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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; Economy, Environment and Transport; Health and Adult Social Care; Families, Children and Learning; Neighbourhoods, Communities and, Housing or the Executive Lead for Strategy, Governance and Law (and 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 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.

“the Orbis Partnership” shall mean the public sector partnership which has been entered into by Brighton & Hove City Council with East Sussex County Council and Surrey County Council and the Orbis Public Law Partnership which has been entered into by Brighton & Hove City Council with East Sussex County Council, Surrey County Council and West Sussex County Council in order to deliver certain of the Council’s corporate services via a shared arrangement.

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. The functions shall be carried out subject to the duty to have due regard to the need to prevent people from being drawn into terrorism.
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. Without prejudice to the other provisions of this Scheme, employees of Orbis Partnership authorities may be authorised by Brighton & Hove City Council to carry out work on the authority's behalf by the relevant Executive Director or other authorised officer of BHCC. This may occur on a basis agreed between Brighton & Hove City Council and the relevant authority/ies, provided that the work in question may lawfully be carried out by a person who (whilst not an officer of Brighton & Hove City Council) may be directed to act on this Council's behalf either by professional practice or at the Monitoring Officer or other officer's discretion.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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.
14. 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.
15. Any delegation of functions to an officer under this Scheme shall not prevent the Council or the relevant Committee from exercising those functions.
16. 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 Executive Leadership Team as the Chief Executive may determine.
Any Executive Director	Any officer reporting to the Director responsible for any functions comprised in the Director's delegations.
Executive Lead for Strategy, Governance and Law (and Monitoring Officer)	The Deputy Head of Law regarding Legal and Monitoring Officer functions; otherwise any member of the Departmental Management Team of the Department

17. 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 Executive Lead for Strategy, Governance and Law (and Monitoring Officer ) make consequential amendments to the Scheme to take account of the change and/or transfer.

18. 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. Furthermore, all powers available to the Council described by reference to functions or areas shall include all powers vested in the Council by Acts of Parliament, statutory instruments, regulations, orders and/or byelaws from time to time in force as well as by primary legislation.

19. (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.

20. 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.
21. 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.
22. Where functions delegated under Part B appear under the heading of an officer other than a Chief Officer, 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, the following general powers are delegated to Chief Officers in relation to the services for which they are responsible, to be exercised in accordance with the provisions in the Introduction to this Scheme at Part 6.1.

### **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.
- 1.2 Under Part 3 of the Openness of Local Government Bodies Regulations 2014, to be the proper officer for the purposes of deciding whether a document or part of a document contains or is likely to contain ‘exempt information’ (as defined in section 100I of the Local Government Act 1972).

### **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 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 Economy, Environment and Culture.
- 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 Executive Lead for Strategy, Governance and Law (and

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 Executive Lead for Strategy, Governance and Law (and 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 Assistant Director Property;
- (c) To inform the Assistant Director Property 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; following which, the property will return to the control of Property & Design.
- (d) After consultation with the Executive Lead for Strategy, Governance and Law (and 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 Assistant Director Property 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 Families Children and Learning 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 Executive Lead for Strategy, Governance and Law (and 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 or when an officer acting as gold command considers it necessary to take appropriate steps under the Council's emergency planning, resilience or business continuity procedures:-
  - (a) After consultation with the Leader of the Council or a Deputy Leader, to exercise any of the functions, whether within the service area of the chief officer or otherwise, 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 Emergency Planning & Resilience 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 –
  - (a) to open tenders for goods, services or other matters; and
  - (b) to accept the appropriate tender for any contract not exceeding £500,000 in value, and award the contract accordingly; or, in respect of any greater value, to accept the tender and award the contract on condition that the relevant

committee has previously agreed the principle of entering into a contract with a named party or, as the case may be, following competitive tendering or some other process identified by that 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 Acting 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 Electoral Registration Officer**

To be the Council's Electoral Registration Officer pursuant to the Representation of the People Act 1983.

## **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) Information Management and Information Governance
- (h) Human Resources and Organisational Development

And to be the Council's Senior Information Risk Officer (SIRO).

### **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, with the exception of litigated and liability claims handling.
- (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 the Council's ICT strategy aligned to corporate and city strategic objectives;
- (b) The provision of information technology and related digital services to Council departments;

**(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;
- (c) Information governance, including by supporting the Council's designated Data Protection Officer (a statutory role required by the General Data Protection Regulation ((EU) 2016/679) and the Data Protection Act 2018, which is performed by an individual who is not an officer of the Council), to perform his or her tasks effectively.

**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.

## **7. Senior Information Risk Officer**

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

### **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) **Litigated and liability claims handling**

To deal with litigated and liability claims against the Council in accordance with the practice and procedure agreed from time to time with the Council's insurers.

(8) **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.

(9) **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.

#### **(10) 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. Electoral Registration and Elections**

To carry out the day-to-day management of the Council's electoral registration service and to make arrangements for the holding of elections.

## **6. 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.

## **7. 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.

## **8. Coroners Service**

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

## **9. Bereavement Services**

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

## **10. 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

## **11. 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.

## **12. Corporate Communications**

- (1) To manage the Council's corporate communications service, except for Print & Sign.

- (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.

### **13. Leadership Support Office**

- 13.1 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) Preston Manor;
- (d) West Blatchington Windmill and Foredown Countryside Centre;
- (e) Portslade Old Manor House, Portslade;
- (f) 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.
- (g) 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 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: delegated powers which shall include (but not be limited to) the exercise of the full range of enforcement powers available to the Council in relation to parks and open spaces, and shall include (but not be limited to) the powers exercisable by the Council pursuant to the Anti Social Behaviour, Crime and Policing Act 2014.
- (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 Open Spaces**

- (1) To manage and control the Council's parks and open spaces. The delegated power referred to in this subsection shall include (but not be limited to) the exercise of the full range of enforcement powers available to the Council in relation to parks and open spaces, and shall include (but not be limited to) the powers exercisable by the Council pursuant to the Anti Social Behaviour, Crime and Policing Act 2014.
- (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 supporting an approval or refusal of the application and shall give their reason or reasons in writing as to why they consider the application should be determined by Committee and shall set out their representations on the application as part of their request. Ward Councillors making such requests may attend and address the Committee when the application falls to be determined or may ask for their representations to be read out at the meeting. 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**

### **(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", and/or "buildings" are not to be read as including Housing Revenue Account land].

- (1) To exercise the Corporate Landlord role for all council property with the exception of (i) Housing Revenue Account 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 Environment, Economy and Culture 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.

- (e) After consultation with the Executive Lead for Strategy Governance and Law (and 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.'
- (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 Economy, Environment & Culture.
- (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.]

**(8) Access Services**

To manage the receptions, switchboard and related services at the Council’s main buildings (including Brighton Town Hall 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, 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:-
  - (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 disabled people.
- (3) To manage the Council’s Print & Sign service.

## **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 - schools**

- (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) 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.]*

## **(5) 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.]*

## **(6) 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.]*

## **(7) 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. Authorised and unauthorised sites and encampments**

To exercise the Council's functions in relation to the management of authorised and unauthorised sites and encampments, this to include all activities necessary or incidental to the Council's performance of its responsibilities in relation to the following:

- a) Gypsies, Roma and Travellers
- b) Van dwellers

### **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 21(7) to 21(13) of the delegations to the Assistant Director of Property in so far as they relate to land or property held by the Council for housing purposes, this with the express proviso that the requirement that the certification of the Valuer be obtained shall not apply to leases entered into for a period of up to 10 years for the purposes of providing temporary accommodation

**(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 relating to or affecting residential housing**

- (a) To issue and sign all or any statutory notices relating to or affecting the Council's landlord function

- (b) To issue and sign all or any statutory notices relating to or affecting non-Council residential properties, including but not limited to private sector residential properties.

## **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 but not limited to the functions listed in **Schedule 1** to this Scheme of Delegations.

- (2) To exercise the power to issue and sign notices and orders in respect of environmental health matters and to take all other necessary steps to discharge the Council's enforcement powers in this area.

## 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 in relation to the Council's licensing and registration functions and to take such enforcement action as is considered necessary to enforce those functions, including but not limited to 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**

To exercise the Council's functions with regard to trading standards, including but not only in the following areas:

- Animal health and welfare
  - Consumer protection
  - Fair trading and consumer protection
  - Food and feed
  - Food safety
  - Health and Safety at Work
  - Product safety
  - Weights and measures
- (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, this including (but not limited to) the following:
- To appoint and designate officers as inspectors, sampling officers or authorised officers in respect of the above functions.

- To grant, amend, refuse, suspend and transfer licenses or certificates, and
- To register persons or premises, pursuant to legislation made in relation to the above areas.

## **10. Communities**

- (1) To manage community and voluntary sector discretionary grants, as follows:-
  - (a) In relation to the Third Sector Investment 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 Neighbourhoods, Inclusion, Communities and Equalities Committee; 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 the Communities Fund), 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

## **12. Customer services, including Digital First**

To exercise the customer services functions of the Council. This shall include overseeing the provision of advice and assistance in relation to the delivery of Council services (including those services provided by other directorates), including (but not limited to) the Council's Digital First transformation programme.

## **13. The Prevent Duty**

To exercise the functions of the Council listed above with due regard to the need to prevent people from being drawn into terrorism, and otherwise to agree risk and to co-ordinate Prevent activity across the Council so as to ensure the Council's implementation and delivery of its statutory Prevent duty in the exercise of its functions.

## **VIII DELEGATIONS TO FIELD OFFICERS**

The Council's Field Officers are provided with the direct delegations listed in **Schedule 8** to this Scheme of Delegations to enable them to exercise the Council's functions in accordance with and within the terms of the direction and guidance of the Executive Director who has been given delegated responsibility for the delivery of the function in relation to the relevant service area (or, where the Executive Director has authorised an officer of Head of Services level or above to exercise a power delegated to him/her, then in accordance with, and within the terms of, the direction and guidance of the officer so authorised).

These delegations permit the Field Officers to support the Council's enforcement and inspection activities across a range of functions.

Note: where the functions delegated to Field Officers are also delegated to other officers by this Scheme of Delegations, all delegations are exercised concurrently.

## **IX DELEGATIONS TO DATA PROTECTION OFFICER**

To act as the Council's Data Protection Officer, appointed pursuant to article 37 of the General Data Protection Regulation ( (EU) 2016/679) and in compliance with the Data Protection Act 2018, and in that capacity to perform the tasks listed in article 39 of the Regulation, including but not limited to the following:

- Informing the Council of its obligations pursuant to the Regulation
- Monitoring compliance and providing advice
- Liaising with the Information Commissioner on the Council's behalf when necessary.

**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**

#### **List of functions delegated to the Executive Director Neighbourhoods, Communities and 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. Food, Drinking Water, Food Hygiene and associated matters.
8. Functions in connection with the Welfare and Control of Animals.
9. Control of Diseases and General Public Health matters.
10. 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).
11. Health and Safety at Work.
12. Provisions relating to shops including restrictions on Sunday trading.
13. Hazardous Substances.
14. Port Health.

## **SCHEDULE 2**

### **Licensing and Registration Functions delegated to Executive Director Neighbourhoods, Communities and Housing**

**NOTE.** The list below includes but is not limited to functions under the Licensing Act 2003, Gambling Act 2005 and the Police and Social Responsibility Act 2011:

1. Functions under the Licensing Act 2003 relating to :-
  - i. Personal Licences;
  - ii. Premises Licences;
  - iii. Club Premises Certificates;
  - iv. Temporary Event Notices.
2. Functions under the Gambling Act 2005 relating to:-
  - i. Premises Licences;
  - ii. Provisional Statements;
  - iii. Club gaming / club machine permits;
  - iv. Applications for other permits under the Gambling Act 2005;
  - v. Consideration of temporary use notice.
3. Functions exercised pursuant to relevant legislation in relation to the following:
  - i. Acupuncture, tattooing, ear-piercing and electrolysis.
  - ii. Animals, including boarding establishments, dangerous wild animals, dog breeding, guard dogs, performing animals, pet shops, riding establishments and under the Game Act 1831
  - iii. Betting tracks.
  - iv. Camp sites and control of movable dwellings.
  - v. Caravan sites.
  - vi. Charities for disabled persons and war charities.
  - vii. Cinemas.
  - viii. Contaminated land.
  - ix. Food Safety Act 1990 Section 19 functions and functions dealing with food premises.
  - x. Hackney carriages and private hire vehicles and their drivers and operators.
  - xi. House to house collections and other collections for charity.
  - xii. Late night refreshment houses, night cafes and take away cafes.
  - xiii. Lotteries, gaming, pool promotion etc.
  - xiv. Door Supervisors.
  - xv. Riding establishments.
  - xvi. Scrap metal dealers.
  - xvii. Sex establishments.
  - xviii. Sports grounds.
  - xix. Street trading
  - xx. Street collections.
  - xxi. Theatres.
  - xxii. Zoos.

## **SCHEDULE 3**

**The Trading Standards Functions delegated to the Executive Director Neighbourhoods, Communities and Housing shall include (but shall not be limited to) functions exercisable pursuant to the following legislation:**

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 Misdescriptions 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 Economy, Environment and Culture 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 Listed Building Consent.
- (4) 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**

- (1) 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.

- (2) 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.
- (3) To determine applications for works to, and the felling of, trees included in Tree Preservation Orders and in Conservation Areas.
- (4) After consultation with the Executive Lead for Strategy, Governance and Law (and Monitoring Officer) :-
  - (a) to take enforcement action in all or any planning-related functions of the Council, including but not limited to the service of formal notices and consents in relation to planning contraventions, as well as enforcement action in relation to tree preservation order, conservation and listed building issues, 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 submissions pursuant to conditions on planning permissions; and to determine reserved matters applications pursuant to minor and other non-major planning applications.
- (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 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.
- (9) To determine on behalf of the Council applications for prior approval where such determinations are required under The Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- (10) 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.
- (11) To undertake all consultations, notifications and publication of advertisements on behalf of the Council in relation to any of the matters listed above.

(12) To exercise the Council's powers to decline to determine subsequent, overlapping and retrospective applications as defined in sections 70A to 70C of the Town and Country Planning Act 1990

## **SCHEDULE 5**

### **Functions delegated to the Executive Director Neighbourhoods, Communities and 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 and New Homes 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 and New Homes 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 of Finance & Resources, the Head of Revenues and Benefits is 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 Executive Lead for Strategy, Governance and Law (and Monitoring Officer) at the request of the Executive Director Finance & Resources or Head of Revenues and Benefits ]

**(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 Economy Environment and Culture**

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

## **SCHEDULE 8**

### **Functions delegated to the Council's Field Officers**

The delegations listed below equip the Field Officers to exercise the Council's enforcement-related activities across the specified functions. They permit the Field Officers to carry out all or any enforcement and inspection activities necessary for or connected with the Council's performance of the functions listed in the table below, this including (but not limited to) the service of notices and the taking of action under relevant statutory powers, as well as any activities necessary for or incidental to the same.

PROVIDED ALWAYS that the Field Officers shall exercise their powers in accordance with, and within the terms of, the direction and guidance of either the Executive Director who has been given delegated responsibility for the delivery of the function in relation to the relevant service area or - where the Executive Director has authorised another officer of Head of Service level or above to exercise a power delegated to him/her - in accordance with, and within the terms of, the direction and guidance of the officer so authorised.

Note: the direct delegation specified here shall be exercisable only to the extent to which the Field Officer is permitted by the relevant Executive Director (or other officer authorised by him/her) and may be subject to specified limitations

Note 2: where a function delegated to the Field Officers is also delegated to a specified officer, the exercise of functions is concurrent.

<u>List of delegations given to the Field Officers</u>	<u>Reference to concurrent delegation made elsewhere in this Scheme of Delegations to the Executive Director responsible for the relevant service area</u>
<b>Seafront</b>  (1) To exercise the Council's functions regarding the seafront: delegated powers which shall include (but not be limited to) the exercise of the full range of enforcement powers available to the Council in relation to parks and open spaces, and shall include (but not be limited to) the powers exercisable by the Council	<b>Delegation to the Executive Director – Economy, Environment &amp; Culture in relation to the seafront - Part 6.3 Part B IV para 6(1)</b>

<p>pursuant to the Anti Social Behaviour, Crime and Policing Act 2014.</p>	
<p><b>Parks and Open Spaces</b></p> <p>(5) To manage and control the Council's parks and open spaces. The delegated power referred to in this subsection shall include (but not be limited to) the exercise of the full range of enforcement powers available to the Council in relation to parks and open spaces, and shall include (but not be limited to) the powers exercisable by the Council pursuant to the Anti Social Behaviour, Crime and Policing Act 2014.</p>	<p><b>Delegation to the Executive Director – Economy, Environment &amp; Culture in relation to parks and green open spaces -</b>  <b>Part 6.3 Part B IV para 7(1)</b></p>
<p><b>Highways</b></p> <p>10) To exercise the Council's functions regarding highways by exercising the following delegation listed in <b>Schedule 7</b> to this Scheme of Delegations:</p> <p>[ .. ]</p> <p>(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.</p> <p>.</p>	<p><b>Delegation to the Executive Director – Economy, Environment &amp; Culture in relation to highways -</b>  <b>Part 6.3 Part B IV para 10</b>  <b>Part 6.5 Schedule 7(14)</b></p>
<p><b>Parking Management</b></p> <p>[ .. ]</p> <p>(3) To exercise the Council's functions regarding Civil Parking Enforcement.</p>	<p><b>Delegation to the Executive Director – Economy, Environment &amp; Culture in relation to parking -</b>  <b>Part 6.3 Part B IV para 12(3)</b></p>
<p><b>Town and Country Planning</b></p> <p>[ .. ]</p> <p>(2) To exercise the Council's functions in respect of certificates of lawful use, tree preservation orders, enforcement action etc as set out in the following parts of <b>Schedule</b></p>	<p><b>Delegation to the Executive Director – Economy, Environment &amp; Culture in relation to planning -</b>  <b>Part 6.3 Part B IV para 15(2)</b>  <b>Part 6.5 Schedule 4 Part II para 4(a)</b></p>

<p><b>4</b> to this Scheme of Delegation:</p> <p>[ .. ]</p> <p>(4) After consultation with the Executive Lead for Strategy, Governance and Law (and Monitoring Officer) :-</p> <p>(a) to take enforcement action in all or any planning-related functions of the Council, including but not limited to the service of formal notices and consents in relation to planning contraventions, as well as enforcement action in relation to tree preservation order, conservation and listed building issues, and to authorise the institution of legal proceedings where necessary;</p>	
<p><b>Conservation and Design</b></p> <p>(1) To exercise the Council's functions with regard to Conservation matters under the Town and Country Planning Acts.</p> <p>[ . ]</p>	<p><b>Delegation to the Executive Director – Economy, Environment &amp; Culture in relation to conservation and design - Part 6.3 Part B IV para 17(1)</b></p>
<p><b>21. Assistant Director Property (non-HRA Council land)</b></p> <p>[NOTE: References in this paragraph to “land”, “property”, and/or “buildings” are <u>not</u> to be read as including Housing Revenue Account land].</p> <p>(1) To exercise the Corporate Landlord role for all council property with the exception of (i) Housing Revenue Account land and (ii) specific property related functions as delegated to nominated officers under Part B of this Scheme of Delegations</p> <p>[ .. ]</p>	<p><b>Delegation to the Executive Director – Economy, Environment &amp; Culture in relation to Council property - Part 6.3 Part B IV para 21 (1) &amp; (12)</b></p>

<p>(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</p>	
<p><b>VII DELEGATIONS TO EXECUTIVE DIRECTOR NEIGHBOURHOODS, COMMUNITIES AND HOUSING</b></p> <p><b>1. Authorised and unauthorised sites and encampments</b></p> <p>To exercise the Council's functions in relation to the management of authorised and unauthorised sites and encampments, this to include all activities necessary or incidental to the Council's performance of its responsibilities in relation to the following:</p> <p>c) Gypsies, Roma and Travellers d) Van dwellers</p>	<p><b>Delegation to the Executive Director – Neighbourhoods, Communities and Housing in relation to Authorised and Unauthorised Sites and Encampments - Part 6.3 Part B VII para 1.</b></p>
<p><b>4. Housing</b></p> <p>[ .. ]</p> <p><b>(2) Housing Revenue Account (H.R.A.) Properties</b></p> <p>(a) To manage property within the Housing Revenue Account and associated property;</p> <p>(b) Without prejudice to (a) above, to exercise those of the housing functions listed in <b>Schedule 5</b> to this Scheme of Delegation listed here:</p>	<p><b>Delegation to the Executive Director – Neighbourhoods, Communities and Housing in relation to Housing Revenue Account properties - Part 6.3 Part B VII para 4(2) (a) &amp; (b) Part 6.5 Schedule 5 paras (5) and (9) only.</b></p>

<p>The power to:-</p> <p>(5) Arrange for the repair and maintenance of properties.</p> <p>(9) To exercise the Council's powers in relation to Community Protection Notices available pursuant to Part 4 Chapter 1 of the Anti Social Behaviour, Crime and Policing Act 2014 Crime and Disorder Act 1998, this to include all steps necessary to or incidental to the Community Protection Notice procedure as appear 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.</p>	
<p><b>Licensing and Registration of HMOs</b></p> <p>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.</p>	<p><b>Delegation to the Executive Director – Neighbourhoods, Communities and Housing in relation to the licensing and registration of HMOs - Part 6.3 Part B VII para 4(11).</b></p>
<p><b>Power to issue notices relating to or affecting residential housing</b></p> <p>(a) To issue and sign all or any statutory notices relating to or affecting the Council's landlord function.</p> <p>(b) <b><i>To issue and sign all or any statutory notices relating to or affecting non-Council residential</i></b></p>	<p><b>Delegation to the Executive Director – Neighbourhoods, Communities and Housing in relation to the licensing and registration of HMOs - Part 6.3 Part B VII para 4(12) b.</b></p>

<p><i>properties, including but not limited to private sector residential properties</i></p>	
<p><b>Community Safety and Drug Action Team</b></p> <p>(1) To exercise the functions of the Council in relation to Community Safety and in particular the power to:-</p> <p>[ .. ]</p> <p>(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.</p>	<p><b>Delegation to the Executive Director – Neighbourhoods, Communities and Housing in relation to community safety and drug action - Part 6.3 Part B VII para 6(1)b.</b></p>
<p><b>Environmental Health</b></p> <p>(1) To exercise those of the Council's functions in respect of environmental health listed in <b>Schedule 1</b> to this Scheme of Delegations which are specified here, this subject to any limitations indicated :</p> <ul style="list-style-type: none"> <li>• Statutory and Public Nuisances.</li> <li>• Control of Noise.</li> <li>• Control of Air Pollution.</li> <li>• Prevention of Damage by Pests.</li> <li>• Food, Drinking Water, Food Hygiene and associated matters.</li> <li>• Those functions in</li> </ul>	<p><b>Delegation to the Executive Director – Neighbourhoods, Communities and Housing in relation to environmental health - Part 6.3 Part B VII para 7(1) &amp; (2) Part 6.5 Schedule 1.</b></p>

	<p>connection with the Welfare and Control of Animals which relate to the management and control of dogs.</p> <ul style="list-style-type: none"> <li>• General Public Health matters.</li> <li>• 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).</li> </ul>	
(2)	<p>To exercise the power to issue and sign notices and orders in respect of environmental health matters and to take all other necessary steps to discharge the Council's enforcement powers in this area.</p>	
<b>Licensing and Registration (all functions not relating to HMOs)</b> <b>8. Licensing and Registration</b>	<p>(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.</p> <p>(2) To exercise the power to grant licences, permits, consents or registrations in relation to the Council's licensing and registration functions and to take such enforcement action as is considered necessary to enforce the functions listed in Schedule 2 to this Scheme of Delegations:</p> <p>...</p> <p>(1) Functions under the Licensing Act 2003 relating to :-</p>	<p><b>Delegation to the Executive Director – Neighbourhoods, Communities and Housing in relation to the licensing and registration of HMOs -</b>  <b>Part 6.3 Part B VII paras 8(1) &amp; (2).</b>  <b>Part 6.5 Schedule 2(1) and (3).</b></p>

- |  |  |
|--|--|
| <ul style="list-style-type: none"><li>• Personal Licences;</li><li>• Premises Licences;</li><li>• Club Premises Certificates;</li><li>• Temporary Event Notices.</li></ul> <p>[. .]</p> <p>(3) Functions exercised pursuant to relevant legislation in relation to the following:</p> <ul style="list-style-type: none"><li>• Hackney carriages and private hire vehicles and their drivers and operators, this <u>limited to</u> enforcement activity in relation to illegal ranking or being part of an illegal rank.</li><li>• Street trading</li></ul> |  |
|--|--|

- Personal Licences;
  - Premises Licences;
  - Club Premises Certificates;
  - Temporary Event Notices.
- [. .]
- (3) Functions exercised pursuant to relevant legislation in relation to the following:
- Hackney carriages and private hire vehicles and their drivers and operators, this limited to enforcement activity in relation to illegal ranking or being part of an illegal rank.
  - Street trading

## 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 (and statutory derivation)</b>	<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>Executive Lead for Strategy, Governance and Law (and Monitoring Officer)</b>
<b>3. Officer responsible for financial administration</b> (S151 Local Government Act 1972)	<b>Executive Director Finance &amp; Resources</b>
<b>4. Electoral Registration Officer</b> (Sections 8, 28 and 35 Representation of the People Act 1983)	<b>Chief Executive</b>
<b>5. Returning Officer</b> (Sections 8, 28 and 35 Representation of the People Act 1983)	<b>Chief Executive</b>
<b>6. Chief Education Officer</b> (Section 532 Education Act 1996)	<b>Executive Director Families, Children and Learning</b>
<b>7. Director of Children's Services</b> (Section 18 Children Act 2004)	<b>Executive Director Families, Children and Learning</b>
<b>8. Director of Adult Social Services</b> (Section 6 Local Authority Social Services Act 1970)	<b>Executive Director Health and Adult Social Care</b>
<b>9. Director of Public Health</b> (NHS Act 2006 as amended)	<b>Executive Director Health and Adult Social Care or such other officer appointed by the Chief Executive to undertake this role.</b>
<b>Data Protection Officer</b> General Data Protection Regulation and Data Protection Act 2018	<b>Data Protection Officer</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**

<b>Section</b>	<b>Proper Officer Function</b>
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**

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

#### **Registration Service Act 1953**

<b>Section</b>	<b>Proper Officer Function</b>
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 Executive Lead for Strategy, Governance and Law (and Monitoring Officer)**

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

<b>Section</b>	<b>Proper Officer Function</b>
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 Assistant Director 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 Executive Director Health and Adult Social Care 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 Neighbourhoods, Communities and & 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**