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SCHEME OF DELEGATIONS TO OFFICERS

1 Introduction

1.1 The delegations set out in Parts A and B of this Scheme of Delegations to Officers shall be construed and applied in accordance with the following paragraphs.

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

“Chief Officer” means any one of the Chief Executive, and the Corporate Directors of City Operations, Families, Children and Wellbeing and Homes and Adult Social Care 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.

“Corporate Leadership Team” means a team consisting of the Chief Officers listed above as well as the Director Property & Finance (and Chief Finance Officer), Director Governance & Law (and Monitoring Officer) and Director People & Innovation. It shall in addition include the Director of Adult Social Care and the Director of Public Health, as well as the Heads of the Corporate Leadership Office and the Cabinet Office.

“Corporate Landlord” means the model adopted by Brighton & Hove City Council (‘the Council’) under which the Council’s property assets are managed to improve the utilisation, efficiency and effectiveness of the Council’s land and buildings.

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

1.3 The functions of the Council specified in Part A of this Scheme of Delegations to Officers are delegated to the Chief Officers and to the other specified officers in relation to their areas of responsibility (and subject to the Corporate Landlord model).

1.4 The functions of the Council specified in Part B of this Scheme of Delegations to Officers are delegated to the Officer/s described therein.

1.5 The functions delegated under this Scheme of Delegation to Officers shall be subject to the Council’s Contract Standing Orders, Financial Regulations, policies and procedures and to any instruction or guidance of the Council, the Cabinet, 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.

- 1.6 Except in relation to any statutory function vested directly in the Officer concerned, each Officer shall, in exercising their delegated functions, comply with any instructions of the Chief Executive. The Chief Executive is authorised to rule on any questions arising under this Scheme of Delegations to Officers including the extent to which any function is delegated, and moreover has delegated powers to make changes to the Scheme.
- 1.7 Where a function is delegated to an Officer, they may authorise the carrying out of that function, in their name, by other Officers within their department, directorate, team, unit or section (or such other Officers as report to them directly or indirectly) either fully or under the general supervision and control of the authorising Officer. Officers given such authorisations may further authorise other officers in their control to do this. 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. Any such authorisations should wherever practicable be in writing.
- 1.8 Without prejudice to the other provisions of this Scheme, employees of the Orbis Partnership authorities may be authorised by Brighton & Hove City Council ('the Council') to carry out work on the Council's behalf by the relevant Corporate Director or other authorised officer of the Council. 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 the Council's behalf either by professional practice or at the Monitoring Officer or other Officer's discretion.
- 1.9 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 of Delegation to Officers, the power to serve notices or orders, authorise agreements, authorise proceedings or fix or vary fees and charges.
- 1.10 The delegations in Parts A and B of this Scheme of Delegations to Officers 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 of Delegations to Officers are in addition to and without prejudice to any powers or authorisations under other parts of the Constitution.
- 1.11 The delegations contained in parts A and B of this Scheme of Delegations to Officers are without prejudice to any powers delegated to Officers in relation to specific matters by a resolution of the Cabinet, 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 to Officers 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.

- 1.12 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.
- 1.13 Where under this Scheme an Officer is authorised to discharge a particular function, they shall not be precluded from placing the matter before the Cabinet, the relevant Committee or Sub-Committee for consideration if they consider it appropriate.
- 1.14 Any delegation of functions to an Officer under this Scheme of Delegation to Officers shall not prevent the Council, the Cabinet or the relevant Committee from exercising those functions.
- 1.15 Without prejudice to the other provisions of this Scheme of Delegation to Officers and, in particular, paragraph 1.7 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 Corporate Leadership Team as the Chief Executive may determine.
Any Corporate Director	Any Officer reporting to the Corporate Director responsible for any functions comprised in the Corporate Director's delegations.
Director Governance & Law (and Monitoring Officer)	The Head of Legal (Commercial) and the Head of Legal (Safeguarding & Litigation) regarding Legal and Monitoring Officer functions.

- 1.16 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 of Delegations to Officers (for example of any Cabinet Member, 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 Director Governance & Law (and Monitoring Officer) may make consequential amendments to the Scheme to take account of the change and/or transfer.
- 1.17 In this Scheme of Delegations to Officers, 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. For the avoidance of doubt, where any legislation (including statutory instruments) referred to in this Scheme has been superseded by changes derived from the European (Withdrawal Agreement) Act

2019-20 (“the Act”), and/or by any subordinate legislation introduced as a result of the UK exiting the European Union, then this scheme is to be interpreted inclusively, as incorporating those legislative changes.

- 1.18 Any interpretation of this Scheme of Delegation to Officers shall be in accordance with the Council’s wish that the powers granted to Officers under the Scheme shall not be construed restrictively.
- 1.19 Where any matter is by law or under the Scheme of Delegation to Committees specifically reserved to the Council, the Cabinet, its Committees or Sub-Committees, the functions delegated to Officers under this Scheme of Delegation to Officers shall take effect as if they were limited to preparing the plan, strategy or proposal, as the case may be, for approval by Council, the Cabinet or the relevant Committee or Sub-Committee.
- 1.20 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 A – GENERAL DELEGATIONS

2. GENERAL DELEGATIONS

Save where indicated otherwise, the following general powers are delegated to Corporate Directors and to such other officers as are named in this Scheme in relation to the services for which they are responsible, to be exercised in accordance with the provisions in the Introduction to this Scheme of Delegation to Officers.

Administrative

- 2.1 To administer the services for which they are responsible, including taking and implementing decisions which facilitate the operation or effectiveness of those services (including all tasks necessary for or incidental to the collection of income and debt) and which fall within the policy decisions taken by the Council, the Cabinet or its Committees or Sub-Committees. This power shall include the continuing review of the services for which they are responsible to maximise resources and implement best value.
- 2.2 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).

Financial

- 2.3 To exercise all the functions delegated to Officers under the Council's Financial Regulations.

Land Management

- 2.4 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 Director Governance & 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 Director Property & Finance.
- 2.5 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 Corporate Director City Operations 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 Director Governance & Law, to grant easements, licences, or wayleaves, of less than 3 months duration. Any further extension of the agreement to be managed by the Director Property & Finance, or other officer nominated by them.
- (c) To inform the Director Property & Finance, or other officer nominated by them, of any property specific to the service area of the officer responsible for that 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 the Property & Finance central service.
- (d) After consultation with the Director Governance & Law and subject to the advice of the Valuer, to accept the surrender of leases.

In relation to paragraphs 2.4 and 2.5 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 Director of Property & Finance in accordance with Corporate Landlord arrangements namely: building alterations; capital expenditure on building works; change of use and applications for planning consent.

Human Resources

- 2.6 Subject to the policies, practices and procedures of the Council, to manage staff reporting to the Chief Officers.
- 2.7 Without prejudice to the generality of the above para, to engage employees and extend contracts of employment, to promote, discipline, suspend and dismiss employees, to accelerate increments and, after consultation with the Director People & Innovation 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 Corporate Director Families, Children and Wellbeing 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 their 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.
- (iv) Where an individual or group is either nominated by the council to make an overseas trip or is funded entirely or in part by it, then this course of action must be authorised not only by the relevant Chief Officer but in addition by the Chief Executive.

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

Surplus Property

- 2.8 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.

Appointment of Authorised Officers including Enforcement

- 2.9 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.
- (1) Subject to the agreement of the Director Governance & Law, to authorise officers within their 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.
- (2) For the avoidance of doubt: the powers delegated to officers in relation to the services for which they are responsible shall include powers to take enforcement action in relation to those services, including the powers made available to the Council pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014 (and any other subsequent legislation) to amongst other things issue Community Protection Warnings and Notices and Closure Notices.

Urgency Powers

- 2.10 (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 Cabinet, 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) The Emergency Planning and Resilience Duty Officer on 07540 675 169 should be contacted in connection with the exercise of the above delegated powers.
- (ii) The Leader of the Council or in their 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 them to act on their 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 lead Cabinet member or Chair (or in their 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 meeting of Cabinet or relevant Committee or Sub-Committee.
- (b) The action taken shall be reported, as appropriate, to the relevant member body.

Note: urgency powers may only be exercised by officers under 2.10 (2) having had regard to any guidance issued by the Director Governance & Law from time to time.

Miscellaneous Matters

2.11 Subject to any general directions of the Council, the Cabinet or the relevant Committee or Sub-Committee:-

- (1) to approve minor exceptions to schemes of general policy settled by the Council, the Cabinet, Committee or Sub-Committee;
- (2) to make such decisions as are consistent with [the Council's Contract Standing Orders](#) in relation to the procurement of goods, services or other matters, on behalf of the services for which they are responsible;
- (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 organisers' fees etc.

Note – the 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 of this Scheme.

PART B – SPECIFIC DELEGATIONS

2. DELEGATIONS TO CHIEF EXECUTIVE

2.1. General

- (a) 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.
- (b) 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.
- (c) To direct, co-ordinate and implement the Council's actions in respect of legislation relating to Council governance.
- (d) To exercise any of the functions delegated to any officer under Part A or B of this Scheme of Delegation to Officers 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.
- (e) To reassign any of the functions delegated to any officer at their discretion to ensure the smooth and effective running of the Council, except for those which, either as a matter of law or rules of professional practice to be exercised by a particular person or a member of a particular profession.
- (f) To be responsible for the Council's responsibilities as an employer under Health & Safety legislation.

2.2. Interpretation of Scheme of Delegations

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 this Scheme of Delegations to Officers;
- (b) Where a matter for consideration or decision does not fall within this Scheme of Delegations to Officers, to decide which Council body or Executive Member needs to consider it, including whether that decision can be made under delegated powers or needs to be the subject of a recommendation to the Council or the Cabinet.

2.3. Members

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 Member;
- (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;
- (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 Chief Finance Officer.

2.4. Returning Officer

To be the

- (1) Returning Officer (or Acting Returning Officer in the case of National and 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.

2.5. Electoral Registration Officer

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

3. DELEGATIONS TO HEAD OF THE CORPORATE LEADERSHIP OFFICE

3.1. Leadership Support, including to Directors and Corporate Directors as well as Cabinet Support

To manage and co-ordinate the administrative support provided to the Council's Corporate Directors and Directors, as well as that provided to Cabinet.

3.2 Emergency Planning

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

4. DELEGATIONS TO HEAD OF CABINET OFFICE

4.1. Economic Development

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, including the provision of policy support to the Greater Brighton Economic Board.

4.2. Policy & Partnerships

To provide a wide range of policy development and partnership support functions to the Council and Brighton & Hove including, but not limited to:-

- Developing and supporting proposals relating to Local Government Re-Organisation and Devolution
- 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);
- Researching and developing policy proposals.

4.3. External Funding

To explore, develop and manage opportunities for securing external funding across the Council's functions

4.4. VisitBrighton and Tourism

All tasks necessary or incidental to the project of supporting the economic growth of the city of Brighton & Hove's visitor economy through the VisitBrighton brand, including:

- Exercising the Council's functions regarding tourism.
- Providing services for promoting inward investment to Brighton & Hove as a major tourist, conference, exhibition and holiday centre, including: attending major global tourism events to promote the city; welcoming delegations to the city; the planning and execution of publicity and advertising schemes; the preparation and dissemination of guides and similar publications; and co-operation with national, regional and local bodies in all these matters.

5. DELEGATIONS TO CORPORATE DIRECTOR – CITY OPERATIONS

CITY INFRASTRUCTURE

5.1. Transport Strategy, Projects & Engineering

- To prepare and implement the Council's Local Transport Plan (following approval by Full Council).
- To prepare and implement the Council's Transport Policy.
- To arrange such consultations as appear to be appropriate following the notification by an operator of an intention to change a local bus service.
- To take steps for the provision at short notice of temporary gap filling journeys where an operator withdraws from a route.
- To award public transport contracts within established guidelines and policy.
 - (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.
- To approve requests for fares increases on supported services which are broadly in line with the general level of inflation.
- To exercise the Council's functions regarding travel concessions.
- 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 Corporate Director - Families, Children and Wellbeing).

5.2 Coastal Protection

- To exercise the Council's functions regarding coastal protection

5.3. Parking Services, including enforcement

- 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.

- To manage the car, coach and lorry parks owned by the Council, subject to consultation with and consent of the Director of Property & Finance over matters relating to building maintenance and capital expenditure plans.
- To exercise the Council's functions regarding civil parking enforcement, and its powers in relation to suspected misuse or fraud involving 'Blue Badges' issued to disabled people.

5.4 Highways

- To exercise the Council's functions regarding highways, including those set out in **Schedule 1** to this Scheme of Delegations to Officers.

5.5. Network management

- To make provision for the regulation of traffic, pursuant to the Council's statutory functions, where formal orders are not required.
- To make traffic regulation orders following the consultation procedure in relation to any proposal which has attracted five or fewer objections which have not been resolved.
- To make temporary traffic orders without recourse to the consultation procedure.
- To make provision for road safety schemes.
- After consultation with elected Members as required by law or this Constitution (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.

5.6. Print & Sign

To manage the Council's Print & Sign service.

REGULATORY SERVICES

5.7. Licensing and Registration

- 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.

- 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.
- The power to grant licences 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.

- Where, in the opinion of the Corporate Director City Operations, 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.
- The power to grant licences above shall include the power to renew, transfer, vary, refuse, suspend or revoke such licence, registration etc. and the power to impose conditions

5.8. Trading Standards

- To exercise the Council's functions with regard to trading standards, including but not only by taking such enforcement action as is considered necessary to enforce those functions, using the Council's powers pursuant to all or any legislation in force at the relevant time:
 - 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;
 - Money laundering;
 - Renters rights in private sector housing.
- Without prejudice to the generality of the above paragraph, to discharge the Council's functions under the legislative provisions which apply to the functions listed in the preceding para, 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.

PLACE

5.9. Local Land Charges

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

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

5.10. Town and Country Planning

To determine applications in relation to matters listed under **Part I of Schedule 3** 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) The specified number of 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 the specified number of 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. For the purposes of this sub-paragraph "the specified number" shall be ten or more for applications falling within sub-paragraphs (1) (a) to (d) (inclusive) of Part I ("major applications") and shall be five or more for applications falling within sub-paragraph (1) (e) and paragraphs (2) to (5) (inclusive) of Part I.

PROVIDED THAT in relation to major applications where the application would not otherwise be determined by the Planning Committee as a consequence of the above, the application in question shall be referred to Planning Committee for determination should the Chair of Planning and/or any of the Opposition Spokespersons deem it appropriate. The Head of Planning will consult with the Chair of Planning and the Opposition Spokespersons for this purpose; or

- (b) The Conservation Advisory Group (CAG) or Disabled Access Advisory Group (DAAG) requests, within the public consultation period, that an application be 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 Member requests, within the public consultation period, that an application within their ward be determined by the Planning Committee. In making that request, the Member shall state whether they 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. Members 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. (N.B. In any case where the Member is also a member of the Planning Committee and the application is referred to the Committee for determination, they will, if present, having exercised their 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 be 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; or
- (e) The application is an application for Listed Building Consent relating to any of the following:
- Booth Museum, 194 Dyke Road;
 - Brighton Bandstand, Kings Road;
 - Brighton Corn Exchange;
 - Brighton Dome Theatre, Church Street;
 - Brighton Museum and Art Gallery;
 - Duke of York's Cinema, Preston Circus;
 - Hove Library, Church Road;
 - Hove Museum and Art Gallery;
 - Saltdean Lido;
 - Royal Pavilion;
 - Preston Manor.
- 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 3** to this Scheme of Delegation to Officers.

5.11. Building Control

To exercise the Council's functions regarding building control

5.12. Developer Contributions

To exercise the council's functions in its capacity as a local planning authority in relation to developer contributions in respect of the following:

- a) legal obligations imposed pursuant to the Town and Country Planning Act 1990 (as amended), and
- b) in its capacity as the charging and collecting authority for the purposes of the Community Infrastructure Levy (CIL), pursuant to the CIL Regulations 2010 made under the Planning Act 2008 (as amended).

Note: For the avoidance of doubt, a) and b) shall include all steps considered necessary and incidental to perform these functions, including but not limited to the following: the calculation of the amount of contribution to be requested including the assessment of claims for the exemption and relief of CIL; the enforcement of all liabilities; the collection, monitoring and distribution of contributions (s106 only) all steps up to and including any appeal.

5.13. Heritage

To exercise the Council's functions with regard to conservation matters under the Town and Country Planning Acts.

5.14. Assets of Community Value

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

Note: the power to hear appeals in relation to Assets of Community Value may also be exercised by the Director Governance & Law.

5.15. Regeneration

- To lead on regeneration activity to improve the area of Brighton & Hove, including (but not only) in relation to the physical renewal of buildings, spaces and communities.
- All other functions relating to regeneration including Housing Estate Regeneration and Place-Making Design.

5.16. Major Projects

- To exercise the Council functions regarding major projects (including major regeneration, building, infrastructure or other projects).

5.17. Net Zero

- 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.

CULTURE & ENVIRONMENT

5.18. Arts and Creative Industries

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

5.19. Management of Museum and Leisure Establishments

To manage the following establishments and sites, or - where they are managed by external bodies – the arrangements in place in relation to them:-

- (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
- (g) Prince Regent Swimming Pool, Stanley Deacon Sports Centre
- (h) and Moulsecoomb Community Leisure Centre, in conjunction
- (i) with the facility management company, where applicable.

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

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

5.20. Venues

- To manage the following establishments/sites:-
 - (a) The Brighton Centre, subject to consultation with and the consent of the Director Property & Finance on disposal and letting issues and planned maintenance;
- To manage arrangements in place in relation to Brighton Dome and Brighton Festival.

5.21. Seafront

- 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.
- Without prejudice to the 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 granting, 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.

5.22. Parks and Open Spaces

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

5.23. Events, including markets

- To organise and manage recreational activities and events on Council owned land including parks and open spaces.
- To exercise the Council's functions in respect of markets other than those owned by the Council.

5.24. Leisure

- To exercise the Council's functions regarding leisure.
- To manage the esplanade, beach and foreshore, the seafront lawns and lagoon.
- To organise and manage programmes of public entertainment on land and buildings which either fall under the management of the directorate or by arrangement with third parties.

5.25 Sports grounds

- To exercise the Council's functions regarding sports grounds, except insofar as safety at sports grounds is concerned.

5.26. National Parks

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

5.27 Allotments, house numbering and street naming

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

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

5.28 Environmental Awareness and Enforcement

- To exercise all the functions of the Council regarding the promotion of environmental awareness, and to take all steps necessary to enforce the environmental powers available to the Council, including (but not limited to) all steps necessary or incidental to the enforcement of the offences described in the Council's Environmental Enforcement Framework or other relevant policy, concordant or strategic document in place at the relevant time.

5.29 Environmental Health

- To exercise the Council's functions in respect of environmental health matters including but not limited to the functions listed in **Schedule 4** to this Scheme of Delegations.
- 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, including (but not only) in relation to Community Protection Warnings and Notices issued pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014.

5.30. Regulation of Investigatory Powers

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

5.31 Waste Management and Control, including fleet management

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.

5.32 Authorised and unauthorised sites and encampments

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

Note: This delegation is issued concurrently with a delegation made to the Corporate Director – Homes & Adult Social Care, to reflect the functions carried out in relation to encampments by officers in that directorate

DIGITAL INNOVATION

5.33. IT and Digital Functions

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

- (a) The implementation of the Council's Digital Strategy aligned to corporate and city strategic objectives;
- (b) The provision of information technology and related digital services To Council departments.

For the avoidance of doubt, this shall include management of input from the Orbis IT team, and the Chief Information Officer (Orbis)

5.34 Senior Information Risk Officer

To be the Council's Senior Information Risk Officer

6. DELEGATIONS TO CORPORATE DIRECTOR – FAMILIES, CHILDREN AND WELLBEING

6.1. Introduction

- For the purposes of this Scheme of Delegations to Officers, the term ‘young people’ means young people up to the age of 19.

6.2. Director of Children’s Services

- To be the Council’s statutory Director of Children’s Services pursuant to section 18 of the Children Act 2004.
- 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. • Without prejudice to the generality of the functions delegated at paragraph 5.2 above, to exercise the specific functions set out below.

6.3. Education

- 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.
- In consultation with a standing panel of teacher representatives, to fix school terms and holidays.
- To carry out consultations on proposed annual admission limits for all schools for which the Council is the admissions authority and to report thereon 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.

6.3.1. Early years & childcare functions, including strategy

- To be the Council’s Director of Children’s Services pursuant to section 18 of the Children Act 2004.
- 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, including functions in relation to the Childcare Acts 2006 and 2016 duties to:
 - (a) Ensure sufficient childcare for working parents and those training for work, for children up to the age of 14, or 18 where the child has SEND

- (b) Secure early years provision free of charge in accordance with regulations
 - (c) Information, advice and assistance to parents and prospective parents in relation to childcare provision and early education, including having regard for provision for children who are disabled
 - (d) Information, advice and training to childcare providers, including nurseries, pre-schools, childminders, and out of school clubs and holiday childcare
 - (e) Programmes supporting children before and after school and within some school holidays
- Without prejudice to the generality of the functions delegated above, to exercise the specific functions set out below.

6.3.2. Special Educational Needs or 'SEN'

- To make arrangements for the assessment of the special educational needs of children; where appropriate, to issue and manage Education Health and Care Plans of the special educational needs of children; to arrange for the special educational provision specified in those plans; to prepare for defence or amendment of statements contested at SEN Tribunals in consultation with the Monitoring Officer.

6.3.3. Schools related functions, including wellbeing

- To monitor schools and intervene in line with the school improvement strategy where any school is or is at risk of performing poorly.
- To provide a school improvement offer to all our schools, including leadership support including to headteachers.
- To support LA schools appropriately before, during and after the schools inspection process
- To carry out consultations on proposed annual admission limits for all schools for which the Council is the admissions authority and to report thereon 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.
- To make school attendance orders and where appropriate in consultation with the Director Governance & Law, 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 their age and ability.
- To respond on behalf of the Council when consulted by a governing body before the making or varying of curriculum statements.
- 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.

- In conjunction with the Director Governance & Law 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.
- 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.
- 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.

6.3.4. Jeanne Saunders Centre

To deliver a specialist service providing intensive education and support for those young children with Special Educational Needs and Disabilities (SEND) in Brighton & Hove in the early years who have been referred through the appropriate channels having been identified as having the most complex needs in their age group across the city.

6.3.5. Brighton and Hove Inclusion Support Services and Principal Educational Psychologist

Offering a range of support services via Brighton and Hove Inclusion Support Services to support the inclusion of children and young people in a range of settings ,using a graduated approach to prioritise and plan

6.4. Family help & protection functions, including

6.4.1. Front Door for Families

Offering a single point of contact for all referrals/enquiries from parents/carers, family members, members of the public and professionals for both children's social care and early family help services. Safeguarding, support and signposting to families including through the MASH (multi agency safeguarding hub), whereby key agencies assess risk, share information and make joint decisions about the best way to safeguard and meet the needs of vulnerable children and families.

6.4.2. Children's Disability Services

Support for children and young people aged up to 24 years with learning and / or physical disability and their families, including social care support services and the transition into adult services.

6.4.3. Fostering

Managing the placements for children in need of foster care, and providing a recruitment and support service for foster carers.

6.4.4. Adolescent Services

Delivering support to children and young people with a range of needs via a multi-agency, multi disciplinary team, including but not only the Youth Justice Service and adolescent services which includes substance misuse and sexual health services and functional family therapy offer

6.4.5. Social Work team

Support to children and families in need, including through child in need, child protection and children in care procedures , including social work support across the range of children and young peoples' services.

6.5. Employment & skills related functions, including

6.5.1. Post 16

6.5.2. Apprenticeships & pre employment

6.5.3. Skills partnership

6.5.4. Youth Employment

6.5.5. Adult learning (and Supported Employment)

- To include discharging the Council's functions under the arrangements with the Learning and Skills Council for the provision of adult education.
- To exercise the Council's functions regarding the employment of disabled people.

6.6. Libraries & Customer

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 Business Information Services;
- (c) take such other steps as appear to the Director Governance & Law to be necessary or conducive to the effective and efficient running of the library service.
- (d) manage the Grange, Rottingdean.
- (e) manage the Council's front-facing customer access points

6.7. Archives

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

6.8. Safeguarding & performance, including the Strategic Anti Racism lead.

6.9. Community cohesion, including:

6.9.1. Domestic Sexual Violence and Violence Against Women & Girls

6.9.2. International Migration and the Ukrainian refugees programme.

6.9.3. Grants, including third sector:

- 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 as to which should be approved; 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 relevant Cabinet member.

(b) In relation to all other grants administered by this Directorate, to receive, commission and process grant applications and to approve grants after consultation with the relevant Cabinet member.

6.9.4. Safer communities, including Anti-social behaviour, hate incidents & exploitation:

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

- Co-ordinate the Council's functions regarding the police and public safety and to take such corporate action as is necessary, including:-
 - (a) making the consultative arrangements under the Police Act 1996;
 - (b) drawing up community safety plans;
 - (c) 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.
- 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.

- To exercise the Council's functions regarding drug and substance misuse.
- To exercise the Council's functions under the Counter Terrorism and Security Act 2015.

6.10. The Prevent lead

- To exercise the functions of the Council 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.

6.11. Director of Public Health

- The management of the public health service (covering health improvement, health protection and health care public health) in compliance with legislation and the policies of the Council. This includes the following specific responsibilities and such other public health functions as specified by the Secretary of State in regulations, including all actions considered necessary or incidental to the discharge of such functions:
- The preparation of the Annual Report on the health of the local population.
- The council's duties to take steps to improve public health
- Any of the Secretary of State's public health protection or health improvement functions.
- Functions in planning for, and responding to, emergencies that present a risk to public health.
- Co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders.
- A duty to provide information and advice to the responsible bodies and to other relevant bodies within its area, with a view to promoting the preparation of appropriate local health protection arrangements by those bodies.
- Being responsible for their local authority's public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications.

6.12. Commissioning for Children & Families

Home to School Transport

- To make determinations on eligibility for home to school transport, including dealing with any appeals against any such a determination.

Placements

- To commission placements for children in care and those with complex disabilities, including short break offers.

School meals

- To enter into and manage contractual arrangements with external school meals providers and schools, including setting set prices for school meals under the school meals contract..

Schools Traded Services

- Non statutory traded services to schools and other educational settings, which may include pupil support services, school support and governance, property and facilities and corporate provision such as HR, payroll and ICT to schools.

7. DELEGATION TO CORPORATE DIRECTOR HOMES & ADULT SOCIAL CARE

7.1. Authorised and unauthorised sites and encampments

To exercise the Council's functions in relation to authorised and unauthorised sites and encampments, this to include all activities necessary or incidental to the Council's performance of its responsibilities in this area, including but not only the managements of the Council's traveller site.

Note: this delegation is issued concurrently with a delegation made to the Corporate Director – City Operations at para 4.30 of this Scheme, to reflect the functions set out in relation to encampments by officers in that directorate.

7.2. 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.

7.3. Housing - General

To manage the Council's housing services.

7.4. Housing - Housing Revenue Account (H.R.A.) Properties

To manage property within the Housing Revenue Account and associated property in such a way to comply with the legislation which regulates social housing landlords, including the Building Safety Act 2023, Fire Safety (England) Regulations 2022, and Social Housing (Regulation) Act 2023.

Without prejudice to the above paragraph, to exercise the housing functions listed in **Schedule 5** to this Scheme of Delegation to Officers, including (in our capacity as a social landlord) compliance with the Regulator of Housing Consumer Standards: Safety & Quality Standard; Transparency, Influence and Accountability Standard, including engagement with tenants; Neighbourhood and Community Standard; Tenancy Standard.

7.5. Right to Buy To administer the right to buy scheme.

7.6. Housing Strategy

- To exercise the Council's functions as a local housing authority.
- Without prejudice to the above paragraph, to exercise the Council's functions in respect of the preparation and development of the Council's housing strategy including the housing investment programme.
- To produce and publish the Homeless & Rough Sleeping Strategy, in compliance with statutory requirements.

7.7. Housing Strategy - Housing Related Property Transactions

- Without prejudice to the generality of the housing-related powers granted under this part of the Constitution, the delegations to the Corporate Homes & Adult Social Care shall include the powers described in the delegations to the Director of Property & Finance in so far as they relate to land or property acquired or held by the Council for housing purposes, with one express proviso, namely 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.
- For the avoidance of doubt, the delegation shall include but not be limited to the power to acquire or dispose of land or property acquired or held by the Council for housing purposes for a consideration of up to £250,000, with the exception of the specific case of residential property (only), which may be acquired for a consideration of up to £500,000, this PROVIDED THAT in relation to any acquisition or disposal falling within this delegation: (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 Corporate Director of Homes & Adult Social Care or has been declared by the relevant Chief Officer to be surplus to requirements under paragraph 2.5 sub-paragraph (c) of Part 2 Part A General Delegations above.

7.8. Homelessness and Allocations

- To discharge the Council's functions regarding homeless persons under 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 and its duties pursuant to the Homelessness Reduction Act 2017.
- The above para shall not apply in relation to the management of hostels for vulnerable adults.

7.9. 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.

7.10. Standards of Housing

To exercise the Council's functions regarding standards of housing in its area

Without prejudice to the generality of the above para, the Corporate Director – Homes & Adult Social Care 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 relevant Cabinet member and the Director – Governance & Law have been consulted and have no objections.

Without prejudice to the generality of para 6.10.1 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.

7.11. Tenancy Relations

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

7.12. Housing Advice

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

7.13. Licensing and Registration of HMOs and selective licensing

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.

7.14. Power to issue Notices relating to or affecting residential housing

To issue and sign all or any statutory notices relating to or affecting the Council's landlord function;

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

7.15. Regulatory Compliance, including Building & Fire safety

Where the Council is the 'responsible person' for Council owned residential buildings, ensuring compliance with relevant requirements including the

Building Safety Act 2023, Fire Safety (England) Regulations 2022, and Social Housing (Regulation) Act 2023.

Otherwise discharging any legal requirements of the Council in relation to private sector residential dwellings.

7.16. Housing authority functions

To exercise all housing authority functions under the Renters' Rights Act 2025 ("the RRA"), including all steps required to comply with the Council's statutory duty to enforce the landlord legislation (as defined in the RRA) in its area (or the exercise of powers outside its area)

Without prejudice to the generality of the above paragraph, to take any such enforcement action as is considered appropriate to enforce the above functions, including but not limited to the following:

- issuing enforcement notices
- pursuing civil penalties and criminal prosecutions
- exercising all relevant investigatory powers including obtaining documents and information and entering and searching premises

7.17. Commissioning & Partnerships, including:

- Brokerage & Supply
 - Commissioning & performance
 - Financial Assessments
 - Quality assurance & contract monitoring

 - Provider Services
- (a) To make variations to the number of places at any relevant establishment, in response to changes in demand or resource availability.
- (b) After consultation with the Chief Finance Officer, 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.
- (c) To exercise the Council's functions regarding residential homes, as well as any functions related to social services transport.

8. DELEGATION TO DIRECTOR ADULT SOCIAL SERVICES

To be the Council's Director of Adult Social Services pursuant to Section 6(A1) of the Local Authority Social Services Act 1970 and to discharge the Council's adult social care and health functions within the Care Act 2014 and associated Guidance.

To discharge the Council's functions in accordance with the Mental Health Act 1983 and the Mental Capacity Act 2005.

8.1. Adult Social Services, including Adult Safeguarding

- 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.
- After consultation with the Director Governance & Law, 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.
- 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.
- 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.
- 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.
- To appoint Approved Mental Health Practitioners for the purposes of the Mental Health Act 1983.
- To accept guardianship applications and to make orders for Guardianship under the Mental Health Act 1983.
- To authorise in exceptional individual cases variations from the approved scale of charges for a particular service.

8.2. Section 75 Arrangements, including the Better Care Fund

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 or Section 256 of the National Health Service Act 2006, to the extent that the arrangements permit an officer to exercise the functions.

8.3. General manager Hospital, Access, Localities

8.4. Adult Disability Services (aged 25+)

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 this paragraph is delegated concurrently to the Corporate Director Families, Children and Wellbeing. 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.

8.5. Social Work team

9. DELEGATIONS TO DIRECTOR - GOVERNANCE & LAW (MONITORING OFFICER)

9.1. Statutory Monitoring Officer, including member conduct

- 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.
- To determine fees for the Returning Officer and election clerks in respect of local elections, after consultation with the Chief Finance Officer.
- To discharge the role of Qualified Person for the purposes of section 36 of the Freedom of Information Act 2000. Note: this function may be performed by the Monitoring Officer's nominated Deputy, as the need arises.
- To determine any application made by a Member, in advance, for the authorisation of their continued absence from all meetings of the council for a period of six months or more. This power may be exercised by the Council's Monitoring Officer pursuant to section 85(1) of the Local Government Act 1972 at the Monitoring Officer's discretion in accordance with relevant criteria which may be outlined in advisory guidance.

9.2. Legal Services

- Solicitor to the Council
- 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 they consider appropriate.

9.3. 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, the Cabinet, Committees, Sub-Committees or Officers or for the recovery of any debt or sum due to the Council;
- (b) To authorise the exercise of the Council's powers to enter into limited and time-bound agreements pursuant to S101 of the Local Government Act 1972 to permit officers of other named authorities to investigate and/or institute proceedings against persons within the Council's area for trading standards matters on a case by case basis, having first consulted with the relevant Corporate Director and the relevant portfolio holder or Chair of the relevant Committee.

- (c) 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.
- (d) To determine appeals in relation to the community right to bid under the Localism Act 2011.
- (e) To determine appeals in relation to the listing of Assets of Community Value. Note: this power may also be exercised concurrently by the Corporate Director - City Operations.

9.4. 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, the Cabinet, 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 Head of Legal – Commercial, Head of Legal – Safeguarding & Litigation, the Senior Lawyer (Property) of the Council, or any other solicitor authorised by the Director Governance & Law (Monitoring Officer) may also exercise any of the functions delegated under either para 9.3 or 9.4 above.

9.5. 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.

9.6. 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.

9.7. 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.

9.8. 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.

9.9. Authentication of Documents

To be the Proper Officer for the purposes of certifying the authenticity of Council reports, minutes and resolutions, providing that this function may also be exercised by the Chief Executive or the Director – Governance & Law, who will also be Proper Officers for this purpose.

9.10. Democratic Services and Civic Office

- To ensure proactive support to the democratic process and elected Members in accordance with the Constitution.

- 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.
- To manage the Council's Civic Office

9.11. Overview & Scrutiny

- To manage the Council's Overview and Scrutiny function, and to take all necessary steps to ensure compliance with any legal requirements relating to scrutiny of the Council's actions or services.

9.12. Member Conduct

- After consultation with the Chair or Vice Chair, to require meetings of the Audit, Standards and General Purposes 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.
- 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.

9.13. Electoral Registration & 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.

9.14. Registration Services

- To exercise the Council's functions under the Registration Service Act 1953 regarding the registration of births, deaths and marriages;

- To exercise the Council's functions under the Marriage Acts of 1949 and 1994, the Civil Partnership Act 2004 and the Marriages and Civil Partnerships (Approved Premises) Regulations 1995.

9.15. Coroners Office

- To exercise the Council's functions regarding the Coroners Service under the Coroners and Justice Act 2009 and other relevant legislation.

10. DELEGATIONS TO DIRECTOR - PROPERTY & FINANCE (S151 Officer)

10.1. Statutory Chief Financial Officer (S151)

- 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, 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.
- 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.
- To make premature repayment of mortgages and bonds.
- Subject to reporting on the actions taken on major awards, to implement decisions of national negotiating bodies affecting employees except insofar as such decisions give discretionary powers to employing authorities.
- 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.
- 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.
- To issue bills in accordance with the provision of the Local Government and Housing Act 1989 and approved conditions.
- To pay statutory benefits under the Local Government Superannuation Scheme.
- Following consultation with the relevant Cabinet portfolio holder, to vary the interest rate chargeable for staff housing advances.
- To take such steps as are necessary to give effect to any decision of the Council regarding its investments.
- To approve increases in accountant and mechanical/technical adviser fees relating to services provided in connection with any track betting licence.
- To pay Members' allowances in accordance with the scheme approved by the Council.

- To exercise the Council's functions regarding arrangements for internal audit, including risk management.
- To discharge the Council's functions regarding arrangements for insurance, with the exception of litigated and liability claims handling.
- 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 Schemes of Delegation.
- To enter into agreements and authorise payments in respect of car loans.
- To develop and review the Council's Anti-Fraud and Corruption Strategy and to monitor its implementation.
- To take action for the provision of a treasury management service to supplement the skills of in-house staff.
- Within the general framework set by the Council from time to time, to exercise the functions of the Council in relation to:-
 - Revenue and capital budgetary control and financial services to departments.
 - The co-ordination and facilitation of project programmes.
 - Supplying departments with service review and specific performance improvement support, including support for best value and value for money reviews.
- 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.
- To be responsible for the Corporate Debt team, and for implementation and oversight of the Corporate Debt Policy.
- To discharge all the functions of the Council that either as a matter of law or rules of professional practice are required to be exercised by the Chief Finance Officer Including (but not only) Internal Audit and Counter-Fraud.

10.2. Corporate Finance

- Financial support to directorates across the range of Council services, including via the Heads of Finance to the Council's Corporate Directors

10.3. Strategic Property, including Education Capital, Estates and Building Surveying

10.3.1. All functions connected to the Council's strategic management of its property portfolio, including its Education Capital, Estates and Building Surveying functions.

Note: The functions assigned to this role do not include those delegated either to Facilities & Building Services (which is responsible for carrying out many of the functions listed below, in accordance with the strategic and budgetary direction of the Strategic Property team, and is assigned to the People & Innovation directorate) or Place-Making Design (which is assigned to City Operations).

Note 2: References in this paragraph to "land", "property", and/or "buildings" are not to be read as including Housing Revenue Account land. Delegations are provided to the Corporate Director Homes and Adult Social Care in respect of land or property acquired or held by the Council for housing purposes].

10.3.2. To exercise the Corporate Landlord role for all council property with the exception of (i) Housing Revenue Account land and (ii) the other specific property related functions delegated to nominated officers under Part B of this Scheme of Delegations to Officers.

Note: The Strategic Property team is responsible for the strategic and budgetary aspects of the Corporate Landlord role. The Council's Facilities & Building Services team (in the People & Innovation directorate) has delegated authority for implementing the plan set by this team in its capacity as Corporate Landlord, including for all actions necessary to carry out the function.

10.3.3. To provide and maintain the Council's land records and other corporate property information.

10.3.4. 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.

10.3.5. To manage the Council's commercial property portfolio.

10.3.6. To undertake client functions under various contracts with third parties including those related to property management.

- 10.3.7. Oversight of the Council's corporate lists of approved contractors (which is maintained by Facilities & Building Services). This includes adding or removing contractors from lists in accordance with the requirements of Contract Standing Orders.
- 10.3.8. 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.
- 10.3.9. After consultation with the Director of Property & Finance, to authorise the exercise of the Local Education Authority's statutory duty to transfer sites to the trustees of voluntary schools
- 10.3.10. 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 Chief Financial Officer 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.
- 10.3.11. To authorise members of staff at educational establishments to exercise the powers of removal conferred by Section 547 of the Education Act 1996.
- 10.3.12. 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.
- 10.3.13. After consultation with the relevant Cabinet Member to agree variations in the approved scale of letting charges for schools.

10.3.14. 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.

10.3.15. To approve the change of use of land let by the Council.

10.3.16. To set a strategy for capital expenditure in respect of corporate buildings and to determine the allocation of funds to the Facilities & Building Services and Place-Making Design teams, which may be distributed by those teams subject to compliance with the Council's Financial Regulations and, where applicable, Contract Standing Orders.

10.3.17. To approve the grant of a sub-lease in land where the head lease is held by the Council.

10.3.18. 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 relevant Cabinet portfolio holder;
- (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 relevant Cabinet portfolio holder, to acquire or dispose of land not held by the Council for housing purposes 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 Director Property & Finance or has

been declared by the relevant Chief Officer to be surplus to requirements under paragraph 2.5 (c) of Part A General Delegations above.

(e) After consultation with the Director Property & Finance 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.

10.3.19. To approve rent reviews and lease renewals where the Valuer certifies the terms to be the best consideration reasonably obtainable;

10.3.20. Applications for planning consent or Building Regulation Approval in respect of a proposed change of use or alterations to a Council property, including oversight of applications made by the Facilities & Building Services team.

10.3.21. To assess and give consent to improvements and change of use proposed by tenants of Council buildings where appropriate.

10.3.22. In consultation with the Director Governance & Law, 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.

Note: in relation to paragraph in 10.3 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 Director Governance & Law.

(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 Director Property & Finance.

(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) “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 2:- See also the general Land Management delegations under paragraph 2 of Part A General Delegations above]

10.4. Welfare Revenues & Business Support

The administration of the Council’s Revenues & Benefits and Business Support Operations, including the Corporate Debt Policy and the exercise of the following Council functions:-

10.4.1. 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.

10.4.2. Housing Benefit, Council Tax Reduction Scheme and Local Welfare Provision

Subject to any general guidance or limitation to exercise the Council’s functions regarding:-

- (a) Housing Benefit under the Housing Benefit Regulations 2006 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 Chief Finance Officer, the Head of Revenues and Benefits and the Benefits Managers are authorised to exercise the above functions.

10.4.3. Appointment of Authorised Officers

In connection with any functions administered by the Chief Finance Officer to:-

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

10.5.Orbis Internal Audit & Procurement

Through the Joint Management Board oversight of the delivery of Orbis Internal Audit & Procurement Services

11. DELEGATION TO THE DIRECTOR - PEOPLE & INNOVATION

11.1. The Council's Human Resources & Learning and Organisational Development functions

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

- (1) To develop and formalise a people strategy that supports the corporate plan and priorities, and the visions and values of the Council, and take all steps necessary to implement and promote the same.
- (2) To develop and formalise people policies, procedures and codes of practice that meet the Council's changing needs and are in accordance with the people strategy and take all steps necessary to implement and promote the same.
This shall include employee training and development aimed at fostering appropriate behaviours, skills and competencies, as well as employee culture and management ethics; while ensuring that resources are focused where they will provide best value.
- (3) To develop and formalise corporate policies relating to equality of opportunity for staff in their employment, training, development and promotion, with regard to employee responsibilities for ensuring equality of access and fair treatment of customers, and take all steps necessary to implement and promote the same.
- (4) To provide a strategic focus for organisational development across the Council, maintaining an overview of current and future needs, and ensuring that strategic objectives and priorities are met.
- (5) To develop and formalise a corporate employee communication and consultative strategy and take all steps necessary to implement and promote the same.
- (6) To design, maintain and review, and where necessary update, 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 that Brighton & Hove City Council input into the national negotiating machinery.

- (9) In liaison with the relevant Corporate Director (or Director that reports directly to the Chief Executive), 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 act as "Human Resources Manager" to the Council's staff employed in accordance with the Joint Negotiating Committee for Local Authority Chief Executives or Chief Officers terms and conditions of employment, 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.

11.2 Equality diversity & inclusion

- 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.

11.3. Health, Safety and Wellbeing

- To develop and implement a corporate strategy and policies for the management of the Council's health, safety and wellbeing responsibilities, ensuring fit for purpose governance and assurance frameworks and securing statutory compliance with relevant legislation.

11.4. Facilities & Building Services

Note : the functions below do not include those delegated to the Director of Property & Finance nor to the Corporate Director City Operations. A note is provided at para 10.3 to that effect.

11.4.1. To exercise the Council's functions in respect of the repair and maintenance of premises owned by the Council, including those used for education or children's social care, ensuring that such premises are adequate for their purposes and compliant with relevant statutory provisions. For the avoidance of doubt this shall include authorisation of planned and reactive maintenance and the exercise of the Council's powers to close and prohibit the use of any such premises that fail to meet statutory requirements, this in accordance with the budget set by the Strategic Property team.

Note 1 "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

Note 2 "Reactive maintenance" means response maintenance in respect of routine, day to day repairs which were unforeseen and unplanned.

11.4.3. To take all actions necessary to implement the Council's Corporate Landlord function in accordance with the direction of the Strategic Property team (given in exercise of their strategic and budgetary powers pursuant to para 10.3 above). For the avoidance of doubt, this shall include but not be limited to the following powers exercised by the Corporate Landlord:

- 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.
- To manage the Council's commercial property portfolio.
- To undertake client functions under various contracts with third parties including those related to property management.

11.4.4. To update and otherwise maintain the Council's corporate lists of approved contractors, including by adding or removing contractors from lists in accordance with the requirements of the Contract Standing Orders, this in accordance with oversight provided by the Strategic Property team

11.4.5. To manage corporate buildings, including all actions necessary to deliver in accordance with the strategy and the capital expenditure budget set by Strategic Property.

11.4.6. To apply for planning consent or Building Regulation approval in respect of a change of use or alternation to a Council property proposed by Strategic Property.

11.4.7. To manage the reception, switchboard and related services of premises managed by the Council.

11.5. Key areas of innovation, including:

11.5.1. Customer Experience

- All tasks relevant to the strategic oversight of Customer Experience and Feedback, including leading on the development of Customer Insight reports to ensure understanding of customer needs for the learning of the organisation.
- In conjunction as necessary with the Chief Executive, to deal with complaints to the Local Government and Social Care 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.

NB this does not include operational front line customer access, which will be the responsibility of the Head of Libraries and Customer

11.5.2. Information Rights

- To develop and implement a robust, compliant and efficient information rights framework to enable it to meet its legal obligations within applicable timescales including leading on responses to Freedom of information, environmental information and data protection requests.

11.6. Business Improvement

- 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 transformation activities.

11.7. Performance & risk

- To develop and implement the Council's performance management frameworks and systems to ensure achievement of corporate objectives and good corporate governance.
- To manage risks to ensure effective and timely implementation of mitigating actions and ensure good corporate governance

11.8. Corporate Programme Management Office

- To manage the Council's transformation portfolio of projects and programmes including workspace transformation programme.
- To promote best value and good practice in relation to project and programme management.

11.9. Strategic Communications & Engagement

- To manage the Council's corporate communications and engagement service.
- To develop and implement the internal and external communications and engagement strategies for the Council.

- To provide strategic communications and engagement advice and support to the Council in support of its policies, priorities, vision, values and services.
- To provide a 24 hour Council media relations service, protect the reputation of the council and it's services, and plan for and deliver a crisis communications management response in the event of a major incident.
- To ensure that the content and the design of Council communications, channels, publications, marketing, digital platforms, and all other produced and maintain the Council's corporate identity and are of an appropriate standard in terms of brand, quality, and accessibility.
- To prepare and distribute such information and publications as the Council may need and approve from time to time.
- To deliver strategic engagement activities including public consultation and community engagement.

12. DELEGATIONS TO DATA PROTECTION OFFICER

12.1. 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 General Data Protection Regulation, including but not limited to the following:

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

PART C. REFERRED FUNCTIONS

ALL OFFICERS WITH DELEGATED FUNCTIONS

1. Each function of the Council delegated or referred to Cabinet or to a Committee or Sub-Committee of the Council and not delegated to an Officer shall be a referred function of the Officer given delegated powers for that area of service. That Officer shall give advice and report to Members as appropriate.

SCHEDULES

SCHEDULE 1

Highways functions delegated to the Corporate Director - City Operations

- (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 Director Governance & Law and 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 1975 subject to a maximum limit of £5000.
- (11) After consultation with the Director – Governance & Law 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 2

Licensing and Registration Functions delegated to Corporate Director - City Operations

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

Functions delegated to the Corporate Director - City Operations in relation to Planning:

Part I

- (1) To determine planning applications and applications to vary or delete conditions attached to planning permissions (including, where relevant, 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:-
 - (a) the provision of dwellinghouses where—
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and the number of dwellinghouses to be provided is not known;
 - (b) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more;
 - (c) development carried out on a site having an area of 1 hectare or more;
 - (d) operational development designed to be used wholly or mainly for the purpose of, or material change of use to, treating, storing, processing or disposing of refuse or waste materials;
 - (e) development not listed in sub-paragraphs (a) to (d) above (inclusive)
- (2) Applications for permission in principle.
- (3) Applications for technical details consent (including identifying the need for and the settling of terms of Planning Obligations under S106 of the Town and Country Planning Act 1990 and the imposition of conditions where consent is granted).
- (4) Applications for consent under the Advertisements Regulations.
- (5) Applications for Listed Building Consent.
- (6) To undertake all consultations, notifications and publication of advertisements on behalf of the Council in relation to any of the matters listed above.

Part II

- (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 Director Governance & Law:-
 - (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) Regulations 2017 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 4

List of functions delegated to the Corporate Director - City Operations in respect of environmental health matters:

1. Statutory and public nuisances including anti-social behaviour;
2. Control of noise;
3. Control of air pollution;
4. Contaminated land;
5. Prevention of damage by pests;
6. Food, drinking water, food hygiene and associated matters;
7. Functions in connection with the welfare and control of animals;
8. Control of diseases and general public health matters;
9. 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);
10. Health and safety at work;
11. Provisions relating to shops including restrictions on Sunday trading;
12. Hazardous substances;
13. Port health.

SCHEDULE 5

Functions delegated to the Corporate Director – Homes & Adult Social Care 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
- (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 Corporate Director Housing, Care and Wellbeing after consultation with the relevant Cabinet portfolio holder.
- (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, Anti-social Behaviour Act 2003 and the Anti-social Behaviour, Crime and Policing Act 2014 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 Director of Property & Finance 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 2.9 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 2.9 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 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 Chief Finance Officer, 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 Corporate Director Corporate Services at the request of the Chief Finance Officer 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 above as they apply to the Community Charge and General Rates.

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.

<u>Title / Description</u> (and statutory derivation)	<u>Officer Appointed</u>
1. Head of Paid Service (Section 4 Local Government and Housing Act 1989)	Chief Executive
2. Monitoring Officer (Section 5 Local Government and Housing Act 1989)	Director Governance & Law (and Monitoring Officer)
3. Officer responsible for financial administration (Section 151 Local Government Act 1972)	Director – Property & Finance (and Chief Finance Officer)
4. Electoral Registration Officer (Sections 8, 28 and 35 Representation of the People Act 1983)	Chief Executive
5. Returning Officer (Sections 8, 28 and 35 Representation of the People Act 1983)	Chief Executive
6. Chief Education Officer (Section 532 Education Act 1996)	Corporate Director - Families, Children and Wellbeing
7. Director of Children's Services (Section 18 Children Act 2004)	Corporate Director - Families, Children and Wellbeing
8. Director of Adult Social Services (Section 6 Local Authority Social Services Act 1970)	Director Adult Social Services
9. Director of Public Health (National Health Service Act 2006 as amended)	Director Public Health
10. Data Protection Officer (General Data Protection Regulation)	Data Protection Officer

and Data Protection Act 2018)

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. The Chief Executive

Local Government Act 1972

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

Local Government and Housing Act 1989

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

2. Director Governance & Law

Local Government Act 1972

Section	Proper Officer Function
100(B)(2)	Circulation of reports and agendas
100(B)(7)	Supply of papers to the press
100C(2)	Preparation of summary of proceedings
100(D)(1)(a) 100(D)(5)(a)	Identification and compilation of background papers
100F(2)	Decision as to which documents be excluded from Member inspection
191(2)	Receiving applications from Ordnance Survey for assistance
225(1)	Deposit of documents pursuant to an order, Act or instrument of Parliament
229(5)	Certification of photocopies
234	Authentication of notices, orders or other documents
236(9)	Sending of copies of byelaws to relevant parish/community councils

238	Certification of byelaws
248	Keeping roll of freemen of the City
Schedule 12, para 4(3)	Receipt of notices as to address to which summons to Council meetings to be sent

3. Head of Elections and Registration Services

Registration Service Act 1953

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

4. Director – People & Innovation

Local Government and Housing Act 1989

Section	Proper Officer Function
2	Holding the list of politically restricted posts

5. Chief Finance Officer

Local Government Finance Act 1988

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

Local Government Act 1972

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

6. **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 **Corporate Director - Families, Children and Wellbeing** 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 **Corporate Director Homes & Adult Social Care** 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 **Corporate Director - City Operations**.