

Part 3

Responsibility for Functions

DESCRIPTION OF EXECUTIVE ARRANGEMENTS

The following parts of this Constitution constitute the Executive arrangements:

1. Article 6 (Overview and Scrutiny Committees), Part 4 (Council Procedures and the Overview and Scrutiny Procedure Rules);
2. Article 7 (The Cabinet), the Council Procedure Rules and the Executive Procedure Rules);
3. Article 8 (Licensing & Regulatory and Other Committees), the Council Procedure Rules
4. Article 10 (Area Committees and Forums) NB Currently the Council has no Area Committees and Forums;
5. Article 11 (Joint arrangements);
6. Article 13 (Decision making) and the Access to Information Procedure Rules; and
7. Part 3 (Responsibility for Functions).

Section 1 Local Choice Functions

Local Choice Function	Decision to be taken by
Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1	Cabinet
The determination of an appeal against any decision made by or on behalf of the authority	Cabinet
Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1	Cabinet
The determination of an appeal against any decision made by or on behalf of the authority	Cabinet
Any function relating to contaminated land	Cabinet
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authorities area	Cabinet
The discharge of any function relating to the control of pollution or the management of air quality	All Environmental Health Officers
The service of an abatement notice in respect of a statutory nuisance	All Environmental Health Officers
The inspection of the authority's area to detect any statutory nuisance	All Environmental Health Officers
The investigation of any complaint as to the existence of a statutory nuisance	All Environmental Health Officers

Section 2 Council Functions

A. **Council** (All 44 Members)

The Council shall be responsible for those functions set out at paragraph 4.02 of Article 4 of the Constitution

B. **Audit & Standards Committee** (12 members)

To exercise the following duties:-

- i. To promote and maintain high standards of conduct by members of the Council.
- ii. To ensure members of the Council observe the Council's Code of Conduct.
- iii. To advise the Council on the adoption or revision of a Code of Conduct.
- iv. Monitor the operation of the Code of Conduct.
- v. To provide advice and training (or arrange training) for members on matters relating to the Code of Conduct.
- vi. To recommend to the Council on the appointment of Independent persons for the Council and of the Code of Conduct adopted by the Parish and Town Councils in the district.
- vii. To consider and determine requests for dispensation from requirements relating to the adopted Members' Code of Conduct.
- viii. Power to make determinations at Code of Conduct Hearings: Arrangements for Dealing with complaints of Councillor misconduct
- ix. Approve (but not direct) internal audit's strategy, plan and performance
- x. Review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary
- xi. Consider the reports of external audit and inspection agencies
- xii. Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
- xiii. Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
- xiv. Be satisfied that the authority's assurance statements, properly reflect the risk environment and any actions required to improve it
- xv. Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
- xvi. Review the financial statements, external auditor's opinion and report to members, and monitor management action in response to the issues raised by external audit.
- xvii. approve the Council's Audited Statement of Accounts.
- xviii. All matters relating to elections and electoral registration including the appointment of Councillors to a Parish or Town Council under Section 91 of the Local Government Act 1972.
- xix. All the powers and duties of the Council relating to Parliamentary Elections and Boundary Reviews.
- xx. consider updates on Treasury Management activity

C. Planning Committee (12 Members)

To exercise delegated powers as follows:

- i. To determine planning applications and applications for listed building consent, which are not delegated to the Head of Place, Arts and Economy, as set out in the Scheme of Delegation.
- ii. To decide if tree preservation orders should be confirmed if objections are received.
- iii. The service of planning and listed building enforcement and other notices.
- iv. The making of a revocation order in respect of existing planning permission where the owner agrees not to claim compensation.
- v. To enter into Planning Agreements under S106 of the Town and Country Planning Act and to modify or discharge obligations contained in such agreements which are not delegated to the Head of Place, Arts and Economy.
- vi. To determine planning applications for development made under Regulation 3 or 4 of the Town and Country Planning General Regulations 1992.
- vii. To consider performance and monitoring reports with regard to the planning matters
- viii. To determine submissions made under the High Speed Rail Act which are referred to the Committee by the Head of Development Services.

D. Licensing & Regulatory Committee (15 Members)

This Committee is established and empowered under sections 6 and 7 of the Licensing Act 2003 and section 154 of the Gambling Act 2005 to exercise delegated powers in discharging the Council's functions under the Licensing Act 2003 and the Gambling Act 2005 and to establish sub committees and arrange for the discharge of Licensing Act and Gambling Act functions by such sub committees or officers

- a. All matters relating to licences consents and registrations (excluding those delegated to the Licensing & Regulatory Panels) except the setting of fees.
- b. All matters relating to public footpaths and bridle ways.
- c. Functions relating to name and status of areas and individuals:-
 - recommend to Council a change the name of the district
 - power to change the name of the parish
 - power to confer title of honorary alderman or to admit to be an honorary freeman
 - power to petition for a charter to confer borough status
- d. Promoting or opposing local or personal Bills (See article 4 para 4.02(j))
- e. All powers and duties of the Council relating to the making, variation or discharge of Public Spaces Protection Orders under the Anti-Social Behaviour and Policing Act 2014.
- f. All matters relating to making Orders under the Criminal Justice and Police Act 2001.

- g. To recommend to Council amendments to the Council's Licensing Policy Statement, with regard to the Licensing Act 2003,
- h. Under the Licensing Act 2003 the determination of application to review premises licence or club premises certificate.
- i. To recommend to Council amendments to the Council's Licensing Policy Statement and a policy not to permit casinos, with regard to the Gambling Act 2005.

E. Licensing & Regulatory Sub-Committee (To be known as Licensing & Regulatory Panels) (3 Members to be drawn from the membership of the Licensing & Regulatory Committee as required)

These Sub Committees are established by the Licensing & Regulatory Committee and have delegated responsibility for exercising the following powers with regard to the Licensing Act 2003 or the Gambling Act 2005 which are not delegated to the Head of Service for Health & Community Protection.

(1) Licensing Act 2003

- Application for personal licence - If a police objection is received
- Application for personal licence by an applicant with unspent convictions
- Application for premises licence or a club premises certificate if a relevant representation is made
- Application for provisional statement If a relevant representation made
- Application to vary premises licence/ club premises certificate If a relevant representation made
- Application to vary designated premises supervisor If a police objection
- Application for transfer of premises licence – If police objection
- Applications for interim authorities – If police objection
- Determination of an application for a Temporary Event Notice where objection is received from a relevant person (except a late TEN)
- Determination of application to vary premises licence at community premises to include alternative licence condition If a police objection
- Summary Review of premises/Personal license All cases as an Emergency activity
- Decision to object when local authority is a consultee and not the relevant authority considering the application
- To consider suspension or revocation of a Personal Licence under the Licensing Act 2003 Following conviction or a relevant offence, foreign offence or immigration penalty.

(Applications for review of a premises license or a club premises certificate under Licensing Act 2003 will be reserved to the Licensing and Regulatory Committee)

(2) Gambling Act 2005

- Issue club/ gaming machine permits – If objection received
- Determine applications/Approve gambling act licenses – if representations received
- Vary gambling act licenses – If representations received
- Transfer gambling act licenses – If representations received

(3) The Licensing & Regulatory Committee has also delegated authority to these Sub-Committee to determine the following matters

- The Issue Street Trading Consents – if objections received
- Action to be taken in respect of a Private Hire Operators, who have been the subject of serious or repeat complaints, or may not be considered fit and proper to hold the licence in accordance with the Councils policy
- Action to be taken in respect of Hackney Carriage or Private Hire Drivers who have been the subject of serious or repeat complaints or may not be considered fit and proper to hold the licence in accordance with the Councils policy other than emergency cases under section 61 (2B) Local Government (Miscellaneous Provisions) Act 1976 where immediate action is considered necessary in the interests of public safety.
- Action to be taken in relation to Hackney Carriage and Private Hire Vehicle licences where license has been suspended or revocation is proposed and the licence holder has made a request to be heard by the Committee.
- Renewal of Hackney Carriage and Private Hire Driver Licence, Operator Licence and Vehicle Licences where refusal is proposed by the Head of Heath of Community Protection and the licence holder has made a request to be heard by Committee.
- Application for Hackney Carriage and Private Hire Driver Licence, where refusal is proposed by the Head of Health and Community Protection for reasons other than the failure to pass the knowledge test, a failure to complete the Disability Awareness Course or a failure to complete the Child Sexual Exploitation Awareness Course. Application for a Private Hire Operator Licence where refusal is proposed and the applicant has made a request to be heard by the Committee has been received.
- Application for a Hackney Carriage and Private Hire Vehicle licence where refusal is proposed by the Head of Health and Community Protection and the applicant has made a request to be heard by the Committee.

F. **Employment Committee** (12 Members One of whom will be the Leader as a representative of their political group)

To exercise delegated powers as follows:

- i. To approve any policies affecting staff employment, working conditions or conditions of services e.g. the content of the Personnel Handbook and Personnel Strategy.
- ii. To modify any National Joint Council for Local Government Services conditions of service which may, under the Single Status Agreement, be modified by local agreement and approve any local agreements that may be entered into with the recognised trade unions.
- iii. To approve amendments to the establishment of the Council in respect of Chief Officers of the Council, as defined in Article 12 of the Constitution, in accordance with the Council's agreed budget
- iv. To consider recommendations and the minutes from the Members/Trades Unions Joint Consultation and Safety Panel
- v. To appoint an Independent Investigator in relation to disciplinary investigations (including capability) involving the Head of Paid Service and Statutory Officers.

- vi. To appoint a sub-committee, at an appropriate time that will
 - (a) undertake disciplinary hearings to receive the evidence of the Independent Investigator and to decide the outcome of such a hearing in accordance with the Officer Employment Procedure Rules;
 - (b) dismiss chief officers (excluding statutory officers) as determined in accordance with the Officer Employment Procedure Rules;
 - (c) to recommend to Council the dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in line with Council Procedure Rules;
 - (d) determine the suspension of a statutory officer and if the suspension continues, to review this decision (or the urgent decision to suspend by the Head of Paid Service or Monitoring Officer) at least every two months
- vii. To agree the procedures for the appointment to any roles listed in (viii)
- viii. To appoint a sub-committee that in line with adopted procedures will appoint Deputy Chief Executive, Programme Director for Climate Change and Heads of Service ("Chief Officers") and
- ix. To recommend to Council the appointment of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in line with adopted procedures

NB 1: Where the committee (or a sub-committee of it) is involved in the discipline or dismissal of Statutory Officers, it must include a member of the Cabinet, that will normally be the Leader.

NB 2: Where it is proposed that a statutory officer is dismissed prior to Council determining the decision it must be considered by a Panel of at least two Independent Persons as defined under the Localism Act 2011.

3. Informal Council Meetings

The Council operates discussion forums e.g. Planning Forum, Members/Trades Unions Joint Consultation and Safety Panel, Warwick District Conservation Advisory Forum and various working parties which do not have decision making powers and are not open to the public. There is no requirement for them to follow the Council Procedure Rules but have adopted their own procedures which are annexed to the Constitution and available on request.

4. Emergency Powers

The Chair of the Council has authority to take decisions in consultation with the Vice-Chair and the Group Leaders, with advice from the Chief Executive, Monitoring Officer and Section 151 Officer, when Council is unable to meet due to an emergency situation. This includes the ability to revise Council procedure rules (for a limited time of no more than three months). Any decision would be brought back to the next meeting of Council for scrutiny. The items considered in this arrangement can only be urgent matters to ensure the Council can continue to function and meet, providing they are within the legislative framework and the spirit of the Constitution

Section 3 Executive Functions

The Council has previously chosen to adopt a stronger Leader model for its Executive arrangements and under this model all executive functions are vested in The Leader of the Council, who may then delegate functions as seen fit.

The main purpose of this Scheme of Delegation is to set out the decision making powers in relation to executive functions that the Leader has decided may be exercised by the Cabinet or Members of the Cabinet.

The delegation of decision making powers for executive functions that the Leader has decided may be exercised by Officers of the Council is included as part of the Scheme of Delegations to Officers, which appears at Part 3 of the Constitution. That Scheme also includes details for decision-making powers that have been delegated to officers by Council, in relation to Council functions.

The Leader can at any time amend either of the two Schemes of Delegation in relation to executive functions, for example, by taking back responsibilities delegated to the Cabinet, an individual member of the Cabinet or an officer, or delegating powers under certain conditions. These will then be notified to Council for it to update the Constitution.

Structure of The Cabinet

The Cabinet will comprise of nine Members, with responsibilities for service areas as detailed in Part 7 of the Constitution.

Executive decision-making

Policy decisions, as set out in Article 4 of the Constitution are reserved to The Council, except where detailed to the contrary in the Constitution.

Executive decisions are otherwise made under the provisions of the Local Government Act 2000, as amended and the related regulations:

- a. The decisions made by Cabinet, including recommendations to Council, shall be by majority at all meetings. In the event of equality, the Chair shall have a casting vote.
- b. Cabinet decisions shall otherwise be made by a scheme of delegation determined by the Leader and either set out in this document (for those powers delegated to the Cabinet and/or Portfolio Holders) or as set out in the Scheme of Delegations to Officers.
- c. Formal decisions shall be published as required by law and shall be subject to the procedures for call-in to the Overview and Scrutiny Committee.

To consider and make recommendations to Council on:

1. The formulation of the Council's Corporate Strategy, and such forward programmes and other steps as may be necessary to achieve those objectives;
2. The Council's financial policies;
3. The organisation and management processes of the Council and their effectiveness in contributing to the achievement of the Council's Corporate Strategy. To keep them under review in the light of changing circumstances, making recommendations as necessary for change in either the committee or Service structure, or the distribution of functions and responsibilities;
4. The making and levying of the Council Tax;
5. Council functions that are not specifically assigned;

6. Preferred Option and Draft for Submission of Development Plan Documents e.g. the Core Strategy and Area Action Plans;
7. Approval of the Housing Strategy and Housing Investment Programme;
8. To approve the Development Planning Documents under the Planning & Compulsory Purchase Act 2004;
9. The basis upon which revenue estimate and capital programmes should be prepared;
10. Before the start of every financial year, to recommend to the Council the revenue estimates, the level of reserves and the capital programme for that year.

Subject to those matters reserved to Council and those matters delegated to an officer, the Cabinet to exercise delegated powers:

1. To take such action as the Cabinet thinks necessary in relation to:
 - (a) The Council's policies, objectives and priorities.
 - (b) The co-ordination and development of services.
 - (c) The work of other committees and bodies.
2. To agree minor changes to Council policy issues subject to the Overview Scrutiny & Committees being alerted to such decision.
3. To monitor revenue and capital expenditure during each financial year and to authorise variations in the revenue estimates and the capital programme.
4. To consider and review the budget management and financial control systems of the Council.
5. To supervise the insurances and banking arrangements and to administer, subject to any directions of the Council, any funds vested in the Council for the purpose of any of its statutory functions.
6. To make Grants under the RUCIS scheme.
7. To ensure the effective management, development and maintenance of all land and buildings.
8. To sell, purchase or appropriate land and buildings.
9. To grant or take leases of or any other interest in land and buildings
10. To acquire land and buildings by compulsory purchase
11. as the Housing Authority
12. Planning Authority (e.g. the regarding Development Plan Documents such as the Core Strategy and Area Action Plans, approving the issues and options for consultations documents and approval of all aspects of Supplementary Planning Documents, Non-Statutory Planning Documents and Planning Briefs) except those matters delegated to the Planning Committee and Council.
13. Development Management
14. To approve a Local Development Scheme and Statement of Community Involvement under Planning and Compulsory Purchase Act 2004
15. Culture, including (Parks & open spaces, Royal Spa Centre, Pump Room premises, Art Gallery & Museum; Sport, leisure & community or Catering establishments
16. 16 Markets & mops Car park management Refuse collection and recycling Street Cleansing;
17. Food safety, Health and safety, Pollution control public health - pest control - animal welfare – nuisances - infection control Health promotion Cemeteries & crematorium
18. Main drainage
19. Housing benefits & Council Tax Reduction
20. To exercise overall management of information technology policy and related power and duties.

21. To exercise all powers and duties of the council in relation to any matter concerning compulsory or voluntary competitive tendering and oversee the operation of any Direct Labour or Direct Service Organisations.
22. To seek planning consent under Regulation 3 or 4 of the Town and Country Planning General Regulations 1992.
23. To seek tenders for schemes where a budget allocation has already been made as long as the estimate for the scheme is within the budget allocation. (In the event of the original provision being insufficient a request must be made to the Council for an amendment to the capital budget and/or a supplementary estimate.)
24. To exercise all the powers and duties of the Council which are not delegated to another committee or person other than those which either cannot be delegated to the Cabinet or are specifically reserved to the Council.
25. To institute proceedings (other than for debt collection) in the High Court
26. Consideration of corporate risk.

Leader's Scheme of Delegation to Portfolio Holders

At present, no decision making powers are delegated to Portfolio Holders. The guidance below is in place as a minimal provision if the Leader was so minded to introduce such decision making.

(a) General provisions

Support to the Leader will be provided by the Deputy Leader, who will act for the Leader in their absence.

Day-to-day issues relating to shared Council services shall be the responsibility of relevant Portfolio Holders, acting jointly where relevant.

Any exercise of delegated powers shall have regard to any report by the Head of Paid Service, the Monitoring Officer or the officer designated under Section 151 of the Local Government Act 1972.

Any exercise of delegated powers shall comply with statutory restrictions, all policies and procedures approved by Council or Cabinet and the Council's Code of Conduct and adopted protocols.

Executive powers should only be exercised following appropriate consultation with Legal, Finance and Human Resources as necessary. The relevant Ward Councillor(s) must be consulted where the matter specifically affects their Ward or Group Leaders where the matter is politically sensitive or contentious.

All decisions must be recorded and may need to be published where required by law.

(b) Financial supervision

Day-to-day operations are under the control of the Chief Officers (The Senior Management Team of the Council) as outlined in the Constitution.

All Members and officers are bound by the Council's approved, Budget and Policy Framework, Code of Financial Practice, Code of Procurement Practice and Code of Corporate Governance.

Where responsibility for any Cabinet decision is silent, the default decision-maker will be Cabinet unless the Leader determines otherwise.

(c) Committees of the Cabinet - There are none at present.

Warwick District Council has formed a Joint Cabinet with Stratford-on-Avon District Council under sections 101 and 102 of the Local Government Act 1972, section 9EB of the Local Government Act 2000 and all other relevant legal powers, following decisions taken by the respective Cabinet of each council in February 2021. The purpose of the Joint Committee is to enable the two Councils to work more closely in developing a combined Local Development Plan for South Warwickshire and ensuring that decisions are taken collectively and in a timely manner. The Joint Committee will not at present undertake any other function than those defined within the terms of reference below and, as defined by law, and as such the adoption of the South Warwickshire Local Development Plan Document / Local Plan will remain with the individual Councils for final approval. The Constitution for the Joint Committee, appended to this Constitution, includes a set of standing orders that takes precedence over the respective constitutional documents of each of the two councils. However, where the Constitution for the Joint Committee is silent on an issue, the Constitution of each respective Council will take precedence.

(d) Working Groups of the Cabinet (with decision making powers) - There are none at present.

(e) External working

Representation on Strategic bodies

The Leader shall appoint representatives on these external bodies:

- Warwickshire Police & Crime Panel -
- West Midlands Employers
- Coventry and Warwickshire LEP
- District Councils' Network
- LLP Board
- Safer Warwickshire Partnership Board
- South Warwickshire Community Safety
- Warwickshire County Council Health & Wellbeing Board
- Association of Retained Council Housing (ARCH)
- Shakespeare's England
- local housing companies

Delegations regarding external working

Chief Officers, the Leader and Portfolio Holders and other members are authorised to:

- (a) Agree terms of reference, memoranda of understanding and work programmes for any partnership that falls within the Council's approved policy framework, subject to legislative requirements or the Constitution;
- (b) Manage the Council's involvement in each of the Partnerships, undertaking partnership actions and work programmes within agreed terms of reference and/or memoranda of understanding and the approved policy framework of the Council;
- (c) Work with partner bodies, to support the development of partnership plans and strategies;
- (d) Develop strategic plans;

- (e) Work with partner bodies to support growth of the partnership in line with approved business plans;
- (f) Seek Government resources to support the work of any partnership or group of authorities delivering shared services;
- (g) Act in conjunction with the Leader to sign off submissions to the Government for external grant funding in the Coventry and Warwickshire Local Enterprise Partnership Area;
- (h) Act in conjunction with the Leader to sign off submissions to the Government for external grant funding in relation to local authorities acting jointly to deliver shared services.

All other decisions related to the work of these partnerships, unless they are a matter for Cabinet or the Council, shall be a matter for the Leader to determine or authorise, after due consultation with the Chief Executive, Deputy Chief Executives and Head of Finance/S151 Officer.

Most partnerships operate using their own boards, Committees or sub-groups and the above list embraces all such meetings as may be relevant.

Councillor Ian Davison
Leader of the Council
17 May 2023

Section 4 Scheme of Delegation

1. Introduction

The Chief Executive, his Deputies and Chief Officers (as detailed in Article 12 of the Constitution) shall have authority, subject to the requirements of the provisions of this Constitution and within approved budgets to:

- (i) take any necessary steps for the day to day management and routine administration of the functions or services for which they are responsible;
- (ii) exercise the powers delegated to them and to authorise such officers as they think appropriate to exercise on their behalf the powers delegated to them; and
- (iii) carry out the responsibilities stipulated in the Code of Financial Practice and Code of Procurement Practice.

All members of staff have authority to act on behalf of the Council in accordance with duties set out in their job description and will carry identification as evidence of their authority to enter premises lawfully at all reasonable hours for the purposes of carrying out duties in line with appropriate legislation.

2. General Conditions of Delegation

- a) In respect of all functions delegated to officers prior to this date and in the future, the delegation shall be deemed to extend to any statutory re-enactment thereof, in whole or in part, whether varied in extent and/or wording, for the time being in force and, in respect of past delegation, to have been so extended with effect from the date when the said re-enactment came into force, provided that any major variation made in pursuance of this General Condition shall be reported for information to the appropriate body. To also include the delegation to act upon, apply, enforce or otherwise put into effect any future legislation which falls within their areas of responsibility being of a similar nature to existing delegations.
- b) The delegation of any power or function includes the authority to take all steps and actions ancillary to, conducive to, or to facilitate the exercise of the power or function including authority to serve statutory notices and all necessary and/or consequential action arising as a result including the institution of legal proceedings (subject to prior consultation with the a solicitor acting for the Council) or other proceedings and shall include also power to determine the need to serve the notice as well as to arrange for its service.
- c) Where the delegations require the agreement of, or consultation with or other action by the Chair and/or Vice Chair of the Council or of any committee, such delegation shall provide for the substitution of another Member in the absence of any of the specified members.
- d) Subject to the foregoing, and without derogation from the powers or duties now or thereafter confirmed or imposed upon officers of the Council by statute or by any statutory instrument or regulation, authority to act for and on behalf of the Council

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13/5/2026

without reference to the Council or any committee shall be delegated as otherwise set out in this Constitution.

- e) The power to sign documents on behalf of the authority shall be the Chief Executive, the Deputy Chief Executives, Strategic Director and Head of Governance.
- f) Revisions to the delegations to Committees as set out in the responsibility for Council functions automatically enact necessary revisions to the powers of officers to coordinate with the above and to bring other aspects up to date.
- g) In the absence of any member or officer specified in relation to any delegated power, authority to deal with matters following the invoking of the Emergency and/or Business Continuity Plans, authority is given to the officer or member's deputy (or where there is no named deputy, the next most senior officer or member in the Service Area) and shall have the like power subject to making a written report of the exercise of the power to the original specified officer or member. In circumstances where both the specified officer /member and the deputy (or next most senior officer / member) are absent the power may be exercised by the next most senior available officer / member in the Service Area (provided that in no circumstances shall this power be exercised by an officer below the level of grade C subject to a report as above and to the officer exercising the power certifying in writing that they are of the opinion (and giving reasons for that opinion) that the matter is of such urgency that the exercise of the power cannot await the anticipated return of the named officer / member or their deputy.

3. General Delegations to all Chief Officers as outlined in Article 12 of the Constitution

No.	Delegations
G (1)	Authority to place orders for the supply of goods materials or services within approved estimates and in accordance with the Council's rules with regard to quotations.
G (2)	Authority to settle all claims, excluding remedy for complaints made on the Council under £200.
G (3)	Authority to carry out day-to-day management of the parks, cemeteries, crematoriums, land and buildings under the control of the Cabinet.
G (4)	Authority to authorise the installation of a telephone line in any employee's residence on terms approved by the Council.
G (5)	Authority to approve the attendance of staff at approved training courses.
G (6)	Authority to make appointments to posts on the approved establishment and in accordance with the Officer Employment Rules.
G (7)	Authority to is given to the Head of Service, (for values over £5,000 the Head of Finance, Head of Governance & Monitoring Officer & Chief Executive, and over £10,000 also the Group Leaders) to authorise compensation payments arising as remedies for complaints at Stage 1. (Any compensation amounts of £5000 or above will be reported to the Overview & Scrutiny Committee)
G (8)	Authority to Serve Notices requiring information for statutory purposes.
G (9)	Authority to accept suitable tenders for the execution of works or the supply of goods and services in accordance with the Codes of Procurement and Financial Practice.
G (10)	Authority, following consultation with a solicitor acting on behalf of the Council, to issue proceedings under Section 222 of the Local Government Act 1972.
G (11)	Authority to involve the Police to prosecute offenders where fraudulent or corrupt acts are discovered.
G (12)	Authority, following consultation with the relevant Portfolio Holder and Solicitor acting on behalf of the Council, to initiate proceedings in Courts subject to the results of prosecutions being reported to members via email.
G (13)	Make decisions under the provisions of the GDPR and DPA 2018.
G (14)	Serve Notices requiring information for statutory purposes.
G (15)	Authority to write off debts under their control up to £1,000
G (16)	Following consultation with a solicitor acting for the Council, take appropriate action in the County Court in cases of unlawful trespass on Council property.
G (17)	Grant honoraria to staff in accordance with the National Scheme of Conditions of Service.
G (18)	Apply market forces supplement for staff as in line with the Market Forces Supplement Scheme
G (19)	in consultation with the Head of People & Communications to approve the grant of loans under Assisted Car Purchase Scheme.
G (20)	approve subsidy assessments following consultation with Legal Services where no requirement for a principles assessment has been identified
G (21)	discharge the Council's litter control functions as set out in Sections 87 and 88 of the Environmental Protection Act 1990 including issuing fixed penalty notices

4. The Chief Executive (and in their absence their Deputies) shall have authority to:

No.	Authorities
CE (1)	authorise such officers as they think appropriate to exercise on their behalf the powers delegated to any Head of Service in the absence of that Head of Service.
CE (2)	settle all claims made on the Council over £200.
CE (3)	agree: (1) any proposed remedy at stage 2 includes compensation. This will be considered by the Chief Executive as part of the investigator's report; and (2) any proposed compensation following an investigation by the Local Government Ombudsman in consultation with the Head of Service.
CE (4)	deal with urgent items that occur between meetings, in consultation with the relevant Deputy Chief Executive, Head(s) of Service (if available) and Group Leaders (or in their absence Deputy Group Leaders) subject to the matter being reported to the Cabinet at its next meeting. (This excludes a decision which is not wholly in accordance with the budget or policy framework approved by Council and the process outlined in the Budgetary Framework must be followed)
CE (5)	issue authorisations under the Regulation of Investigatory Powers Act 2000 concerning juveniles.
CE (6)	take appropriate action in the event of the District Council Emergency Plan being enacted.
CE (7)	subject to consultation with the relevant Ward Councillor(s), site requests from the Police for the Councils agreement to the making of dispersal orders under section 4 of the Anti Social Behaviour Act 2003.
CE (8)	SPARE
CE (9)	make all changes to the establishment/structure of the council below the level of Chief Officers, as defined in Article 12 of the Constitution", in accordance with the Council's agreed budget
CE (10)e	in consultation with the Leader, to agree the terms of reference for the Leamington Transformation Board
CE (11)e	following recommendation from the Leamington Transformation Board, to appoint the Independent Chair of the Transformation Board and agree their fee (so long as it is within the agreed budget), and conditions of appointment.
CE(12)	in consultation with the Leader of the Council, to appoint an officer as representative of the Council as a director of AssetCo
CE (13)	grant all allowance or payment reviews which are automatically updated on an annual basis using either RPI or the National Pay Settlement.
CE (14)	in consultation with the Head of Finance, Leader of the Council, and Resources Portfolio Holder, to drawdown from the Equipment Renewal Reserve
CE (15)	SPARE

No.	Authorities
CE (16)	approve severance payment, up to the equivalent of 12months salary for the post, which is, in their opinion, in the Council's interests. (With notification to Group Leaders and relevant Portfolio Holders of the decision)
CE (17)	in consultation with Leader and relevant Portfolio Holder(s) to recruit a temporary Chief Officer as appropriate, as set out within the Chief Officer Recruitment Policy
CE (18 to 19)	SPARE
CE (20)	certify for the purposes of Section 3(2)(b) of the Local Government and Housing Act 1989 whether or not, in the Council's opinion, a post is politically sensitive by virtue of its duties falling within Section 2(3) of the Act.
CE (21) to (24)	SPARE
CE (25)	arrange for a community referendum for a neighbourhood plan to be undertaken.

5. The Monitoring Officer shall have authority to:

No.	Authorities
MO (1)	Moved to A(16)
MO (2)	,subject to consultation with Group Leaders, make appointments to outside bodies in accordance with the political balance already agreed.
MO (3)	make minor changes to the Constitution in consultation with the Chair of the Council and Chair of Audit & Standards Committee and informing all Warwick District Councillors of such a change that has been made.
MO (4)	,subject to consultation with Group Leaders, set the calendar of meetings.
MO (5)	,in consultation with Head of Development, settle the amount of compensation for damage to land which the Council is legally liable to pay in consequence of works carried out or other action taken on behalf of the Council up to a maximum of £1000 in any one case.
MO (6)	update the structure Chart in the Constitution
MO (7)	in consultation with the Chair of the Audit & Standards Committee, shall have authority to appoint the membership of Audit & Standards Sub-Committees (Hearing Panels)
MO (8)	appoint the membership of any additional Licensing & Regulatory Sub-Committees known as Licensing & Regulatory Panels.
MO (9)	Moved to ICT (3)
MO (10)	authority to approve the attendance of the Leader and Chairs of committees and other elected members at appropriate conferences and seminars for the purpose of recognising such attendance as approved duty for travelling.
MO (11)	in consultation with Group Leaders and Chair of the Council, to set any further courses, up to May 2027, as mandatory attendance, where it is considered appropriate
MO (12)	Moved to ICT (4)
MO (13)	initiate reviews of the Members' Allowances Scheme;
MO (14)	,in consultation with the Chair of the Audit & Standards Committee and/or the Independent Person for the Council (as appropriate), the right to depart from the arrangements for dealing with complaints about Councillors where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter
MO (15)	, in consultation with an Independent Person for the Council, be authorised to determine if a complainant's details can be withheld in line with agreed criteria established by the Audit & Standards Committee

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No.	Authorities
MO (16)	determine that, for complaints about the conduct of Councillors, : • no further action be taken where complaints fall outside the Code or do not justify investigation and there is no informal resolution; • resolution by informal action is acceptable to both the complainant and the Councillor; • any allegations of criminal matters are referred to the Police; and the complaint is referred for investigation if the criteria defined by the Audit & Standards Committee is met.
MO (17)	to appoint an investigating officer to undertake an investigation regarding the conduct of a Councillor
MO (18)	following the conclusion of an investigation, in consultation with an Independent Person, to determine either (a) No further action be taken (b) A Local resolution be sort The matter be referred for a hearing
MO (19)	, following the conclusion of an investigation and in consultation with an Independent Person, determine that a matter progresses to a hearing if the Councillor refuses to comply with the suggested local resolution.
MO (20)	approve the Procurement Conflicts of Interest assessment specified within the Procurement Act, in consultation with the relevant Head of Service.
MO (21)	in consultation with the Chief Executive, Section 151 Officer, Internal Audit and Risk Manager, Chair of Audit and Standards, Portfolio Holder for Resources, and the relevant Head of Service, to exclude suppliers from a procurement project due to identification of an unfair advantage as defined in the Procurement Act Guidelines
MO (22)	to revise the Key Decision threshold value in the Constitution, on the day of annual Council each year, to align with the threshold for Goods & Services in England as of that date

5a. The **Head of Governance** shall have authority to

No.	Authorities
Gov (1)	in consultation with the relevant Head of Service (and for values over £5,000 the Head of Finance & Chief Executive and over £10,000 also the Group Leaders) to authorise compensation payments arising as remedies for complaints at Stage 2, or from the Ombudsmen. (Any compensation amounts of £5000 or above will be reported to Audit and Standards Committee)

6. The Strategic Director shall have authority to:

No.	Authorities
AST (1)	Moved to HS (69)
AST (2)	negotiate and agree enhanced rates to existing contracts under the Local Government (Direct Services Organisation) (Competition) Regulations 1993 and the Council Directive 92/50/EEC.
AST (3)	SPARE
AST (4)	grant wayleaves and easements across Council owned land to other public organisations for both HRA and non HRA properties.
AST (5)	, following consultation with ward councillors and the relevant Head of Service of the service area owning the land, dispose of other interests in land including its sale where the consideration does not exceed £20,000 and also to accept the Surrender of leases where the value does not exceed £20,000.
AST (6)	, in consultation with ward councillors and the relevant Head of Service of the service area owning the land, to initiate proceedings for forfeiture of Leases.
AST (7)	agree rent reviews, for non HRA properties, where agreement on the new rent has been reached without recourse to arbitration.
AST (8)	grant terminable licences, for non HRA properties, for access and other purposes.
AST (9)	manage and control properties acquired by the Council in advance of requirements (other than those held under Part V of the Housing Act 1957 where consultation with the Head of Housing is required).
AST (10)	SPARE
AST (11)	SPARE
AST (12)	, following consultation with a solicitor acting for the Council, enter into miscellaneous agreements of a minor nature affecting any land and/or property not provided for elsewhere.
AST (13)	, following consultation with a solicitor acting for the Council, consent to assignment and other consents required under leases granted by the Council.
AST (14)	, following consultation with a solicitor acting for the Council, complete the purchase of property comprised in a confirmed Compulsory Purchase Order on the terms negotiated by the District Valuer and to make any relevant statutory payments in connection with acquisitions, such as well-maintained and home loss and disturbance payments.
AST (15)	, in consultation with the Head of Finance, decline offers of property not recommended for acquisition.
AST (16)	to approve a rental holiday for any non HRA property subject to either a maximum of 12 months or £20,000 whichever is the lowest and the holiday being reported in the quarterly budget monitoring report to Cabinet.
AST (17)	grant new leases, for non HRA properties, where statutory renewal rights exist.

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No.	Authorities
AST (18)	, in consultation with the Portfolio Holder for Decarbonisation, agree spending from the Renewable Energy Generation Reserve and for when funding is available in the Reserve.
NS (11)	conduct listing reviews and compensation reviews in respect of assets of community value; and consider and decide any review of listing, or compensation.

7. The Head of People & Communications shall have authority to:

No.	Authorities
PC(1)	exercise the Council's powers relating to people management in accordance with the policies agreed by the Employment Committee.
PC(2)	approve advancement of increments to all staff.
PC(3)	approve the payment of removal and relocation expenses in accordance with the scheme adopted by the Council.
PC(4)	nominate first aiders in accordance with the First Aid at Work Regulations 1981.
PC(5)	, in liaison with the Monitoring Officer, provide appropriate practical and financial support to proceedings which employees, who have suffered violence in the course of their employment, might wish to bring.
PC(6)	implement national wage and salary awards and conditions of service, except where discretion is to be exercised on assimilation of revision of scales.

8. The Head of Customer & Digital Services shall have authority to:

No.	Authorities
ICT (1)	act under the provisions of either the Public Health Act 1925 or Town Improvement Clauses Act 1847 to (i) deal with the numbering and re-numbering of properties; (ii) approve the naming of streets following consultation with the appropriate Parish or Town Council.
ICT (2)	act under the provisions of either the Public Health Act 1925 or Town Improvement Clauses Act 1847, inline with adopted Street Naming & Numbering policy of the Council, to (i) deal with the numbering and re-numbering of properties; (ii) approve the naming of streets following consultation with the appropriate Parish or Town Council.
ICT (3)	to issue grants agreed by the Community Forums so long as they do not breach any legislative requirements, agreed policy or exceed the budget for the specific community forum.
ICT (4)	in consultation with the Portfolio Holder for Safer, Healthier and Active Communities, to take decisions on the operation of existing contract agreements within the VCS and the awarding of future service level agreements under the VCS in line with the Council's procurement process

9. The Head of Finance shall have authority to:

No.	Authorities
F (1)	approve or refuse applications for advances for house purchase (in accordance with the scheme approved by the Council).
F (2)	approve Determined and Variable Rates of Interest for housing advances.
F (3)	approve individual schemes within the agreed principles of the loan underwriting agreement with the Nationwide Building Society.
F (4)	(as the Section 151 Officer), in consultation with the Portfolio Holder Resources, approve any business rate relief changes agreed by the Government to. be incorporated into the 2021/22 Business Rate Billing and thereafter
F (5)	to set the Council Tax base.
F (6)	increase fees and charges by changes in national taxation or levies.
F (7)	write off sundry debts, Finance function debts and all other debts, including property rentals.
F (8)	in consultation with the Head of Place, Arts & Economy, deal with offers by owners to convey property to the Council where such property is in the area of a Compulsory Purchase Order awaiting confirmation.
F (9)	in consultation with the relevant Portfolio Holder, determine all future applications for grant funding in line with the RUCIS Grants Scheme Criteria
F (10)	maintain Accounting Records and Control Systems and the production of all relevant accounts and claims in accordance with the Accounts and Audit Regulations.
F (11)	to add further bodies, in consultation with Group Leaders and Monitoring Officer, to the list of those for which attendance allowance may be paid.
F (12)	(i) effect all necessary insurances to protect the Council's property and interests; and (ii) settle all insurance claims made against the Council by third parties.
F (13)	(i) manage the Council's cash flow (including the collection fund), placing short term investments and arranging loans in accordance with the approved Treasury Management Strategy; and (ii) make such banking arrangements, including opening of banking accounts, as appear necessary for the proper management of the Council's finances.
F (14)	(i) maintain an adequate and effective system of internal audit; (ii) manage the Council's investments; (iii) manage the Council's borrowing requirement; and (iv) set the determined rate of interest and the variable rate of interest on housing advances.
F (15)	appear in Court when legal action is taken against a person who has made a fraudulent claim for Housing or Council Tax Benefit, or Council tax Reduction or other fraudulent claims against the Council.
F (16)	take the following action under the NNDR and Council Tax Regulations: (i) Applications for certificates and the sanction of appropriate relief (apportionment of rateable value of partly occupied hereditaments); (ii) Granting and refusal of mandatory relief under the Council Tax and Rating Regulations; (iii) Approve applications for discretionary rate relief. (iv) Refunds of Council Tax, Business Rates and Council Tax; (v) Institution of legal proceedings against ratepayers for recovery

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	outstanding rates and Council Tax; (vi) Authority under Section 223(1) of the Local Government Act 1972 to represent the Council in making formal complaint and taking the subsequent proceedings in the local Magistrates Court. (vii) Authority to serve completion notices under the appropriate Council Tax and Rating regulations; (viii) Authority to instruct Enforcement Agents to take control of goods, issue requests for information, apply Attachment of earnings Orders and deductions from Income Support, Charging Orders; (ix) Selection and appointment of Enforcement Agents; (x) Authority to quash penalties; (xi) Authority to appeal against any Assessment of Council Tax banding or rating assessment; (xii) Authority to represent the Council at Valuation Tribunals in connection with appeals against: liability to pay the Council Tax including discounts, exemptions and reductions , and the banding of a dwelling; (xiii) Authority to represent the Council at Housing Benefit and Council Tax Benefit tribunals in connection with appeals against housing and council tax benefit. (xiv) Authority to write off irrecoverable Council Tax, Non-Domestic Rates and Housing Benefit Overpayments; (xv) Authority to consider and determine applications for Hardship relief under Section 49 of the Local Government Finance Act 1988; (xvi) to determine discretionary council tax relief applications.
F (17)	, in consultation with the Portfolio Holder for Resources and the Leader, to produce appropriate and robust standards terms and conditions for the purchase of service or goods by this Council, and ensure that they are available on the Council's website.
F (18)	, as the S151 Officer, in consultation with the Portfolio Holder for Resources, approves the form NNDR1.
F (19)	, in consultation with the Portfolio Holder for Resources, agree revenue and capital slippage at year end, above items already allowed for in the Budget process, with these being reported to Members as part of the subsequent Final Accounts report to Cabinet
F (20)	, in consultation with the Portfolio Holder for Resources, approve any business rate relief changes agreed by the Government to be incorporated into the 2020/21 Business Rate Billing.
F (21)	(i) Decide upon all claims received for Housing, Council Tax Benefit or Council Tax Reduction including the exercising of all discretions under the general policy guidance from time to time given by the Council. (ii) Assess overpayments under the Regulations and taking such steps as are appropriate to recover the amount overpaid. (iii) Decide upon all claims for Discretionary Housing and Council Tax Payments.
F (22)	provide discretionary relief, as set out within the Council Tax Section 13a Discretionary Relief Policy Statement.
F (24)	, in consultation with Legal Services, Authority to publish subsidy control information on the national Subsidy Database.

10. Head of Place Arts & Economy shall have authority to:

No.	Authorities
DS (1)	object on environmental and other grounds to applications for goods vehicle operators licences, such objections to be reported to the Committee for instruction as to whether an appearance should be entered at any hearing which might take place into the objection.
DS (2)	serve notices and where necessary, carry out works in default and recover costs in relation to the maintenance and improvement of watercourses under the Land Drainage Act 1976.
DS (3)	SPARE
DS (4)	(i) approve or reject plans deposited under the Building Regulations as amended from time to time and under related provisions of the Public Health Acts, Highways Acts and Building Act 1984; (ii) SPARE; (iii) require the carrying out of tests under Section 33 of the Building Act 1984; (iv) take emergency measures to deal with dangerous buildings under Section 78 of the Building Act 1984; (v) deal with intended demolitions under Section 80 of the Building Act 1984; (vi) exercise powers contained in Section 2 of the Building Act 1984 (continuing requirements); (vii) reject, or pass with conditions, plans deposited under Section 19(1) and (3) of the Building Act 1984 (use of short lived materials) (viii) exercise powers contained in Section 25 of the Building Act 1984 (Provision of water supply); (ix) exercise the powers contained in Section 25 of the Local Government (Miscellaneous Provisions) Act 1982 (approval of building plans provisionally or by stages).
DS (5)	, in consultation with a solicitor acting on behalf of the Council, apply to Magistrates Court for an order under Section 77 of the Building Act 1984 (dangerous buildings).
DS (6)	exercise powers contained in Section 78 of the Buildings Act 1984 (dangerous buildings - emergency measures).
DS (7)	receive notices served on the Council under Section 80 of the Building Act 1984 (intended demolition).
DS (8)	serve notices in respect of the following Building Act 1984:- (i) Section 32 - lapse of deposit of plans (ii) Section 35 - penalty for contravening the Building Regulations (iii) Section 36 - removal or alteration of offending works (iv) Section 47 - acceptance of Initial Notices (v) Section 59 - drainage of buildings (vi) Section 60 - use and ventilation of soil pipes (vii) Section 71 - provision of entrances exits etc. (viii) Section 72 - means of escape from fire (ix) Section 73 - raising of chimneys (x) Section 74 - cellar and rooms below sub-soil water level (xi) Section 79 - ruinous and dilapidated buildings and neglected sites (xii) Section 81 - demolitions (xiii) Section 95/96 - power to enter premises

DS (9)	pay Historic Building Grants under S.57 and 58 of the Planning (Listed Buildings & Conservation Areas) Act 1990.
DS (10)	make payments in respect of town scheme grants, conservation areas partnership scheme and the Programme Town Scheme Grants from monies made available under and in accordance with S.57, 77 to 80 (inclusive) of the Planning (Listed Buildings & Conservation Areas) Act 1990.
DS (11)	respond to preliminary consultations received from Warwickshire County Council on applications for the diversion, creation and extinguishment of public paths.
DS (12)	serve notices and where necessary carry out works in default and recover costs in relation to the demolition of buildings.
DS (13)	serve notices concerning the addition to deletions from or amendment to the list of buildings for special architectural or historic interest, as required by the Department of Culture, Media and Sport
DS (14)	appoint an Officer for the authority to deal with the purposes of the Party Wall Act 1996.
DS (15)	apply to the Magistrates Court for Warrant to enter land and/or buildings in accordance with powers provided in the Town and County Planning Act 1990, Planning and Compensation Act 1991, Planning (Listed Buildings and Conservation Area Act) Act 1990 and Building Act 1984.
DS (16)	formulate operational details of the grant scheme established for any unmatched funding from the Council's contribution to the Conservation Area Partnership Scheme for Royal Leamington Spa, based on the terms and conditions of the existing historic buildings scheme of grants as constituted under Section 57 and 58 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to offer grants.
DS (17)	serve notices and, where necessary to recover costs incurred in relation to:- (i) enforcement of liability to maintain un-adopted highways; (ii) interference with highways and streets; (iii) the undertaking of urgent repairs to private streets; (iv) carriage crossings. SPARE
DS(18) to DS(22)	SPARE
DS (23)	, following consultation with a solicitor acting for the Council, complete the purchase of property comprised in a confirmed Compulsory Purchase Order on the terms negotiated by the District Valuer and to make any relevant statutory payments in connection with acquisitions, such as well-maintained and home loss and disturbance payments.
DS (24)	SPARE.
DS (25)	, following consultation with the Leader, vary building control charges in order to meet the financial obligations placed on the service where such action is required outside the normal timescale for consideration of fees and charges by the Cabinet.
DS(26)	determine the type of planning appeal, to defend all types of planning appeal (including an application where the Local Planning Authority is notified under other legislation) and to amend the Council's case before or during the course of a planning appeal, the latter being subject to consultation with the relevant Ward Member and the Chair of the Planning Committee.
DS(27-33)	SPARE
DS (34)	formulate and issue decision notices following consideration by the Planning

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	Committee in accordance with the resolution of the Planning Committee.
DS (35)	make observations on County Matter applications or applications submitted by Warwickshire County Council under Regulation 3 of the Town and Country Planning General Regulations 1992.
DS (36)	respond to all notifications for prior approval submitted under the Town and Country Planning (General Permitted Development) Order 1995.
DS (37)	determine all applications to discharge conditions imposed on planning permissions and other forms of consent.
DS (38)	determine all applications for non-material amendments to planning permissions or other forms of consent.
DS (39)	determine all applications for Certificates of Lawfulness under Section 191 (Existing Use/Development) or Section 192 (Proposed Use/Development) of the Town and Country Planning Act 1990.
DS (40)	determine applications for consent to lop or fell trees which are the subject of Tree Preservation Orders.
DS (41)	respond to notifications for works to/the felling of trees in Conservation Areas.
DS (42)	approve the making, varying and revoking of Tree Preservation Orders. In the case of making and varying (where new trees are added to an existing order) and if no objections are received, to confirm the orders.
DS (43)	determine hedgerow removal notices, including the serving of hedgerow retention and replacement notices with regard to important hedgerows.
DS (44)	respond to enquiries; complaints and appeals relating to high hedges; to issue and serve; vary and withdraw High Hedge Remedial Notices.
DS (45)	confirm Tree Preservation Orders to which there are objections, following the authorisation of that confirmation the Planning Committee.
DS (46)	serve Tree Replacement Notices; to respond to appeals made in respect of Tree Replacement Notices.
DS (47)	issue screening and scoping opinions in respect of the need for, and content of, Environmental Assessments in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999.
DS (48)	serve and withdraw notices in respect of the following: Town and Country Planning Act 1990 (TCPA) and Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) as amended
	(i) Section 187A (TCPA) – Breach of Condition Notices. (ii) Sections 183 to 187 (TCPA) – Stop Notices. (iii) Sections 171A to 182 (TCPA) – Enforcement Notices in connection with Stop Notices. (iv) Section 215 (TCPA) – Land adversely affecting the amenity of the neighbourhood. (v) Section 172 – 173A (TCPA): Enforcement Notices, following consultation with the Chair and Vice Chair of the Committee and the relevant ward member(s) except in the circumstances where the Head of Development considers it appropriate for that matter to be determined by Planning Committee. (vi) Section 38(PLBCA): Listed Building Enforcement Notice, following consultation with the Chair and Vice Chair of the Committee and the relevant ward member(s) except in the circumstances where the Head of Service considers it appropriate for that matter to be determined by Planning Committee.

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	(vii) Sections 171E – H (TCPA): Temporary Stop Notices. (viii) Section 171C (TCPA): Planning Contravention Notices. (ix) Section 187B (TCPA); 44A (LBCA) and 214A (TCPA): apply to the Court for injunctions directed at restraining actual or apprehended breaches of planning control; unauthorised work to Listed Buildings; and actual or apprehended damage to Conservation Area Trees. (x) Section 48 (LBCA): Listed Building Repairs Notices. (xi) Section 220 1 (TCPA) and/or Section 224 1b (TCPA) – Discontinuance Notices in accordance with Regulation 8 of the Town and Country Control of Advertisement Regulations 2007 (xii) Section 54 (LBCA): Urgent works to preserve listed buildings (xiii) Section 55 (LBCA): Recovery of expenses of works under s. 54.
DS (49)	Section 171BA (TCPA): the application to the court for a Planning Enforcement Order.
DS (50)	Section 171BB (TCPA): the issue of Certificates under this section confirming the date on which evidence of a breach sufficient to justify an application under Section 171BA was identified.
DS (51)	Section 172A (TCPA): the issue and withdrawal of assurances (by letter) to parties on whom an Enforcement Notice has been served concerning prosecution.
DS (52)	Section 201 4C (TCPA): the issue of Certificates confirming the date on which evidence sufficient to prosecute for non-compliance with a Tree Preservation Order came to the prosecutors knowledge.
DS (53)	Section 224 9 (TCPA): the issue of Certificates confirming the date on which evidence sufficient to prosecute for advertisement offences came to the prosecutor's knowledge.
DS (54)	Section 225A (TCPA): the removal of unauthorised structures used for advertisements displays.
DS (55)	Sections 225A (3-6) (TCPA): the service of removal notices in respect of unauthorised advertisement display structures.
DS (56)	Section 225A(7) (TCPA): the recovery of expenses incurred in the Council's removal of unauthorised advertisement display structures.
DS (57)	Section 225B (TCPA): the response to appeals made in respect of Notices served under Section 225A.
DS (58)	Section 225C (TCPA): the service of Action Notices in respect of persistent unauthorised advertisement displays.
DS (59)	Section 225C (TCPA): the undertaking of the requirements of Action Notices and the recovery of the costs incurred in doing so.
DS (60)	Section 225D (TCPA): the response to appeals made against Action Notices.
DS (61)	Sections 225F, G and H (TCPA): the remedy of the defacement of premises by means of the service a notice under these sections.
DS (62)	S225F, G and H (TCPA): the undertaking of the requirements of a notice issued under these sections and the recovery of costs incurred in doing so.
DS (63)	Section 225I (TCPA): the response to appeals made in respect of notices issued under sections 225F, G and H.
DS (64)	Section 225J: the remedy of the defacement of premises at the request of the owner/occupier and the recovery of reasonable costs incurred in doing so.
DS (65)	Section 225 (TCPA): to remove or obliterate placards or posters which are in contravention of the Advertisement Regulations.

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DS (66)	to issue notices under S330 of the Town and Country Planning Act 1990 (Requisition for Information).
DS (67)	to instigate legal proceedings under the following provisions: i. Section 171D (TCPA): non compliance with Planning Contravention Notices; ii. Section 171G (TCPA) non compliance with Temporary Stop Notices; iii. Section 179 (TCPA) non compliance with Enforcement Notices; iv. Section 187 (TCPA) non compliance with Stop Notices v. Section 178A (TCPA) non compliance with Breach of Condition Notices; vi. Section 43 (LBCA) non compliance with Listed Building Enforcement Notices; vii. Section 59 (LBCA) unauthorised work to Listed Buildings; viii. Section 210 (TCPA) non compliance with Tree Preservation Orders; ix. Sections 211 – 212 (TCPA): non - preservation of trees in Conservation Areas; x. Sections 215 and 216 (TCPA) non compliance with Section 215 (Untidy Land) Notice; xi. Section 224 (TCPA) unauthorised advertisement display; xii. Section 97 (Environment Act 1995) contravention of the Hedgerow Regulations; xiii. Section 75 (Anti-social Behaviour Act 2003) non compliance with high hedge remedial notices. xiv.
DS (68)	SPARE
DS (69)	approve temporary stand structures under the Public Health Act 1890 (Section 37).
DS (70)	determine all applications submitted to Warwick District Council as required by the Town and Country Planning Act 1990 (as amended), Town and Country Planning (Control of Advertisement) Regulations 1992, and Planning (Listed Buildings and Conservation Areas) Regulations 1990, with the exception of the following: (i) Applications where a written request is received from a member of Warwick District Council within the specified consultation period i.e. 21 days that Committee referral is required. Such requests should clearly state the reasons why a Committee referral is required. (ii) Applications where 5 or more valid representations are received where these are contrary to the officers' recommendation unless the Head of Development is satisfied that the plans have been amended to address the concerns raised so that there are no more than four contrary representations. (iii) Applications where the recommendation of the Head of Place, Arts and Economy i.e. Grant/Refuse is contrary to the representations made by a Parish/Town Council, i.e. Object/Support, except in the following circumstances: a. the Head of Place, Arts and Economy is satisfied that the plans have been amended to address the concerns of the Parish/Town Council; b. where the representations made by the Parish/Town Council do not raise any issues which are material to the planning assessment of the particular application; or

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	c. where the concerns of the Parish/Town Council have been previously considered as part of the assessment of an extant permission on the site and there has been no change in circumstances. (iv) Applications where the principle of development would represent a material departure from any policy within the Development Plan. (v) Applications known to be submitted by or on behalf of a Warwick District Councillor, Warwick District Council employee of the Council, or the spouse/partner of any such person. (vi) Applications submitted by Warwick District Council, <i>Milverton Homes (either solely or as part of another Joint Venture), any Joint Venture (or similar) the Council is part of</i> or Warwickshire County Council (<i>including Warwickshire Property Development Company</i>), other than for approval of routine minor developments. (vii) Where applications are to be refused and enforcement action is being recommended, following consultation with the Chair and Vice-Chair of the Committee and the relevant ward member(s) except in the circumstances where the Head of Place, Arts and Economy considers it appropriate for that matter to be determined by Planning Committee. (viii) Applications where an Environmental Impact Assessment has been provided. (ix) Any application which raises significant issues such that in the opinion of the Head of Place, Arts and Economy, it would be prudent to refer the application to Planning Committee for decision.
DS (70a)	in consultation with the Portfolio Holder for Place and relevant Ward Councillors, to (i) determine minor variations to S106 agreements (ii) to enter into section 106 agreements when the application has been determined by the Head of Place, Arts and Economy under delegated authority DS(70) (iii) <i>to enter into appropriate section 106 and other agreements when the application has been determined by the Planning Inspector or Minister</i>
DS (71)	decline to determine planning applications in accordance with the relevant provisions of the Town and Country Planning Act 1990 as amended.
DS (72)	make representations on behalf of the Council as Local Planning Authority, on relevant applications under the Licensing Act 2003.
DS (73)	, in consultation with the Planning Committee Chair and relevant Portfolio Holder, issue a grant of permission without a Section 106 agreement first being signed, where the original committee resolution requires the prior completion of a Section 106 legal agreement or payment on Community Infrastructure Levy, but where a consultee who required the agreement no longer considers an agreement is necessary and a planning condition can be used to cover their requirements.
DS (74) to DS (81)	SPARE
DS (82)	to enter into Agreements providing for the transfer of funds (for capital works or commuted sums for a limited period of maintenance) received as a result of planning obligations under Section 106 of the Town and Country Planning Act 1990 to a Parish or Town Council, where it is deemed appropriate for the Parish or Town Council to provide the infrastructure which is the subject of the planning

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	obligation.
DS (83)	to determine submissions made in accordance with the High Speed Rail Act, except for any submission where, in consultation with the Chair of Planning Committee (or in the absence the Chair the Vice-Chair), they consider that it should be determined by Planning Committee.
DS(84)	SPARE
DS (85)	, in consultation with the Leader and Portfolio Holder for Place to sign Statements of Common Ground in respect of plan-making activities, or to respond to consultations from adjacent authorities in relation to Statements of Common Ground on which the Council are consulted, except where, in the judgement of the Leader, Portfolio Holder for Place and the Head of Place Arts & Economy, the issues arising from the consultation are such that they have important strategic implications for Warwick District. Where they relate to joint plan-making work that Stratford-on-Avon District Council will be consulted prior to signing such Statements
DS(86)	respond and carry out consultations concerning the making of Public Footpath, Creation, Diversion and Extinguishment Orders and to confirm if no objections are made.
DS (87)	exercise the Council's powers under the Planning (Hazardous Substances) Regulations 1992 (as amended by the Planning (Control of Major Accident Hazards) Regulations 1999 & 2015) and associated Regulations,
DS (88)	, after consultation with the COMAH, relevant Ward Councillors, Chair and Vice Chair of Planning Committee and Solicitor acting for the Council, to grant, or refuse hazardous substances consents either unconditionally or subject to conditions and if necessary take all appropriate action to take enforcement to ensure compliance with these regulations.
DS (89)	designate Neighbourhood Development Plan Areas
PE(1)	serve any necessary notices in connection with the review of rents payable to the Council under leases or tenancy agreements.
PE(2)	deal with applications from market operators for change of trade.
PE(3)	, in consultation with the Portfolio Holder for Place, to apply discretionary relief for exceptional circumstances is clearly demonstrated.
PE(4)	make representations, in consultation with the relevant Portfolio Holder, in relation to Planning Policy consultations, that may affect Warwick District undertaken by neighbouring or overlapping authorities; also to make representations, in consultation with the relevant portfolio holder and all Group Leaders, in relation to National Planning Policy and other national planning-related consultations. This does not include where, in the judgement of the Head of Place, Arts & Economy or the relevant Portfolio Holder, the issues arising from the consultation are such that they have important strategic implications for Warwick District.
PE(5)	following consultation with a solicitor acting for the Council, consent to assignment and other consents required under leases granted by the Council.
PE(6)	in consultation with the Head of Finance, decline offers of property not recommended for acquisition.
PE(7)	to introduce and keep under review appropriate procedures and criteria for the operation of the Local List including the consideration of submissions for inclusion on the Local List
PE(8)	formulate the Council's response to consultations from neighbouring Planning Authorities relating to development proposals outside the Warwick District

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	Council area.
PE(9)	agree to a Town or Parish Council proceeding with developing a Neighbourhood Plan under the terms of the Localism Act 2011 or to refuse permission to proceed where a proposal to undertake a plan does not conform with the provisions of the act.
PE(10)	make changes to a Neighbourhood Plan in line with the independent examiners recommendations
PE(11)	bring a Neighbourhood Plan in to force where it conforms to the provisions of the Localism act
PE(12)	assess a Neighbourhood to ensure compliance with the Localism Act and supporting regulations and to refuse to proceed to independent examination where it does not
PE(13)	appoint an independent examiner for a neighbourhood plan
PE(14)	in consultation with the Portfolio Holder for Place following recommendation from W ² Project Board to grant 99 year leases of council owned land (general fund) to Waterloo Housing Group under the terms of the Joint Venture for the purpose of providing affordable housing
PE(15)	Maintain the List of Assets of Community Value and list of unsuccessful nominations; consider and decide the technical correctness of nominations for inclusion of assets on the list; and consider and decide, in consultation with the Portfolio Holder for Place, the merits of nominations for inclusion of assets on the list
PE(16)	engage performers and artists for events in accordance with the policy and within the approved budget
PE(17)	to enter into agreements providing for the transfer of funds received, as a result of payments to the Council under the Community Infrastructure Levy Regulations 2010 (CIL), to an infrastructure provider for a scheme which has been agreed by the Council.
PE(19)	in consultation with the relevant Portfolio Holder, to apply fines and surcharges inline the CIL Regulations
CTL (1)	determine requests for the hire of rooms and/or facilities at the Town Hall.
CTL (5)	following consultation with a solicitor acting on behalf of the Council, obtain licences under the Licensing Act 2003 for Council premises.
CTL (6)	grant hospitality during conferences in accordance with the policy agreed by the Council.
CTL (9)	in consultation with the Portfolio Holder for Arts, Culture & Economy, to authorise future renewals of the Collections Management Framework on behalf of the Council, for the purposes of ACE Accreditation renewal and provided that no significant changes are made to the individual policies.
CTL (8a)	determine opening hours of cultural services facilities including closures over public holidays
CTL (2) (split)	arrange lettings in respect of arts facilities.
CTL (7) (split)	determine grants to Cultural Organisations.

11. The Head of Community Protection shall have authority under the:

No.	Authorities
HCP(1)	Food Safety Act 1990 and any Orders, or Regulations or other instruments (whether dated before or after the date of execution of this instrument of appointment), (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. s 6 (ii) to authorise appropriate named individuals to act as Food Safety Officers to:- s 9 - Inspection and seizure of suspected food s 10 - Service of hygiene improvement notices s 12- Services of emergency prohibition notices s 29 - Procure samples s 32 - Powers of entry s 49 - Form and authentication of documents
HCP(2)	Building Act 1984, (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. S 61, 62, 63 & s 113 (ii) to act under Part III Other Provisions about Buildings as follows Drainage s 59 – Serve notice, drainage of buildings, including private sewers s 60 – Serve notice, ventilation of soil pipes s - 62 - Disconnection of drain Provision of Sanitary Conveniences s 64 – Serve notice, provision of closets s 65 – Serve notice, provision of sanitary convenience in workplace s 66 – Serve notice, replacement of earth closet s 68 – Serve notice, erection of public conveniences Buildings s 70 – Serve notice, provision of food storage s 73 – Serve notice, raising of chimneys Defective premises, demolition etc s 76 – Serve notice, defective premises Yards and passages s 84 – Serve notice, paving and drainage of yards and passages Part IV General Entry on premise s 95 & 96 – Powers of entry to inspect Execution of works s 97- Power to execute works s 99- Serve notice requiring works, execute/recover costs
HCP(3)	Clean Air Act 1993, (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. Part I (Dark Smoke), Part 2 (Smoke, grit and fumes), Part 3 (Smoke Control Areas), Part 4 (Cable burning), Part 7 (Miscellaneous and general)) (ii) to:- s 6 – Approval of furnaces and grit and dust arrestment plants s 10, 11, 12 & 56 – Powers of entry, inspection, issue notice and apply for warrant s 15 & 16 – Approval or refusal of chimney height s 18 – Make smoke control order

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	s 24 - Require adaptation of fireplaces in private dwellings s 26 – Make grants s 31, 32, 33 & 34– Power to investigate s 35, 36 & 58 – Power to require information and associated powers of entry s45 – Power to issue exemption notices s 51 – Power to serve notice
HCP(4)	Clean Neighbourhoods and Environment Act 2005, (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act(ii) to:- Make a gating order (inserted into the Highways Act s 129) s 73 – Issue FPN (alarms) s 78 – Apply for a warrant s 77 & 79 – Powers of entry
HCP(5)	Control of Pollution Act 1974, (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act, Part V (ii) to:- s 9 – Supervision of licensed activities s 60 – Serve notice, to control noise on constructions sites s 61 – Consent for works s 62 – Take action in respect of loudspeakers in the street s 91 – Powers of entry s93 – Powers to obtain information
HCP(6)	Environmental Protection Act 1990, (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. (ii) to:- Part 1- Integrated Pollution Control s 6 - Issue authorisation s 10, 11 & 12 - issue variation and revocation notices 13 & 14 - issue enforcement and prohibition notices s 19 – Power to require information Part II - Waste s 33 – prohibit unauthorised/ harmful treatment/disposal of waste. s 33ZA and 34A – power to issue fixed penalty notices s 34 – Investigation of duty of care and issue fixed penalty notice for failure to furnish documentation ss 46A to 47ZB – powers to issue written warnings and fixed penalty notices with respect to receptacles for waste s 59 – Power to require removal of unlawful waste deposits Part IIA - Contaminated land s 78 B – Notice, identification of contaminated land s 78 C – Notice, Designation of special site s 78 D – Referral of special site s 78 E – Remediation notice s 78 N – Power to carry out works Part III – Statutory Nuisance s79 – duty to inspect and to investigate statutory nuisances s 80 & 80A - issue abatement notices s 80ZA – Fixed penalty notice s 81(3) - Power to authorise works in default

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	s 81(7) & Sched 3 – Powers of entry Sched 3 – Warrant of entry s 81A – power to issue notices in respect of recoverable expenses Part IV – Litter etc s 88 – Fixed penalty notice Part VIII – Miscellaneous s 149 – Seizure of stray dogs s 150 – Facilitate stray dogs s 151 – Enforcement in respects of collar and tags
HCP(7)	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to the extent that those functions are discharged otherwise than in the Authority's capacity as an employer) under – (a) The Health and Safety at Work etc Act 1974; and (b) any Orders, or Regulations or other instruments (whether dated before or after the date of execution of this instrument of appointment); (i) made thereunder or (ii) having effect by virtue of the European Communities Act 1972 and relating to health & safety; and (iii) any modification or re-enactment of the foregoing, to make and to terminate appointments as follows: (a) Environmental Health Officers as Inspectors under Section 19(1) of the Health & Safety at Work Etc. Act 1974 (the 1974 Act) and to empower them to exercise all the powers set out in Sections 20, 21, 22, 25 and 39 including the institution of legal proceedings; and (b) other suitably qualified and competent persons as Inspectors under Section 19(1) of the 1974 Act and empowered to exercise all or some of the powers as set out in Sections 20 and as may be specified in their authorisation and an inspector shall in right of his appointment - (i) be entitled to exercise only such of those powers as are so specified; and (ii) be entitled to exercise the powers so specified only within the field of responsibility of the Authority. - relevant licences, registrations and approvals - sign and serve notices including fixed penalty notices - authorise and/or execute works in default - Procure samples, seize equipment, records, goods and articles, and obtain information - Obtain and execute power of entry - Engage specialist advisers/contractors - Determine whether and in what manner to enforce any failure to comply with matters under legislation enforced under this scheme of delegation and to give effect to that determination, including the administration of cautions.
HCP(8)	The Environmental Damage (Prevention and Remediation) Regulations 2009 (as amended), (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act Reg 34 (ii) to:- Reg 13, 14, 20 - Serve notice to prevent further damage Reg 23 - Undertake works in default Reg 24 & 25 -Recover costs Reg 31 – Powers of authorised person

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	Reg 32 - Require information
HCP(9)	Food Safety and Hygiene (England) Regulations 2013, (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. Regulation 19 (ii) to:- Reg 5, Enforcement of hygiene regulations Reg 6, Hygiene improvement notices Reg 8, Hygiene emergency prohibition notices Reg 9, Remedial action Reg 10, Detention notices Reg 14 & 15, Samples Reg 16, Powers of entry and Reg 29, Certification of food
HCP(10)	Contaminants in Food (England) Regulations 2013, Following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Regulations.
HCP	(11- 12) SPARE
HCP(13)	Local Government (Miscellaneous Provisions) Act 1982, (i) Following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- Part II – Control of Sex Establishments Sched 3, 6-18 - grant, renew, and vary licences of persons and premises where no objections are received make any minor grammatical or minor wording amendments to the Sex Establishment Policy, so long as it they do not alter the meaning/spirit of the policy Part III – Street Trading Schedule 4, paragraphs 3 - 7, Street Trading licences and consents, grant, and variation in line with the street trading policy so long as no objections received; and issue renewals so long as no objections received Part VIII – Acupuncture, Tattooing, Ear-piercing and Electrolysis 13 – 17. Part XI Public Health, etc 27, 29, 32
HCP(14)	The Environmental Permitting (England and Wales) Regulations 2010 & 2016 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- 2010 Act Part 2, Chapter 2(13) Grant permit, Chapter 3 (20 Vary permit, 21 Transfer permit, 22 & 23 Revoke permit, 24 Surrender, Chapter 4 (26 Consultations, 29 Revocation of standard rules, 30 Variation notifications Part 4, Reg 36 Enforcement notices, Reg 37 Suspend notices. Part 6, Reg 57 Power to prevent or remedy pollution, Reg 60 Power to require information
HCP(15)	Sunbeds (Regulation) Act 2010 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- s 4 – Power to restrict use, sale or hire s 7 – Enforcement and powers of entry
HCP(16)	SPARE

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HCP(17)	Health Act 2006 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- Sched 2 – Powers of entry s 9 – Issue fixed penalty notices
HCP(18)	Health and Safety (Enforcing Authority) Regulations 1989 deal with transfers of responsibility for enforcement between this authority and the Health and Safety Executive under Section 5
HCP(19)	Food & Environmental Protection Act 1985 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- Part I – Contamination of food s 3 & 4 Investigation and enforcement Part III – Pesticides Etc. - Inspection and enforcement Including Regulation (EC) 852/2004, (EC) No. 853/2004, Regulation (EC) No. 854/2004 of the European Parliament and Food Safety and Hygiene (England) Regulations 2013
HCP(20)	Water Industry Act 1991 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- s 77 – 83, including service of Notices under s 80 s 84 & 85, power of entry and to obtain information
HCP(21)	Noise Act 1996 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- s 3 – Serve warning notice s 8 – Require name and address s 10 – Seizure and retention Consent to use loudspeaker (COPA 74 – s 62)
HCP(22)	Pollution Prevention and Control (England & Wales) Regulations 2000 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under s 32 the Act (ii) to:- Part I General Reg 6 – Notices Reg 7 – Applications Part II Permits Reg 10 – 22 Part III Enforcement Reg 24 – Enforcement notice Reg 25 – Suspension notice Reg 26 – Prevent or remedy pollution Part V Information and Publicity Reg 28 – Require information Reg 29-31 – Maintain a public register Sch 3, 4, 7, 8 & 10
HCP(23)	Sunday Trading Act 1994

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	exercise powers under Part 1 of Schedule 2
HCP(24)	Pollution Prevention and Control Act 1999 (as amended) (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- Sched 1 – Grant, revoke, vary, transfer, suspend and condition permits and carry out enforcement activities.
HCP(25)	Local Government (Miscellaneous Provisions) Act 1976 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- Part 1 General Land s 16 – Require information Places of Entertainment s 20 – Provision of sanitary facilities at places of entertainment Miscellaneous s 35 – Service of notice and works in default provisions Part II Hackney carriages and Private Hire Vehicles s 47 – Licensing of hackney carriage (conditions, vehicle design, appearance) s 48 – Licensing of private hire vehicles s 49 – Transfer of hackney carriages and private hire vehicles s 50, 53 & 56 – production of information in relation to hackney carriages s 51 – Licensing of drivers of private hire vehicles s 53 – Drivers licences for hackney carriages and private hire vehicles s 54 - Issue driver badges s 55 – Licensing of operators of private hire vehicles s 57 – Power to require information s 58 – Return of plates s 60 - Suspension & revocation of vehicle licence s 61 – Suspension of operator licence s 62 – Suspension and revocation of operator's licence s 64 – Prohibition of other vehicles on hackney carriage stands s 68 – Inspection and testing of hackney carriage s 70 – Set fees s 73 – Powers in relation to obstruction
HCP(26)	Prevention of Damage by Pests Act 1949 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- s 4 – Notice to owner or occupier s 6 – Notice across several properties s 22 – Power of entry
HCP(27)	Public Health Act 1936 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- s 45 - Notice to put defective closets into repair s 48 - Power to examine and test drains s 50 - Notice with regard to cesspool s 52 - Powers in relation to care of sanitary conveniences used in common

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	s 78 - Scavenging of common courts and passages s 79 - Notice regarding noxious matter s 83 - Notice regarding filthy or verminous premises s 84 - Destruction of articles s 85 - Persons and clothing with associated work and agreement, works in default s 140 - Power to close, restrict use of water from polluted source of supply s 141 - Power to deal with insanitary cisterns, s 259 - Nuisance in connection with water courses etc s 264 - Notice to repair, maintain or cleanse a culvert s 268 - Notice regarding execution of work to unfit tents, vans and sheds s 275 - Power of local Authority to execute certain work on behalf of owners or occupiers s 287 - Notice to occupier of intended entry (warrant)
HCP(28)	Public Health Act 1961 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- s 17- Power to remedy stopped and defective drains s 22 – Power to cleanse or repair drains s 35 - Notices in respect of filthy and verminous premises or articles s 36 - Power to require vacation of premises during fumigation s 37 - Prohibition of sale of verminous articles, disinfection or destroy s 287- powers of entry
HCP(29)	Private Security and Industry Act 2001 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- s 19 – 22 – Powers of entry, inspection and information
HCP(30)	The Private Water Supplies Regulations 2009 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under s 20 of the Act (ii) to:- Part 2 s 7 – Monitoring s 11 - Sampling and analysis Part 3 s 16 &17 - Authorisation Part 4 s 18 - Service of notice
HCP(31)	The Trade in Animal and Related Products Regulations 2001 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- Reg 33 – Powers of entry Reg 34 –Powers of authorised officers
HCP(32)	Public Health (Control of Disease) Act 1984 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- s 46 – Burial and cremation

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	s 48 – Removal of dead bodies (warrant) s 61 & 62 – Powers of entry
HCP(33)	Spare
HCP(34)	The Transmissible Spongiform Encephalopathies Regulations 2010 Following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. to act under and delegated authority to authorise appropriate named individuals to perform duties under the act including: powers of entry, inspection, sampling, detention and seizure, service of notice.
HCP(35)	The General Food Regulations 2004 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- act under and delegated authority to authorise appropriate named individuals to exercise powers under Regulation (EC) No. 178/2002; Inspection in accordance with Regulation (EC) No. 178/2002, Regulation (EC) No. 852/2004, Regulation (EC) No. 853/2004, Regulation 845/2004, Regulation (EC) 2073/2005 and the Food Information for consumers Regulations (EC) 1169/2011
HCP(36)	Licensing Act 2003 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- act under and delegated authority to authorise appropriate named individuals to take appropriate action subject to any relevant representations, policy and statutory duty Part 3 Premises licences s 18 - Determine an application s 23 & 25a - Grant or reject s 35, 36, 37, 38, 39, - Variation determination s 41A-C – Minor variation s 44 – Transfer determination s 51 to 53 – Review determination s 55A – Suspension, failure to pay fees s 56, 57 - Require production of a licence s 59 - Powers of entry Part 4 Clubs s 63 – Determination s 72 – Determination application s 77 – Grant or reject subject to any relevant representations, policy and statutory duty. s 85 & 86b – Determination of variation s 94 - Require production of a licence s 96 & 97 – Powers of inspection & entry Part 5 Permitted Temporary Events s 102 - Acknowledge notice s 103 – Withdraw notice s 104, 105, 107 – Counter notices s 108 – Right of entry s 109- Require production of a licence

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	Part 6 Personal licences s 120 - 122 – Determination s 132 – Offences s 134 & 135 – Require production of licences Part 9 Miscellaneous and Supplementary s 179 & 180 – Rights of entry make representations, on behalf of the Council as a relevant person and as the Authority by which statutory functions are exercisable in relation to minimising or preventing public nuisance or harm to human health and safety, on relevant applications under the Licensing Act 2003 following conviction or a relevant offence, foreign offence or immigration penalty to notify the licence holder of the intention to suspend or revoke their Personal Licence under the Licensing Act 2003 and refer all cases to a Licensing and Regulatory Sub-Committee Decide on whether a complaint is irrelevant, frivolous, or repetitious – in consultation with Chair of Licensing & Regulatory Committee
HCP(37)	Animal Welfare & Animal Licensing (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- act under and delegated authority to authorise appropriate named individuals to right or entry, inspection, requirement information, take samples, seize animals, issue and refuse licenses, make amendments and vary licences in respect of:- • The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 • Animal Welfare Act 2006 • Dangerous Wild Animals Act 1976 • Zoo Licensing Act 1976
HCP(38)	Scrap Metal Dealers Act 2013 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- act under and delegated authority to authorise appropriate named individuals to inspect, licence, suspend, revoke licences. Apply to the Magistrates Court for Warrant to enter land and/or buildings in accordance with the powers contained in the Scrap Metal Dealers Act 2013.
HCP(39)	Health Protection (Local Authority Powers) Regulations 2010 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- act under and delegated authority to authorise appropriate named individuals to: Reg 2/3/6– Receive notifications of diseases etc in patients and dead persons from Registered Medical Practitioner and to notify the HPA etc. Reg - 8 - Requests for co-operation for health protection purposes Service of Notices to keep a child away from school - Provide details of children attending school etc The Health Protection (Part 2A Orders) Regulations 2010 Make applications for Part 2A Orders.
HCP(40)	Public Health (Aircraft) Regulations 1979 (i) following consultation with a solicitor acting for the Council and relevant

	Portfolio Holder, institute legal proceedings under the Act (ii) to:- act under and delegated authority to authorise appropriate named individuals to exercise powers under:- Part II, Regulation 5, appointment and duties of authorised officers and provisions of services by responsible authorities.
HCP(41)	Noise Act 1996 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- act under and delegated authority to authorise appropriate named individuals to exercise the powers in ss2 to 9 in relation to the summary procedure for dealing with noise at night and entry and seizure under s10
HCP(42)	Environment Act 1995 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- Part IV Air Quality s 82 - Undertake Air Quality monitoring s 83 - Designate AQMA s 84 - Carry out duties in relation to designated areas, Part V Miscellaneous s 108 (1)(a),(1)(b) and (1)(c) to exercise powers under section 108, sub-section (4)(a-m) s 110 - Offences
HCP(43)	Anti-Social Behaviour Crime and Policing Act 2014 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- Part I injunctions s 5- Make applications for injunctions Part 2 Criminal Behaviour Orders s – Make application for an order Part 4, Chapter 1 Community Protection Notices s 43 - Power to issue notices s 47 - Remedial action & power of entry s 51- Seizure s 53 - Issue Fixed Penalty Notice Chapter 2 Public Spaces Protection Orders s 68 -Issue Fixed Penalty Notice (Dogs and ASB) Chapter 3 Closure of premises associated with nuisance or disorder s 76 - Closure notice s 78 - Vary or cancel closure notice s 79 - Power of entry s 85 - Enforcement
HCP(44)	The Official Feed and Food Controls (England Regulations 2009 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:-act under and delegated authority to authorise appropriate named individuals to: powers of entry, serve notices, procure and analyse samples.

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HCP (45)	Formulate and issue decision notices following consideration by the Licensing & Regulatory Committee or one of its Sub-Committees in accordance with the resolution of the Committee or Sub-Committee after consultation with the Chair of that meeting.
HCP (46)	After consultation with the solicitor representing the Council and the Licensing Sub-Committee Members that took the decision (or in their absence, the Chair of the Licensing Committee), make minor changes to any proposed licence to mitigate the need for an appeal hearing following an appeal against a Licensing Sub-Committee decision. NB: where such a change is made this will be reported back to the next meeting of the Licensing & Regulatory Committee
HCP(47 & 48)	SPARE
HCP(49)	Gambling Act 2005 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- Inspect and issued licenses , a) Application for a variation to a licence where no representations have been received or representations have been withdrawn b) Application for a transfer of a licence where no representations have been received from the Commission c) Application for a provisional statement where no representations have been received or representations have been withdrawn d) Application for a club gaming/club machine permit where no objections have been made or objections have been withdrawn e) Applications for other permits f) Cancellation of licensed premises gaming machine permits g) Consideration of temporary use notice h) Setting of fees s.304 (1)(b) - Make representations where appropriate
HCP(50)	Town Police Clauses Act 1847 Grant or refuse, applications for Private Hire Vehicle, Operators or Hackney Carriage vehicle licenses or suspend private hire or Hackney carriage vehicle licences under the Town Police Clauses Act 1847, and the Local Government (Miscellaneous Provisions) Act 1976, subject to the applicant having a right to be heard by the Regulatory Committee in respect of any decision to refuse an application.
HCP(51)	Police, Factories etc (Miscellaneous Provisions) Act 1916, as amended by section 251 and Schedule 29 to the Local Government Act 1972 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- (a) Issue street collection permits up to the allocation for Kenilworth, Royal Leamington Spa, Warwick town centres and other areas as defined by the Licensing & Regulatory Committee; and (b) Issue street collection permits, for special collections in addition to the above numbers, following consultation with and no objection from the Licensing & Regulatory Committee spokespersons.
HCP(52)	Road Traffic Act 1991 to ask for and accept Disclosure and Barring Service checks for Hackney

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	Carriage and Private Hire Vehicles Drivers Licences under Section 47, and for any other licence for which they may be required.
HCP(53)	Local Government Miscellaneous Provision Act, Section 47, 48, 51, 55 impose such conditions as considered reasonably necessary:- a) approve or refuse, in consultation with appropriate organisation as approved by the Licensing & Regulatory Committee, applications in respect of types of wheelchair accessible vehicles to be accepted as taxis in the case of new licences to be issued in the District b) refuse applications for taxi and private hire drivers licences in respect of applicants who do not pass the knowledge test c) refuse applications for taxi and private hire drivers licences, where the applicants have not attended disability awareness training, and obtained the appropriate certificate d) refuse the licence of a hackney/carriage private hire driver person who fails or refuses to attend the prevention of child sexual exploitation course e) make any minor grammatical or minor wording amendments to the Policies for Hackney Carriage / Private Hire Drivers & Operators, so long as it they do not alter the meaning/spirit of the Policy.
HCP(54 to 65)	SPARE
HCP(66)	Land Drainage Act 1991 (and any amendments thereof) (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- s 14(A) – Notice to enter land and carry out works s 24 – Contraventions of prohibition on obstructions – notice to abate nuisance s 25 – Powers to require works for maintaining the flow of a watercourse s 64 – Powers of entry onto land
HCP(67 & 68)	SPARE
HCP(69)	Criminal Justice and Police Act 2001 exercise all powers of local authorities under sections 19 to 28 of the including: • Serving and cancelling closure notices; • Making applications for closure orders; • Issuing certificates of termination of closure orders; • Defending applications for the discharge of closure orders; • Recommending appealing against the refusal to make closure orders; • Enforcing closure orders; • Recommending prosecuting for obstruction of authorised officers or for offences in connection with closure orders; and • authorising officers to exercise all or any of these powers.
HCP (70)	enforce the Regulations to include service of remedial notices, undertaking remedial action, recovery of costs and imposing financial penalties, under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 made under Sections 122-123 Housing and Planning Act 2016
HCP (71)	prosecute landlords for failure to provide service charges information and for affording reasonable facilities for inspecting supporting documents (Section 25) under the Landlord and Tenant Act 1985
HCP (72)	amend or revoke caravan site licences; Serve compliance notices, notices of

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	intention to do work in default, emergency action notices and demands for expenses (Section 8-9); Power of entry (Section 26) under the Caravan Sites & Control of Development Act 1960 as amended by the Mobile Homes Act 2013
HCP (73)	enable minor amendments to be made to the Council's adopted HMO licence conditions (Section 67) under the Housing Act 2004
HCP 74 & 76)	SPARE
HCP (77)	The Legislative and Regulatory Reform Act 2006 following consultation with a solicitor acting for the Council and relevant Portfolio Holder, to make any minor grammatical or minor wording amendments to the Enforcement Policy, so long as it they do not alter the meaning/spirit of the policy.
HCP (78)	SPARE
HCP (79)	to determine and refuse on technical grounds (e.g. lack of information supplied with application, not able to comply with mandatory conditions for example the "no-obstruction condition") applications received for pavement licences, under the Business and Planning Act 2020.
HCP (80)	in consultation with the Chair of Licensing & Regulatory to determine any refusals of applications received for pavement licences, or revocations of a licence under the Business and Planning Act 2020
HCP (81)	Associated Acts and Regulations above: to grant a Private Hire Operators licence or Hackney Carriage/Private Hire Drivers Licence of reduced duration following consultation with the Chair/ Vice Chair of the Licensing and Regulatory Committee and a representative of Legal Services.
HCP (82)	Microchipping of Dogs Regulations 2015, (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act (ii) to:- (a) serve on the keeper of a dog which is not microchipped a notice requiring the keeper to have the dog microchipped within 21 days; (b) where the keeper of a dog has failed to comply with a notice under paragraph (a), without the consent of the keeper— (i) arrange for the dog to be microchipped; and (ii) recover from the keeper the cost of doing so; (c) take possession of a dog without the consent of the keeper for the purpose of checking whether it is microchipped or for the purpose of microchipping it in accordance with sub-paragraph (b)(i).
HCP (83)	issue licences to control the use of moveable dwellings under section 269 Public Health Act 1936 and caravan site licences required under the Caravan Sites & Control of Development 1960.
HCP (83)	to approve or refuse any discretionary or mandatory grant related to repair, improvement or adaptation, the issue of approvals following the application of the test of financial resources and authorisation of payment upon satisfactory completion of the work. To recover, withhold or cancel payments.
HCP (84)	serve Notices, carry out works and recover monies in respect of securing buildings against unauthorised entry or to prevent buildings becoming a danger to public health (Section 29 of the Local Government and Miscellaneous Provisions Act 1982)

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HCP (85)	serve Improvement Notices in respect of category 1 Hazards in relation to Section 11 of the Housing Act 2004
HCP (86)	serve Improvement Notices in respect of category 2 Hazards in relation to Section 12 of the Housing Act 2004
HCP (87)	revoke or Vary an Improvement Notice in relation to Section 16 of the Housing Act 2004
HCP (88)	serve notices of “Decision on Review” of a suspended Improvement Notice or suspended Prohibition Order in relation to Sections 17 & 26 the Housing Act 2004
HCP (89)	revoke or vary a Prohibition Order when the Hazard(s) in respect of which the Order was made no longer exists or, in the case of an Order whose operation is suspended, so as to alter the time or event by reference to which the suspension is to come to an end; and the service of Notices in respect of revocation or variation of a Prohibition Order in relation to Section 25 & Part 2 of Schedule 2 of the Housing Act 2004.
HCP (90)	serve Hazard Awareness Notices in respect of Category 1 and Category 2 Hazards in relation to sections 28 & 29 of the Housing Act 2004
HCP (91)	serve Notices in respect of taking action when an Improvement Notice is not complied with in relation to Paragraph 4, Schedule 3 of the Housing Act 2004
HCP (92)	agree that Emergency Remedial Action is taken in relation to section 40 of the Housing Act 2004
HCP (93)	serve notices of Emergency Remedial Action in relation to section 41 of the Housing Act 2004.
HCP (94)	make an Emergency Prohibition Order in relation to sections 43 & Part 2 of Schedule 2 of the Housing Act 2004
HCP (95)	serve notices in respect of the revocation or variation of an Emergency Prohibition Order in relation to section 43 & Part 2 of Schedule 2.
HCP (96)	serve Temporary Exemption Notice in relation to section 62 of the Housing Act 2004
HCP (97)	grant or refuse an HMO Licence in relation to section 64 of the Housing Act 2004
HCP (98)	vary an HMO Licence in relation to section 69 of the Housing act 2004
HCP (99)	revoke an HMO Licence in relation to section 70 of the Housing Act 2004
HCP (100)	carry out all procedures relating to the granting or refusal of an HMO Licence in relation to part 2 of the Housing Act 2004
HCP (101)	apply to a RPT (Residential Property Tribunal) for a Rent Repayment Order and serve notice of intended proceedings in relation to section 73 of the Housing Act 2004
HCP (102)	apply to a RPT for an Order authorising the local authority to make an IMO (Interim Management Order) or for an Order providing for an IMO or FMO (Final Management Order) to continue in force in relation to the Interim and Final Management Orders sections 102, 105 & 114 of the Housing Act 2004
HCP (103)	vary or revoke an IMO or FMO in relation to sections 111, 112, 121 & 122 of the Housing Act 2004
HCP (104)	take appropriate steps to protect the safety, health and welfare of occupiers and such other steps regarding the proper management of houses subject to IMOs and FMOs in relation to sections 106 & 115 of the Housing Act 2004
HCP (105)	carry out all procedures relating to the service of notice and the consideration of representations in respect of making, varying or revoking (or refusing to vary or revoke) Management Orders in relation to schedule 6 of the Housing Act 2004

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HCP (106)	apply to a Magistrates' Court for an Order permitting works to be carried out when a Management Order is in force; authorise in writing any person to enter a house where a Management Order is in force for the purpose of carrying out works in relation to section 131 of the Housing Act 2004.
HCP (107)	except for the actual making of Interim Empty Dwelling Management Orders (IEDMOs) and Final Empty Dwelling Management Orders (FEDMOs), have all powers and duties of the local authority in respect of IEDMOs and FEDMOs in relation to the Interim and Final Empty Dwelling Management Orders (IEDMO & FEDMO) Part 4, Chapter 2 of the Housing Act 2004
HCP (108)	serve notice of consideration of making an IEDMO and make application to a RPT for authorisation to make an IEDMO in relation to section 133 of the Housing Act 2004
HCP (109)	carry out all procedures relating to the making of Management Orders as they relate to IEDMOs and FEDMOs in relation to Schedule 6 Part 1 of the Housing Act 2004
HCP (110)	take appropriate steps to ensure that a dwelling becomes or continues to be occupied, and for the proper management of the dwelling in relation to sections 135 & 137 of the Housing Act 2004.
HCP (111)	carry out all procedures necessary for the operation of IEDMOs and FEDMOs, except in relation to variation or revocation of IEDMOs and FEDMOs in relation to schedule 7 of the Housing Act 2004
HCP (112)	carry out all procedures necessary in respect of variation or revocation of IEDMOs and FEDMOs in relation to schedule 7 of the Housing Act 2004
HCP (113)	to serve, withdraw, revoke or vary an Overcrowding Notice in relation to Part 4 Chapter 3 Sections 139, 140 & 144 of the Housing Act 2004
HCP (114)	serve notice requiring the production of documents in connection with Parts 1 – 4 of the Housing Act 2004
HCP (115)	serve notice of intention to enter premises in relation to section 239 of the Housing Act 2004
HCP (116)	to apply to a Magistrates' Court for a warrant to authorise entry in relation to section 240 of the Housing Act 2004
HCP (117)	give notice of action taken under Parts 1 – 4 of the Housing Act 2004
HCP (118)	serve or revoke an HMO Declaration in relation to sections 255 & 256 of the Housing Act 2004
HCP (119)	use of Enforced Sale Procedure under Law of Property Act 1925 including service of notice under Section 103 of the Act.
HCP (120)	serve notices under Housing Act 1985 (as amended):- S197 Notices before exercising power of entry. 337/340 S331 Notice to landlord that house is overcrowded. S338 Notice to occupier to abate overcrowding
HCP (121)	S. 77 Criminal Justice and Public Order Act 1994 In respect of persons residing in a vehicle or vehicles i) on any land forming part of a highway; ii) on any other unoccupied land; or iii) on any occupied land without the consent of the occupier to give a direction that those persons are to leave the land and remove the vehicle or vehicles and any other property
HCP (122)	serve notices under Housing Grants Construction & Regeneration Act 1996 requiring owner to provide statement of occupation of property (s49 & s50).
HCP (123)	enforce the Management of Houses in Multiple Occupation (England)

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	Regulations 2006, made under Section 234 Housing Act 2004.
HCP (124)	to serve a: (ii) Prohibition Order in respect of a Cat 1 hazard, in relation to Section 20 of the Housing Act 2004 (ii) Prohibition Order in respect of a Cat 2 hazard, in relation to Section 21 of the Housing Act 2004 Notice requiring documents to be produced, in relation to Section 235 of Housing Act 2004
HCP (125)	under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015, Statutory Instrument SI number 2015:1693 (made under the Energy Act 2013), authority to: (i) under regulation 5 issue a Remedial Notice; and per Part 4 (Regulations 8-13) issue a Penalty Charge Notice
HCP (126)	formulate responses to planning applications in respect of housing requirements.
HCP (127)	to enforce the Minimum Energy Efficiency Standards (MEES) regulations as set out within the approved penalties process.
HCP (128)	authorise the Officer to have delegated authority to serve Notices of Intent and Final Notices under the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014
HCP (129)	Authority to make decisions about imposing civil penalties in individual cases under the Housing and Planning Act 2016 for failure to comply with an Improvement Notice, failure to licence an HMO, failure to licence houses under a selective licensing scheme, failure to comply with an overcrowding notice and breach of HMO Management Regulations.

12. The Head of Housing shall have authority to:

No.	Authorities
HS (1)	deal with the letting of all dwellings when the Common Housing Register is applied. In cases of redevelopment authorise the delay in the letting of properties subject to approval of the relevant redevelopment scheme.
HS (2)	deal with sales of Council dwellings (freehold and leasehold) under the Right-to-Buy provisions (Housing Act 1985).
HS (3)	approve the release of affordable housing secured under a section 106 agreement for sale as open market dwellings and to discharge the obligation under the S106 agreement restricting the use of the affordable housing where the Registered Provider has become insolvent and defaulted on a mortgage secured against the relevant site and the Registered Providers Mortgagee has exercised their power to enter into possession of the relevant site subject to the Mortgagee having first acted in accordance with the mortgagee in possession provisions in the relevant section 106 agreement.
HS (4)	allocate tenancies to employees of the Council in accordance with Council's Relocation Scheme.
HS (5)	repair void properties.
HS (6)	allocate garages; to provide and allocate parking spaces; to approve the erection or provision, by tenants of individual garages and car parking spaces.
HS (7)	allocate tenancies and fix rents in respect of properties held under Part II of the Housing Act 1985.
HS (8)	determine the level of decorating allowance payable to tenants on allocation of tenancies.
HS (9)	approve payments under the Resettlement Service to qualifying new tenants accepting the tenancy of a low demand designated older persons property.
HS (10)	investigate and determine all homeless applications made to the Council under Part VII Housing Act 1996 including:- (i) Allocation of suitable accommodation: (ii) Entering the usual or last place of residence of a homeless person at all reasonable times for the purpose of discharging the duties in connection with the storage of property and effects; (iii) Guaranteeing where necessary in an emergency, the payment in whole or in part of any charges for basic accommodation provided. (iv) Where urgent steps are required to prevent homelessness, authority to incur expenditure or potential expenditure (e.g. by guarantees) in respect of rent or mortgage repayments dependent upon individual circumstances.
HS (11)	to determine applications for re-housing agricultural workers and ex-works pursuant to the Rent (Agriculture) Act 1976.
HS (12)	demand repayment of grant monies, together with interest, in appropriate cases on a breach of grant conditions.
HS (13)	instruct Bailiff's to enforce Warrants for Eviction.
HS (14)	in consultation with the Portfolio Holder for Housing, make minor changes to the Housing Financial Assistance policy that maintain the alignment with the Better Care Fund objectives.
HS (15)	to deal with applications for T.V. licences for warden controlled accommodation etc.
HS (16)	determine applications to run businesses, erect covered ways, verandas, conservatories and other and undertake other alterations to Council dwellings.
HS (17)	deal with the recovery of rent arrears including the instigation of legal

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	proceedings to recover possession in appropriate cases and use of distraint.
HS (18)	write off former tenant arrears or credit balances up to £1000, greater than £1000 has to be agreed by Head of Finance.
HS (19)	in consultation with the Portfolio Holder for Housing, to develop and submit outline planning applications for housing sites and any other statutory consents necessary. Cabinet are asked to note that any fully costed schemes would be presented to Cabinet for approval following outline planning permission being granted
HS (20)	authorise routine repair, maintenance, improvement and new building work to be carried out.
HS (21)	waive, rechargeable repair costs.
HS (22)	in consultation with the Portfolio Holder for Housing, to make minor policy changes to the housing allocations policy. Subject to the Portfolio Holder reporting any changes approved in this manner as part of the annual report to the Overview and Scrutiny Committee.
HS (23)	approve of schemes for the adaptation of Council houses.
HS (24)	choose to refer adaptations to Council House dwellings for consideration for a Disabled Facilities Grant (or similar).
HS (25)	determine application for ex-gratia payments of up to £200 in respect of legitimate landlord costs that have been incurred by tenants.
HS (26)	submit applications for planning permission for change of use from amenity land to private gardens, or from private gardens to amenity land in those areas where it is a solution to a perceived management problem, subject to consultation with appropriate local residents.
HS (27)	, in consultation with the Portfolio Holder for Housing, to make decisions about imposing civil penalties in individual cases.
HS (28)	grant new leases, for HRA properties, where statutory renewal rights exist.
HS (29)	grant terminable licences, for HRA properties, for access and other purposes.
HS (30)	issue but not refuse certificates of fitness in respect of assured tenancies under the provisions of Part I of the Housing and Planning Act 1986.
HS (31)	award grants to tenants/tenants groups in accordance with the Council's Housing Strategy.
HS (32)	re-purchase former Council owned dwellings within the agreed criteria and with the assistance of an independent valuation subject to resources being made available.
HS (33)	grant new leases on vacant HRA properties.
HS (34)	agree rent reviews, for HRA properties, where agreement on the new rent has been reached without recourse to arbitration.
HS (35)	Approve, refuse and recover grants and loans in accordance with the Rent Bond/Deposit Scheme
HS (36)	specify properties for which prospective tenants will be eligible to qualify for the Resettlement Service
HS (37)	issue Notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (Disposal of uncollected property).
HS (38)	issue injunction proceedings under section 222 of The Local Government Act 1972.
HS (39)	issue injunction proceedings under the provisions of Chapter III of Part V of The Housing Act 1996 as amended by the Anti-Social Behaviour Act 2003 and the Police and Justice Act 2006 (injunctions in respect of anti-social behaviour affecting housing management, unlawful use of housing accommodation and

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	breach of tenancy agreement).
HS (40)	address the district judge at hearings attended without a solicitor under s.60 of the County Courts Act 1984.
HS (41)	issue possession proceedings in order to obtain possession of temporary accommodation provided under section 188 of the Housing Act 1996, Part VII.
HS (42)	serve notice of Seeking Possession and Notice of Demotion under section 83 of the Housing Act 1985 in respect of Secure Tenancies in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
HS (43)	serve notice of Possession Proceedings and Notice of Extension under section 125 of the Housing Act 1996 in respect of Introductory Tenancies in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
HS (44)	serve closure notice under section 1 of the Anti-Social Behaviour Act 2003 in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
HS (45)	serve Family Intervention Tenancy Notice under the provisions of the Housing and Regeneration Act 2008 in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
HS (46)	issue Notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (Disposal of uncollected property).
HS (47)	issue injunction proceedings under section 222 of the Local Government Act 1972.
HS (48)	issue injunction proceedings under the provisions of Chapter III of Part V of the Housing Act 1996 as amended by the Anti-Social Behaviour Act 2003 and the Police and Justice Act 2006 (injunctions in respect of anti-social behaviour affecting housing management, unlawful use of housing accommodation and breach of tenancy agreement).
HS (49)	To carry out the following delegated powers: HCP(2) in respect of 59 and 76; HCP(6) in respect of (iii)(vii)and(viii); HCP(25)(i); HCP(26) to HCP(28) inclusive; HCP(69) in respect of (i)(ii)(iii)(iv) and (vii); HCP(34) and HCP(35); HCP(43)
HS (50)	in consultation with the Portfolio Holder for Housing, to grant 99 year leases of Council owned land (HRA land) to Waterloo Housing Group under the terms of the W2 Joint Venture for the purpose of providing affordable housing
HS (51)	determine applications for review made under Section 202 of the Housing Act 1996 and to take any steps that are necessary or incidental to the making of such a determination or complying with any requirements or procedure provided for in regulations made under S203 of Housing Act 1996.
HS (52)	(i) approve the terms to be incorporated in a Shared Ownership lease which will include 'staircasing' provisions enabling a lessee to acquire between a minimum of a 25% to 10%, to align with the new Homes England model lease, up to and including a 100% interest in the property with the right to request a transfer of the freehold interest on acquiring a 100% interest; and (ii) Relax property size eligibility rules in the housing allocations policy for bidders for shared ownership properties if there is insufficient

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	demand from households of the eligible size.
HS (53)	take appropriate action under this policy to ensure compliance with all its requirement, including the need to obtain planning permission
HS (54)	in consultation with the Portfolio Holder for Housing, to review and amend the action plan of the Warwick District Council Homelessness and Rough Sleeping Strategy 2021-26 from time to time during the lifetime of the strategy.
HS (55)	deal with applications for the assignment of tenancy or sub-letting of shops provided under the Housing Acts.
HS (56)	serve Notices to Quit in respect of shops and other accommodation provided under the Housing Acts.
HS (57)	in consultation with the Portfolio Holder for Housing, make minor changes to the decant policy that are required to ensure it remains in line with best practice, Government Guidance and delivers clarity and consistency across the policy;
HS (58)	in consultation with the Portfolio Holder Housing, agree discretionary payments and discretionary compensation in respect of decant activities.
HS (59)	produce, adopt and revise a Banning Order Policy, after consultation with the Housing PAB, Legal services and Housing Portfolio Holder
HS (60)	after consultation with the Portfolio Holder for Housing, to apply for a Banning Order under the Housing and Planning Act 2016, where the criteria of the Council Banning Order Policy has been met
HS (61)	in consultation with the Portfolio Holder for Housing, to make minor amendments to the policy as necessary, excluding the fees.
HS (62)	amend shared ownership leases for the purpose of permitting residents to alter and extend their homes subject to the written agreement of the Council.
HS (63)	in consultation with the Portfolio Holder for Housing, to sell open market homes and part sale of shared ownership homes on Council delivered housing sites
HS (64)	in consultation with the Portfolio Holder of Housing, to sell further percentages of shared ownership properties to allow staircasing up to 100%
HS (65)	submit notifications and applications to the Building Safety Regulator.
HS (66)	administer all aspects of the First Homes sales process including determining applicant eligibility and issuing all authorities required from the Council as set out in the Government's First Homes Local Authority Guidance Notes.
HS (67)	apply to Homes England for Designated Protected Area waivers
HS (68)	, in consultation with the Portfolio Holder for Housing, to make minor changes to the following policies: Hate crime policy Aids & Adaptations Policy

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	Damp, Mould & Condensation Policy
HS (69)	operate the Secure Tenants of Local Housing (Right to Repair) Regulations 1994 (including service of Notices and acceptance or refusal of claims).
HS (70)	to amend shared ownership leases for the purpose of permitting residents to alter and extend their homes subject to the written agreement.
HS (71)	in consultation with the Portfolio Holder for Housing, to make minor amendments to the shared ownership policy as necessary, excluding the fees

14. the Head of Neighbourhood Services shall have authority to:

No.	Authorities
NS (7)	Carry out consultations concerning draft Off Street Parking Places Orders and to make the Orders in cases where no objections are received.
NS (8)	Institute legal proceedings against persons who fail to comply with the Pay and Display regulations contained in the Council's Off-Street Parking Places Orders.
NS (10)	Implement any necessary changes in parking charges as specified by Council.
NS (12)	waive the charges for waste containers for any resident who is unable to pay for waste containers if they are eligible for maximum council tax reduction as well as being in receipt of either Attendance Allowance, Disability Living Allowance or Personal Independence Payment'. This will be subject to any request being limited to one every two years. Outside of this, charges may only be waived where the Council is satisfied that the household would experience exceptional financial hardship.
NS (13)	in consultation with the Monitoring Officer, and the Portfolio Holder for Neighbourhood, to make variations (including variations from time to time thereafter) to Shareholders Agreement subject to: (a) they do not remove the following principles o an independent non-executive chair; o the reduction in number of nonexecutive director, if and when needed; o amend the board voting rights from one equal vote per board member; o changes to the composition of the board; (b) the ability to refer changes to either the Shareholder agreement or Waste Supply agreement to Cabinet for a decision where the Head of Neighbourhood, after consultations, considers it is appropriate (c) subject to those changes being reported to Councillors, as part of the annual report to them on the work of SRL
NS (6)	Take action under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976 (imminent danger from dangerous trees) and to serve notices under Section 23.
NS (9)	Provide floral decorations in accordance with the policy agreed by the Council.
CTL (2)	arrange lettings in respect of sporting entertainment facilities.
CTL (3)	in consultation with the Portfolio Holder for Neighbourhood, to apply discount prices, to those listed in the Parks Exercise Permits Usage & Charging Policy for Warwick District Council Parks & Open Spaces as deemed appropriate
CTL (4)	in consultation with the Portfolio Holder for Neighbourhood, for the decision as to the inclusion of new areas of the Council's Parks and Open Spaces within the remit of the Parks Exercise Permits Usage & Charging Policy for Warwick District Council Parks & Open Spaces
CTL (7)	determine grants to Sports Organisations.
CTL (8)	in consultation with the Portfolio Holder for Safer, Healthier, & Active Communities. make any future minor changes to the Park Permit scheme.

15. Delegations to multiple but not all Chief Officers as set out in Article 12

No.	Authorities	Role(s)
A(1)	Authority to seal Stock Exchange transactions.	Head of Finance, Monitoring Officer (Chief Executive in absence of Monitoring Officer) (Individually).
A(2)	Authority to affix the Common Seal where appropriate approval(s) have been given .	Chief Executive, Deputy Chief Executive, Monitoring Officer and Strategic Director (individually).
A(3)	Authority to authorise obtaining Counsel's Opinion and to brief Counsel.	Chief Executive, Deputy Chief Executive, and Strategic Director (individually) following consultation with a solicitor acting for the Council.
A(4)	Authority to approve Court proceedings in respect of anti-social behaviour orders in the district.	The Heads of Housing; and Head of Community Protection (as appropriate), individually, in consultation with a solicitor acting for the Council and Group Leaders.
A(5)	Authority to instigate applications for anti-social behaviour orders under the Crime and Disorder Act 1998.	Head of Housing and Head of Community Protection, individually following consultation with a solicitor acting on behalf of the Council.
A(6)	Authority to approve applications to waive repayment of grant paid under the town scheme of grants arrangements in cases of hardship.	Head of Finance and Head of Place, Arts and Economy, (Individually) in conjunction with the Leader of the Cabinet and Group Leaders.
A (7)	Authority to carry out the necessary procedure and make orders under Town Police Clauses Act 1847 for the temporary closure of roads.	Head of Development, Monitoring Officer and Head of Community Protection (Individually) following consultation with a solicitor acting on behalf of the Council.
A(8)	issue authorisations under the Regulation of Investigatory Powers Act 2000 in all cases except those concerning juveniles.	Deputy Chief Executive
A(9)	exercise the powers contained within the Anti-social Behaviour Crime and Policing Act 2014 in relation to injunctions, orders, powers of dispersal, closure of premises, grounds of possession, service of notice and to authorise appropriate persons to carry out any of these powers.	The Head of Community Protection, Head of Housing and Monitoring Officer individually.
A (10)	grant applications for organised visits to and bookings of parks, open spaces and buildings and for conference facilities.	Head of Place Arts & Economy, Head of Community Protection and Head of Housing individually.

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A (11)	grant new leases on vacant properties, excluding HRA properties.	The Strategic Director and Head of Place, Arts & Economy (Individually)
A (12)	To accept the transfer of land or buildings to the Council which is required to be transferred to the Council under the provisions of a section 106 agreement.”	Head of Place, Arts and Economy, Head of Community Protection, Housing and Monitoring Officer (Individually)
A (13)	in consultation with the Portfolio Holders for Housing and Resources to enter into a maximum of five leases for properties from the Private Sector (of no more than ten years in duration each) for use in connection with homelessness accommodation duties.	Head of Housing and the Head of Finance (Individually)
A (14)	to suspend the statutory officers within the Council, where they consider it is an emergency to do.	Chief Executive or Monitoring Officer (Individually)
A (15)	to act under Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, enforcing regulation 4, 5, 8, 9 & 10 and take proceedings for offences under regulation 1	Head of Community Protection & Monitoring Officer (Individually).
A (16)	execute vacating receipts on mortgages.	Chief Executive & Monitoring Officer (Individually)
A (17)	serve any necessary notices in connection with the review of rents payable to the Council under leases or tenancy agreements.	Head of Finance, Strategic Director and Head of Housing individually.
A (18)	in consultation with the relevant Portfolio Holders, be duly authorised to design and approve any business grant and other financial support schemes proposed by the Government to be implemented in 2021/22 and thereafter	Section 151 Officer and Head of Place, Arts and Economy (individually) depending on the government scheme
A (19)	approve subsidy assessments which include a principles assessment	Head of Finance & Monitoring Officer (as joint signatures) after consultation with legal services.
A (20)	serve notices under ss. 43 and 48 of the Anti-Social Behaviour Act 2003 and to recover expenditure under s. 49 thereof	Head of Neighbourhood & Head of Community Protection
A (21)	notices in relation to intention to enter premises (pursuant to a statutory power) for the purposes of inspection; All powers included in Part II of the Environment Protection Act 1990 granted to a Waste Collection Authority, including those listed below: Section 13 and 14 of the Environmental	Head of Neighbourhood & Head of Community Protection

	Protection Act 1990 Section 33 and 34 of the Environmental Protection Act 1990, and subsidiary legislation, including Section 45 of Clean Neighbourhoods & Environment Act 2005 Sections 46 and 47 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 48 of Clean Neighbourhoods & Environment Act 2005 Section 59 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 50 of Clean Neighbourhoods & Environment Act 2005	
A(22)	all powers included in Part IV of the Environment Protection Act 1990 granted to a Principal Litter Authority, including those listed below: - Section 88 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 19 of Clean Neighbourhoods & Environment Act 2005 Section 92 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 20 of Clean Neighbourhoods & Environment Act 2005 Sections 93 and 94 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 21 and 22 of Clean Neighbourhoods & Environment Act 2005 Section 99 of the Environmental Protection Act 1990 and subsidiary legislation.	Head of Neighbourhood & Head of Community Protection
A (23)	all powers included in Part I of the Refuse Disposal (Amenity) Act 1978 granted to a District Council, including those listed below: serve notices in respect of removal of abandoned vehicles under the Refuse Disposal (Amenity) Act 1978 Section 2 and 3 of the Refuse Disposal (Amenity) Act 1978 and subsidiary legislation, including Section 10 of Clean Neighbourhoods & Environment Act 2005 serve notices requiring information for	Head of Neighbourhood & Head of Community Protection

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	statutory purposes under - Section 71 of Environmental Protection Act 1990 - Section 90 of Environmental Protection Act 1990 - Section 18 of the Clean Neighbourhoods and Environment Act 2005 - Sections 35, 37, 38 & 39 of the Clean Neighbourhoods and Environment Act 2005 - All powers within Part 4 of the Clean Neighbourhoods and Environment Act 2005 All powers within Part 5, Chapter 2 of the Clean Neighbourhoods and Environment Act 2005	
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