner has stated that little modernisation had been carried out to the property in the past and that they have decided to refurbish it, before selling it, to realise a better price. The owner aims to complete the refurbishment by the end of March/early April and to market the house in late spring/early summer.

The owner is carrying out most of the work themselves in order to keep costs to a minimum. However, they are contracting out the plastering, plumbing and electrical work. The cost of the refurbishment work, to date, is £6,640 with an estimated further £6,000 to come.

The owner has asked that a 100% Council Tax discount be awarded until the refurbishment has been completed. They acknowledge that it is taking longer to complete the refurbishment as they are carrying out most of the works but they have done this for cost reasons. They have also commented that a 25% discount would be awarded if the property was occupied by a single adult and are of the view that no one at the dwelling is currently benefiting from the local services.

If a 100% Council Tax discount was awarded from 3 December 2017, the cost to the Council would be as follows:

From 03/12/17 to 31/03/18	£546.91
From 01/04/18 onwards (per day)	£ 4.84

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WEYMOUTH AND PORTLAND BC – MANAGEMENT COMMITTEE ACTION PLAN MARCH 2018
KEY : Red = Close Monitoring; Amber = Watching Brief with regular updates; Green = Completed

Project and lead officer	Councillor champion	Decision points & who makes decision	Anticipated delivery date	Funding & Source	Progress Update
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1. Community Facilities - KATE WHELLER

Allotments, Cemeteries and Crematorium, Clubs, Community Centres, Parks and Open Spaces, Leisure Centres, Sports Grounds, Swimming Pool, Chalets, Play Areas, Local Plans and Infrastructure, Public Conveniences

1.	Greenhill Chalets future management Sarah Cairns	Kate Wheller	Management Committee	Oct 2016 March 2017 Sept 2017 Dec 2017 April 2018	NA	Leases with legal departments for final signatures. Aim to complete transfer to Greenhill Management Association.
2.	Production of a Master Plan for the Marsh and its facilities Nick Thornley / Tony Hurley	Kate Wheller	Management Committee	Feb 2017 July 2017 Sept 2017 Oct 2017 Feb 2018	NA	Project complete. Final report to MC in Feb 2018
3.	New Boxing Club on the Marshes Nick Thornley / Tony Hurley	Kate Wheller	Management Committee	Dec 2017 April 2018	Council reserves	£50k grant provided. Boxing club review complete, awaiting timetable for start of work.
4.	Public Conveniences Martin Hamilton	Kate Wheller	Management Committee	Feb 2018 April 2018	To Finance Group	Public consultation commenced, surveyor instructed, plans to be finalised and published on completion of consultation.

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2. Community Safety - FRANCIS DRAKE

CCTV, Community Safety, Crime and Disorder, Emergency Planning, Environmental Health, Licensing, Police and Crime Commissioner, Police and Crime Panel

5.	Preventing drink-fuelled disorder. Consider late night levy and limiting opening times. Graham Duggan	Francis Drake	Management Committee Performance & Scrutiny Committee	March 2017 June 2017 July 2017 Oct 2017 Sept 2017 Jan 2018 April 2018	NA	Negotiations on reducing closing time continue. Trade developing proposal for late night street wardens or funded police officers. Update report to MC April.
6.	Town centre space controls to address general antisocial behaviour. Graham Duggan	Francis Drake Matt Prosser to update at MC	Management Committee	Update at each MC required.	Within existing budget	Full Council ratification or ASB PSPO expected in May 2018.
7.	Tackling litter/dog fouling street trading activity and waste. Tackling street offences. Graham Duggan	Francis Drake Matt Prosser to update at MC	Management Committee	July 2017 Sept 2017 Feb 2018 May 2018	Within existing budget	Award of contract to be made in May 2018
8.	Emergency Planning update Martin Hamilton	Francis Drake	Management Committee	Dec 2017	NA	Post Grenfell review of Borough preparedness for civil emergencies. Verbal update required.

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9.	Melcombe Regis Board Action Plan. Matt Prosser	Gill Taylor	Management Committee	Update at each MC	Partners and Council reserves	Following Management Committee support for a Community Safety Accreditation Scheme, a scheme is now being worked up in detail for launch ahead of next summer. Uniformed officers will be accredited with some policing powers and be a visible presence in the town centre. Update to MC in April 2018.

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3. Corporate Affairs and Continuous Improvement - ALISON REED

Democracy, Elections, Policy, Member Services, Risk Management Services, Legal Services, Public Relations and Publicity, Audit, Performance and Improvement, Personnel, Shared Services Project, Local Strategic Partnership, Weymouth & Portland Partnership, Relationships External to the Borough, Twinning, Relationship with Portland Town Council

10.	Set up a Town Council in Weymouth Stuart Caundle	Alison Reed / Jeff Cant	Town Centre Steering Group Management Committee	March 2018	Agreed in budget 2017/18	Public consultation ends March 2018. Initial scoping of services and finances for Town Council in progress
11.	Establishing the position of Portland Town Council Stephen Hill	Alison Reed	Management Committee	Feb 2018	Ongoing	Town Council to consider services it might wish to run after a Unitary Authority meeting. 2 nd meeting 26.2.2018.
12.	Unitary Council / Combined Authority Matt Prosser	Jeff Cant / Alison Reed	Delegated to CEO/Leader	Ongoing updates	NA	A Cross County Committee has been set up and approved by full Council to oversee the project.
13.	Review of incoming grants from outside bodies Jane Nicklen	Alison Reed	Scrutiny Committee Management Committee	TBA	NA	Officer Working Group being established to share ownership of co-ordinated approach to grant applications
14.	Review of links with outside bodies Stuart Caundle	Alison Reed / Andy Blackwood	Scrutiny Committee Management Committee	Feb 2018	NA	To be scoped by Scrutiny Committee

Project and lead officer	Councillor champion	Decision points & who makes decision	Anticipated delivery date	Funding & Source	Progress Update
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4. Economic Development - JAMES FARQUHARSON

Economic Regeneration, Employment Sites, Inward Investment, Market, Business Development and Promotion, Local Shopping Centres.

15.	Set up a consultation to engage with business community to gain a better understanding of their needs. Nick Thornley	James Farquharson	Management Committee	Feb 2018		<ul style="list-style-type: none"> Economic Strategy link T4.6 - JF presented economic strategy and engaged with a wide range of SME's and major employers to gain feedback on local economy at the Portland Business Day event held 24.1.18 Economic Strategy link T4.5 - JF Meeting with Portland marine companies CEO's to understand future vision and growth opportunities to feed into national funding bid and develop new marine CEO forum. Meeting held 24.01.18
16.	Support for grassroots local enterprise Nick Thornley	James Farquharson	Management Committee	March 2018	Western Dorset Growth Corridor WPBC	<ul style="list-style-type: none"> Economic Strategy link T2.6 - Incubator Units project being established at Ferry Terminal Building

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					<p>December 2017 Economic Strategy link T3.5 - Funding support provided for new Careers Enterprise coordinator (CEC) post to strengthen links between schools and businesses (Wey Valley, Budmouth, Atlantic Academy, Budmouth and All Saints signed up to programme with business mentors being appointed to each school).</p> <ul style="list-style-type: none"> Economic Strategy link T3.5 - JF Meeting with Careers and Enterprise Company, DCC Educational service and business mentor to discuss CEC programme and links with local business. Meeting held 24.01.18
17.	Marketing Weymouth & Portland's commercial potential Nick Thornley	James Farquharson	Management Committee	March 2018	<p>Western Dorset Growth Corridor WPBC</p> <ul style="list-style-type: none"> Economic Strategy link T3.4 – Funding for new local careers and job website being secured

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					<p>to promote local companies and business and linked to local students to encourage retention of our young people and act as an attractor to those outside the Borough</p> <ul style="list-style-type: none"> • Economic Strategy link T3.4 – Weymouth promotional leaflet produced and taken to key London trade show by Leader. Promotion of developments sites via Dorset Property Pilot. • Economic Strategy link T4.5 – Marine development project progressing with EDO’s attending the South Coast Marine Cluster meeting in January to feed into national funding bid for Marine sector. • Economic Strategy link T4.5 - Funding agreed (by Growth Hub) to

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					<p>appoint Marine sector coordinator for Dorset Economic Strategy link T3.4 - New WDEGS leaflet produced to promote the aims of the strategy. PDF version to be circulated to members via the WDEGS members Board</p>
18.	Annual Enterprise Award Nick Thornley	James Farquharson	Management Committee	TBC	<p>W&PBC Economic Development</p> <ul style="list-style-type: none"> Economic Strategy link T4.6 – Introduction of a new local entrepreneur award in conjunction with the Weymouth work hub at the Terminal Building. WPBC supporting a free desk space for 12 month period. Details to be published and promoted as part of the work hub launch.

Project and lead officer	Councillor champion	Decision points & who makes decision	Anticipated delivery date	Funding & Source	Progress Update
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5. Environment and Sustainability - RAY NOWAK

Building Control, Cleansing, Coast Protection and Policy, Conservation, Development Control, Environmental Education and Initiatives, Forward Planning, Flooding, Local Development Plan, Recycling and Refuse Collection, Sea Defences, Sustainable Development, World Heritage

19.	First Phase Flood Defences Martin Hamilton	Jeff Cant / Ray Nowak	Management Committee	Sept 2017 April 2018	DEFRA/LEP	Following a meeting with Therese Coffey MP in the autumn, officers have continued to work with colleagues from Environment Agency to develop a prioritised programme of repairs. A meeting was held with in March with the Chairman of the Wessex Regional Flood & Coastal Committee to discuss progress and potential funding.
20.	Review ways of enforcing improvement of run down buildings in private hands.	Ray Nowak / Paul Wyeth	Management Committee	Nov 2017	TBC	Drive up the quality of the built environment. Agreement reached with Town Centre Group to

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	Stephen Hill				identify and pursue owners of run down building.

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6. Finance and Assets - JEFF CANT

Budget Control, Corporate Property, Council Offices, Finance Consultation, Fees and Charges, Treasury Management, Procurement, Depot, Long Term Asset Management, Property Services, Collection of Local Taxes, Leasing, Regeneration

21.	Sale of North Quay Martin Hamilton	Jeff Cant / all	Management Committee	Ongoing updates		Contract rescinded and Exec Director reported back on options. New proposal to be submitted to Management Committee.
22.	Town Centre Regeneration Peninsula Martin Hamilton	Jeff Cant / all	Management Committee	First phase project Completion 2020	Council borrowing	£700k committed to project to take to outline planning. Outline planning to be submitted Spring 2018. Propose to fund from borrowing – Full Council approval required.
23.	Town Centre Regeneration – Commercial Road Martin Hamilton	Jeff Cant	Management Committee	Dec 2017	Mixed Funding	Verbal updates at each Management Committee
24.	Submit a case for additional funding support to Department for Communities and Local Government Martin Hamilton / Simon King	Jeff Cant/ Group Leaders	N/A	Ongoing	N/A	Richard Drax arranging date with SoS for Communities and Local Government. Draft submission prepared.

WEYMOUTH AND PORTLAND BC – MANAGEMENT COMMITTEE ACTION PLAN MARCH 2018
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Project and lead officer	Councillor champion	Decision points & who makes decision	Anticipated delivery date	Funding & Source	Progress Update
25. Active Property Asset Management Plan should deliver capital receipts for reinvestment in the Borough Martin Hamilton / Sarah Cairns	Jeff Cant	Management Committee	Rolling programme of reports to come forward.	NA	Initial list of properties for disposal/development considered by Assets & Regeneration Group in April and approved at April MC. Timetable for further reports to follow.
26. Pavilion makeover Martin Hamilton	Jeff Cant	Management Committee	Oct 2017	Funds allocated	£250k allocated to the project. Lease finalisation now being undertaken by legal teams incorporating works and other changes.
27. Construction of new public conveniences at the Esplanade Martin Hamilton	Jeff Cant	Management Committee	Verbal update at each Management Committee	Funds allocated	Following comprehensive review of facilities in Borough, MC agreed to the construction of new toilet facilities on the Esplanade. £400k allocated to this project

WEYMOUTH AND PORTLAND BC – MANAGEMENT COMMITTEE ACTION PLAN MARCH 2018
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7. Housing - GILL TAYLOR

Affordable Housing, Homelessness, Housing Advice, Housing Benefit, Private Sector Leasing Scheme, Housing Assistance and Improvements through Grants, Loans, Advice and Enforcement

28.	Melcombe Regis Board Improving Melcombe Regis as a place to live. Matt Prosser	Gill Taylor / Francis Drake / Jeff Cant	Report to Management Committee	Monthly updates from CEO/ Briefholders	Joint funding from the participating bodies	Monthly updates on Housing elements of the Action Plan.
29.	Review unlicensed HMO's in the Borough Clive Milone	Gill Taylor	Update to Management Committee October 2017	Monthly verbal update	Continue to await Government legislation anticipated in Summer 2018	Report on a proactive approach to ensuring safe HMOs.
30.	Action Plan required bringing together Council and Housing Associations Stephen Hill / Clyde Lambert	Gill Taylor / Jeff Cant / Ray Nowak	Report to Management Committee August 2017 following review of funding by Finance Group.	March 2017 May 2017 July 2017 Verbal update	Joint funding from the three Councils.	Accelerated Home Building strategy with the objective to increase number and pace of house building. A WPBC steering group has been formed to progress the delivery of an Accelerating Home Building Action Plan.

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8. Social Inclusion - CHRISTINE JAMES

Social Inclusion, Customer Contact Centre, Localism Project, Community Regeneration and Development, People with Special Needs and Exclusions, People element of Bereavement Service etc., Safeguarding/vulnerable adults, Health service, Public health, Health & Wellbeing Board, Voluntary Bodies and Groups

31.	Review Corporate Equality Policy Jane Nicklen	Christine James	Management Committee	Feb 2018	NA	Corporate Equalities Working Group met for first time on 9 November and agreed new timetable for a revised draft policy to cover DCP. Possibility of shared policy also being discussed with DCC
32.	Armed Forces Covenant project to be investigated. Jane Nicklen	Christine James	Management Committee	Monthly updates	Council Reserves	Project progressing under leadership of The Lantern Centre with project input from the council and others and priorities for delivery agreed. Bid to The Royal British Legion being prepared. Armed Forces Covenant will only fund certain aspects of the project.

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33.	Make WPBC Dementia Friendly Jane Nicklen	Christine James	All Members	Nov 2017	NA	No local Dementia Action Alliance support. Limited staff capacity to support this so will be supported through the Equalities Working Group.
34.	Residential Care home residents access to health services. Jane Nicklen	Christine James	Scrutiny Committee	Feb 2018	NA	Information provided by Dorset County Council and Clinical Commissioning Group.

WEYMOUTH AND PORTLAND BC – MANAGEMENT COMMITTEE ACTION PLAN MARCH 2018
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9. Tourism and Culture (including Harbour) - RICHARD KOSIOR

Arts, Attractions, Beach, Beach Cleaning, Culture, Esplanade, Events and Festivals, Museums, Pavilion, Tourism Publicity, Tourism Development (moved from 4), Tourist Information Centre, Seafront Management

35.	Developing the commercial potential of the Harbour Nick Thornley	Ian Bruce/ Richard Kosior	Management Committee	Verbal updates		Advice on long term way forward provided by specialists Fisher Associates and being reviewed. Some new prices agreed at 6.12.17 Harbour Board. 5 main projects being explored including an MMO funding application for improved Fish and Seafood handling facilities. Active engagement with Peninsula development team.
36.	Esplanade lighting system Nick Thornley Tony Hurley	Richard Kosior	Management Committee	March 2019	Coastal Communities	£200k grant from Coastal Communities Fund. Project Plan agreed. Project on track. Design company to be appointed March 2018.

WEYMOUTH AND PORTLAND BC – MANAGEMENT COMMITTEE ACTION PLAN MARCH 2018
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Project and lead officer	Councillor champion	Decision points & who makes decision	Anticipated delivery date	Funding & Source	Progress Update
37. Proposal for sculpture trail Tony Hurley	Richard Kosior / Jeff Cant	Management Committee	March 2019	£123,000 from borough council reserves	A brief for the implementation project is currently in preparation.
38. Signage Nick Thornley	Richard Kosior / Colin Huckle	Management Committee	March 2018	Funding provided by Weymouth BID and WPBC	Delivery of new signs expected by September 2018.
39. Review of concessions process and product and service mix Sarah Cairns / Matt Ryan	Richard Kosior	Scrutiny Committee	Jan 2019	NA	Before allocation of licences for 2019 season The seafront concessions licences and leases are due for renewal in 2020. They will be reviewed later in 2018 to plan for action to take place during 2019
40. Clarify the offering to visitors and Review the active promotion of tourism Nick Thornley	Richard Kosior	Management Committee	17 th April 2018	WPBC as part of TCP	Committee report expected.

Project and lead officer	Councillor champion	Decision points & who makes decision	Anticipated delivery date	Funding & Source	Progress Update
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10. Transport and Infrastructure - COLIN HUCKLE

Highways and Traffic Management, Parking Policy and Enforcement incl. fees and charges, Public Transport, Taxis and Private Hire incl. fees and charges, Cycle Network, Footpaths and Rights of Way, Liaison with Utility Companies

41.	Comprehensive review of all car parks to identify loss making sites and surplus assets Sarah Cairns	Colin Huckle / Jeff Cant	Management Committee	Dec 2017		Now with Asset Management Group.
42.	New Traffic management programme for the Town Centre to include pedestrianisation proposals. Nick Thornley	Colin Huckle / Jeff Cant	Management Committee	To be agreed once scheme drawn up.	Funding approved June MC for first phase of pedestrianisation	St Mary's Street / St Thomas Street completed. Second phase pedestrianisation report October. Full Traffic Management proposal Feb 2018. St Mary's Street / St Thomas Street improved pedestrianisation measures completed and being monitored by Town Centre Manager. Second phase pedestrianisation project being progressed

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					with DCC. Full traffic management plan to be prepared with DCC based on site developments and LEP funded study.	
43.	Review of Events' road closures process Martin Hamilton.	Colin Huckle	Scrutiny then Management Committee	Mar 2018	TBC	Committee report expected.
44.	Review DCC Park and Ride Martin Hamilton	Colin Huckle	Management Committee	Feb 2018	TBC	County proposal to pass over park and ride to Borough
45.	Cycling and pedestrian policy and practice Graham Duggan	Colin Huckle / Francis Drake	Scrutiny Committee Health & Wellbeing Locality Group	MC March 2018	NA	PSPO for ASB on Management Committee agenda (6/3/18)

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Management Committee Four Month Forward plan 1 May 2018 To 31 August 2018

This Plan contains the decisions that the Council intends to make over the next 4 months, but will be subject to review at each committee meeting. The Plan does not allow for items that are unanticipated, which may be considered at short notice. It is available for public inspection along with all reports (unless any report is considered to be exempt or confidential). Copies of committee reports, appendices and background documents are available from the council's offices at Council Offices, Commercial Road, Weymouth, DT4 8NG 01305 251010 and will be published on the council's website Dorsetforyou.com 3 working days before the meeting.

Notice of Intention to hold a meeting in private - Reports to be considered in private are indicated on the Plan as Exempt. Each item in the plan marked exempt will refer to a paragraph of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and these are detailed at the end of this document.

Brief Holders

- Community Safety - Cllr F Drake
- Corporate Affairs and Continuous Improvement – Cllr A Reed
- Economic Development – Cllr J Farquharson
- Environment and Sustainability - Cllr R Nowak
- Finance and Assets – Cllr J Cant
- Housing – Cllr G Taylor
- Community Facilities – Cllr K Wheller
- Tourism, Harbours and Culture – Cllr R Kosior
- Social Inclusion – Cllr C James
- Transport and Infrastructure – C Huckle

KEY DECISIONS

Title of Report	Purpose of Report	Consult Committee	Exempt	Portfolio Holder & Report Author	Decision Date
MEMO Project Update	To consider a request from MEMO in relation to mineral rights for a site owned by the Council at Portland Cemetery to MEMO as a contribution towards their project funding.			WPBC Briefholder for Finance and Assets - J Cant Jon Morgan, Interim Senior Estates Surveyor	5 Jun 2018
The Peninsular, Weymouth Page 232	To seek agreement to progress with the more detailed delivery work of the Peninsula Redevelopment.		3, 5	WPBC Briefholder for Economic Development - J Farquharson, WPBC Briefholder for Finance and Assets - J Cant, WPBC Briefholder for Tourism, Culture and Harbour - R Kosior David Brown, Head of Assets & Infrastructure, Julie Strange, Head of Financial Services	5 Jun 2018
Melcombe Regis: Selective Licensing of Private Rented Sector Property	To introduce a presentation from consultation employed by the Council detailing a proposed scheme for the licensing of private rented sector housing.			WPBC Briefholder for Housing - G Taylor Geoff Joy, Housing Improvement Manager	5 Jun 2018

NON KEY DECISIONS

Title of Report	Purpose of Report	Documents	Exempt	Portfolio Holder & Report Author	Decision Date
Community Infrastructure Levy (CIL) - Approval of Further Revised Regulation 123 List	To consider representations made on the proposed changes to the regulation 123 List and approve the Regulation 123 list as modified.			WPBC Briefholder for Environment and Sustainability - R Nowak Andrew Galpin, Implementation Team Leader	17 Apr 2018
Application for a Council Tax discretionary discount	To determine an application for a Council Tax discount.			WPBC Briefholder for Finance and Assets - J Cant Stuart C Dawson, Head of Revenues and Benefits	17 Apr 2018
Transfer of Powers & Assets	To receive a response to Notice of Motion referred to Management Committee following the meeting of Full Council on 19 January 2017.			WPBC Briefholder for Finance and Assets - J Cant Stuart Caundle, Assistant Chief Executive	17 Apr 2018
Draft Revised National Planning Policy Framework and Guidance - Response to Consultation	To respond to the current consultation by the Government on revisions to the national Planning Policy Framework.			WPBC Briefholder for Environment and Sustainability - R Nowak Trevor Warrick, Spatial Policy and Implementation Manager	17 Apr 2018

NON KEY DECISIONS

Title of Report	Purpose of Report	Documents	Exempt	Portfolio Holder & Report Author	Decision Date
Review of Tourism Promotion	In response to an item in Management Committee Action plan To Clarify the offering to visitors and Review the active promotion of tourism.			WPBC Briefholder for Tourism, Culture and Harbour - R Kosior Trevor Hedger, Senior Economic Regeneration Officer	17 Apr 2018
Community Safety Accreditation Scheme	To explain the benefits of a Community Safety Accreditation Scheme for Weymouth Town Centre. To describe how the scheme would operate and funding arrangements.			WPBC Briefholder for Community Safety - F Drake Graham Duggan, Head of Community Protection	17 Apr 2018
Disposal of land and buildings fronting onto the High Street Fortuneswell Portland	To update members on the outcome of the purchases of Nos 9 and 11 High Street Fortuneswell. To review and agree the parcelling of the above properties with additional land in Council ownership for future disposal. To agree the marketing proposals for the above property.		3	WPBC Briefholder for Finance and Assets - J Cant Greg Northcote, Estates Manager	17 Apr 2018

NON KEY DECISIONS

Title of Report	Purpose of Report	Documents	Exempt	Portfolio Holder & Report Author	Decision Date
Acquisition of Officers Field Portland	The transfer of land known as Officers Field, Portland from Zero C Holdings Ltd to Weymouth and Portland Borough Council as required by the S106 between South West of England Development Agency and Weymouth and Portland Borough Council dated 29th July 2009.		2, 3	WPBC Briefholder for Community Facilities - K Wheller, WPBC Briefholder for Environment and Sustainability - R Nowak, WPBC Briefholder for Finance and Assets - J Cant, WPBC Briefholder for Transport and Infrastructure - C Huckle Greg Northcote, Estates Manager	17 Apr 2018
New Lease for SPARK , Southill Community Centre, Southill, Weymouth, DT4 9SF. Community Centre at Southill, Weymouth DT4 9SF	To agree the Leasing of the Southill Play Group premises to a registered charity.			WPBC Briefholder for Finance and Assets - J Cant, WPBC Briefholder for Community Facilities - K Wheller Greg Northcote, Estates Manager	17 Apr 2018

NON KEY DECISIONS

Title of Report	Purpose of Report	Documents	Exempt	Portfolio Holder & Report Author	Decision Date
Agree a Lease for Mineral extraction and making good at Portland Cemetery, Weston Road, Portland, Dorset, DT5 2BZ	To instruct officers to progress negotiations with Albion Stone Limited and to conclude agreement with the Crown Estate for mineral royalties and for access.		3	WPBC Briefholder for Community Facilities - K Wheller, WPBC Briefholder for Environment and Sustainability - R Nowak, WPBC Briefholder for Finance and Assets - J Cant Jon Morgan, Interim Senior Estates Surveyor	17 Apr 2018

NON KEY DECISIONS

Title of Report	Purpose of Report	Documents	Exempt	Portfolio Holder & Report Author	Decision Date
Digital Strategy & Dorsetforyou Update	To provide members with an update on the Dorsetforyou and Digital Strategy projects.	North Dorset District Council Cabinet West Dorset District Council Strategy Committee Weymouth & Portland Borough Council Management Committee Joint Advisory Overview and Scrutiny Committee 29 May 2018 29 May 2018 5 Jun 2018 1 May 2018		NDDC Portfolio Holder for Community Safety and Wellbeing - A Kerby WDDC Portfolio Holder for Corporate - P Barrowcliff WPBC Briefholder for Corporate Affairs and Continuous Improvement - A Reed Penny Mell, Head of Business Improvement	29 May 2018 29 May 2018 5 Jun 2018

NON KEY DECISIONS

Title of Report	Purpose of Report	Documents	Exempt	Portfolio Holder & Report Author	Decision Date
<p>Revised Scheme of Officer delegations</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 238</p>	<p>To adopt the revised scheme of delegation.</p>	<p>North Dorset District Council Cabinet</p> <p>West Dorset District Council Strategy Committee</p> <p>Weymouth & Portland Borough Council Management Committee</p> <p>23 Apr 2018 24 Apr 2018 17 Apr 2018</p>		<p>WDDC Portfolio Holder for Corporate - P Barrowcliff</p> <p>NDDC Portfolio Holder for Planning - D Walsh</p> <p>Councillor Alison Reed Robert Firth, Corporate Manager Legal Services</p>	<p>10 May 2018</p> <p>18 May 2018</p> <p>31 May 2018</p>
<p>Business Review Outturn Report</p>	<p>To consider the Outturn Report.</p>			<p>WPBC Leader of Council - J Cant Chris Evans, Financial Performance Manager</p>	<p>5 Jun 2018</p>

NON KEY DECISIONS

Title of Report	Purpose of Report	Documents	Exempt	Portfolio Holder & Report Author	Decision Date
Article 4 Direction - Land adjacent to Chesil Beach and The Fleet	To consider the impact of buildings and land uses in the vicinity on the quality of the landscape which are permitted development and the need to restrict this development in the future to protect the landscape.			WPBC Briefholder for Environment and Sustainability - R Nowak Debbie Redding, Development Manager	5 Jun 2018
Weymouth Esplanade Lighting	To review the design of he proposed Lighting to Weymouth Esplanade. This project is one of 18 managed by Dorset Coast Forum in their "Coastal Communities – People & Places" Programme.			WPBC Briefholder for Tourism, Culture and Harbour - R Kosior Rosie Dilke, Project Engineer	10 Jul 2018
Local Plan Review Preferred Options Consultation	To inform members of the content of the local plan review preferred options consultation material and seek approval to go out to consultation.			WPBC Briefholder for Environment and Sustainability - R Nowak Terry Sneller, Local Plan Team Leader	26 Jul 2018

Private meetings

The following paragraphs define the reason why the public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed and the public interest in withholding the information outweighs the public interest in disclosing it to the public. Each item in the plan above marked Exempt will refer to one of the following paragraphs.

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
6. Information which reveal that the authority proposes:-
 - a. To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b. To make an order or direction under any enactment
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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of the Local Government Act 1972.

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