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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) Revenues and Benefits Services
- (f) ICT
- (g) Human Resources and Organisational Development

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 2015 and, subject to any guidance or limitations imposed by the Policy, Resources & Growth 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, Resources & Growth 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 & Growth 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 Assistant Director Finance.
- (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. Revenues and Benefits 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, Council Tax Reduction Schemes, and Local Welfare Provision

Subject to any general guidance or limitation imposed by the relevant Committee or Sub-Committee, to exercise the Council's functions regarding:-

- (a) Housing Benefit under the Housing Benefit (General) Regulations 1987 and relevant legislation;
- (b) Council Tax Reduction Schemes; and
- (c) Local Welfare Provision, including any local scheme or arrangements intended to replace the assistance or funding previously provided by Community Care grants and/or Crisis Loans

In addition to the Assistant Director Finance, the Head of Revenues and Benefits and the Benefits Managers are authorised to exercise the above functions.

(3) Travel Concessions

To exercise the Council's functions regarding travel concessions.

(4) **Appointment of Authorised Officers**

In connection with any functions administered by the Assistant Director Finance 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.

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

(2) **Information Management**

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

- (a) **Freedom of Information, Environmental Information and Data Protection;**
- (b) **Modern records management;**

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 Assistant Director 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.

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III EXECUTIVE LEAD FOR STRATEGY, GOVERNANCE AND LAW (AND MONITORING OFFICER)

1. Legal Services

(1) Monitoring Officer

- (a) 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;
- (b) To determine fees for the Returning Officer and election clerks in respect of local elections, after consultation with the Executive Director Finance & Resources.

(2) Solicitor Role

As Executive Lead for 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 Executive Lead for Strategy, Governance and Law (and Monitoring Officer) 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 Executive Lead for Strategy, Governance and Law (and 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 and Civic Office

- (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.
- (c) To manage the Council's Civic Office.

3. Health Overview and Scrutiny

- (a) To manage the Council's Health Overview and Scrutiny function, and to take all necessary steps to ensure compliance with any legal requirements relating to scrutiny of local health services..

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.

~~5. Senior Information Risk Officer~~

~~———— To be the Council's Senior Information Risk Officer (SIRO).~~

~~(note: moved to Chief Executive)~~

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. 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.

8. 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.

9. Coroners Service

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

10. Bereavement Services

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

11. Policy

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

12. Performance Improvement and Programmes

- (1) To manage the Council's Programme Management Office; to promote best value and good practice in relation to project and programme management.
- (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 and statutory procedures, providing that arrangements can be made for initial stages of complaints to be dealt with by the relevant service department.
- (4) To manage risks and opportunities to ensure effective and timely implementation of mitigating actions.
- (5) To lead on the development of Customer Insight reports to ensure understanding of Customer needs and for the learning of the organisation.

13. 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.

14. Leadership Support Office

- 14.1 To manage the Council's Leadership Support Office.

IV DELEGATIONS TO THE EXECUTIVE DIRECTOR ECONOMY, ENVIRONMENT AND CULTURE

1. 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.

2. 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 [Brighton Dome Brighton Festival Trust](#).

3. Management of [Museum and Leisure](#) Establishments

To manage the following establishments/sites:-

- (a) The Royal Pavilion and grounds
- (b) All museums and art galleries [and collections](#) belonging to the Council;
- (c) [The Grange, Rottingdean](#); *(note:moved to Libraries)*
- (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 Moulsecoomb Community Leisure Centre, in conjunction with the facility management company, where applicable.

- (h) Subject to consultation with and the consent of the Assistant Director Property over matters relating to disposal, lettings etc, to manage the following establishments/sites:-
 - (i) the Raceground (subject to the rights of The Brighton Racecourse Company Limited);
 - (ii) Volks Railway

4. 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 (Deveco)~~ and matters in relation to the Dome complex.

5. Archives

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

6. 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.

7. 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.

8. Events

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

9. Leisure

- (1) To exercise the Council's functions regarding leisure.
- (2) To manage the esplanade, beach and foreshore, the seafront lawns and lagoon
- (3) To organise and manage programmes of public entertainment on land and buildings under the Executive Director Economy, Environment and Transport's management or by arrangement with third parties.

10. Highways

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

11. 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 Executive Lead for Strategy, Governance and Law (and 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 Executive Lead for Strategy, Governance and Law (and 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.

12. 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 Assistant Director Property over matters relating to building maintenance and capital expenditure plans.
- (3) To exercise the Council's functions regarding Civil Parking Enforcement.

13. 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 Families, Learning and Children.

14. 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.

15. 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 written objections relating to material planning considerations pertinent to the application in question have been received within the public consultation period from separate persons or bodies 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 within the public consultation period in relation to applications that officers are minded to refuse. Only written objections or expressions of support received from persons who live in the immediate vicinity of the application site or who otherwise may reasonably be considered to be potentially directly affected by the proposed development will be taken into account in determining the relevant number of representations required by this paragraph ; 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 within his or her ward 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); or
 - (d) Rottingdean Parish Council requests, within the public consultation period, that an application within the Parish Council area is determined by the Planning Committee. In making the request the Parish Council 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.
- (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.

16. Assets of Community Value

To exercise the council's functions in relation to Assets of Community Value, pursuant to the Localism Act 2011.

17. 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.

18. Building Control and Sports Grounds

To exercise the Council's functions regarding building control and Sports Grounds.

19. 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.

20. Economic Development and [Regeneration](#) ~~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, [including Housing Estate 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.

21. Assistant Director Property

[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 Assistant Director Property 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 & Growth 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 Finance & Resources or has been declared by the relevant Chief Officer to be surplus to requirements under paragraph 3.2 sub-paragraph (c) 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 Executive Lead for Strategy, Governance and Law (and 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 Executive Lead for Strategy, Governance and Law (and 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 –
 - (i) undertaken to preserve the asset and to ensure relevant statutory compliance; and
 - (ii) 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.]

(14) 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).

22. Environmental Awareness

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

23. National Parks

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

24. Markets

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

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).

27. 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.

V DELEGATIONS TO EXECUTIVE DIRECTOR FAMILIES, CHILDREN AND LEARNING

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 children and young people’s partnership arrangements [and adult learning disability 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 in relation to education 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 and Skills 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 Executive Lead for Strategy, Governance and Law (and 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 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) In conjunction with the Executive Lead for Strategy, Governance and Law (and 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.
- (9) 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.
- (10) 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.

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 [2002](#) 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 Executive Lead for Strategy, Governance and Law (and 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 Section 17 and 24 of the Children Act 1989, [or other expenditure related to children](#), 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 and Skills 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 [2011](#), having regard to the recommendations of the Adoption Panel.
- (14)
 - (a) To increase the charge for a home-study assessment for inter-country adoptions as appropriate;
 - (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.
- (19) Subject to any advice given by the Chief Executive from time to time, to exercise the council's functions in relation to housing-related support services in so far as those services relate to children.

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 Economy, Environment & Culture, 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 Economy, Environment & Culture.

- (7) To set charges for transport conditional permits following consultation with the Chair of the Children, Young People and Skills 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 Economy Environment & Culture.

7. Adult Learning and Supported Employment

- (1) To discharge the Council’s functions under the arrangements with the Learning and Skills Council for the provision of adult education.
- (2) To exercise the Council’s functions regarding the employment of physically disabled people

8. Adult Learning Disability

- (1) To exercise the council’s functions regarding adult learning disability.

- (2) To exercise the Council's functions in relation to the Council's Learning Disability residential units.

[Note: the powers referred to in paragraph 8 above are delegated concurrently to the Executive Director Health and Adult Social Care. The Director of Adult Services (DAS) will discharge such powers as are required by law or rules of professional practice to be exercised by the DAS.]

9. 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.

10. 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 Assistant Director Property, 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 Executive Lead for Strategy, Governance and Law (and 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 and Skills Committee, to agree variations in the approved scale of letting charges for schools.

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.

VI DELEGATIONS TO EXECUTIVE DIRECTOR HEALTH AND ADULT SOCIAL CARE

(1) Director of Adult Social Services

- (i) 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 within the Care Act 2014 and associated Guidance.
- (ii) Authority to discharge the Council's functions in accordance with the Mental Health Act 1983 and the Mental Capacity Act 2005.

(2) General Adult Social Services

- (i) To meet the needs of individuals or families in accordance with the provisions of sections 18, 19 and 20 of the Care Act 2014 to include 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 Executive Lead for Strategy, Governance and Law (and 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 in accordance with the provisions of the Care Act 2014 and associated Care and Support Regulations 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 provisions of the Care Act 2014 and associated Care and Support Regulations.
- (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 Deputy pursuant to the Mental Capacity Act 2005 where it is appropriate for an officer of the Council to act.

- (viii) To appoint Approved Mental Health Practitioners for the purposes of the Mental Health Act 1983.
- (ix) To accept guardianship applications and to make orders for 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 exercise the Council's functions regarding residential homes and nursing homes.
- (xii) 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.~~

(5) **Housing Related Support**

Subject to any instructions of the Chief Executive given from time to time,

- (i) to be the lead director responsible for the co-ordinated commissioning and management of associated funds in relation to housing related support services;
- (ii) to exercise the council's function in relation to housing related support services for adults generally.

[Note: the power referred to in paragraph (5)(ii) above is delegated concurrently to the Executive Director Neighbourhoods, Communities and Housing.]

(7) Public Health

To exercise the Council's functions in respect of Public Health, including the Council's public health functions under the NHS Act 2006, the Health and Social Care Act 2012 and related functions.

[Note: where the Director of Public Health (DPH) appointment is made to an officer other than the Executive Director of Health and Adult Social Care, and to the extent that the Council's functions are required by law to be exercised by the DPH, the DPH will have delegated to him/ her the powers to discharge the functions of the Council relating to Public Health.]

(8) Adult Disability

To exercise the council's functions regarding adult disability.

[Note: to the extent that it relates to Adult Learning Disability, the power referred to in paragraph 8 above is delegated concurrently to the Executive Director Families, Children & Learning. The Director of Adult Services (DAS) will discharge such powers as are required by law or rules of professional practice to be exercised by the DAS.]

(9) Integrated Commissioning

To manage and co-ordinate an integrated commissioning function on behalf of Health and Adult Social Care and Families, Children and Learning.

VII DELEGATIONS TO EXECUTIVE DIRECTOR NEIGHBOURHOODS, COMMUNITIES AND HOUSING

1.. Gypsies, Roma and Travellers

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

2. 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.

3. Housing Related Support Services

Subject to any instructions of the Chief Executive given from time to time, to exercise the Council's functions in relation to housing related support services for adults generally.

Note: this power is delegated concurrently to the Executive Director Health and Adult Social Care.

4. 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

(i) Subject to sub-paragraph (5)(ii) below, 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.

(ii) Sub-paragraph 5(i) above shall not apply in relation to the management of hostels for vulnerable adults.

(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 and New Homes Committee and the Executive Lead for Strategy, Governance and Law (and 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:-

Anti Social Behaviour Crime and Policing Act 2014 Parts 1, 4, 5 and 6
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.

5. 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.

6. 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.
- (3) To exercise the Council's functions under the Counter Terrorism and Security Act 2015.

7. 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

8. 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 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.

9. 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.

10. Communities

- (1) To manage community and voluntary sector discretionary grants, as follows:-
 - (a) In relation to the Three Year Corporate Grant Programme
 - (i) 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 & Growth Committee for approval; and
 - (ii) following approval of grants pursuant to sub-paragraph (i) above, to amend any or all such grants in response to budget changes, after consultation with the Members Advisory Group.
 - (b) In relation to all other grants administered by the Executive Director Neighbourhoods, Communities and Housing (including grants to smaller organisations, specialist programme grants and, community 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.

11. Libraries

- (1) 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 Neighbourhoods, Communities and Housing to be necessary or

conducive to the effective and efficient running of the library service.

(2) To manage the Grange, Rottingdean

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.

Title / Description (and statutory derivation)	Officer Appointed
1. Head of Paid Service (S4 Local Government & Housing Act 1989)	Chief Executive
2. Monitoring Officer (S5 Local Government & Housing Act 1989)	Executive Lead for Strategy, Governance and Law (and Monitoring Officer)
3. Officer responsible for financial administration (S151 Local Government Act 1972)	Executive Director Finance & Resources
4. Electoral Registration Officer and Returning Officer (Sections 8, 28 and 35 Representation of the People Act 1983)	<u>Chief Executive Executive Lead for Strategy. Governance and Law</u>
<u>5. Returning Officer</u> <u>(Sections 8, 28 and 35</u> <u>Representation of the People Act</u> <u>1983</u>	<u>Chief Executive</u>
<u>65. Chief Education Officer</u> (Section 532 Education Act 1996)	Executive Director Families, Children and Learning
<u>76. Director of Children's Services</u> (Section 18 Children Act 2004)	Executive Director Families, Children and Learning
<u>87. Director of Adult Social Services</u> (Section 6 Local Authority Social Services Act 1970)	Executive Director Health and Adult Social Care
<u>9. Director of Public Health</u> <u>(NHS Act 2006 as amended)</u>	<u>Executive Director Health and Adult Social Care or such other officer appointed by the Chief Executive to undertake this role.</u>

