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## PART 6.1 INTRODUCTION

1. The delegations set out in Parts A and B of this Scheme of Delegation shall be construed and applied in accordance with the following paragraphs.

2. The following expressions shall have the meanings assigned to them :-

“Chief Officer” means any one of the Chief Executive, Executive Directors of Finance & Resources, Adult Services, Children’s Services, Environment, Development & Housing, the Director of Public Health, the Assistant Chief Executive or the Monitoring Officer or any of their successors including any person appointed to undertake the functions of the Chief Officer by whatever name called unless the context suggests otherwise.

“Executive Director” shall include the Director of Public Health.

“Executive Leadership Team” means the Team consisting of the Chief Officers.

“Corporate Landlord” means the model adopted by the council under which the council’s property assets are managed with the aim of bringing together all property functions (except for operational service issues) under Property & Design to improve the utilisation, efficiency and effectiveness of the council’s land & buildings.

3. The functions of the council specified in Part A of this Scheme are delegated to the Chief Officers in relation to their areas of responsibility (and subject to the Corporate Landlord model).

4. The functions of the Council specified in Part B of this Scheme are delegated to the officer/s described therein.

5. The functions delegated under this Scheme of Delegation shall be subject to the Council’s standing orders, financial regulations, policies and procedures and to any instruction or guidance of the Council or the appropriate Committee or Sub-Committee acting under its delegated powers.

6. Except in relation to any statutory function vested directly in the officer concerned, each officer shall, in exercising his/her delegated functions, comply with any instructions of the Chief Executive. The Chief Executive is authorised to rule on any questions arising under this scheme including the extent to which any function is delegated.

7. Where a function is delegated to an officer, he/she may authorise the carrying out of that function, in his/her name, by other officers within his/her department, directorate, team, unit or section (or such other officers as report to him/her directly or indirectly) either fully or under the general supervision and control of the authorising officer. Without prejudice to the generality of the foregoing, such authorisation may include authorisation to issue and sign statutory notices in the name of the relevant officer or any other person with delegated functions.

- 8.** All such matters as may be regarded as included by inference shall be comprised within the delegated functions of officers; and any delegation to an officer shall include all consequential or ancillary matters as necessary. For example, where the exercise of a function has been delegated, it shall include, subject to any express reservations in this scheme, the power to serve notices or orders, authorise agreements, authorise proceedings or fix or vary fees and charges.
- 9.** The delegations in Parts A and B of this Scheme shall be complementary and any delegations to particular officers in Part B shall be without prejudice to the generality of the functions delegated in Part A. The functions delegated under this Scheme are in addition to and without prejudice to any powers or authorisations under other parts of the constitution.
- 10.** The delegations contained in parts A and B of the scheme of delegations are without prejudice to any powers delegated to Officers in relation to specific matters by a resolution of the appropriate committee or sub-committee and such delegations shall be deemed to subsist notwithstanding the lack of reference to them in this scheme of delegations unless the delegation is of a limited duration and has expired or is expressly or by clear implication revoked by a subsequent resolution of a body with the power to revoke the delegations.
- 11.** Where a function is delegated to more than one officer, any one of those officers may exercise it, but such function shall be exercised in accordance with any direction given by the Chief Executive.
- 12.** Where under this Scheme an officer is authorised to discharge a particular function, he/she shall not be precluded from placing the matter before the relevant Committee or Sub-Committee for consideration as the officer considers appropriate.
- 13.** Any delegation of functions to an officer under this Scheme shall not prevent the Council or the relevant Committee from exercising those functions.
- 14.** Without prejudice to the other provisions of this Scheme and, in particular, paragraph 7 above, the officers named in Column 2 below may perform, in their own names, the functions (under Parts A and B of this Scheme) of the corresponding officers in Column 1 below where those officers are absent or otherwise unable to act.

Column 1	Column 2
Chief Executive	Any member of the <b>Executive</b> Leadership Team as the Chief Executive may determine.
Any <b>Executive</b> Director	Any officer reporting to the Director responsible for any functions comprised in the Director's delegations.

<u>Assistant Chief Executive</u>	<u>Any officer reporting to the Assistant Chief Executive responsible for any functions comprised within the Assistant Chief Executive's delegations</u>
<u>The Monitoring Officer and Head of Legal and Democratic Services</u>	<u>The Deputy Head of Law regarding Legal and Monitoring Officer functions; otherwise any member of the Departmental Management Team of the Department</u>

15. In the event of (a) any change in the job title of any officer mentioned in this Scheme, (b) any change in any other title mentioned in this Scheme (for example of any Councillor, Committee, Sub-Committee, group, or team), and/or (c) the transfer of any of the responsibilities of any officer who has delegated functions under this Scheme, to any other officer, the Monitoring Officer may make consequential amendments to the Scheme to take account of the change and/or transfer.
16. In this Scheme a reference to any Act of Parliament shall be deemed to include a reference to any Act by which it is applied, extended, amended, consolidated or replaced. It shall also be deemed to refer to any statutory instruments, regulations, orders, byelaws or the like made or having effect as if made under such Act.
17. (a) Where an officer of any transferor authority ("former officer") was, before reorganisation day, specifically authorised to enter into a contract, prepare and execute a document or take any other action and that contract is not entered into, document not executed or, as the case may be, action not taken before reorganisation day, the officer of the Council holding the corresponding office shall, on and after reorganisation day, be deemed to have the authority previously granted to the former officer.
- (b) In paragraph (a) above:-
- "transferor authority" means Brighton Borough Council, Hove Borough Council and East Sussex County Council
- "reorganisation day" means 1<sup>st</sup> April 1997
- "corresponding office" means an office, by whatever name called, which carries or includes the functions of the former officer to the extent that they are relevant to the matter or issue in question.
18. Any interpretation of this Scheme of Delegation shall be in accordance with the Council's wish that the powers granted to officers under the Scheme shall not be construed restrictively.
19. Where any matter is by law or under the Scheme of Delegation to Committees specifically reserved to the Council, its Committees or Sub-Committees, the functions delegated to officers under this Scheme

shall take effect as if they were limited to preparing the plan, strategy or proposal, as the case may be, for approval by Council or the relevant Committee or Sub-Committee.

209. Where functions delegated under Part B appear under the heading of an officer other than a Chief the functions are delegated directly to that officer providing that the Chief Officer may exercise the function to the extent that it is not by law or under rules of professional practice required to be exercised by a particular person or a member of a particular profession. The General Delegations specified under part A may also be exercised by an officer under whose heading a function is listed under part B to the extent that the General Delegations relate to a function so listed.

## PART 6.2 PART A – GENERAL DELEGATIONS

Save where indicated otherwise and subject to paragraphs [3](#), [13](#) and [19](#) of the Introduction to this Scheme, the following general powers are delegated to [Chief Officers](#) in relation to the services for which they are responsible.

### 1. Administrative

- 1.1 To administer the services for which they are responsible, including taking and implementing decisions which facilitate the operation or effectiveness of those services, and which fall within the policy decisions taken by the Council or its Committees or Sub-Committees. This power shall include the continuing review of the services for which they are responsible to maximise resources and implement best value.

### 2. Financial

- 2.1 To exercise all the functions delegated to officers under the Council's Financial Regulations.

### 3. Land Management

- 3.1 In the paragraphs below:-

- (1) The disposal or acquisition of any interest in property or the creation, extension or variation of any interest therein shall be in such form as shall receive the approval of the Monitoring Officer.
- (2) The term "land" includes buildings or parts of buildings and any estate or interest in land.
- (3) The term "Valuer" means the valuer appointed or approved by the [Executive Director Finance & Resources](#).

- 3.2 In respect of land held or used for the purposes of a service administered by the officer, [to manage that land in respect of matters relating to service provision, staffing and day to day operations, including the following:-](#)

- (a) [In relation to HRA land only and](#) after consultation with the Monitoring Officer and the Valuer, to dispose of any land or any interest in land where the person acquiring the land or the interest has a legal right to acquire the same granted by an Act of Parliament or any rule of law;

- [\(b\) After the approval of the Valuer and the Monitoring Officer, to grant easements, licences, or wayleaves, of less than 3 months duration. Any further extension of the agreement to be managed by the Head of Property & Design.;](#)

- [\(d\) To inform the Head of Property & Design of any property specific to the service area of the Chief Officer or Head of](#)



Service where the property is considered to be surplus to the requirements of that service area and the property will return to the control of Property & Design.

- (e) After consultation with the Monitoring Officer and subject to the advice of the Valuer, to accept the surrender of leases

In relation to paragraphs 3.1 and 3.2 above, for the avoidance of doubt the following functions are excluded from the general delegations in respect of Land Management which functions are delegated to the Head of Property & Design in accordance with Corporate Landlord arrangements namely; building alterations; capital expenditure on building works; change of use and applications for Planning Consent.

#### **4. Human Resources**

- (1) Subject to the policies, practices and procedures of the Council, to manage staff reporting to the Chief Officers
- (2) Without prejudice to the generalities of (1) above, to engage employees and extend contracts of employment, to promote, discipline, suspend and dismiss employees, to accelerate increments and, after consultation with the Executive Director Finance & Resources, to extend the provisions of the Occupational Sick Pay Scheme at their discretion and in particular cases in accordance with:-
- (a) the policies and practices of the Council;
  - (b) the terms and conditions of employment recognised and approved by the Council in relation to the several categories of employees.

Provided that:-

- (i) the above delegations shall not apply to the Executive Director Children's Services to the extent that separate arrangements have been made under the specific delegations (Part B);
- (ii) the above delegations shall not be exercised by any officer in relation to his/her own post;
- (iii) In addition to the general powers, the Chief Executive shall be authorised to exercise the powers delegated above in so far as they relate to any officers reporting directly to the Chief Executive .

[NOTE – the appointment of Chief Officers is subject to separate arrangements set out in the Officer Employment Procedure Rules

#### **5. Surplus Property**

- 5.1 To sell or dispose of, at the best price reasonably obtainable, surplus vehicles, plant, stores and equipment, subject to competitive tenders being obtained wherever reasonably practicable and due compliance with the Council's Standard Financial Procedures.

## **6. Appointment of Authorised Officers**

- (1) In connection with any functions delegated to or administered by the officer:-
  - (a) to act as and to appoint persons to act as authorised officers or inspectors (or in other similar capacities);
  - (b) to enter or authorise persons to enter land or premises.
- (2) Subject to the agreement of the Monitoring Officer, to authorise officers within his/her Service to prosecute or defend or to appear on the Council's behalf in proceedings before a Magistrates' Court, Family Proceedings Court, the County Court or any other Court or Tribunal.

## **7. Urgency Powers**

- (1) In cases where an emergency has been declared under the Council's emergency planning or business continuity procedures:-
  - (a) After consultation with the Leader of the Council or a Deputy Leader, to exercise any of the functions within the service area of the officer in cases of urgency where it is not practicable to obtain prior approval of the relevant Committee or Sub-Committee . See also notes (i) to (iv) below.
  - (b) To approve expenditure of up to £1,000,000, the action taken to be reported for information to the Leader of the Council and Group Leaders as soon as practicable. See also notes (i) to (iv) below.

### **NOTES**

- (i) Contact the Civil Contingencies Duty Officer on 07540 675 169 in connection with the exercise of the above delegated powers.
  - (ii) The Leader of the Council or in his / her absence a Deputy Leader shall be informed as soon as is practicable if it appears likely that any such emergency will be declared.
  - (iii) If it is not possible or practicable for an officer who would normally exercise the above delegated powers to do so, the powers may be exercised by the officer who is designated to be in charge under the Council's emergency planning or business continuity procedures or any officer appointed by him / her to act on his / her behalf.
  - (iv) If it is not possible or practicable for the officer to consult the Leader or a Deputy Leader before exercising the above delegated powers, the officer may exercise the powers without doing so but shall take such steps as appear appropriate at the time to keep Members informed of the action taken.
- (2) In any other cases of urgency:-

- (a) After consultation with the Chair (or in his / her absence, a Deputy Chair) of the relevant Committee or Sub-Committee, to exercise any of the functions within the service area of the officer in cases of urgency where it is not reasonably practicable to obtain prior approval of a Committee or Sub-Committee.
- (b) The action taken shall be reported, as appropriate, to the Committee or Sub-Committee.

## **8. Miscellaneous Matters**

8.1 Subject to any general directions of the Council or the relevant Committee or Sub-Committee:-

- (1) to approve minor exceptions to schemes of general policy settled by the Council, Committee or Sub-Committee;
- (2) in accordance with the provisions of Contract Standing Orders, to open tenders for goods, services or other matters and, when the terms of Contract Standing Orders have been complied with, to accept the appropriate tender for any contract not exceeding £500,000 in value or, in respect of any greater tender, after consulting the Chair of the relevant Committee or Sub-Committee;
- (3) where appropriate in connection with the service area of the officer and in the interests of the Council, to approve the attendance within the United Kingdom of any Member on external ad hoc duties (such as non-party political conferences and seminars) and to pay organiser's fees etc.

[NOTE - power to authorise payment of travel and subsistence allowances to Members in such circumstances or to approve attendance outside the United Kingdom is delegated to the Chief Executive – see Part B]

## **PART 6.3**

### **PART B – SPECIFIC DELEGATIONS**

#### **I DELEGATIONS TO CHIEF EXECUTIVE**

##### **1. General**

- (1) To be the designated Head of Paid Service under the Local Government and Housing Act 1989, including power to deal with all workforce matters not specifically reserved to Members.
- (2) As chair of the Executive Leadership Team, to lead the overall direction and management of the Council's services including the initiation and development of strategic policies and corporate practices; and the delivery of priorities set by council Members and partners.
- (3) To direct, co-ordinate and implement the Council's actions in respect of legislation relating to council governance.
- (4) To exercise any of the functions delegated to any officer under Part A or B of this Scheme of Delegation except those which, either as a matter of law or rules of professional practice, are required to be exercised by a particular person or a member of a particular profession.

##### **2. Interpretation of Scheme of Delegation**

- (1) After consultation as necessary with other relevant officers:-
  - (a) in cases of doubt or difficulty, to determine whether an officer may deal with a particular matter under the terms of this Scheme;
  - (b) where a matter for consideration or decision does not fall within this Scheme, to decide which Committee, Sub-Committee or Panel of the Council needs to consider it and whether that decision can be made under delegated powers or needs to be the subject of a recommendation to the Council;
  - (c) without prejudice to any decisions made by a Committee under Standing Orders, to determine whether the Committee's decisions should be reported to the Council for information.

##### **3. Members**

- (1) To deal with the following matters relating to Members:-
  - (a) taking declarations of acceptance of office, receiving resignations from office, and giving notice of casual vacancy in the office of Councillor;

- (b) convening Council meetings for election to vacant office of Leader or of Chair;
- (c) to be the proper officer for the receipt of notices and other functions under Sections 15 and 16 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 and to make or terminate appointments of voting Members to Committees and Sub-Committees in accordance with the wishes of political groups;

[NOTE – see also Council Procedure Rule 18.9 which confirms the power to make/terminate appointments in those circumstances]

- (d) where appropriate and in the interests of the Council, to approve the attendance outside the United Kingdom of any Member on external ad hoc duties (such as non-party political conferences and seminars) and to pay organiser's fees etc;
- (e) to authorise payment of travel and subsistence to Members for attendance at:-
  - (i) conferences, seminars and other events within the United Kingdom approved by an officer;
  - (ii) conferences, seminars and other events outside the United Kingdom approved under (e) above.

[NOTE the payment of Members' allowances is the function of the Executive Director Finance & Resources].

#### **4. Returning Officer**

##### 4.1 To be the

- (1) Returning Officer (or Deputy Returning Officer in the case of National and European Elections) under the Representation of the People Acts and,
- (2) If so designated by the Secretary of State, Police Area Returning Officer and/or Local Returning Officer under the Police Reform and Social Responsibility Act 2011.

#### **5. Executive Office**

##### 5.1 To manage the Council's Executive Office and Civic Office.

## II DELEGATIONS TO EXECUTIVE DIRECTOR FINANCE & RESOURCES

### 1. General

To manage the following Council services:-

- (a) Strategic Finance
- (b) Financial Services
- (c) Audit and Business Risk
- (d) Procurement
- (e) City Services
- (f) ICT
- (g) Human Resources and Organisational Development
- (h) Property
- (i) Programme Management

### 2. Strategic Finance, Financial Services, and Audit and Business Risk

- (1) To be the officer responsible for the administration of the Council's financial affairs for the purposes of Section 151 of the Local Government Act 1972; to be the responsible financial officer under the Accounts and Audit Regulations 2011 and, subject to any guidance or limitations imposed by the Policy & Resources Committee, to take such steps as are necessary for the proper administration of the financial affairs of the Council. The other finance functions listed below are not to prejudice the generality of this function.
- (2) To exercise the Council's functions where required or empowered to do so under the Council's Financial Regulations and enter into contracts in relation to the Council's banking arrangements.
- (3) To make premature repayment of mortgages and bonds.
- (4) Subject to reporting on the actions taken on major awards to the next meeting of the Policy and Resources Committee, to implement decisions of National Negotiating Bodies affecting employees except insofar as such decisions give discretionary powers to employing authorities.
- (5) To make arrangements for the borrowing of such monies as the Council has decided shall be borrowed in accordance with such policy as may be laid down from time to time and subject to the receipt of the necessary Government sanctions and consents.
- (6) To issue bonds in accordance with the provisions of the Local Government and Housing Act 1989 and to deal with allied detailed matters in accordance with the approved policies.
- (7) To issue bills in accordance with the provision of the Local Government and Housing Act 1989 and approved conditions.
- (8) To pay statutory benefits under the Local Government Superannuation Scheme.

- (9) Following consultation with the Chair of Policy & Resources Committee, to vary the interest rate chargeable for staff housing advances.
- (10) To take such steps as are necessary to give effect to any decision of the Council regarding its investments.
- (11) To approve increases in accountant and mechanical/technical adviser fees relating to services provided in connection with any track betting licence.
- (12) To pay Members' allowances in accordance with the scheme approved by the Council.
- (13) To exercise the Council's functions regarding arrangements for internal audit, including risk management.
- (14) To discharge the Council's functions regarding arrangements for insurance and deal with claims against the Council in accordance with the practice and procedure agreed from time to time with the Council's insurers.
- (15) To make amendments to the Financial Regulations and Standard Financial Procedures to reflect best value, new legislation, and any changes to the Council's Standing Orders and Scheme of Delegation.
- (16) To enter into agreements and authorise payments in respect of car loans, provided that these functions may also be exercised by the Head of Financial Services.
- (17) To develop and review the Council's Anti-Fraud and Corruption Strategy and to monitor its implementation.
- (18) To take action for the provision of a treasury management service to supplement the skills of in-house staff.
- (19) Within the general framework set by the Council from time to time, to exercise the functions of the Council in relation to:-
  - (i) Revenue and capital budgetary control and financial services to departments.
  - (ii) The co-ordination and facilitation of project programmes.
  - (iii) Supplying departments with service review and specific performance improvement support, including support for best value and value for money reviews.
- (20) To determine applications for assistance under the council's general indemnity for Members and officers appointed or nominated by the council to serve on outside bodies.

- (21) To be the 'Senior Responsible Officer' for the purposes of the Home Office Codes of Practice on the Regulation of Investigatory Powers Act 2000.

**3. Procurement**

To co-ordinate the Council's procurement strategy; to promote best value and good practice in the Council's procurement activity.

**4. City Services**

To exercise the following Council functions:-

**(1) Local Taxation Services**

To exercise the Council's functions regarding the Council Tax, Non-Domestic Rates, General Rates and the Community Charge as are more particularly set out in **Schedule 6** to this Scheme of Delegations.

**(2) Housing Benefit and Council Tax Benefit**

Subject to any general guidance or limitation imposed by the relevant Committee or Sub-Committee:-

- (a) to exercise all the Council's functions regarding Housing Benefit under the Housing Benefit (General) Regulations 1987 and relevant legislation;
- (b) to discharge all the Council's functions regarding Council Tax Benefits;

and in addition to the Head of City Services, the Head of Revenues and Benefits and the Benefits Managers are authorised to exercise the above functions.

**(3) Local Land Charges**

To exercise the Council's functions in relation to local land charges including:-

- (a) the functions under the Local Land Charges Act 1975 and the Local Government (Miscellaneous Provisions) Act 1982, Section 34; and
- (b) the fixing of fees under the Local Authorities (Charges for Property Searches) (England) Regulations 2008.



**(4) Registration Service**

- (a) To exercise the Council's functions under the Registration Service Act 1953 regarding the registration of births, deaths and marriages;
- (b) To exercise the Council's functions under the Marriage Acts of 1949 and 1994, the Civil Partnerships Act 2004 and the Marriages (Approved Premises) Regulations 1995 save where a review has been sought;
- (c) To be the proper officer for the purposes of the Registration Service Act 1953 and carry out functions in accordance with Brighton & Hove Registration Scheme 2007.

**(5) Travel Concessions**

To exercise the Council's functions regarding travel concessions.

**(6) Electoral Registration and Elections**

- (a) To be the electoral registration officer under the Representation of the People Acts.
- (b) To carry out the day-to-day management of the Council's electoral registration service and to make arrangements for the holding of elections.

**(7) Coroners Service**

To exercise the Council's functions regarding the Coroners Service under the Coroners Act 1988 and other relevant legislation.

**(8) Bereavement Services**

To exercise the Council's functions in relation to bereavement services including functions under the Public Health (Control of Disease) Act 1984.

**(9) Appointment of Authorised Officers**

In connection with any functions administered by the Head of City Services, to:-

- (a) act as and to appoint persons to act as authorised officers or inspectors (or in other similar capacity); and
- (b) enter or authorise persons to enter land or premises.

**(10) Access Services**

To manage the receptions, switchboard and related services at the Council's main buildings (including Brighton Town Hall, King's House and Hove Town Hall).

**(11) Libraries**

To exercise the functions of the Council in relation to libraries and in particular the power to:-

- (a) fix the opening and closing hours of libraries;
- (b) set the fees and charges made by the Business Information Services;
- (c) take such other steps as appear to the Executive Director to be necessary or conducive to the effective and efficient running of the library service.

**5. ICT**

**(1) Information and Communication Technology**

To exercise the Council's functions in respect of:-

- (a) The implementation of e-government: a strategic framework for public services in the Information Age;
- (b) The provision of information technology services to Council departments and responsibility for the Council's overall IT strategy

**6. Human Resources and Organisational Development**

To exercise the Council's functions in relation to Human Resources and in particular:-

- (1) To develop a people strategy that supports the corporate strategy and priorities, and the visions and values of the Council.
- (2) To develop people policies, procedures and codes of practice that meet the Council's changing needs and are in accordance with the people strategy, including employee training and development, providing the desired behaviours, skills and competencies, employee culture and management ethics; and ensure that resources are focussed where they will provide best value.
- (3) To develop corporate policies relating to equality of opportunity for staff in their employment, training, development and promotion, and with regard to employee responsibilities for ensuring equality of access and fair treatment of customers.

- (4) To develop a corporate strategy and policies for the management of the Council's Health and Safety and well being responsibilities.
- (5) To provide a strategic focus for organisational development matters across the Council, maintaining an overview of current and future needs, and ensuring that strategic objectives and priorities are met.
- (6) To develop a corporate employee communication and consultative strategy. To design, maintain and review the council's formal consultative mechanisms. To promote consultative systems and approaches that develop sound partnership working with the recognised trade unions.
- (7) To develop a "terms and conditions of employment" framework for all staff (excluding teaching staff) and to act as the Council's "chief negotiator" in discussions with the Council's trade unions, in respect of terms and conditions, pay and reward and people policies.
- (8) To ensure a Brighton & Hove City Council input into the national negotiating machinery.
- (9) In liaison with the relevant Executive Director, to determine:- entitlement to the occupational sick pay scheme, the application of the Council's early retirement and redundancy provisions, relocation scheme, and the settlement of legal/employment tribunal claims; in accordance with the agreed policies of the Council.
- (10) To administer the appointment procedures and to direct the Head of Human Resources to act as "Human Resources Manager" to the Council's JNC staff, in accordance with Council policies.
- (11) To ensure that the implementation and effectiveness of all human resources policies and practices are monitored, reviewed and revised when necessary.
- (12) To provide the full range of human resources services to Council departments including advice and support regarding appointments, promotion and disciplining of staff.
- (13) To lead on a range of organisational improvement and development activities, analysing needs and devising appropriate solutions, including but not limited to value for money work, learning and development across the Council, and internal cultural change activity.
- (14) To make decisions in accordance with the Employment Policies, Practices and Procedures of the Council.

## **7. Head of Property and Design**

[NOTE: References in this paragraph to "land", "property", or "buildings" exclude Housing land.]

- (1) To exercise the Corporate Landlord role for all council property with the exception of (i) Housing land and (ii) specific property related functions as delegated to nominated officers under Part B of this Scheme of Delegations
- (2) To provide and maintain the Council's land records and other corporate property information.
- (3) To undertake corporate property reviews (including all operational and non operational property), develop policies and set up and monitor corporate standards to achieve the policies.
- (4) To manage the Council's commercial property portfolio.
- (5) To undertake client functions under various contracts with third parties including those related to property management.
- (6) To set up, review and maintain the Council's corporate lists of approved contractors including adding or removing contractors from lists in accordance with the requirements of Contract Standing Orders.

[NOTE:- Under the Contract Standing Orders responsibility for monitoring lists of approved contractors is shared between the Head of Property and Design and the Procurement Strategy Manager.]

- (7) (i) To manage corporate buildings;  
(ii) To grant a lease, licence or other property agreement and interests lasting 3 months or more to occupy or use land held by the council;  
(iii) To approve the change of use of land let by the council  
(iv) To approve capital expenditure in respect of corporate buildings, subject to compliance with the council's financial regulations and, where applicable, Contract Standing Orders  
(v) To approve the grant of a sub-lease in land where the head lease is held by the council;

- (8) After consultation where necessary with the relevant Chief Officer, to exercise the Council's functions in respect of the acquisition and disposal of land in the following circumstances:-

- (a) To approve the detailed terms of any disposal or acquisition authorised in principle by the Council where the terms are certified by the Valuer to be the best consideration reasonably obtainable;
- (b) To acquire or dispose of the freehold or leasehold of land for a consideration of £25,000 or less provided that the terms are certified by the Valuer to be the best consideration reasonably obtainable and after consulting the chair of the relevant Committee or Sub-Committee;
- (c) To acquire or dispose of land on a lease for 25 years or less provided that the terms are certified by the Valuer to be the best consideration reasonably obtainable;

(d) After consulting the Chair of Policy & Resources Committee, to acquire or dispose of land for a consideration of up to £250,000 provided that (i) the terms are certified by the Valuer to be the best consideration reasonably obtainable and (ii) the property is, or is to be, held for the purposes of the functions of the Executive Director Environment, Development & Housing or has been declared by the relevant Chief Officer to be surplus to requirements under paragraph 3.2 sub-paragraph (g) of Part A General Delegations above.

- (9) To approve rent reviews and lease renewals where the Valuer certifies the terms to be the best consideration reasonably obtainable;
- (10) To apply for planning consent or Building Regulation Approval in respect of a proposed change of use or alterations to a council property.
- (11) To assess and give consent to improvements and change of use proposed by tenants of council buildings where appropriate.
- (12) In consultation with the Monitoring Officer, to assess and pursue issues involving enforcement action either by, or against, the council under the terms of a lease, other land agreement or disposal
- (13) To authorise planned and reactive maintenance to be carried out on the council's corporate buildings;

In relation to the paragraphs above:-

- (1) The disposal or acquisition of any interest in property or the creation, extension or variation of any interest therein shall be in such form as shall receive the approval of the Monitoring Officer.
- (2) The term "land" includes buildings or parts of buildings and any estate or interest in land.
- (3) The term "Valuer" means the valuer appointed or approved by the Executive Director of Finance & Resources.
- (4) "Corporate buildings" or "corporate property" means all buildings owned or leased by the council for the purpose of delivering or administering the council's functions and for generating income and capital receipts, except for educational establishments in respect of which the council is the local education authority
- (5) "Planned maintenance" means planned, preventative maintenance work undertaken to preserve the asset and carried out in anticipation of future failure
- (6) "Reactive maintenance" means response maintenance in respect of routine, day to day repairs which were unforeseen and unplanned.

- (7) “Operational” property comprises the land and buildings owned or leased by the council for delivering or administering the Council’s functions; and “non-operational” property comprises all land and buildings owned or leased by the council not involved in the delivery of services, an example of which is the council’s property investment portfolios.

[NOTE:- See also the general Land Management delegations under paragraph 3 of Part A General Delegations above.]

- (8) To determine applications under the Localism Act 2011 in relation to the Community Right to Bid and to determine appeals jointly with the Monitoring Officer.

## **8. Programme Management**

To manage the Council’s Programme Management Office; to promote best value and good practice in relation to project management.

### **III HEAD OF LEGAL & DEMOCRATIC SERVICES AND MONITORING OFFICER**

#### **1. Legal Services**

##### **(1) Monitoring Officer**

To be the Monitoring Officer of the Council for the purposes of Section 5 of the Local Government and Housing Act 1989 and discharge the functions of that officer under the Local Government Act 2000;

##### **(2) Solicitor Role**

As Head of Law, to be the Solicitor and the proper officer for the legal affairs of the Council and as such take all steps necessary to protect or secure the protection of the Council's interest from a legal point of view as he/she considers appropriate.

##### **(3) Proceedings**

- (a) To institute, defend and carry on or settle legal proceedings to protect the Council's interest or to implement a decision made by the Council, its Committees, Sub-Committees or officers or for the recovery of any debt or sum due to the Council;
- (b) To exercise the Council's functions under Section 222 of the Local Government Act 1972 to institute or defend proceedings in the interests of the inhabitants of the Council's area etc.
- (c) To determine appeals in relation to the Community Right to Bid under the Localism Act 2011 jointly with the Executive Director Finance & Resources.

##### **(4) Conveyances, Agreements and other documents**

- (a) To prepare and execute any contract, agreement, conveyance or other document necessary to give effect to a decision of the Council, a Committee, Sub-Committee or officer acting under delegated functions;
- (b) In connection with the disposal of any interest in land or any other purpose, to enter into supplemental or replacement leases, deeds of variation, or other appropriate documents for the purposes of correcting any errors, resolving any ambiguities or facilitating the exercise of any of the Council's functions.

Provided that the Deputy Head of Law, a Principal Solicitor, a Managing Principal Solicitor or the Senior Lawyer (Property) of the Council, or any other solicitor authorised by the Head of Law may also exercise any of the functions delegated under sub-paragraphs (4) (a) and (b) above.

**(5) Review of constitution**

To review and update the Council's constitution from time to time and ensure the Council's decision making processes are robust.

**(6) Authorisation of officers**

- (a) To authorise any officer of the authority to prosecute or defend or otherwise appear in proceedings before a Magistrates' Court under Section 223 of the Local Government Act 1972;
- (b) To authorise any officer to represent the Council in the County Court under Section 64 of the County Courts Act 1984;
- (c) To authorise any officer to appear on behalf of the Council in any court, tribunal, arbitration hearing, meeting or any other forums where the Council has the power to grant such authority.
- (d) To authorise any officer or person representing the Council to sign statements of truth in court proceedings.

**(7) Insolvency**

To serve statutory demands, sign or present petitions in bankruptcy or corporate insolvency, and take such other action or steps under the Insolvency laws as is necessary to protect or promote the Council's interest.

**(8) Guardians ad Litem**

Where the Monitoring Officer, after consultation with the relevant officer, considers it necessary to exercise the following functions:-

- (a) From time to time to recruit, to make appointments to, and remove from the Panel of Guardians ad Litem and Reporting Officers in accordance with the Guardians ad Litem and Reporting Officers (Panels) Regulations 1991;
- (b) To administer the Panel and monitor the work of the Guardians ad Litem on behalf of the Council;
- (c) To agree the payment of expenses to persons appointed to the Panel and to agree other terms and conditions of appointment to the Panel;
- (d) To constitute complaints boards:-
  - (i) to investigate complaints about the operation of the Panel; and
  - (ii) to make recommendations concerning proposed termination of an appointment of a Guardian ad Litem or Reporting Officer.



**(9) Authentication of Documents**

To be the proper officer for the purposes of certifying the authenticity of Council reports, minutes and resolutions, providing that this function may also be exercised by the Chief Executive or the Head of Democratic Services, who will also be proper officers for this purpose.

**2. Democratic Services**

- (a) To ensure proactive support to the democratic process and elected Members in accordance with the constitution.
- (b) To manage the Council's services for Members and in connection therewith to take all necessary steps to secure compliance with Part VA of the Local Government Act 1972 (Access to Meetings and Documents of the Council, its Committees and Sub-Committees), and all subsequent related legislation.

**3. Overview and Scrutiny**

- (a) To ensure the Council has an effective overview and scrutiny function.
- (b) To manage the Council's overview and scrutiny function, and to take all necessary steps to ensure compliance with any legal requirements for overview and scrutiny, including scrutiny of local health services, of local police services and as lead local flood authority.

**4. Ethical Standards**

- (a) After consultation with the Chair or Vice Chair, to require meetings of the Audit and Standards Committee or Standards Panel to be held and to exercise any function of the Committee or the Panel (to the extent that such functions are exercisable by an officer) if it appears to be appropriate to do so in lieu of referring the matter to a meeting.
- (b) To establish and maintain registers of interests of Members and Co-opted Members of the Council and Rottingdean Parish Council in accordance with Chapter 7 of the Localism Act 2011.

## DELEGATIONS TO THE ASSISTANT CHIEF EXECUTIVE

### 1. Policy, Analysis and Performance

- (1) To provide a wide range of policy development and partnership support functions to the Council and the City including, but not limited to:-
- Ensuring an effective Local Strategic Partnership and Public Service Board;
  - Ensuring that decision making is supported by timely and robust evidence/research data where required;
  - Ensuring the effective coordination of corporate and other policy (e.g. corporate planning.);
  - Leading the Council's sustainability approaches;
  - Researching and developing policy proposals.
- (2) To monitor and develop the Council's performance management frameworks and systems, and to build good working relationships with a range of audit and inspection bodies and other regulators.
- (3) In conjunction as necessary with the Chief Executive, to deal with complaints to the Commission for Local Administration in England and Wales (the local Ombudsman) and complaints from the public under the Council's internal complaints procedure, providing that arrangements can be made for initial stages of complaints to be dealt with by the relevant service department.

### 2. Communities

- (1) To manage community and voluntary sector discretionary grants, as follows:-
- (a) In relation to the Three Year Corporate Grant Programme, to process applications for grants from communities and non-profit making bodies in the area of the Council and make recommendations to the Policy & Resources Committee.
- (b) In relation to all other grants administered by the Assistant Chief Executive (including grants to smaller organisations, specialist programme grants, community development grants and Global Grants), to receive, commission and process grant applications and to approve grants after consultation with either (i) the Chair of the Members' Advisory Group for grants of £3,000 or less, or (ii) the Members' Advisory Group for grants in excess of £3,000.
- (2) To develop the Council's approaches to tackling inequality and discrimination both within the Council as an employer and across the City.

### 3. Corporate Communications

- (1) To manage the Council's corporate communications service.

- (2) To develop and implement the internal and external communications strategies for the Council.
- (3) To provide strategic communications advice to the Council in support of its priorities, vision, values and services.
- (4) To provide a 24 hour Council wide press service and contingency plans for crisis press management.
- (5) To ensure that the content and the design of Council publications, leaflets, internet, intranet and all other published materials maintain the Council's corporate identity and are of an appropriate standard in terms of design quality and accessibility.
- (6) To prepare and distribute such newspapers, information leaflets and other periodical publications as the Council may approve from time to time.

#### **4. Tourism**

- (1) To exercise the Council's functions regarding tourism.
- (2) To provide publicity and information services for the promotion of Brighton and Hove as a major tourist, conference, exhibition and holiday centre including the planning and execution of publicity and advertising schemes, the preparation and dissemination of guides and similar publications, and co-operation with national, regional and local bodies in all these matters.

#### **5. Arts and Creative Industries**

- (1) To exercise the Council's functions regarding arts, entertainments and creative industries.
- (2) To make arrangements for the sale or issue of tickets for concerts, plays and similar events.
- (3) To manage the relationship with the Dome Operating Company and the Brighton Festival Trust.

#### **6. Management of Establishments**

To manage the following establishments/sites:-

- (b) all libraries, museums art galleries belonging to the Council;
- (c) The Grange, Rottingdean;
- (d) Preston Manor;
- (e) West Blatchington Windmill and Foredown Countryside Centre;

(f) Portslade Old Manor House, Portslade; (g) all leisure facilities, including the King Alfred Leisure Centre, the Prince Regent Swimming Pool, Stanley Deason Sports Centre and Moulsecomb Community Leisure Centre in conjunction with the facility management company, where applicable.

## **7. Venues**

(1) To manage the following establishments/sites:-

(a) the Brighton Centre, subject to consultation with and the consent of the Head of Property & Design on disposal and letting issues and planned maintenance;

b) Hove Town Hall (excluding office accommodation and Mayoral Suite);

(2) To manage the relationship with the Dome Development Company (Devco) and matters in relation to the Dome complex.

## **8. Archives**

To exercise the Council's functions regarding the custody and maintenance of the Council's historical documents and records.

## **9. Seafront**

(1) To exercise the Council's functions regarding the seafront.

(2) Without prejudice to above, to deal with:-

(a) applications for permission to hold competitions, regattas, barbecues and similar events on or from the esplanade, beach or foreshore (including the power to impose conditions in relation thereto);

(b) the grant, renewal, transfer, variation, refusal, suspension or revocation of licences, permits, consents or registrations, as the case may be, in relation to trading on the esplanade beach and foreshore;

(c) the storage of boats on the beach, the letting of the beach station, the licensing of boats and boatmen, the granting of rights appertaining to beach lockers and winches and similar matters (including the granting of licences and entering into agreements and the termination of such licences and agreements);

(d) the granting of site licences for beach huts, entering into agreements for the letting or hiring of the Council's beach chalets and the termination of such licences and agreements;

(e) the exercise of the Council's functions under the East Sussex Act 1981 Section 12 (removal of boats);

(f) the temporary closure of part of Madeira Drive Brighton for special events.

## **10. Events**

To organise and manage recreational activities and events on Council owned land including parks and open spaces.

## **11. Leisure**

(1) To exercise the Council's functions regarding leisure.

(1) To manage the esplanade, beach and foreshore, the seafront lawns and lagoon.

(2) To organise and manage programmes of public entertainment on land and buildings under the Assistant Chief Executive's management or by arrangement with third parties.

## **IV DELEGATIONS TO EXECUTIVE DIRECTOR CHILDREN'S SERVICES**

### **1. Introduction**

For the purposes of this Scheme of Delegations, the term "young people" means young people up to the age of 19.

### **2. Director of Children's Services**

- (1) To be the Council's Director of Children's Services pursuant to section 18 of the Children Act 2004.
- (2) To discharge the education, children's social services and other functions conferred by section 18(2) of the Children Act 2004 and any additional functions for which the Director of Children's Services may subsequently become the statutory officer.
- (3) Without prejudice to the generality of the functions delegated at paragraphs (1) and (2) above, to exercise the specific functions set out below.

### **3. Section 75 Arrangements**

To exercise the Council's functions under or in connection with the children and young people's partnership arrangements made with health bodies pursuant to section 75 of the National Health Service Act 2006 and section 10 of the Children Act 2004, to the extent that the arrangements permit an officer to exercise the functions.

### **4. Education**

- (1) To exercise the Council's functions as a local education authority including in respect of the management of education services and securing the provision of quality education in schools.
- (2) In consultation with a standing panel of teacher representatives, to fix school terms and holidays.
- (3) To carry out consultations on proposed annual admission limits for all schools for which the Council is the admissions authority and to report thereon to the Children & Young People Committee and to allocate to pupils the school at which education is to be provided in accordance with the Council's school admissions policies and related criteria.
- (4) To make arrangements for the assessment of the special educational needs of children; where appropriate, to make statements of the special educational needs of children; to arrange for the special educational provision specified in those statements; to prepare for defence or amendment of statements contested at SEN Tribunals in consultation with the Monitoring Officer.

- (5) To make school attendance orders and where appropriate in consultation with the Monitoring Officer, to exercise the powers of the Council to institute proceedings if a child of compulsory school age is not receiving efficient full time education suitable to his age and ability.
- (6) To respond on behalf of the local education authority when consulted by a governing body before the making or varying of curriculum statements.
- (7) To exercise the Council's functions in respect of pupils excluded from schools and to give directions to head teachers as to reinstatement of pupils.
- (8) To respond to resolutions passed at annual meetings of parents/governors (the responses to be submitted to the Children & Young People Committee for information).
- (9) In conjunction with the Monitoring Officer, to make Orders, or to amend existing Orders, to provide for Instruments and Articles of Government for new Council, controlled, aided and special schools based on Orders previously approved for existing schools in the appropriate size and category.
- (10) To act as the Council's main representative in consultation with other bodies concerned with the provision of education, including the Learning and Skills Council and Higher Education Bodies.
- (11) To exercise the Council's functions in relation to inter-agency partnerships established to deliver aspects of educational provision or provision for children and young people, including the Early Years Development and Childcare Partnership, Sure Start, Children and Young People's Strategic Partnership, Local Learning Partnership, Connexions and the Education Action Zone.

## **5. Children and Young People's Social Services**

- (1) To exercise the Council's functions in respect of social services to children and young people and, without prejudice to the generality of this paragraph 5(1), to exercise the functions listed below in 5(2) to (18).
- (2) To exercise the functions conferred on the Council to give and refuse consents and to impose and cancel requirements and prohibitions in respect of the private fostering of children under the Children Act 1989; to remove a child under the Adoption Act 1976 and to make exemptions to the usual fostering limits under the Children Act 1989.
- (3) To provide individuals or families with family placements and residential and day care accommodation within the agreed policy of the Council and the estimates provisions.

- (4) To make variations to the number of places at any Social Services establishment, in response to changes in demand or resource availability.
- (5) After consultation with the Monitoring Officer, to exercise the functions of the Council to enforce, make application and representations to a Court or Magistrate, and authorise, institute and defend proceedings under any enactment which stands referred to the Council or its Committees and Sub-committees in respect of children and young people.
- (6) To waive assessed contributions for adaptations to homes or provision of equipment in exceptional circumstances, subject to the contribution not exceeding £1000 or such other sum as may from time to time be fixed by the Council.
- (7) To approve expenditure under Sections 17 and 24 of the Children Act 1989, provided that any expenditure remains within the approved annual budget for expenditure on Child Care.
- (8) To exercise the functions of the Council in respect of children and young persons in their care or being looked after by them, including the power to place children and young persons in accommodation to meet their special needs and to appoint independent persons as visitors.
- (9)
  - (a) To authorise in exceptional individual cases variations from the approved scale of charges for a particular service and to operate the scale of boarding out allowances for foster parents, allowances to children boarded out or in residential establishments and allowances under Section 24 of the Children Act 1989;
  - (b) To vary any of the limits in the approved scale of allowances for foster care, adoption and residence orders in exceptional circumstances, provided the resulting additional expenditure is within the approved childcare expenditure.
- (10) To agree to the payment of up to 75% of the travelling expenses of employees to and from work at residential and day-care establishments where recruitment is difficult.
- (11) To purchase groceries, meat and other domestic provisions locally for residential and day-care establishments under the control of the Children & Young People Committee:-
  - (a) if satisfactory tenders are unlikely to be obtained; and
  - (b) where client training is involved.
- (12) To undertake statutory visits to children's homes.



- (13) To exercise all the functions of the Council as an adoption agency under the Adoption Agencies Regulations 1983, having regard to the recommendations of the Adoption Panel.
- (14)
  - (a) To increase the once only charge of £3,000 (approved in February 1998) for a home-study assessment for inter-country adoptions by the rate of increase applied to APT&C staff salaries each year;
  - (b) To reduce the charge for a home-study assessment for inter-country adoptions in cases where there has been a previous assessment by another local authority or voluntary agency;
  - (c) To establish and review periodically the fee to be charged for undertaking assessments for inter-country adoptions.
- (15) In respect of children in care, to consent to applications for Residence Orders where the Director considers it to be in the best interests of the child concerned, and to withhold consent in other cases.
- (16) To provide information, advice and training in relation to early years and childcare providers in Brighton and Hove, and to provide a children's information service.
- (17) To exercise the Council's functions under the Data Protection Act 1998 regarding personal files/information.
- (18) To exercise the Council's functions under the Crime and Disorder Act 1998 as appears necessary in the interests of children, young persons, their families and local communities and in accordance with the Council's community safety and youth crime strategies.

## **6. Assistance to Pupils/Students**

- (1) To determine applications for boarding and tuition allowances for pupils and applications for awards and grants to students, including the power to determine where an applicant's circumstances are such that an exception to the normal policy of the Council ought to be made.
- (2) To determine whether an applicant's circumstances are such that an exception to the policy on excluding courses from the discretionary awards scheme ought to be considered and made.
- (3) In appropriate cases, to authorise students to receive education at an institution of further or higher education maintained by another local education authority and to make to that local education authority the appropriate payment.
- (4) In the case of a Brighton & Hove pupil of compulsory school age with special educational needs or "looked after" by another local education authority, to meet claims for recoupment by that local education authority in respect of its provision of primary or secondary education for that pupil.

- (5) To make determinations on eligibility for home to school transport and deal with any appeals against such a determination as provided for under sub-paragraph (8) below.
- (6) To make arrangements, through the [Executive Director Environment, Development & Housing](#), for the transport of pupils and students to school or college where there is a statutory duty or it is the policy of the Council to provide such transport.

[NOTE:- The management of the provision of the transport service (as opposed to eligibility and appeals) is a function delegated to the [Executive Director Environment, Development & Housing](#)].

- (7) To set charges for transport conditional permits following consultation with the Chair of the Children & Young People Committee.
- (8) To appoint three officers not previously involved in the matters concerned to act as an Appeals Panel to determine student award appeals and transport appeals referred to the Panel by the [Executive Director Environment, Development & Housing](#).

## **7. Adult Learning**

To discharge the Council's functions under the arrangements with the Learning and Skills Council for the provision of adult education.

## **8. Human Resources Functions**

- (1) In respect of employees whose employment is delegated to school governing bodies under the Local Management of Schools Schemes
  - (a) to attend any relevant proceedings of a governing body or relevant selection panel for the purpose of offering advice relating to the appointment of a head teacher, deputy head or other teacher;
  - (b) to respond on behalf of the local education authority when consulted about selecting an applicant for a non-teaching post where the post is for 16 hours or more per week;
  - (c) to attend any hearing for the purpose of giving advice prior to a decision to dismiss any person employed to work at any school.
- (2) To exercise any other human resources functions in relation to schools maintained by the local education authority which are not delegated to school governing bodies under the Local Management of Schools Schemes.
- (3) To exercise the functions of the Council in relation to the nursery service for employees.

## 9. Buildings/Premises

- (1) Except in the case of buildings or projects involving a major change in design policy, to approve plans prepared by or on behalf of the Council for capital projects which have been agreed by the Council and in the case of existing educational establishments with the head or principal and governors concerned.
- (2) To exercise the Council's functions in respect of maintenance of premises owned by the Council and used for education and children's social care, and to ensure that such premises are fit and adequate for that purpose.
- (3) After consultation with the Head of Property & Design, to authorise the exercise of the local education authority's statutory duty to transfer sites to the trustees of voluntary schools.
- (4) To authorise the payment of such sums as may be approved by the Department for Education in respect of the Council's contribution to aided school projects, subject to the Executive Director Finance & Resources being satisfied that sufficient provision has been made for the expenditure in the revenue or capital budget and that, where required, borrowing authorisation will be available.
- (5) To authorise members of staff at educational establishments to exercise the powers of removal conferred by Section 547 of the Education Act 1996.

[NOTE - the Monitoring Officer is separately authorised to institute proceedings for alleged offences].

- (6) To cancel, without notice, lettings of any nature where the intended use of school premises has been misrepresented by an applicant or when it is not possible to proceed with a letting for any reason beyond the Council's control.
- (7) After consultation with the Chair of the Children & Young People Committee, to agree variations in the approved scale of letting charges for schools.

## 10. Guardians ad Litem

- (1) To take such steps as are necessary to secure the provision of Guardians ad Litem and Reporting Officers service, including the management of the service contract, provided that the functions of the Executive Director under the above delegation shall not include the direct appointment or removal of Guardians ad Litem and Reporting Officers.
- (2) To make available staff of the Council's Children and Young People's Services to serve on the Panels of Guardians ad Litem of other authorities who offer reciprocal arrangements.

**11. Miscellaneous**

- (1) To grant licences and to approve bodies of persons to enable children to take part in public performances under Section 37 of the Children and Young Persons Act 1963.
- (2) In relation to the Council's education functions, to approve adjustments to the specification for the cleaning of Council buildings and the provision of catering services and grounds maintenance services subject, in the case of buildings and catering services and grounds maintenance services not the responsibility of the Executive Director, to prior consultation with the appropriate Chief Officer.
- (3) To set prices for school meals under the school meals contract.
- (4) To set fees and charges for music tuition and instrument hire (following consultation with the management Committee of Brighton and Hove Music Trust).
- (5) To designate premises as premises to which children and young persons of compulsory school age may be removed under section 16 of the Crime and Disorder Act 1998, in accordance with the Council's community safety and youth crime strategies.
- (6) To exercise the functions of the Council in relation to educational charitable trusts and proposals for such trusts.

**V DELEGATIONS TO EXECUTIVE DIRECTOR ADULT SERVICES**

**(1) Director of Adult Social Services**

To be the Council's Director of Adult Social Services pursuant to Section 6(A1) of the Local Authority Social Services Act 1970 and discharge the Council's adult social care and health functions.

**(2) General Adult Social Services**

- (i) To provide individuals or families with family placements and residential and day care accommodation within the agreed policy of the Council and the estimates provisions.
- (ii) To make variations to the number of places at any Social Services establishment, in response to changes in demand or resource availability.
- (iii) After consultation with the Monitoring Officer, to exercise the powers of the Council to enforce, make application and representations to a Court or Magistrate, and authorise, institute and defend proceedings under any enactment in respect of adults.

- (iv) In accordance with the general policies from time to time laid down by the Council, to administer arrangements made under Section 29 of the National Assistance Act 1948, Section 45 of the Health Services and Public Health Act 1968, and Section 2 of the Chronically Sick and Disabled Persons Act 1970 for the provision of services for disabled and old persons, and to authorise expenditure within overall budget provision.
- (v) After consultation with the Executive Director of Finance & Resources, to set future inter-authority and standard charges for residential and day-care accommodation, in accordance with the formula recommended by the Local Government Association.
- (vi) To waive assessed contributions for adaptations to homes or provision of equipment in exceptional circumstances, subject to the contribution not exceeding £1000 or such other sum as may from time to time be fixed by the Council. (vii) To authorise officers to be the Council's nominee for the purpose of obtaining Grants of Probate and to deal with related matters and to seek appointment as Receiver where it is appropriate for an officer of the Council to act.
- (viii) To appoint approved social workers for the purposes of the Mental Health Act 1983.
- (ix) To accept guardianship applications and to make orders for the discharge of patients subject to guardianship under the Mental Health Act 1983.
- (x) To authorise in exceptional individual cases variations from the approved scale of charges for a particular service and to operate the scale of allowances to disabled people attending day centres.
- (xi) To agree to the payment of up to 75% of the travelling expenses of employees to and from work at residential and day-care establishments where recruitment is difficult.
- (xii) To purchase groceries, meat and other domestic provisions locally for residential and day-care establishments under the control of the Adult Care & Health Committee:-

  - (a) if satisfactory tenders are unlikely to be obtained; and
  - (b) where client training is involved.
- (xiii) To establish and amend the eligibility criteria in respect of community care services under the National Health Service and Community Care Act 1990 as circumstances dictate.
- (xiv) In special circumstances to exceed the maximum weekly amount for community care services under the National Health Service and Community Care Act 1990.

- (xv) After consultation with the Executive Director Finance & Resources, to make payments to providers of individual care under the National Health Service and Community Care Act 1990 quarterly in advance where the provider will not accept any other terms.
- (xvi) After consultation with the Executive Director Finance & Resources and the Monitoring Officer, to disregard the value of a former dwelling in assessing the client's contribution towards the cost of residential accommodation, where it is considered reasonable to do so.
- (xvii) After consultation with the Monitoring Officer, to exercise the power to take charges against interests in property in accordance with Section 22(7) of the Health and Social Services and Social Security Adjudications Act 1983 by making declarations in writing to that effect for the purposes of securing the repayment to the Council of charges for the provision of residential accommodation.
- (xviii) To exercise the Council's functions regarding residential homes and nursing homes.
- (xix) To exercise the Council's functions under the Data Protection Act 1998 regarding access to personal files or information held by the department.

**(3) Section 75 Arrangements**

To exercise the Council's functions under or in connection with the adult social care and health partnership arrangements with health bodies made pursuant to Section 75 of the National Health Service Act 2006, to the extent that the arrangements permit an officer to exercise the functions.

**(4) Supported Employment**

To exercise the Council's functions regarding the employment of physically disabled people.

**DELEGATIONS TO EXECUTIVE DIRECTOR ENVIRONMENT, DEVELOPMENT & HOUSING**

**1. Environmental Awareness**

To exercise all the functions of the Council regarding the promotion of environmental awareness.

**2. National Parks**

To exercise the Council's functions regarding National Parks so far as they relate to or affect Brighton & Hove.

**3. Parks and Green Spaces**

- (1) To manage and control the Council's parks and open spaces.
- (2) To exercise the Council's functions regarding the management of the countryside, grounds maintenance and planned maintenance.
- (3) To manage the Council's leisure facilities in parks and open spaces.
- (4) To exercise the Council's functions as commons registration authority and act as the proper officer for those purposes.

**4. Gypsies, Roma and Travellers**

To exercise the Council's functions regarding all issues relating to Gypsies, Roma and Travellers including management of authorised sites.

**5. Highways**

To exercise the Council's functions regarding highways, including those set out in **Schedule 7** to this Scheme of Delegations.

**6. Traffic Management**

- (1) To make provision for the regulation of traffic, pursuant to the Council's statutory functions, where formal orders are not required.
- (2) To authorise the Monitoring Officer to make temporary traffic orders without recourse to the consultation procedure.
- (3) To make provision for road safety schemes.
- (4) After consultation with Monitoring Officer and local Members (save in the case of temporary traffic restrictions) to make, give consent to or object to the making of, apply for or confirm any order under the provisions of the Highways Act 1980, the Wildlife and Countryside Act 1981, the Road Traffic Regulation Act 1984, the Town and Country Planning Act 1990, the Traffic Management Act 2004, the Town Police Clauses Act 1847 and the Rights of Way Act 1990.



## **7. Parking Management**

- (1) To determine the need for on-street parking bays for blue badge holders and for residents' parking bays and make or authorise the making or revocation of appropriate orders for the purpose.
- (2) To manage the car, coach and lorry parks owned by the Council, subject to consultation with and consent of the Head of Property & Design over matters relating to building maintenance and capital expenditure plans.
- (3) To exercise the Council's functions regarding Civil Parking Enforcement.

## **8. Transport**

- (1) To prepare and implement the Council's Local Transport Plan (following approval by the Council).
- (2) To prepare and implement the Council's Transport Policy.
- (3) To arrange such consultations as appear to him/her to be appropriate following the notification by an operator of an intention to change a local bus service.
- (4) To take steps for the provision at short notice of temporary gap filling journeys where an operator withdraws from a route.
- (5) To award public transport contracts within established guidelines and policy.
- (6)
  - (a) On behalf of the Council, to enter into a 'de minimis' arrangement with an operator, subject to being satisfied that the particular arrangement is both appropriate and the most cost effective means of securing the provision of a journey;
  - (b) to authorise short term contracts for vehicle operators and to authorise vehicle leases in both cases not exceeding the sum of £12,000 per contract.
- (7) To approve requests for fares increases on supported services which are broadly in line with the general level of inflation.
- (8) To manage the provision of transport services for client departments including home-school transport and transport for social services.

[NOTE:- The assessment of eligibility for home to school transport and any appeal relating to the determination on eligibility is a function delegated to the Executive Director Children's Services]



**9. Waste Management and Control**

- (1) To exercise the Council's functions regarding waste, litter and fouling by dogs including:-
  - (a) collection and disposal;
  - (b) reduction and recycling;
  - (c) removal of abandoned vehicles;
  - (d) taking enforcement action in respect of the above.

**10. Land Use Planning**

- (1) To prepare and keep under review the Authority's Plan and Local Plan (subject to the adoption of the Plans by resolution of the Council).
- (2) To assume overall responsibility for planning policy and practice.
- (3) To advise the Planning Committee on planning policy, conservation and the traffic impacts of any proposed development.

**11. Town and Country Planning**

- (1) To determine applications in relation to matters listed under Part I of **Schedule 4** to this Scheme of Delegation having regard to the Council's relevant planning policies and published guidelines.

PROVIDED THAT the powers delegated under the above shall NOT apply where:-

- (a) 5 or more individual objections relating to valid planning matters from separate persons or bodies have been received in relation to applications that officers are minded to approve, or where 5 or more individual written expressions of support from separate bodies or persons have been received in relation to applications that officers are minded to refuse; or
- (b) Conservation Advisory Group (CAG) or Disabled Access Advisory Group (DAAG) requests, within the public consultation period, that an application is determined by the Planning Committee. In making the request CAG or DAAG shall state whether it would be seeking an approval or refusal of the application. If officers' determination of the application under delegated powers would be in accordance with that request then the request shall be deemed to have been withdrawn; or
- (c) a Ward Councillor requests, within the public consultation period, that an application is determined by the Planning Committee. In making that request the Councillor shall state whether he/she would be seeking an approval or refusal of the application. If officers' determination of the application under delegated powers would be in accordance with that request then the request shall be deemed to have been withdrawn. (NB In any case where the Ward Councillor is also a member of the

Planning Committee and the application is referred to the Committee for determination, he/she will, if present, having exercised his/her right to make an oral representation to the Committee, need to leave the meeting during the consideration of the application.)

- (2) To exercise the Council's functions in respect of certificates of lawful use, tree preservation orders, enforcement action etc as more particularly set out in Part II of **Schedule 4** to this Scheme of Delegation.

## **12. Conservation and Design**

- (1) To exercise the Council's functions with regard to Conservation matters under the Town and Country Planning Acts.
- (2)
  - (a) On completion of the relevant works and within approved budget the approval of all payments of Historic Building Grants under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 up to the percentage of grant specified in the adopted Action Plan for the specific grant scheme;
  - (b) Under Historic Building Grant Schemes:-
    - (i) to determine applications for discretionary historic building grants not exceeding £20,000 in the case of 40% repair grants and £7,500 in the case of 75% reinstatement grants, i.e. a maximum of £27,500 in total per property, doubled in the case of applications affecting two or more properties or properties with two street frontages;
    - (ii) to determine applications for requests for additional grants towards extra eligible costs incurred, so long as the overall grant does not exceed the limits stated above;
    - (iii) to make interim payments on grants exceeding £6,000;
    - (iv) to seek to recover grants only where it is evident that the grant assisted works have added value to the property, or where the applicant has directly benefited from the grant.
- (3) To undertake all consultations, notifications and publication of advertisements on behalf of the Council in relation to any of the matters listed above.

**13. Management of Establishments**

Subject to consultation with and consent of the Head of Property and Design over matters relating to disposal, lettings etc, to manage the following establishments/sites:-

- (a) the Raceground (subject to the rights of The Brighton Racecourse Company Limited);
- (b) Volks Railway

**14. Markets**

To exercise the Council's functions in respect of markets other than those owned by the Council.

**15. Building Control**

To exercise the Council's functions regarding building control.

**16. Miscellaneous**

To exercise the Council's functions in respect of:-

- (1) Coastal protection.
- (2) Allotments and smallholdings.
- (3) Numbering of housing and naming of streets.

**17. Environmental Health**

- (1) To exercise the Council's functions in respect of environmental health matters including the functions listed under Part 1 of **Schedule 1** to this Scheme of Delegations.
- (2) To exercise the power to issue notices in respect of environmental health matters, including, but not limited to, those listed under Part II of **Schedule 1** to this Scheme of Delegations.
- (3) To exercise the Council's functions under the Acts listed in Part II of **Schedule 1** to this Scheme of Delegations

**18. Licensing and Registration**

- (1) To exercise the functions of the Council in relation to licensing and registration, including but not limited to functions under the Licensing Act 2003 and the Gambling Act 2005 to the extent that such functions may be delegated to an officer under those Acts.
- (2) To exercise the power to grant licences, permits, consents or registrations, as the case may be, in relation to the Council's licensing

and registration functions including those listed in **Schedule 2** to this Scheme of Delegations.

- (3) The power to grant licences etc. under (1) and (2) above shall not apply:-
- (i) where the granting of the licence would be contrary to any existing policy of the Council, provided that the above qualification shall not apply where the Council has no power to refuse applications.
  - (ii) in relation to the following matters under the Licensing Act 2003:-
    - (a) the determination of an application for a premises licence where representations have been made;
    - (b) the determination of an application for a provisional statement where representations have been made;
    - (c) the determination of an application for variation of a premises licence where representations have been made;
    - (d) the determination of an application to vary the designated premises supervisor following Police objections;
    - (e) the determination of an application for the transfer of a premises licence following Police objections;
    - (f) consideration of a Police objection made to an interim authority notice;
    - (g) the determination of an application for a club premises certificate where representations have been made;
    - (h) the decision to give counter notice following Police objections to a temporary event order;
    - (i) the determination of an application for the grant of a personal licence following Police objections.
  - (iii) In relation to the following matters under the Gambling Act 2005:-
    - (a) the determination of an application for a premises licence where representations have been made and not withdrawn;
    - (b) the determination of an application for a variation of a premises licence where representations have been made and not withdrawn;
    - (c) the determination of an application for the transfer of a premises licence where representations have been received from the Commission;
    - (d) the determination of an application for a provisional statement where representations have been received and not withdrawn;
    - (e) the determination of an application for a review of a premises licence;
    - (f) the determination of an application for club gaming / club machine permits where objections have been made;
    - (g) the cancellation of club gaming / club machine permits;

(h) the decision to give a counter notice to a temporary use notice.

- (4) Where, in the opinion of the **Executive** Director, after consultation with the Chair of the Licensing Committee, the application is considered to be a major application, having regard to licensing objectives, the matter may be referred to the full Licensing Committee. Major applications which are unopposed may be dealt with under officer delegated powers.
- (5) The power to grant licences under sub-paragraphs (1) and (2) above shall include the power to renew, transfer, vary, refuse, suspend or revoke such licence, registration etc. and the power to impose conditions.

## **19. Trading Standards**

- (1) To exercise the Council's functions with regard to trading standards.
- (2) Without prejudice to the generality of (1) above, to discharge the Council's functions under the legislative provisions listed under **Schedule 3** to this Scheme of Delegations.

## **20 Neighbourhood Renewal**

To exercise the Council's functions in respect of neighbourhood renewal, which include:-

- (a) Developing and implementing the neighbourhood renewal strategy for the City in order to narrow the gap between the most deprived neighbourhoods and the rest of the City, under the themes set by national Government of: housing, health, liveability, crime, education and employment and
- (b) acting as the accountable body for the neighbourhood renewal fund on behalf of the Local Strategic Partnership.

## **21. Economic Development and European Union**

### **(1) Economic Development and Regeneration**

To co-ordinate and arrange for the discharge of the Council's functions under Part III of the Local Government and Housing Act 1989 and all other functions relating to economic development and regeneration.

### **(2) European Union**

To be the proper officer for authorising submissions under the European Commission programmes on behalf of the Council as a whole, as opposed to individual services.

**22. Housing Related Support Services**

To exercise the Council's functions for the commissioning of housing related support services.

**23. Housing**

**(1) General**

To manage the Council's housing services.

**(2) Housing Revenue Account (H.R.A.) Properties**

(a) To manage property within the Housing Revenue Account and associated property;

(b) Without prejudice to (a) above, exercise the housing functions listed in **Schedule 5** to this Scheme of Delegation.

**(3) Right to Buy**

To administer the right to buy scheme.

**(4) Housing Strategy**

(a) To exercise the Council's functions as a local housing authority.

(b) Without prejudice to (a) above, to exercise the Council's functions in respect of the preparation and development of the Council's housing strategy including the housing investment programme.

**(4A) Housing Related Property Transactions**

Without prejudice to the generality of the housing related powers granted under this part of the constitution, and for the avoidance of doubt, the delegations to the Executive Director shall include the powers described in paragraphs 7(7) to 13 of the delegations to the Head of Property and Design in so far as they relate to land or property held by the Council for housing purposes.

**(5) Homelessness and Allocations**

To discharge the Council's functions regarding homeless persons under the Homelessness legislation, and exercise the Council's functions regarding the allocation of dwellings generally, including the Council's functions under Part VI of the Housing Act 1996.

**(6) Housing Grants**

To carry out the Council's functions in relation to grants for the improvement and repair of housing under Part 1 of the Housing Grants,

Construction and Regeneration Act 1996 and earlier and any later grants legislation.

**(7) Standards of Housing**

- (a) To exercise the Council's functions regarding standards of housing in its area.
- (b) Without prejudice to the generality of (a) above, the **Executive** Director shall have the power to deal with the enforcement of housing standards additional control measures in residential accommodation and licensing of houses in multiple occupation, selective licensing of other residential accommodation and overcrowding under the Housing Act 2004 and all other relevant legislative provisions, provided that any decision involving the making of demolition orders and prohibition orders, but not Emergency Prohibition Orders under sections 43 and 44, shall not be taken unless the Chair of the Housing Committee and the Monitoring Officer have been consulted and have no objections.
- (c) Without prejudice to the generality of (a) above, to serve enforcement notices or take other appropriate action under statutory provisions for the abatement of nuisances or requiring works to be done to remedy nuisances, hazards to health or other matters in residential premises.

**(8) Tenancy Relations**

To exercise the Council's functions regarding tenancy relations and in particular the Council's functions under the Protection from Eviction Act 1977 and the Landlord and Tenant Act 1985.

**(9) Housing Advice**

To discharge the Council's functions regarding the provision of advice on housing matters and the publication of information.

**(10) Access to Personal Files**

To exercise the Council's functions regarding access to personal files or information under the Data Protection Act 1998.

**(11) Licensing and Registration of HMOs**

To exercise the Council's functions regarding the licensing of Houses in Multiple Occupation under the Housing Act 2004 and any other relevant legislation and the maintenance of all registers required in respect of licensing, Housing Notices and Orders and Interim and Final Management Orders and Empty Dwelling Management Orders.

**(12) Power to issue Notices**

- (a) To issue and sign Notices of Seeking Possession and Notices to Quit in relation to any secure or non-secure housing tenancies.
- (b) To issue and sign statutory notices that relate to private sector residential properties and to exercise the Council's functions under the following Acts:-

Housing Act 1985 Parts VI, VIII, IX, X, XI, XVI;

Housing Act 1996 Part II;

Housing Grants, Construction and Regeneration Act 1996 Parts 1 and V;

Local Government (Miscellaneous Provisions) Act 1976 ss. 16 and 33;

Local Government (Miscellaneous Provisions) Act 1982 s.29;

Public Health Act 1936 ss.45,48,49,83,84 and 275;

Public Health Act 1961 ss. 17 and 22;

Building Act 1984 ss. 59, 64,66,67,70,72,76,84 and 97;

Environmental Protection Act 1990 Parts III and IX;

Prevention of Damage by Pests Act 1949 s.4;

Health and Safety at Work, etc. Act 1974 s.4;

Housing Act 2004 Parts 1, 2, 3, 4, Part 6 section 216 only, Part 7.

**25. Sustainability**

To exercise the Council's role and response in relation to sustainability issues, such as reducing carbon emissions, projections of a changing climate locally, improving resource efficiency and developing sustainable energy.

**26. Major Projects**

To exercise the Council functions regarding major projects (including major building, infrastructure or other projects involving the erection or significant alteration of major permanent structures or landmarks).



**\_VII DELEGATIONS TO DIRECTOR OF PUBLIC HEALTH**

**1. Public Health**

(1) To exercise the Council's functions in respect of Public Health, including the Council's public health functions under the Health and Social Care Act 2012.

**2. Emergency Planning**

To exercise the Council's functions in respect of emergency planning and business continuity, including the council's functions under the Civil Contingencies Act 2004.

**3. Community Safety and Drug Action Team**

(1) To exercise the functions of the Council in relation to Community Safety and in particular the power to:-

(a) co-ordinate the Council's functions regarding the police and public safety and to take such corporate action as is necessary, including:-

- (i) making the consultative arrangements under the Police Act 1996;
- (ii) drawing up community safety plans;
- (iii) co-ordinating the Council's functions under the Crime and Disorder Act 1998 including the formulation, with other responsible authorities, of strategies for reducing crime and disorder and the making of child curfew schemes.

(b) To take any action or steps under the Crime and Disorder Act 1998, the Criminal Justice and Police Act 2001, the Anti Social Behaviour Act 2003 and such other legislation as appears necessary in the interests of the Council and in accordance with the Council's community safety, youth crime and other safer streets strategies.

(2) To exercise the Council's functions regarding drug and substance misuse.

**PART 6.4                      PART C. REFERRED FUNCTIONS**

**ALL OFFICERS WITH DELEGATED FUNCTIONS**

1. Each function of the Council delegated or referred to a Committee or Sub-Committee of the Council and not delegated to an officer shall be a referred function of the Chief Officer dealing with that area of service. The Chief Officer shall give advice and report to Members as appropriate.

## **PART 6.5 SCHEDULES**

### **SCHEDULE 1**

#### **Part I**

#### **Functions delegated to the Executive Director Environment, Development & Housing in respect of environmental health matters**

- (1) Statutory and Public Nuisances.
- (2) Control of Noise.
- (3) Control of Air Pollution.
- (4) Contaminated Land.
- (5) Prevention of Damage by Pests.
- (6) The provision, management and control of Cemeteries, Mortuaries and Crematoria and the discharge of the Council's functions relating to burials and cremation generally.
- (7) The provision, management and control of public toilets.
- (8) Food, Drinking Water, Food Hygiene and associated matters.
- (9) Functions in connection with the Welfare and Control of Animals.
- (10) Control of Diseases and General Public Health matters.
- (11) Drains and private sewers and any other environmental health functions in relation to sewerage, water or seawater (by arrangement with the service operators if appropriate).
- (12) Health and Safety at Work.
- (13) Provisions relating to shops including Sunday trading.
- (14) Hazardous Substances.
- (15) Slaughterhouses, Knackers Yards and Cutting Premises.
- (16) Port Health.

#### **Part II**

Legislative provisions under which notices may be served

- (1) Local Government (Miscellaneous Provisions) Act 1976 ss. 16 and 33.
- (2) Local Government (Miscellaneous Provisions) Act 1982 s.29.
- (3) Public Health Act 1936 ss.45, 48, 49, 83, 84 and 275.
- (4) Public Health Act 1961 ss. 17 and 22.
- (5) Building Act 1984 ss. 59, 64,66,67,70,72,76,84 and 97.
- (6) Environmental Protection Act 1990 Parts III and IX.
- (7) Food Safety Act 1990.
- (8) Prevention of Damage by Pests Act 1949 s.4.
- (9) Health and Safety at Work, etc. Act 1974.
- (10) Noise Act 1996.
- (11) Anti-Social Behaviour Act 2003.
- (12) Clean Neighbourhoods and Environment Act 2005.
- (13) Animal Welfare Act 2006.
- (14) Health Act 2006.

## **SCHEDULE 2**

### **Licensing and Registration Functions delegated to Executive Director Environment, Development & Housing**

NOTE. The list below lists Licensing Act 2003, Gambling Act 2005 and other functions.

- (1) Functions under the Licensing Act 2003 relating to :-
  - (a) Personal Licences;
  - (b) Premises Licences;
  - (c) Club Premises Certificates;
  - (d) Temporary Event Notices.
- (2) Functions under the Gambling Act 2005 relating to:-
  - (a) Premises Licences;
  - (b) Provisional Statements;
  - (c) Club gaming / club machine permits;
  - (d) Applications for other permits under the Gambling Act 2005;
  - (e) Consideration of temporary use notice.
- (3) Acupuncture, tattooing, ear-piercing and electrolysis.
- (4) Animals, including boarding establishments, dangerous wild animals, dog breeding, guard dogs, performing animals, pet shops, riding establishments and under the Game Act 1831.
- (5) Betting tracks.
- (6) Camp sites and control of movable dwellings.
- (7) Caravan sites.
- (8) Charities for disabled persons and war charities.
- (9) Cinemas.
- (10) Contaminated land.
- (11) Dairies, dairymen and milk distributors.
- (12) Explosives.
- (13) Filling materials and premises used for upholstering, stuffing, lining of bedding, toys etc.
- (14) Food Safety Act 1990 Section 19 functions and functions dealing with food premises.
- (15) Hackney carriages and private hire vehicles and their drivers and operators.

- (16) House to house collections and other collections for charity.
- (17) Late night refreshment houses, night cafes and take away cafes.
- (18) Lotteries, gaming, pool promotion etc.
- (19) Nurses agencies.
- (20) Omnibuses.
- (21) Petroleum.
- (22) Poisons.
- (23) Public entertainment licences and private places of entertainment.
- (24) Door Supervisors.
- (25) Riding establishments.
- (26) Scrap metal dealers.
- (27) Sex establishments.
- (28) Sports grounds.
- (29) Street trading.
- (30) Street collections.
- (31) Theatres.
- (32) Zoos.

### SCHEDULE 3

#### **Trading Standards Functions delegated to the Executive Director Environment, Development & Housing**

Accommodation Agencies Act 1953  
Administration of Justice Act 1970 as amended  
Agricultural Produce (Grading and Marking) Amendment Act 1931  
Agricultural Produce (Grading and Marking) Act 1928  
Agriculture Act 1970  
Agriculture (Miscellaneous Provisions) Act 1968  
Animal Health Act 1981  
Business Names Act 1985  
Children and Young Persons Act 1933 as amended by the Protection of Children (Tobacco) Act 1986  
Children and Young Persons (Protection from Tobacco) Act 1991  
Clean Air Act 1993  
Consumer Credit Act 1974  
Consumer Protection Act 1987  
Consumer Protection from Unfair Trading Regulations 2008  
Copyright Designs and Patents Act 1988  
Criminal Attempts Act 1981  
Development of Tourism Act 1969  
Education Reform Act 1988, Sections 214 and 215  
Energy Act 1976  
Energy Conservation Act 1981  
Environmental Protection Act 1990  
Estate Agents Act 1979  
European Communities Act 1972  
Explosives Acts 1875 and 1923  
Explosives (Age of Purchase &c) Act 1976  
Fair Trading Act 1973  
Farm and Garden Chemicals Act 1967  
Food Safety Act 1990  
Food and Environment Protection Act 1985  
Forgery and Counterfeiting Act 1981  
Hallmarking Act 1973  
Health and Safety at Work etc. Act 1974  
Intoxicating Substances (Supply) Act 1985  
Malicious Communications Act 1988  
Medicines Act 1968  
Mock Auctions Act 1961  
Motor Cycle Noise Act 1987  
Motor Vehicles (Safety Equipment for Children) Act 1991  
Nurses Agencies Act 1957  
Poisons Act 1972  
Prices Acts 1974 and 1975  
Property Misdemeanors Act 1991  
Protection of Animals Act 1911  
Regulation of Investigatory Powers Act 2000  
Road Traffic Acts 1988 and 1991  
Road Traffic Regulation Act 1984  
Road Traffic (Foreign Vehicles) Act 1972

Solicitors Act 1974 as amended by the Administration of Justice Act 1985  
Telecommunications Act 1984  
Theft Acts 1968 and 1978  
Timeshare Act 1992  
Trade Descriptions Act 1968  
Trade Marks Act 1994  
Trading Representations (Disabled Persons) Act 1958  
Trading Representations (Disabled Persons) Amendment Act 1972  
Trading Stamps Act 1964  
Unsolicited Goods and Services Act 1971  
Unsolicited Goods and Services Amendment Act 1975  
Video Recordings Act 1984  
Weights and Measures Act 1985

## SCHEDULE 4

### Functions delegated to the Executive Director Environment, Development & Housing in relation to Planning

#### Part I

- (1) To determine planning applications (including identifying the need for and the settling of terms of Planning Obligations under S106 of the Town and Country Planning Act 1990, the imposition of conditions where consent is granted and the renewal of existing permissions) where the applications relate to the following categories of development:-
  - (i) alterations/extensions to single dwellinghouses and buildings containing residential flats;
  - (ii) works within the curtilage of buildings which are incidental to their lawful use;
  - (iii) changes of use;
  - (iv) applications submitted pursuant to Article 4 Directions;
  - (v) alterations to or installation of shop fronts;
  - (vi) the provision of no more than 9 new dwelling units (net increase), either by the construction of new buildings or by conversion of existing buildings;
  - (vii) extensions and alterations to non-residential buildings;
  - (viii) applications relating to the formation of accesses, fire escapes, replacement windows, flag poles, the erection of and alterations to walls, fences or other means of enclosure, floodlights, radio and TV masts, telecommunications apparatus, material changes to the external appearance of buildings, including extensions;
  - (ix) renewals of temporary permissions;
  - (x) applications to vary or delete conditions attached to planning permissions;
  - (xi) all other minor planning applications not referred to above.
- (2) Applications for consent under the Advertisements Regulations.
- (3) Applications for Conservation Area Consent.
- (5) Applications for Listed Building Consent.
- (6) To undertake all consultations, notifications and publication of advertisements on behalf of the Council in relation to any of the matters listed above.

#### Part II

- (2) To determine applications for certificates of lawfulness of existing or proposed uses or development under Sections 191 and 192 of the Town and Country Planning Act 1990.



- (3) To make Tree Preservation Orders and Provisional Tree Preservation Orders and, unless valid objections are received, to confirm such orders in accordance with statutory requirements.
- (4) To determine applications for works to, and the felling of, trees included in Tree Preservation Orders and in Conservation Areas.
- (5) After consultation with the Head of Legal and Democratic Services:-
  - (a) to take enforcement action including the service of formal Notices (including all preparatory work thereto and the service of planning contravention notices) and to authorise the institution of legal proceedings where necessary;
  - (b) to authorise the removal of enforcement notices from the Local Land Charges Register where appropriate.
- (5) To determine detailed and reserved matters submissions pursuant to conditions on planning permissions.
- (6) To determine applications for non-material amendments to approved schemes.
- (7) To determine applications for Certificates of Appropriate Alternative Development pursuant to Section 17 of the Land Compensation Act 1961.
- (8) To determine on behalf of the Council whether the prior approval of the Authority will be needed for the method whereby any proposed demolition is to be carried out and the details of any proposed restoration of the site.
- (9) To submit observations on behalf of the Local Planning Authority in respect of consultations (on planning matters) by government departments, other local authorities, local government associations and statutory or regulatory bodies.
- (10) To determine on behalf of the Council applications for determination as to whether prior approval is required for the siting and appearance of development consisting of the construction, installation, alteration or replacement of telecommunications masts and associated equipment.
- (11) To exercise the Council's functions in respect of Environmental Impact Assessment screening / scoping under The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 2011 and in respect of the Environmental Assessment of Plans and Programmes Regulations 2004.
- (12) To undertake all consultations, notifications and publication of advertisements on behalf of the Council in relation to any of the matters listed above.

## SCHEDULE 5

### Functions delegated to the Executive Director Environment, Development & Housing in respect of HRA properties

The power to:-

- (1) Grant tenancies.
- (2) Deal with applications for consent to assign.
- (3) Fix rents for specific properties (any decision to raise rents generally shall be referred to the Housing Committee).
- (4) Serve notices of seeking possession and notices to quit.
- (5) Arrange for the repair and maintenance of properties.
- (6) Issue consents, permits etc. to tenants for works and deal with other requests for consent presented to the Council as a landlord.
- (7) Make payments in appropriate cases for removal expenses and compensation for improvements or disrepair not exceeding £1000 or such other sum as may from time to time be fixed by statute or by the Executive Director after consultation with the Chair of Housing Committee.
- (8) Manage and supervise the Council's tenants' participation scheme and undertake such other consultation with tenants as may be necessary.
- (9) To exercise the Council's functions under the Crime and Disorder Act 1998 as appears necessary in the interests of the Council's housing land and/or tenants and in accordance with the Council's community safety and youth crime strategies.

**SCHEDULE 6****Functions delegated to the Executive Director Finance & Resources in relation to local taxation****(1) Non-Domestic Rates**

To exercise the functions of the Council under the Local Government Finance Act 1988 and Regulations made thereunder in connection with the administration, collection and enforcement of non-domestic rates including, but not limited to:-

- (a) the issuing of demand notices and reminders;
- (b) issuing proceedings for a liability order;
- (c) taking all enforcement actions including attachment of earnings, levying of distress, application for a charging order and petitions for bankruptcy/winding up;
- (d) without prejudice to the provisions of paragraph 4 of Part A the authorisation of officers for specific purposes where such authorisation is required by legislation or under any rule of law including (but not limited to) authorisation to levy distress or otherwise act as bailiffs;
- (e) the authorisation of outside agents to levy distress on behalf of the Council;
- (f) the granting of discretionary relief in accordance with the policies of the Council.

**(2) Council Tax**

To exercise the functions of the Council under the Local Government Finance Act 1992 and Regulations made thereunder in connection with the administration, collection and enforcement of the Council Tax (provided that this power shall not include the functions of the Council regarding the setting of the Council Tax Base and the level of Council Tax itself), including but not limited to:-

- (a) the issuing of demand notices and reminders;
- (b) issuing proceedings for a liability order;
- (c) taking all enforcement actions including attachment of earnings, levying of distress, application for a charging order and petitions for bankruptcy/winding up;
- (d) without prejudice to the provisions of paragraph 4 of Part A the authorisation of officers for specific purposes where such authorisation is required by legislation or under any rule of law including (but not limited to) authorisation to levy distress or otherwise act as bailiffs and authorisation to make attachment of earnings orders;
- (e) the authorisation of outside agents to levy distress on behalf of the Council;

- (f) the granting of discretionary relief in accordance with the policies of the Council.

**(3) Power to issue notices**

In addition to the Executive Director Finance & Resources, the Head of City Services, the Head of Revenues and Benefits and the Revenues Manager are authorised to issue and sign the necessary documents and institute proceedings in the Magistrates' Court for the recovery of, or in connection with the recovery of Non Domestic Rates and Council Tax.

[NOTE - such authorisation shall not include authorisation to appear as an advocate in the Magistrates' Court which shall be given by the Monitoring Officer at the request of the Executive Director Finance & Resources or Head of City Services]

**(4) General Rates and Community Charge**

To deal with any unresolved matter concerning the Community Charge under the Local Government Finance Act 1988 and Rates under the General Rate Act 1967 including the exercise of all the functions detailed under 1(1) and (2) above as they apply to the Community Charge and General Rates.

**SCHEDULE 7**

**Highways functions delegated to the Executive Director Environment, Development & Housing**

- (1) To authorise:-
  - (a) the erection and siting of buildings or structures or the carrying out of works:-
    - (i) within, over or under the highway;
    - (ii) in front of the prescribed building line;
    - (iii) private works over or under the public highway, subject to securing appropriate bonding arrangements and commuted maintenance payments.
  - (b) interference with or obstruction to highways; and
  - (c) the grant of permissions and licences.
- (2) Without limiting the scope of paragraph (1) above, to exercise the Council's functions in relation to licences and permits under the Highways Act 1980, section 115A to K (amenities on the highway), section 139 (control of builders' skips), section 169 (control of scaffolding and hoardings) and section 171 (control of builders' material etc).
- (3) To exercise the functions of the council under Part 3 of the Traffic Management Act 2004.
- (4) To exercise the functions of the council under Part 3 of the New Roads and Street Works Act 1991 (as amended).
- (5) To exercise the Council's functions regarding Civil Parking Enforcement.
- (6) After consultation with the Monitoring Officer and local Members (save in the case of temporary traffic restrictions) to make, give consent to or object to the making of, apply for or confirm any order under the provisions of the Highways Act 1980, the Wildlife and Countryside Act 1981, the Road Traffic Regulation Act 1984, the Town and Country Planning Act 1990, the Parking Act 1989 the Traffic Management Act 2004, the Town Police Clauses Act 1847 and the Rights of Way Act 1990.
- (7) To approve, from time to time, a schedule of prospectively maintainable highways under the New Roads and Street Works Act 1991.

- (8) To authorise the entering into of agreements with the developers under Section 38 of the Highways Act 1980 and to exercise the functions of the Council with respect to the formal adoption of private streets generally.
- (9) To authorise entry onto any land for the purpose of survey and to place or leave on or in that land any apparatus for use in connection with that survey.
- (10) To exercise the discretionary functions of the Council under the Land Compensation Act 1973 (as amended) and the Noise Insulation Regulations subject to a maximum limit of £5000.
- (11) After consultation with the Monitoring Officer to serve notices of exemption from the Advance Payments Code (Private Street Works) in appropriate cases where this would not prejudice the Council.
- (12) To object, when appropriate on highway grounds, to applications to licensing authorities.
- (13) To undertake the functions of the Council as enforcement authority under the Reservoirs Act 1975, including the service of formal notices and the authorisation of legal proceedings.
- (14) To exercise the functions of the Council in relation to (a) the interference with, or obstruction to, any highway, or (b) any nuisance on any highway or land adjoining a highway.

## PART 6.5 LIST OF STATUTORY AND PROPER OFFICERS

### 1. Statutory Officers

Legislation requires local authorities to appoint certain officers with statutory responsibilities. These appointments and the officer to whom the Council has allocated responsibility are listed below.

<b>Title / Description</b> (and statutory derivation)	<b>Officer Appointed</b>
<b>1. Head of Paid Service</b> (S4 Local Government & Housing Act 1989)	<b>Chief Executive</b>
<b>2. Monitoring Officer</b> (S5 Local Government & Housing Act 1989)	<b>Head of Legal &amp; Democratic Services</b>
<b>3. Officer responsible for financial administration</b> (S151 Local Government Act 1972)	<b><u>Executive Director Finance &amp; Resources</u></b>
<b>4. Electoral Registration Officer and Returning Officer</b> (Sections 8, 28 and 35 Representation of the People Act 1983)	<b>Chief Executive</b>
<b>5. Chief Education Officer</b> (Section 532 Education Act 1996)	<b><u>Executive Director Children's Services</u></b>
<b>6. Director of Children's Services</b> (Section 18 Children Act 2004)	<b><u>Executive Director Children's Services</u></b>
<b>7. Director of Adult Social Services</b> (Section 6 Local Authority Social Services Act 1970)	<b><u>Executive Director Adult Services</u></b>
<b>8. Scrutiny Officer</b> (Section 21ZA Local Government Act 2000)	<b>Head of Overview and Scrutiny</b>

## Proper Officers

The following officers are appointed Proper Officer in relation to the statutory provisions specified. This list is not necessarily exhaustive and any omission shall not affect the validity of any action or decision taken by the Proper Officer.

### 1.1 The Chief Executive

#### Local Government Act 1972

Section	Proper Officer Function
83(1)-(4)	Accepting declarations of acceptance of office
84	Receiving resignations from office
88(2)	Convening a meeting of Council for election to vacant office of Chair
89(1)	Receiving notice of casual vacancy in office of councillor
Schedule 12, para 4(2)(b)	Signing the summons to a Council meeting

#### Local Government and Housing Act 1989

Section	Proper Officer Function
15-16	Appointment of Members to Committees in accordance with the wishes of the Group Leader or his/her representative

#### Registration Service Act 1953

Section	Proper Officer Function
9(1) and (2)	Appointment of interim superintendent registrar(s)
13(2)(h) and 13(3)(b)	Exercise of functions under the local scheme of organisation
20	Proper Officer to be subject to regulations made by Registrar General

### 1.2 Head of Legal and Democratic Services

#### Local Government Act 1972

Section	Proper Officer Function
100(B)(2)	Circulation of reports and agendas
100(B)(7)	Supply of papers to the press
100C(2)	Preparation of summary of proceedings



100(D)(1)(a) 100(D)(5)(a)	Identification and compilation of background papers
100F(2)	Decision as to which documents be excluded from Member inspection
191(2)	Receiving applications from Ordnance Survey for assistance
225(1)	Deposit of documents pursuant to an order, Act or instrument of Parliament
229(5)	Certification of photocopies
234	Authentication of notices, orders or other documents
236(9)	Sending of copies of byelaws to relevant parish/community councils
238	Certification of byelaws
248	Keeping roll of freemen of the City
Schedule 12, para 4(3)	Receipt of notices as to address to which summons to Council meetings to be sent

### **2.3 Head of Human Resources and Organisational Development**

#### **Local Government and Housing Act 1989**

<b>Section</b>	<b>Proper Officer Function</b>
2	Holding the list of politically restricted posts

### **2.4 Executive Director Finance & Resources**

#### **Local Government Finance Act 1988**

<b>Section</b>	<b>Proper Officer Function</b>
116(1)	Notifying the external auditor of arrangements for a meeting to consider a report of the Chief Financial Officer

#### **Local Government Act 1972**

<b>Section</b>	<b>Proper Officer Function</b>
115(2)	Receipt of money due from officers
146(1)(a)-(b)	Declarations and certificates regarding securities

## 2.5 Other Proper Officer Appointments

With respect to the **Public Health (Control of Disease) Act 1984**, the Proper Officer shall be the person appointed by the Director of Public Health as the Council's consultant in communicable disease control, or their nominated deputy in their absence.

With respect to **section 4 of the Housing Act 2004**, the Proper Officer shall be the person appointed by the Executive Director Environment, Development & Housing as the Proper Officer for that provision, or their nominated deputy in their absence.

With respect to **Schedule 16 of the Local Government Act 1972** (Receipt of deposit lists of protected buildings), the Proper Officer shall be the person appointed by the Executive Director Environment, Development & Housing